Monsanto vs. U.S. Farmers

November 2007 Update

In 2005, the Center for Food Safety released *Monsanto vs. U.S. Farmers*, a groundbreaking report which documents the Monsanto Company’s unprecedented use of patents and restrictive licensing agreements to investigate and sue farmers for suspected seed-saving. Monsanto and its hired investigators continue to harass, intimidate and prosecute U.S. farmers, primarily in cases involving the alleged saving and replanting of the company’s Roundup Ready soybeans. Below, we provide an update on the number and status of recorded lawsuits filed by Monsanto against U.S. farmers. For the first time, we also provide estimates based on Monsanto Company documents that encompass the much more common outcome of cases brought by Monsanto against farmers – confidential, out-of-court settlements that go unrecorded in public court records.

**Number of Lawsuits Filed Against U.S. Farmers:**

- As of October 26, 2007, Monsanto had filed 112 lawsuits against farmers for alleged violations of its Technology Agreement and/or its patents on genetically engineered seeds.
- These cases have involved 372 farmers and 49 small farm businesses

**Status of Lawsuits:**

- 57 lawsuits ended in recorded damages awarded to Monsanto
- 24 lawsuits ended in unrecorded damages awarded to Monsanto (confidential settlements)

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1 Available at: [http://www.centerforfoodsafety.org/Monsantovsfarmersreport.cfm](http://www.centerforfoodsafety.org/Monsantovsfarmersreport.cfm)
2 Unless otherwise noted, these statistics were compiled by Center for Food Safety from public court records accessed using the PACER database, available at [http://pacer.uscjudis.gov](http://pacer.uscjudis.gov). Figures current as of October 26, 2007.
3 We excluded two cases against seed companies – *Monsanto vs. American Seed Inc.* and *Monsanto vs. Hill Seed Company* – that do not involve alleged seed-saving by farmers.
• 13 lawsuits were dismissed, with no indication of whether damages were awarded to Monsanto
• 18 lawsuits were ongoing as of October 26, 2007

Lawsuits Filed by State
• Monsanto has sued farmers and small farm businesses in 27 different states.

Recorded Judgments (as of October 26, 2007):
• Sums awarded to Monsanto in 57 recorded judgments against farmers totaled $21,583,431.99
• The largest judgment was $3,052,800.00
• The smallest judgment was $5,595.00
• The average judgment was $385,418.42
• The median judgment was $117,440.00.

Lawsuits on the Rise
• Monsanto filed 7 lawsuits against farmers in 2005, 9 in 2006, and 10 in the first ten months of 2007 (through October 26th)

Out-of-Court Settlements
These recorded judgments fail to convey a true picture of the scope of Monsanto’s aggressive actions against U.S. farmers. This is because the majority of cases brought by Monsanto end in confidential, out-of-court settlements. Press reports and Monsanto’s own statements suggest that the company investigates roughly 500 farmers each year. In one case, *Monsanto vs. McFarling*, District Court Judge Catherine D. Perry stated that: “[t]he vast majority of cases filed by Monsanto against farmers have been settled before any extensive litigation took place.”

Center for Food Safety has compiled information formerly available on Monsanto’s website to arrive at estimates of the total sums paid to Monsanto by farmers in what the company calls “seed piracy matters.” Appendix I summarizes these estimates for 19 states. Appendix II reproduces the ten “Seed Piracy Updates” upon which our compilation is based.

• As of June 2006, Monsanto had instituted an estimated 2,391 to 4,531 “seed piracy matters” against farmers in 19 states
• Farmers have paid Monsanto an estimated $85,653,601 to $160,594,230 in settlements of these seed piracy matters
• The number of seed piracy matters reported by Monsanto is 20 to 40 times the number of lawsuits we have found in public court records
• The estimated total of settlements paid to Monsanto by farmers ($85.7 to $160.6 million) exceeds by four to eight times the total of recorded judgments ($21.6 million)

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## Appendix I

### Monsanto’s vs. U.S. Farmers

Estimates of Number of “Seed Piracy Matters” by Region/State and Sums Paid by Farmers to Monsanto

