

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

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AGSOUTH GENETICS, LLC, )  
)  
BOARD OF SUPERVISORS OF )  
LOUISIANA STATE UNIVERSITY )  
AND A & M COLLEGE, and )  
)  
LOUISIANA STATE UNIVERSITY )  
AGRICULTURAL CENTER )

Plaintiffs )

v )

FARMERS BEST FERTILIZER, INC., )  
DANIEL R. COOK FARMS, and )  
DANIEL R. COOK individually )

Defendants )

CIVIL ACTION FILE  
NO.: 3:14-cv-00124-DHB-BKE

JURY DEMAND

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CONSENT INJUNCTION

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IT IS HEREBY STIPULATED AND AGREED on this 16<sup>th</sup> day of December, 2016 by and between Plaintiffs, AGSouth Genetics, LLC, and Board of Supervisors of Louisiana State University and Agricultural & Mechanical College and Louisiana State University Agricultural Center and Defendants, Farmers Best Fertilizer, Inc., Daniel R. Cook Farms, and Daniel R. Cook individually, (hereinafter collectively referred to as "Parties") by and through their undersigned counsel, state as follows:

- A. The Parties stipulate and agree that this Court is the proper court of venue and jurisdiction for the action alleged in Plaintiffs' *Complaint* and other pleadings pursuant to, *inter alia*, 28 U.S.C. §§ 1331, 1338, 1367, and 1391;

- B. Defendants recognize that Plaintiffs have valid and enforceable intellectual property rights to the AGS 2060 wheat seed variety which is protected by virtue of a U.S. Plant Variety Protection Act Certificate;
- C. Defendants stipulate and agree that they violated the Plant Variety Protection Act and the Lanham Act, and infringed Plaintiffs' federally issued certificates of plant variety protection; and
- D. Accordingly, it is agreed by the parties that a permanent injunction be entered in this case adopting the following terms.

NOW, THEREFORE, IT IS HEREBY ORDERED that this *Consent Injunction* shall be approved.

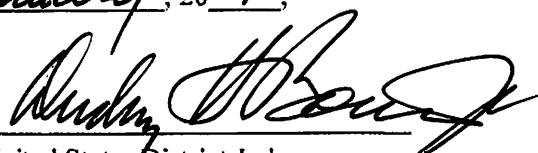
**PERMANENT INJUNCTION**

1. Defendants and its officers and employees, and all successors and assigns, as well as all entities under common control, are hereby enjoined as follows with regard to Plaintiffs' wheat seed varieties, which are protected by the Plant Variety Protection Act, and will not violate the Plant Variety Protection Act by commission of the following acts:

- a) Selling, offering for sale, exposing for sale, stocking, shipping or exchanging brown bagged and/or in bulk, non-certified AGS wheat seed for seed purposes, reproduction or propagation.
- b) Sexually multiplying such seed varieties as a step in marketing such varieties for seed purposes; and/or
- c) Assisting or helping others do any of the foregoing acts, except as allowed by law.

2. This injunction does not prohibit Defendants from stocking, shipping, offering to sell and selling legitimate AGSouth wheat seed in a properly labeled AGSouth bag or container that is derived from an authorized AGSouth distributor.

IT IS ORDERED this 27<sup>th</sup> day of January, 2017,

  
United States District Judge