No. 7200087

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Joseph Harris Company, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF seventeen YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MARIGOLD

'Gypsy Sunshine'

In Testimony Whereof, *I have hereunto set my hand and caused the seal of the* Plant Variety Protection Office *to be affixed at the City of* Washington *this* eighth *day of* August *in the year of our Lord one thousand nine hundred and* seventy-five

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

FORM GR-470
(2-12-71)

UNITED STATES DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1. VARIETY NAME OR TEMPORARY DESIGNATION ~~71MA39~~ GYPSY SUNSHINE R/S	2. KIND NAME Marigold	FOR OFFICIAL USE ONLY PVPO NUMBER 72087
3. GENUS AND SPECIES NAME Tagetes Patula	4. FAMILY NAME *(Botanical)* Compositae 5. DATE OF DETERMINATION April 1971	FILING DATE 2/16/72 TIME 9 A.M. FEE RECEIVED $750.00 CHARGES
6. NAME OF APPLICANT(S) Joseph Harris Co., Inc.	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)* Moreton Farm Rochester, New York 14624	8. TELEPHONE AREA CODE AND NUMBER (716) 247-3963
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)* Corporation	10. STATE OF INCORPORATION New York	11. DATE OF INCORPORATION 1927

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

John M. Barna
Joseph Harris Company, Inc.
Moreton Farm
Rochester, New York 14624

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

[X] 12A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52, P.L. 91-577)*
Breeding background enclosed.

[X] 12B. Exhibit B, Botanical Description of the Variety

[X] 12C. Exhibit C, Objective Description of the Variety

[X] 12D. Exhibit D, Data Indicative of Novelty a 4 x 5 color transparency (close-up) and a 35 mm color slide (row-shot); a seed packet of 71MA39 are included.

[X] 12E. Exhibit E, Statement of the Basis of Applicant's Ownership
Applicant is employer of Breeder

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. *(See Section 52, P.L. 91-577).*

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? *(See Section 83(a), P.L. 91-577) (If "Yes," answer 14B and 14C below.)* [ ] YES [X] NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? [ ] YES [ ] NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed?

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act (P.L. 91-577).

Feb 11, 1972
(DATE)

Joel Harris Jr
Joel Harris, Pres.
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

RECEIVED 1972 GRAIN DIVISION

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and $50.00 fee to U.S. Dept. of Agriculture, Consumer and Marketing Service, Grain Division, Hyattsville, Maryland 20782. Retain one copy for your files. All items on the face of the form are self-explanatory unles noted below.

ITEM

5 Insert the date the applicant determined that he had a new variety.

12a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

12b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.

12c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

12d Provide complete data indicative of novelty. Seed and plant specimens may be submitted and seeds submitted may be sterile. Where possible, include photographs of plant comparisons, chemical tests, etc.

12e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

72087

Attachment 12a. EXHIBIT A

Breeding Background for Marigold ~~71MA39~~ GYPSY SUNSHINE R/S

The breeding history of marigold ~~71MA39~~ GYPSY SUNSHINE began in 1966 when a single plant selection was made out of the marigold variety called Sparky. This seed lot of Sparky was from originator's seed (Decker).

In 1967 seven mahogany and yellow plants with semi-tufted centers were selected and isolated in our greenhouses.

In 1968 a light orange plant with a tufted center was selected. Out of seed from this light orange plant, we selected an extra dwarf golden yellow plant the following year.

In 1970 a yellow plant having a golden yellow tuft was selected. This particular plant also indicated the capacity for good seed set.

An early flat trial in the spring of 1971 showed ~~71MA39~~ GYPSY SUNSHINE to be uniform for plant habit and color. For marigolds of comparable height classification, ~~71MA39~~ GYPSY SUNSHINE appeared to be somewhat larger in flower size.

A plant row of ~~71MA39~~ GYPSY SUNSHINE was isolated in our breeding grounds during the summer of 1971 and seed was collected from this row in the fall for stock seed increase. A sample of this seed was grown out early in the winter, to check again on trueness to type. This sample proved to be true to type with no rogues found.

JOSEPH HARRIS COMPANY, INC. Moreton Farm, Rochester, N.Y.

72087

EXHIBIT B R/S

MARIGOLD GYPSY SUNSHINE

Marigold Gypsy Sunshine, a Joseph Harris Company introduction, is a variety with golden yellow flowers having tufted centers. Coming into flower very early in pak trials, Gypsy Sunshine continues to produce an abundance of flower in the garden throughout the summer and autumn until frost ends the marigold season. Gypsy Sunshine's abundant bloom, fully comparable to the triploid hybrids, is attributable, in part, to the multi-branched plant of this variety. The flowers, which are about 50% larger than the petite types, tend to be held above the foliage and are produced on a compact plant growing 12 to 14 inches in height.

