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Swanson Quoted in Bloomberg BNA Article 'Driscoll's Strawberry Dispute Could Sweeten Plant Patent Case Law'

In the News

Paul Swanson was quoted in an April 9 *Bloomberg BNA* article titled "Driscoll's Strawberry Dispute Could Sweeten Plant Patent Case Law." The article discusses the lawsuit Driscoll's Inc. brought against California Berry Cultivators (CBC), claiming CBC used Driscoll's proprietary strawberry varieties in its plant-breeding activities. The article continues by elaborating on how the ruling of the case could help plant patent owners better understand the scope of their patent rights and more clearly recognize opportunities to take legal action.

Of all the potential rulings on plant patents, those in cases involving overseas cross-breeding of varieties covered by U.S. plant patents would most benefit U.S. patent-based agriculture businesses, Swanson said.

A particular fact pattern that would help develop and clarify plant patent law would involve surreptitious stealing and probable foreign testing of pollen grains in order to 'invent' new and distinct plant varieties," Swanson said.