

**Smörgåsbord**



Harold Johnson  
Editor

**Kinze Mfg. Versus Deere and Co.** — Kinze Mfg., Williamsburg, Iowa, is the plaintiff in an anti-trust suit against Deere and Co., charging Deere with misuse of the patent they hold on the popular Max-Emerge plateless planter unit. Deere has countersued, charging Kinze Mfg. with patent infringement. Deere is also trying to stop Kinze Mfg. from painting their large toolbars green and yellow.

It all began about five years ago when Jon Kinzenbaw, president and founder of Kinze Mfg., invented a rear-folding toolbar that accommodates from 12 to 36 rows (20 in. spacing), yet folds in seconds to a narrow 14.5 ft. for transport. It's generally conceded among farmers that Kinzenbaw has the best corn-soybean planter toolbar on the market, and that Deere's Max-Emerge unit is far and away the best planter, accounting for well over 75% of total planter sales.

What seemed to be the "perfect marriage" of the best toolbar and best planter hit its first snag in 1977 when Deere, which had been supplying Kinze Mfg. with Max-emerge units, notified Kinzenbaw that, because of short supply, it could no longer supply them. Kinze Mfg. sued and, in an out of court "secret disclosure" settlement, was able to buy a limited number of Max-Emerge units.

In 1978, Kinze Mfg. ordered another 4,000 units but only got about 3,000, ending up with a huge inventory of toolbars which, without the popular Max-Emerge units to go with them, were virtually useless. (Although his toolbar will accommodate other makes of planter units, Max-Emerge units were accounting for about 97% of the demand from Kinze's farmer-customers.)

In early 1979, for the 1980 planting season, Kinzenbaw placed an order for some 3,600 planting units. It was also in 1979 that Deere introduced, on a limited basis, its forward-folding toolbar which was to be readily available for the 1980 planting season.

"Shortly after we placed the order, Deere said it was being cancelled because of a supply shortage. Deere officials said some of their dealers were complaining about Kinze Mfg. getting row units when Deere dealers couldn't get them. After several months of negotiating, Deere did offer us a portion of the units we had ordered but on the condition that Kinze Mfg. drop any and all anti-trust claims. That's when negotiations broke off. I just couldn't go along with this and other demands they wanted me to sign as part of the deal. Furthermore, I was convinced that their so-called shortage was contrived, and that Deere's decision to cut us off left us with only two alternatives:

"1. We could throw in the towel and get out of the planter business since, without the Max-Emerge units we had previously been able to buy, there was no longer a viable market for our Kinze toolbars.

"2. The other alternative was to go way out on a

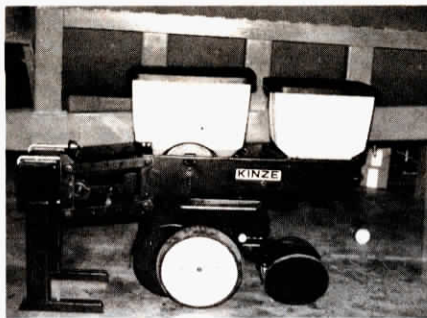
limb and attempt to produce our own row units. They had to look and operate like Deere's Max-Emerge units, and have even higher quality, if we were to prove that the so-called shortage was contrived. The high cost of inventory and the sophisticated technology required in 4-wheel drive tractors, or combines, may have caused actual shortages in the past in those products. But we wanted farmers to know that the reasons for shortages of Max-Emerge planter units are Deere's large share of the market, and the exorbitant prices that shortages cause," Kinze told FARM SHOW.

Fired up by his conviction that Deere's alleged shortage of row units was contrived, and which if true would represent misuse of the patent, Kinzenbaw set out on the seemingly "impossible task" of putting together the capital, facilities and parts to have "carbon copy" planter units — comparable in price and performance to Deere's Max-Emerge — off the assembly line in less than six months. After getting the go-ahead from his bankers, he went directly to most of the same suppliers of vendor items — the bearings, wheels, sprockets, seed hoppers, and so forth — who make parts for Deere's Max-Emerge planter units.

