

---

## Motion to Reopen Judgment in Monsanto Case is Denied

2005-03-16

The Federal Circuit has rejected an attempt to reopen a judgment in a case in which Monsanto secured more than \$2 million in damages based on infringement of its biotechnology patents.

Monsanto originally sued Kem Ralph for infringement of its patents and for breach of a licensing agreement. Monsanto prevailed in district court and was awarded over \$2 million in patent infringement damages. Last year, WilmerHale represented Monsanto during the appeal of that damage award and won an affirmance. While that appeal was pending, Ralph filed a motion to reopen the judgment in the district court, arguing, based on supposedly newly discovered evidence, that the district judge should have recused himself from the case. After the district court denied that motion, Ralph appealed to the Federal Circuit, arguing that all of the trial judge's decisions should be vacated and the case remanded to a different judge. Seth Waxman argued the case before the Federal Circuit on February 9, 2005, and less than one week later, the Federal Circuit summarily affirmed the district court's decision.

The team on this case was [Seth P. Waxman](#), [Paul R.Q. Wolfson](#) and Edward N. Siskel.