**CGA NEWS**

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To:       CGA

From:   A۰P۰L۰U Congressional and Governmental Affairs

                      A۰P۰L۰U to Sign On to Amici Curiae Brief in Bowman v. Monsanto

                     NACUBO Shares Guidance on Student Debit Cards

                     Associations Express Support for Revised Veterans Education Legislation.

                      A۰P۰L۰U to Sign On to Amici Curiae Brief in Bowman v. Monsanto

 A۰P۰L۰U intends to sign on to an amici curiae brief relating to the *Bowman v. Monsanto* Supreme Court case. The brief will be in support of principles raised in the case, advocating for protection of intellectual property involving self-replicating technology.

 The Wisconsin Alumni Research Foundation (WARF) is leading a university community effort to submit an amici curiae brief in the *Bowman v. Monsanto* case, set for argument before the U.S. Supreme Court on February 19, 2013. More information on the case can be found at the links included below. Attached to this email are: a copy of the petitioner’s (Vernon Hugh Bowman) brief filed on December 3, 2012; and the questions presented in the case.

 The case concerns “Roundup Ready” soybean seeds, sold by Monsanto, that contain self-replicating genetic modification that makes the seeds and their progeny resistant to the herbicide Roundup. The Federal Circuit found in favor of Monsanto in a patent infringement case brought by the company against Bowman, a farmer who later planted seeds that in fact carried the Roundup Ready genes but were obtained from a grain elevator. Bowman claimed that patent exhaustion applied to his use of these soybean seeds. Patent exhaustion “delimits rights of patent holders by eliminating the right to control or prohibit use of the invention after an authorized sale” (see attached questions presented). The Federal Circuit refused to find patent exhaustion in this case, and legally acknowledged an exception to patent exhaustion for self-replicating technologies.

 Because this case will set precedent for other self-replicating technologies and patent law principles, A۰P۰L۰U plans to sign on to the amici brief (pending review of the brief as written). While the brief to be submitted will be filed in support of affirming the decision of the Federal Circuit (formally on the side of the Respondent, Monsanto), the brief will not delve into the detailed facts of this specific case. It will be focused instead on the principle of patent protection for self-replicating technology and denial of the patent exhaustion argument’s applicability.

 WARF is working with a law firm which has offered to prepare the amici curiae brief pro bono. The brief is due to the Supreme Court by January 16, and A۰P۰L۰U expects to see a draft of the brief the week before. Reportedly, several institutions plan to sign on to the brief individually (pending review of the brief).

CGA members with questions or comments regarding this case and A۰P۰L۰U’s intention to sign on to the brief are asked to contact Jim Woodell, A۰P۰L۰U’s Director of Innovation and Technology Policy ([jwoodell@aplu.org](mailto:jwoodell@aplu.org" \t "_blank), 202-478-6044).

 The following related links might be of interest:

 Supreme Court docket page: [http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/11-796.htm](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/11-796.htm" \t "_blank)

 SCOTUS blog case file: [http://www.scotusblog.com/case-files/cases/bowman-v-monsanto-co/](http://www.scotusblog.com/case-files/cases/bowman-v-monsanto-co/" \t "_blank)

                     NACUBO Shares Guidance on Student Debit Cards

 On Monday, the National Association of College and University Business Officers (NACUBO) shared a guidance document with its members with respect to institutional policies on student debit cards.  The guidance comes as a follow-up to Congressional interest on some campus practices related to the issuance and use of student debit cards.

 The guidance document is attached as a PDF document.

                      Associations Express Support for Revised Veterans Education Legislation.

 Earlier today, the major higher education associations, including A۰P۰L۰U, sent a letter of support to Senators Patty Murray (D-WA) and Richard Burr (R-NC), the Chair and Ranking Member of the Senate Veterans Affairs Committee, respectively, for the substitute amendment to H.R. 4057.  The higher education community, Congressional staff, and veterans’ service organizations cooperated to come up with legislation that would provide sensible provisions that would lead to greater levels of transparency for veterans as they pursue educational opportunities.  The substitute amendment to H.R. 4057, which could be taken up by the Senate very shortly by unanimous consent, represents the product of that effort.  At this point, the House is expected to bring up the bill after Senate action.

 A copy of the community letter, the revised bill, and the summary of the bill are attached as separate documents.