

Copy of Monsanto Co. v. E.I. du Pont de Nemours & Co. \$1B Jury Verdict

MARCH 26, 2013

A team led by **George Lombardi** obtained a \$1 billion verdict—the third-largest U.S. jury verdict in 2012 and, at the time, the fifth-largest patent jury verdict in history—in favor of Monsanto Company against principal competitor DuPont Company. The case involved complex patent, antitrust, and contract issues and was a titanic battle between the two leading plant biotech companies. Monsanto's scientists invented and patented Roundup Ready®, a biotech gene that allows corn and soybean plants to resist the herbicide glyphosate (Roundup®). Monsanto's patented technology has been overwhelmingly adopted by American growers and is present in most of the soybeans and corn plants grown in this country. Monsanto also widely licensed its patented technology to competitors, including DuPont. However, the license restricted DuPont from combining alternative glyphosate-resistant genes with Roundup Ready®. When DuPont disregarded this contractual restriction, Monsanto sued for breach and patent infringement. DuPont, in turn, claimed Monsanto's patent was invalid and filed a multi-count counterclaim under Sections 1 and 2 of the Sherman Act. On January 15, 2010, the court granted partial summary judgment in Monsanto's favor on its breach-of-contract claim, finding that the license did not allow DuPont to combine Monsanto's technology with its own. Winston tried the patent case before a St. Louis jury in July 2012, with **George Lombardi acting as lead trial counsel** in the three-week trial. On August 1, 2012, the jury took less than an hour to return a verdict for Monsanto on all counts. The jury found that DuPont willfully infringed Monsanto's valid patent and awarded Monsanto \$1 billion in damages. Based on this tremendous result, George was named AmLaw's "Litigator of the Week." The case was also featured in *The American Lawyer's* Litigation Supplement. On March 26, 2013, DuPont and Monsanto announced a series of technology licensing agreements, including a multi-year, royalty-bearing license for Monsanto's next-generation soybean technologies in the U.S. and Canada, a deal valued at US\$1.75 billion minimum. In connection with the agreement, both companies agreed to dismiss antitrust and patent claims against each other.

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