"When we told them what was happening, virtually every vendor agreed to also make parts for our Kinze planter. We spent a bundle to have the necessary tools and dies made. All told, we had invested more than \$1 million when the first Kinze planter units began rolling off the assembly line, right on schedule with our projected target date," recalls Kinzenbaw.

"I'm convinced that our competition completely underestimated our ability to pull it off. But we did and, in the process, have raised some interesting questions:

"Deere claimed they didn't have the capital, facilities or parts to produce additional Max-



Emerge units and thus alleviate the shortage. If so, how could we, just a small manufacturing firm, acquire the necessary capital, facilities and parts to have almost identical planter units in production within only six months? We've produced and sold more than 11,000 Kinze row units the past two years, and expect to turn out more than 10,000 more prior to the 1982 planting season. What's more, by spending only \$15,000 more to build additional welding jigs, and with six to eight months of lead time, we could supply all the units Deere and Kinze combined would need to meet current market needs, and at a very competitive price. We think our performance demonstrates without a doubt that the so-called shortage was contrived," Kinzenbaw told FARM SHOW.

He notes that he's not losing any sleep over Deere's countersuit, charging him with infringing on the Max-Emerge patent. "We've been told that the original inventor has received less than \$1 royalty on every Max-Emerge unit sold. Thus, it would appear that Deere has already established, by this example, what they consider to be fair royalty on the invention."

Kinzenbaw adds that, "Today every farmer who wants it can now buy the plateless planter invention, and at a lower price, thanks to our ability to solve the so-called shortage problem. Ironically, some of our best customers for Kinze row units are Deere dealers who mount them on Kinze-made

toolbars. This is because Deere requires the farmer to buy a Deere toolbar if he wants to get the Max-Emerge units. If the farmer wants a Kinze toolbar, the Deere dealer then buys Kinze row units since he can't get individual row units from Deere. We have repeatedly told Deere that, if they really can't make enough planter units, and if they really have the farmers' interest at heart, why don't they license us to produce them and we will then pay Deere whatever royalty they, in turn, are willing to pay the inventor."

Kinze Manufacturing is also supplying planter units to Hiniker Co., Mankato, Minn., and to Fleischer Manufacturing, Columbus, Neb., maker of the Buffalo Till-Plant System.



Mark Newhall

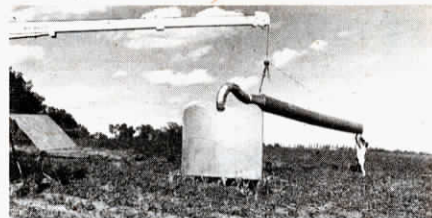
**We are pleased to announce** that Mark Newhall has been named managing editor of FARM SHOW. Mark, a farm-reared native of Pelican Rapids, Minn., joined FARM SHOW in 1978 following graduation from the University of Minnesota in Agricultural Journalism.

In the past three years, he annually has covered virtually every major farm show in the United States, Canada and Europe in search of latest new products. Since joining FARM SHOW, Mark has become an expert on new products. In fact, we don't think there is a farm editor in the U.S. or Canada who's as well posted and up to date on latest new products, and who has a sharper eye for spotting new products at fairs and shows.

When Mark joined FARM SHOW three years ago the magazine was only 1½ years old and had about 40,000 subscribers. Today, FARM SHOW's list of subscribers has grown to more than 130,000, and is still growing. Mark has contributed greatly to this growth and we are pleased to announce his promotion to managing editor.

**World's largest hoe** — When growers have a big annual grass problem in soybeans, American Hoechst Corp., believes it takes a big remedy. And they've got it in the world's largest hoe.

It weighs 600 lbs. and has a 9-ft. by 10-ft. blade.



and a handle that stretches 34 ft. The larger-than-life size hoe was all part of a TV commercial concept developed jointly by American Hoechst and their agency, the Ken Schmidt Co., Milwaukee, Wis. (From Agri-Marketing magazine.)

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1977 — Two of the 6 charter-year issues (Vol. 1, No. 3, and Vol. 1, No. 4) are still available.

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1979 — All 6 issues still available except one (Vol. 4, No. 6).

1981 — All previously published issues still available except Vol. 5, No. 2 (Vol. 5, No. 1; Vol. 5, No. 3; and Vol. 5, No. 4.)

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