

Screen Text for the Movie:

## **“A Discussion about Monsanto and the Case Against Them”**

at the Monticello Heritage Harvest Festival  
in September 2012

(First appearing on-screen):

Don Patterson is the organizing co-plaintiff of the lawsuit  
OSGATA et al. v. Monsanto.

Dan Ravicher is Executive Director of the Public Patent  
Foundation, the attorneys in OSGATA et al. v. Monsanto.

The Public Patent Foundation (PubPat) was founded by  
Ravicher to protect the public interest in patent law.

Now, PubPat is affiliated with the Benjamin N. Cardozo School  
of Law in New York City where Ravicher teaches.

Lawsuits are undertaken by PubPat in response to observed  
misuse and abuse of patent law.

Grants from major foundations have been received to support  
PubPat’s public interest mission.

Previously, Ravicher and PubPat attempted to have Monsanto’s

patents rescinded by the Patent Office.

The Patent Office (USPTO) will consider arguments against issued patents seeking rejection of claims.

Initially, the PubPat contentions against the Monsanto patents were accepted by the USPTO.

But after meeting with Monsanto's attorneys, the USPTO decided not to rescind the patents.

Monsanto's counter-claims were made public, but under the rules, PubPat could not answer them.

The USPTO procedural rules do not permit mediated argumentation between the two sides.

Countering arguments against Monsanto's claims could only be made by filing a lawsuit in court.

To go to court, plaintiffs were needed: people with a real, quantifiable grievance against the defendant.

Patterson volunteered to do the work of assembling a group of plaintiffs.

Toward the end of the plaintiff gathering work, help also came from some who joined the group.

After the group of plaintiffs was gathered—

A lead plaintiff was needed, but—

Some of the co-plaintiffs were shy about taking on a leading role in the lawsuit.

(Speaking about Monsanto's market domination):  
Co-plaintiff Kevin Fletcher of Countryside Organics in  
Waynesboro, Virginia

(Speaking about Roundup-Ready Zucchini):  
Discussion Moderator, Jeanine Davis, Ph.D., Extension  
Specialist, Horticulturalist, and Associate Professor, North  
Carolina State University

Monsanto's transgenic crops include zucchini and crook-neck squash as well as: soy, corn, canola, sugar beets, and cotton.

Many co-plaintiffs feared retaliation from Monsanto and its allies, including the U.S. government.

From the start, Patterson wanted a large group of co-plaintiffs, so the risk of retaliation could be diffused among many people, companies, and organizations.

He wanted a balanced, geographically diverse group with crop and other kinds of breadth, too.

Individual farmers and companies were sought first as the initial co-plaintiffs—

So they could personalize the issues when talking to the non-farming public.

(Speaking about the issues with GMO crops in Latin America):  
Ira Wallace,  
Co-Manager of Co-Plaintiff Southern Exposure Seed Exchange  
in Mineral, Virginia

Later, after organizations joined the group of co-plaintiffs—

The Organic Seed Growers and Trade Association (OSGATA)  
was invited to be the lead co-plaintiff.

They were chosen because they were willing to take on the job,  
and—

They are defenders of the seed organic farmers depend on—and require.

The word “organic” in OSGATA’s name was viewed as helpful in promoting public understanding of the issues at stake—including the public health and environmental issues.

“We wanted to make our concerns concrete in the public mind, and use of the word “organic” helped do that,” Patterson states.

So the organic ideal was emphasized, even though—

The co-plaintiff group includes more than organic farmers and organizations serving them.

Included are biodynamic and other conventionally non-transgenic farmers, organizations, and companies.

Some of the co-plaintiff seed companies sell non-transgenic seeds of many varieties, including organic. They protect traditional, heirloom seed and varietal diversity.

On June 10, 2013, three judges of the Appeals Court of the Federal Circuit in Washington, DC found Monsanto had, through statements made in court, granted a binding covenant not to sue the plaintiffs (or similar others) for patent

infringement—when their crops became contaminated, but the judges defined it “too narrowly, minimally, and nonsensically,” so the case has been appealed to the Supreme Court.

For more information, please see:

[www.EndTransgenicTrespass.org](http://www.EndTransgenicTrespass.org) and [www.PubPat.org](http://www.PubPat.org) or the Web sites of any of the co-plaintiffs in the lawsuit.