

Monsanto products v. caramandal indag products, inc.

Business



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FACTS:

Monsanto Products instituted an action against Caramandal Indag Products for infringement of their patent covering Butachlor, or a chemical used for the production of a weed-killing formula that did not have any adverse effect on rice. Previously, research has been conducted as regards the formulation of an herbicide that will not have any adverse effect on rice. Monsanto Products was able to discover this kind of weed-killer and hence, it sought the same to be protected by a patent. It was issued a patent for the inventions entitled “ Phytotoxic Compositions” and “ Grass Selective Herbicide Compositions.” The claims related to said inventions stated that the active ingredient involved in the invention is Butachlor. Plaintiff thus, instituted an action against the defendant upon discovery of the latter’s act of marketing a formulation of Butachlor. Defendant, on the other hand, claimed for the revocation of the patent previously issued to the Plaintiff based on the existence of grounds for revocation.

ISSUE:

Whether or not there was infringement and whether or not ground for revocation exists in the case at bar.

HELD:

The Court held that Caramandal was not liable for infringement, and in fact, that patent issued to Monsanto should be revoked.

According to law, a patent may be issued in favor of an invention or any new and useful art, process, method or manner of manufacture; machine, apparatus, or other article; substance produced by manufacture and includes new and useful improvement of any of them, and an alleged invention.

Under Sec. 64(e), a patent may be revoked if the invention is not new bearing in mind what was commonly known before the claim was filed. So also, under Sec. 64(1)(f), a patent may be revoked if the invention did not involve any inventive step.

It appeared to the Court that Butachlor as a herbicide has been discovered even before the issuance of the patents issued to Monsanto Products, the formula for the herbicide having been published in several reports.

Considering that there is no patent attached to the chemical Butachlor and that the process of emulsification is publicly known even before the filing of the claim for the patent, then the patent previously issued in favor of Monsanto must be revoked.