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FOR IMMEDIATE RELEASE

OSGTA et al. travel to Washington to argue in Monsanto case

WASHINGTON, D.C. - January 9, 2013 – Dozens of family farmers, seed businesses, and agricultural organizations will travel to Washington, D.C. to represent over 300,000 individuals and 4,500 farms in the January 10th Oral Argument to be aired in front of the US Court of Appeals for the Federal Circuit. The representatives aim to reverse a lower court's decision to dismiss their protective legal action against agricultural giant Monsanto's patents on genetically engineered seed. The farmer's appeal brief, filed last summer, cites legal and factual errors to this ruling.

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?"

Representatives attending the Oral Argument will argue the numerous errors in the district court decision that warrant reversal in hope that the appellate court will accept their case. 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.

A Citizen's Assembly in support of family farmers at 10am in Lafayette Square will coincide with the beginning of the Oral Argument inside the court room.



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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](#).

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