

Seed Deposits Continue to Sow Discord

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Continuing Lessons from *Corteva v. Inari* for Agricultural IP Strategy in 2026

As the *Corteva Agriscience LLC v. Inari Agriculture Inc.* seed development litigation in the U.S. continues to make its way through discovery, it may reshape how the agricultural industry approaches seed depository and trait development practices, IP portfolio structure, and enforcement strategy.

The case is still on-going, so its ultimate outcome is still unknown. However, the latest developments in the case offer germplasm owners and trait developers some valuable lessons and new legal considerations for agricultural IP strategy in 2026.

Case Background

In 2023, Corteva filed suit, alleging that Inari infringed on U.S. Patent No. 8,575,434 and its U.S. Department of Agriculture plant variety protection (PVP) rights for Corteva maize seeds. Inari allegedly obtained Corteva's seeds from a seed depository, conducted testing, and exported them to Inari's operations in Belgium, before genetically modifying the seeds and seeking IP protections for the modified traits.

Corteva claims that Inari's use of depository material was not permitted follow-on innovation under its utility patent, but rather a misappropriation and commercial use of Corteva's proprietary technology — infringing on both its PVP rights and patent. Inari contends that seed deposits are required to be made available to the public for certain authorized activities, that Inari did not conduct any prohibited commercialization activities in the U.S., and Corteva's overlapping PVP rights cannot be used to invalidate permissible uses for seeds covered by a utility patent.

2025 Developments in the Case

After the court rejected Inari's initial motion to dismiss in 2024, the case proceeded to discovery and Corteva then filed a second amended complaint, supplementing its PVP certificate infringement allegations and asserting additional utility patents against Inari.

Inari counterclaimed, alleging that Corteva was misusing its web of overlapping PVP certificates and utility patents to restrain trade and restrict trait developers from permitted uses of depository seeds (under various antitrust

theories, including sham litigation and patent misuse, and unclean hands). Inari also sought declaratory judgments of unenforceability / invalidity regarding multiple unasserted Corteva utility patents, including U.S. Patent No. 8,901,378 and 231 other patents corresponding to Corteva's PVP-protected varieties.

On reviewing Corteva's motion to dismiss those counterclaims, the court ruled as follows:

The court held that it has subject matter jurisdiction over Inari's declaratory judgment counterclaims targeting the unasserted U.S. Patent No. 8,901,378 utility patent, as well as 231 other unasserted Corteva utility patents corresponding to Corteva's PVP-protected varieties, because Corteva is already suing over the same seeds and technology in the lawsuit.

The court rejected Inari's sham litigation claims against Corteva, because Inari did not provide any legal authority to establish that sham litigation is a basis to invalidate the enforceability of a patent or PVP certificate.

The court rejected Inari's patent-misuse theory, which alleged Corteva was using biological deposits to obtain utility patents and then restricting permissible downstream use of deposits with overlapping IP rights (e.g. PVPs), because Inari's position was not supported by legal authority.

The court allowed Inari's unclean hands theory to proceed, declining to strike it at the pleading stage. The court noted that unclean hands is a broad equitable defense, and that it would be premature to foreclose the defense before discovery.

Implications for IP Strategy in 2026

For germplasm owners and trait developers, this case offers three valuable lessons going into 2026:

- 1. Rethink portfolio structure and enforcement as an integrated system.** This litigation is a reminder that in today's seed and trait disputes, litigation often implicates an entire IP portfolio or suite of related IP assets. The court, so far, has acknowledged the overlapping rights created by patents, PVPs, and other plant IP protections. While overlapping IP rights can offer germplasm owners greater IP coverage and protection, it can also be a potential double-edged sword – asserting one IP right can invite attempts to bring IP rights not yet asserted into the dispute. It can also lead to allegations of anti-competitive conduct.
- 2. Aggressive, overlapping enforcement is not automatically “misuse,” but it is not risk-free.** The court's rejection of Inari's patent-misuse theory may be reassuring to germplasm owners, since it suggests that owning and enforcing a dense network of patents and PVPs does not automatically implicate the patent-misuse doctrine. However, aggressive enforcement can potentially fuel unclean hands arguments, if internal practices, deposit behavior, and market and litigation conduct appear anticompetitive.
- 3. Treat depository obligations as a strategic variable.** Trait developers increasingly rely on depository material as a starting point for development. For their part, germplasm owners rely on deposits to satisfy enablement requirements and support the enforceability of utility patents. Given this, germplasm owners should take all reasonable measures in depository agreements to limit uses to only those required by law. Trait developers, on the other hand, need to carefully analyze the governing law and depository agreements before they embark on

development efforts that could expose them to legal claims.

Conclusion

The *Corteva vs. Inari* case continues to offer interesting lessons for how courts are addressing the intersection of depository practice, overlapping IP portfolios, and aggressive enforcement in the agriculture technology sector. Those who adjust their strategies now, will be better positioned as the legal landscape continues to evolve.

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