

04-31 MCFARLING V. MONSANTO COMPANY

Decision Below: 363 F.3d 1336 (Fed. Cir. 2004)

QUESTIONS PRESENTED

1. May a patent holder lawfully prohibit farmers from saving and replanting seed as a condition to the purchase of patented technology?
2. Does obtaining patents on products which are the subject of licensing agreements afford an absolute defense to any claim that the licensing agreements violate the Sherman Act?