

# Tough row to hoe for farmer

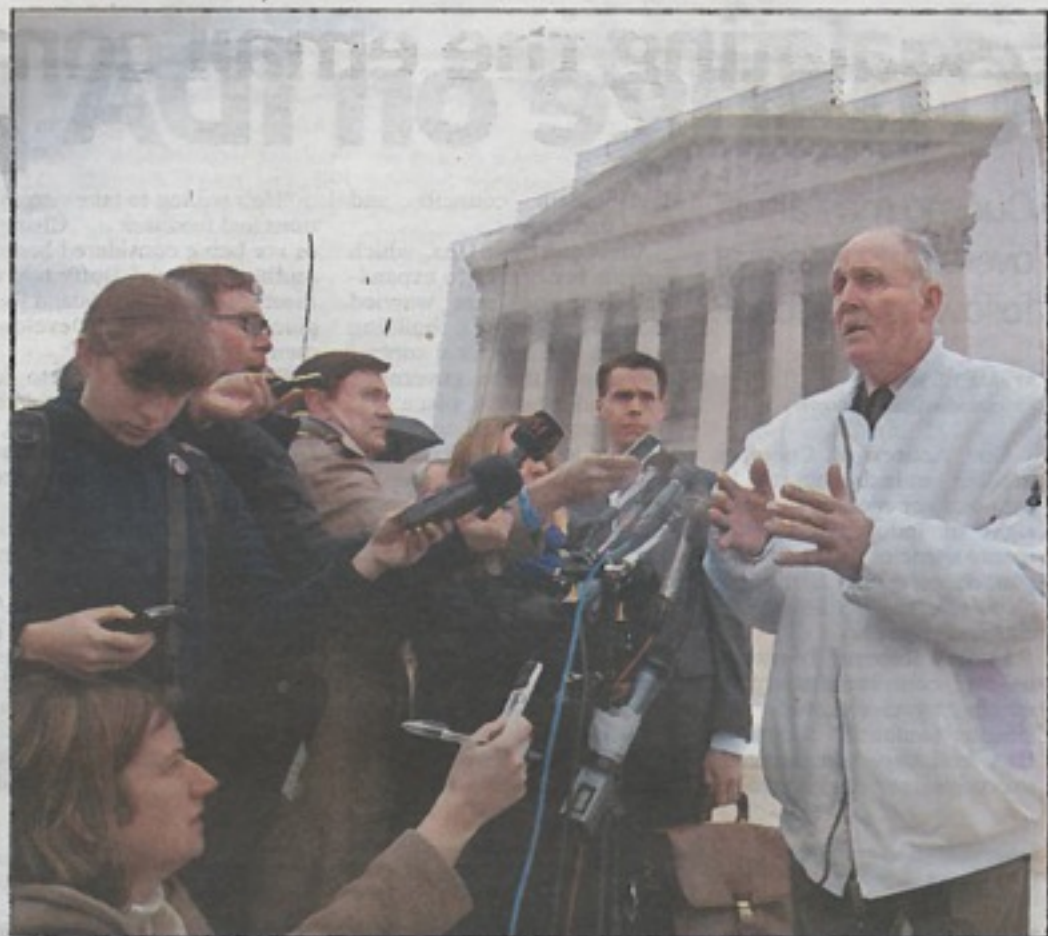
BY MARK SHERMAN  
The Associated Press

WASHINGTON — The Supreme Court appeared likely yesterday to side with Monsanto Co. in its claim that an Indiana farmer violated the company's patents on soybean seeds that are resistant to its weed-killer.

None of the justices in arguments at the high court seemed ready to endorse farmer Vernon Hugh Bowman's argument that cheap soybeans he bought from a grain elevator are not covered by Monsanto patents, even though most of them also were genetically modified to resist the company's Roundup herbicide.

Chief Justice John Roberts wondered "why in the world would anybody" invest time and money on seeds if it was so easy to evade patent protection. To protect its investment in their development, Monsanto has a policy that prohibits farmers from saving or reusing the seeds once the crop is grown. Farmers must buy new seeds every year.

