



Florida Certified Organic Growers & Consumers, Inc. (FOG)
P.O. Box 12311 Gainesville, FL 32604
352-377-6345 phone, 352-377-8363 fax
fog@foginfo.org

Contact: Danielle McDuffie 352-377-6345
FOR IMMEDIATE RELEASE

**FAMILY FARMERS CHARGE AHEAD IN BATTLE AGAINST MONSANTO:
Ask Appeals Court to Reinstate Case Challenging Patents on Seed**

WASHINGTON, D.C. - July 5, 2012 – Seventy-five family farmers, seed businesses, and agricultural organizations representing over 300,000 individuals and 4,500 farms filed a [brief](#) today with the United States Court of Appeals for the Federal Circuit in Washington. They are asking the appellate court to reverse a lower court's decision from February dismissing their protective legal action against agricultural giant Monsanto's patents on genetically engineered seed.

The plaintiffs brought the pre-emptive case against Monsanto in March 2011 in the Southern District of New York and specifically seek to defend themselves from nearly two dozen of Monsanto's most aggressively asserted patents on GMO seed. They were forced to act pre-emptively to protect themselves from Monsanto's abusive lawsuits, fearing that if GMO seed contaminates their property despite their efforts to prevent such contamination, Monsanto will sue them for patent infringement. "Monsanto is known for bullying farmers by making baseless accusations of patent infringement," said attorney Dan Ravicher of the not-for-profit legal services organization Public Patent Foundation (PUBPAT), which represents the plaintiffs in the suit against Monsanto known as *Organic Seed Growers and Trade Association et al. v Monsanto*. "They've sued and harassed other farmers who wanted nothing to do with their genetically modified seed and now that organic and conventional farmers are fighting back, they claim they would never do such a thing without backing up their words with an enforceable promise."

In an attempt to sidestep the challenge, Monsanto moved to have the case dismissed, saying that the plaintiffs' concerns were unrealistic. In February 2012, the district court took Monsanto's side and dismissed the case, ridiculing the farmers in the process. Despite the fact that the plaintiffs are at risk for being contaminated by genetically modified seed and then sued for patent infringement by Monsanto, Judge Naomi Buchwald of the Southern District of New York dismissed the case because she didn't find a case worthy of adjudication, saying "it is clear that these circumstances do not amount to a substantial controversy and that there has been no injury traceable to defendants." "We remain hopeful that this legal decision is overturned on appeal. That would allow the trial to be heard, which is deserved certainly on ethical and moral grounds," said Marty Mesh Executive Director of Florida Certified Organic Growers and Consumers, Inc., a co-plaintiff in the suit. "If there is justice in the system then the case will indeed be sent back to the lower court to be heard. However, injustice continues if this powerful corporation, which has sued farmers in the past, is allowed to continue to sue farmers in the future. Farmers who try as best they are able to avoid genetic pollution that they don't want."

Mesh continues, "Monsanto continues to pay very high priced attorneys to fight this case in order to protect their position that indeed they can sue farmers for their patented material trespassing onto farms. Isn't that fact enough to convince the courts who the victim is here?" In the brief filed today, the plaintiffs point out numerous errors in the district court decision that warrant reversal. Among them are the lower court's failure to accept certain facts alleged by the plaintiffs that were undisputed by Monsanto, application of too harsh a legal standard on the plaintiffs to show the existence of a controversy, and neglect of public policy that encourages broad jurisdiction be available to those challenging bogus patents like Monsanto's.

The brief filed by the plaintiffs with the Court of Appeals is [available here](#).

More information about PUBPAT's suit against Monsanto's seed patents can be found at [PUBPAT > Monsanto Seed Patents](#).

###