<table>
<thead>
<tr>
<th>Region or State</th>
<th>No. of Counties</th>
<th>Min. No. Cases</th>
<th>Max. No. Cases</th>
<th>Seed Piracy Update</th>
<th>Average Settlement</th>
<th>Maximum Settlement</th>
<th>Minimum Collected</th>
<th>Maximum Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>North &amp; South Carolina</td>
<td>58</td>
<td>289</td>
<td>505</td>
<td>June 2006</td>
<td>$72,229</td>
<td>$919,068</td>
<td>$20,874,181</td>
<td>$36,475,645</td>
</tr>
<tr>
<td>Missouri and Kansas</td>
<td>114</td>
<td>422</td>
<td>785</td>
<td>June 2006</td>
<td>$28,442</td>
<td>$195,636</td>
<td>$12,002,524</td>
<td>$22,326,970</td>
</tr>
<tr>
<td>Illinois</td>
<td>81</td>
<td>307</td>
<td>564</td>
<td>June 2006</td>
<td>$34,476</td>
<td>$200,000</td>
<td>$10,584,132</td>
<td>$19,444,464</td>
</tr>
<tr>
<td>Minnesota, North &amp; South Dakota</td>
<td>100</td>
<td>291</td>
<td>574</td>
<td>June 2006</td>
<td>$32,317</td>
<td>$136,333</td>
<td>$9,404,247</td>
<td>$18,549,958</td>
</tr>
<tr>
<td>Michigan and Ohio</td>
<td>89</td>
<td>312</td>
<td>584</td>
<td>May 2006</td>
<td>$28,111</td>
<td>$96,400</td>
<td>$8,770,632</td>
<td>$16,416,824</td>
</tr>
<tr>
<td>Indiana</td>
<td>74</td>
<td>223</td>
<td>434</td>
<td>June 2006</td>
<td>$33,934</td>
<td>$225,000</td>
<td>$7,567,282</td>
<td>$14,727,356</td>
</tr>
<tr>
<td>Kentucky</td>
<td>23</td>
<td>68</td>
<td>131</td>
<td>June 2006</td>
<td>$83,867</td>
<td>$230,000</td>
<td>$5,702,956</td>
<td>$10,986,577</td>
</tr>
<tr>
<td>Iowa</td>
<td>90</td>
<td>276</td>
<td>532</td>
<td>June 2006</td>
<td>$20,536</td>
<td>$175,000</td>
<td>$5,667,936</td>
<td>$10,925,152</td>
</tr>
<tr>
<td>VA, MD, DE, NJ, PA</td>
<td>39</td>
<td>80</td>
<td>175</td>
<td>June 2006</td>
<td>$37,671</td>
<td>$52,073</td>
<td>$3,013,680</td>
<td>$6,592,425</td>
</tr>
<tr>
<td>Nebraska</td>
<td>43</td>
<td>123</td>
<td>247</td>
<td>June 2006</td>
<td>$16,797</td>
<td>$48,139</td>
<td>$2,066,031</td>
<td>$4,148,859</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>711</strong></td>
<td><strong>2391</strong></td>
<td><strong>4531</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$85,653,601</strong></td>
<td><strong>$160,594,230</strong></td>
</tr>
</tbody>
</table>

Ten documents entitled “Seed Piracy: [State/Region] Local Update” were downloaded in the summer of 2006 from www.monsantoperformance.com for the given states/regions (see Appendix II). All documents dated 06/06 except Michigan-Ohio (05/06). As of October 24, 2007, documents no longer posted. Methodology: On each state/regional Seed Piracy Update, Monsanto provides a map of “seed piracy matters” by county. The map is color-coded by county for 1-3, 4-7, 8-13, 14-23 or 24-36 seed piracy matters. Adding together the lower-bound figures for each county provides the minimum number of cases, while adding together the upper-bound figures for each county provides the maximum number of cases, for the given state or region. Multiplication of the minimum and maximum seed piracy matters by the “average settlement” for the state/region gives the minimum and maximum settlement amounts for the given state/region. Summation of these figures for all ten “Seed Piracy” updates gives the estimated minimum number of settlements (2,391), the maximum number of settlements (4,531), and the range of settlement amounts for the 19 states covered by the ten documents. All cases involved Roundup Ready soybeans.
Appendix II
Monsanto’s “Seed Piracy” Updates

**Seed Piracy**

**Illinois Local Update**

**Serious About Seed Stewardship**

Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy cases (SPM) in Illinois during the last several years.