The case is being watched by businesses holding patents on DNA molecules, nanotechnologies and other self-replicating technologies.



Indiana soybean farmer Vernon Hugh Bowman speaks with reporters outside the Supreme Court in Washington yesterday. In a widely watched case Monsanto is arguing he violated its seed patents.

The issue is how far the patents held by the world's largest seed company extend. More than 90 percent of American soybean farms use Monsanto's Roundup Ready seeds, which came on the market in 1996.

The 75-year-old Bowman bought the expensive seeds for his main crop of soybeans but decided to look for something cheaper for a risky, late-season planting. He went to a grain elevator and bought soy-

beans typically sold for feed, milling and other uses. Bowman reasoned that most of those soybeans would be resistant to weed killers, and he was right. In 2007, Monsanto sued and won an \$84,456 judgment against him.

Across the court's conservative-liberal divide, justices expressed little sympathy for Bowman's actions.

Justice Stephen Breyer said Bowman could make many uses of the soybeans he

bought at the grain elevator — but not plant them. "Feed it to the animals. Feed it to your family or make tofu turkey," Breyer said.

Bowman's lawyer, Mark Walters, tried to focus the court on the claim that Monsanto has used patent law to bully farmers. Monsanto lawyer Seth Waxman countered that the company put 13 years and hundreds of millions of dollars into developing herbicide-resistant seeds.

# PARDON ME, BUT GREY POUPON AD RETURNS

Grey Poupon's famous "Pardon Me" TV commercial is returning for a moment of Oscar glory.

After a 16-year hiatus, the mustard that mocked its own stuffy image in one of TV's most famous commercials will once again take to the airwaves during the Academy Awards show on Sunday. The spot comes as Kraft Foods looks to boost sagging sales of the Dijon mustard, which is facing competition from high-end condiments.

The new ad begins in the same way as the original — an aristocratic English gentleman is being chauffeured in the countryside, when another car pulls up alongside them at a stop. The back window rolls down, and a second man asks in an over-the-top snooty accent, "Pardon me, would you have any Grey Poupon?"

The first responds, "But of course" and hands him a jar out the window.

But in the new version, the second car speeds off without returning the mustard. A wild car chase through a golf course and city streets ensues, complete with explosions to make the spot look like a trailer for an action-adventure movie.

The ad first aired in 1981, with variations of it running through 1997. Kraft plans to air the new ad only once, after which it will be available online; a 30-second spot during the Oscars is estimated to cost \$1.7 million. — AP

# U.S. home builders' confidence slips in Feb.

The Associated Press

Confidence among U.S. home builders slipped this month from the 6½-year high it reached in January, with many builders reporting less traffic by prospective customers before the critical spring home-buying season.

The National Association of Home Builders/Wells Fargo builder sentiment index released yesterday dipped to 46 from 47 in January. It was the first monthly decline in the index since April.

Readings below 50 suggest

negative sentiment about the housing market. The last time the index was at 50 or higher was in April 2006, when it was 51. It began trending higher in October 2011, when it was 17.

The latest index, based on responses from 402 builders, comes as the U.S. housing market is strengthening after stagnating for roughly five years after the housing boom collapsed.

Steady job gains and near-record-low mortgage rates have encouraged more people to buy homes. Prices

have been rising. In part, that's because the supply of previously occupied homes for sale has thinned to the lowest level in more than a decade.

And the pace of foreclosures, while still rising in some states, has slowed sharply on a national basis.

The trends have led home builders to increase construction. Last year, builders broke ground on the most new homes in four years.

All told, sales of new homes jumped nearly 20 percent last year to 367,000, the

most since 2009. Still, many economists don't foresee a full housing recovery before 2015 at the earliest.

"The index remains near its highest level since May of 2006, and we expect homebuilding to continue on a modest rising trajectory this year," said David Crowe, the NAHB's chief economist.

Even so, builders remain concerned about the sturdiness of the U.S. economy, while facing higher costs for building materials and difficulty in obtaining financing for construction.



Grey Poupon Dijon Mustard, a Kraft Foods Inc. product, will have a spot on Oscars night.