**Illinois Infringements**

The items below represent growers involved in seed piracy matters in Illinois. All of these cases involved saving Roundup Ready® Soybeans.

**Seed Piracy Matters by County**

**IT’S NOT WORTH THE RISK!**

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to $500/acre
- Litigation Costs
- Crop Destruct

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly $900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit www.monsanto.com.

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**Minnesota/North Dakota/South Dakota Local Update**

**Serious About Seed Stewardship**

Monsanto has pursued several seed piracy matters (SPM) in Minnesota North Dakota and South Dakota during the last several years.

**Dealer Notice**

Monsanto has been awarded a court judgment by the Eastern District Court of Missouri, Eastern Division, against a Sargent County, North Dakota grower for patent infringement and breach of contract. Due to the willful nature of this seed piracy, the court will award damages, court costs and attorney fees to Monsanto. In light of the Court’s finding that the grower willfully infringed upon Monsanto’s patent rights, Monsanto will ask the Court to treble the damages awarded. As a reminder, dealers should regularly check the Unauthorized Grower® list on www.FarmSource.com to get the latest in grower license status.

**Seed Piracy Matters by County**

**IT’S NOT WORTH THE RISK!**

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to $500/acre
- Litigation Costs
- Crop Destruct

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-5377.

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**Minnesota/North Dakota/South Dakota Infringements**

The items below represent growers involved in seed piracy matters in Minnesota/North Dakota/South Dakota. All of these cases involved saving Roundup Ready® Soybeans.
Seed Piracy

Michigan/Ohio Local Update

Serious About Seed Stewardship
Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters in Michigan and Ohio during the last four years, including Monsanto’s ongoing litigation efforts with William R. Potts of Mt. Sterling, Ohio. The litigation stems from a lawsuit filed July 23, 2003.

Monsanto alleges that Potts infringed upon its patent rights through unauthorized sales of Roundup Ready® Soybean seed. Recent efforts in the litigation have focused on establishing the scope of the alleged infringing conduct by Potts. Monsanto anticipates the case will be set for trial in late 2006 or early 2007.

Michigan/Ohio Infringements
The items below represent growers involved in seed piracy matters in Michigan/Ohio. All of these cases involved saving Roundup Ready® Soybeans.

Seed Piracy Matters by County

<table>
<thead>
<tr>
<th>Resolution Type</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Settlement in MI/ OH</td>
<td>$26,111</td>
</tr>
<tr>
<td>Maximum Settlement in MI/ OH</td>
<td>$16,400</td>
</tr>
<tr>
<td>Average U.S. Settlement</td>
<td>$30,882</td>
</tr>
<tr>
<td>Avg. U.S. Settlement $/Unit</td>
<td>~$100</td>
</tr>
</tbody>
</table>

IT'S NOT WORTH THE RISK!
- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to $500/acre
- Litigation Costs
- Crop and/or Seed Destroyed

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly $500,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit www.monsanto.com.

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

Indiana Local Update

Serious About Seed Stewardship
Monsanto recently settled seed piracy claims against three soybean producers and related entities who farm in Jefferson and Jennings County, Indiana, for $225,000. The growers collectively admitted violating one of the patents protecting Roundup Ready® Soybeans during the 2003 growing season. In addition to the monetary penalty, the growers agreed to the entry of a permanent injunction prohibiting them from making, using, or selling any brand of seed containing a Monsanto patented seed trait. These terms are part of a Judgment and Permanent Injunction entered on May 10, 2005 by the United States District Court for the Southern District of Indiana, in New Albany.

Indiana Infringements
The items below represent growers involved in seed piracy matters in Indiana. All of these cases involved saving Roundup Ready® Soybeans.

Seed Piracy Matters by County

<table>
<thead>
<tr>
<th>Resolution Type</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Settlement in Indiana</td>
<td>$33,934</td>
</tr>
<tr>
<td>Maximum Settlement in Indiana</td>
<td>$225,000</td>
</tr>
<tr>
<td>Average U.S. Settlement</td>
<td>$90,882</td>
</tr>
<tr>
<td>Average U.S. Settlement $/Unit</td>
<td>~$100</td>
</tr>
</tbody>
</table>

IT'S NOT WORTH THE RISK!
- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to $500/acre
- Litigation Costs
- Crop Destroyed

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly $300,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit www.monsanto.com.

ALWAYS READ AND FOLLOW PRECAUTIONARY LABEL DIRECTIONS. Roundup Ready® is a registered trademark of Monsanto Technology LLC. ©2003 Monsanto Company. Roundup Ready technology is protected under one or more of the following U.S. patents and 24 foreign patents. Roundup Ready 4X technology is protected under one or more of the following U.S. patents: 6,429,015, 6,469,464, 6,475,223, 6,485,900, 6,577,952.

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.
**Seed Piracy**

**Kentucky Local Update**

**Serious About Seed Stewardship**

Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Kentucky during the last several years.

**Kentucky Infringements**

The items below represent growers caught infringing Monsanto’s patents in Kentucky. All of these cases involved saving Roundup Ready® Soybeans.

**Resolution Type**

- Average Settlement in Kentucky: $83,567
- Maximum Settlement in Kentucky: $220,000
- Average U.S. Settlement: $90,882
- Average U.S. Settlement/Unit: ~$100

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**Iowa Local Update**

**Serious About Seed Stewardship**

Monsanto is committed to enhancing grower productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters in Iowa over the last couple of years.

In addition, Monsanto filed litigation on two seed dealers, one against Mark Hill and Hill Seed Company and a second suit against S.B.D., Inc. (dba Scott's Quality Seeds and Scott McAllister). Mark Hill was ordered to pay $579,276 for breach of contract plus attorney fees in addition to any damages, to be determined, for patent infringement and trademark infringement. S.B.D., Inc. settled for $1 million on 9/10/04. Both Hill and S.B.D. have been enjoined from making, using, selling, transferring or offering to sell or transfer any Roundup Ready® Soybean, Roundup Ready® Corn or YieldGard® Corn seed.

**Iowa Infringements**

The items below represent growers involved in seed piracy matters in Iowa. All of these cases involved saving Roundup Ready® Soybeans.

**Resolution Type**

- Average Settlement in Iowa: $20,536
- Maximum Settlement in Iowa: $175,000
- Average U.S. Settlement: $90,882
- Average U.S. Settlement/Unit: ~$100

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**Seed Piracy Matters by County**

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly $900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit www.monsanto.com.

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-788-6387.
Serious About Seed Stewardship

Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Virginia, Pennsylvania, New Jersey, Maryland, Delaware during the last several years.

### Virginia, Pennsylvania, New Jersey, Maryland, Delaware Infringements

The items below represent growers involved in seed piracy matters in Virginia/Pennsylvania/New Jersey/Maryland/Delaware. All of these cases involved saving Roundup Ready® Soybeans.

### Resolution Type | Grand Total
--- | ---
Average Settlement in VA/PNJ/M/MD/DE | $37,671
Maximum Settlement in VA/PNJ/M/MD/DE | $52,073
Average U.S. Settlement | $90,882
Average U.S. Settlement $/Unit | $100

### Seed Piracy Matters by County

**IT’S NOT WORTH THE RISK!**

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to $500/acre
- Litigation Costs
- Crop Destroy

Monsanto returns all pretrial settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly $300,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-706-0367.

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### Nebraska Local Update

Serious About Seed Stewardship

Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Nebraska during the last several years.

### Nebraska Infringements

The items below represent growers involved in seed piracy matters in Nebraska. All of these cases involved saving Roundup Ready® Soybeans.

### Resolution Type | Grand Total
--- | ---
Average Settlement in NE | $16,797
Maximum Settlement in NE | $48,139
Average U.S. Settlement | $80,882
Average U.S. Settlement $/Unit | $100

### Seed Piracy Matters by County

**IT’S NOT WORTH THE RISK!**

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to $500/acre
- Litigation Costs
- Crop Destroy

Monsanto returns all pretrial settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly $300,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-706-0367.

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