Early pak bloom and profuse flowering in the garden make Gypsy Sunshine a distinct and welcome addition to the flower garden.

Stem Note - *In 3 or 4 centimeter span from the soil line there are 7 to 9 main branches. Each of these main branches fork repeatedly, So that it is very difficult to determine which branch is primary and which is secondary.* SEE 35mm SLIDE

Variety Name Note - *The licensed grower for the marigold Gypsy Sunshine is the Waller Seed Co. of Guadalupe, California 93434.*

Flower Color Note - *Horticultural Colour Chart II Reference. Color - Sulphur 1 (corrected sheet 1). The Ray Petals also have a slight touch of light orange color at the base and ocassionally at the apice.*

FORM GR-470-9
(9-15-72)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Marigold)

OBJECTIVE DESCRIPTION OF VARIETY

MARIGOLD (*TAGETES*)

INSTRUCTIONS - *See Reverse.*

NAME OF APPLICANT(S)
Joseph Harris Co., Inc.

ADDRESS *(Street and No., or R.F.D. No.; City, State, and ZIP Code)*
Moreton Farm
Rochester, New York 14624

FOR OFFICIAL USE ONLY
PVPO NUMBER
72087
VARIETY NAME OR TEMPORARY DESIGNATION
~~71MA39~~ *Gypsy Sunshine*

Place the appropriate number that describes the varietal character of this variety in the boxes below. *See Note*
Place a zero in first box (e.g. [0][8][9] or [0][8]) when number is either 99 or less or 9 or less.

1. SPECIES TYPE:

[2] 1 = ERECTA *(African)* 2 = PATULA *(French)* 3 = TENUIFOLIA *(Signata)* 4 = LUCIDA *(Sweet)*
5 = OTHER *(Specify)* _____

2. PLOIDY:

[3] 1 = DIPLOID (n = _____) 2 = TRIPLOID (n = _____) 3 = TETRAPLOID (n = *48*)

3. PLANT TYPE/HABIT:

[3] 1 = EXTRA DWARF *(Miniature, petite)* < 20 CM. 2 = DWARF 25-35 CM. 3 = SEMIDWARF 40-55 CM. 4 = TALL > 60 CM.

[2] 1 = ERECT 2 = SEMIERECT 3 = DECUMBENT

[1] 1 = COMPACT 2 = LAX

[1] Flowering: 1 = LONG SEASON 2 = SHORT SEASON

4. LEAF *(Middle of first flowering branch):* *See Silhoutte Exhibit*

[2] Type: 1 = SIMPLE 2 = COMPOUND

[2] Leaflet: 1 = OVATE 2 = LANCEOLATE 3 = ELLIPTIC 4 = FILIFORM

[3] Margin: 1 = ENTIRE 2 = CRENATE 3 = SERRATE 4 = DENTATE 5 = INCISED

[7][½] CM. LONG *Apical Side* [8][5] MM. WIDE *Leaflet*

[1] Anthocyanin pigment in petioles: 1 = ABSENT 2 = PRESENT

[ ] Glands: 1 = PUNCTATE 2 = LARGE DOTS

[ ] Glands: 1 = BASAL 2 = APICAL

[4] Odor: 1 = NONE 2 = MILD FRAGRANCE 3 = STRONG FRAGRANCE 4 = MILD "MARIGOLD" 5 = STRONG "MARIGOLD"

5. STEM:

[2] 1 = STRAIGHT 2 = ZIGZAG

[1] 1 = BRITTLE 2 = FLEXIBLE

[2] *Anthocyanin:* 1 = ABSENT 2 = ALONG VEINS ONLY 3 = SOLID COLORATION

[4][0] CM. FROM BASE OF STEM TO INVOLUCRE OF TERMINAL FLOWER

[3][5] CM. FROM BASE OF MAIN STEM TO AXIL OF TOP BRANCH

[0][5] CM. FROM AXIL OF TOP BRANCH TO INVOLUCRE OF TERMINAL FLOWER

[ ] NO. OF INTERNODES BELOW FIRST BRANCH

[ ] NO. OF FIRST ORDER BRANCHES *(from main stem)* *See Note*

6. FLOWER:

[3] *Type:* 1 = CARNATION 2 = CHRYSANTHEMUM 3 = OTHER *Crested Double*

[2] 1 = SINGLES 2 = DOUBLES

[3] *Silhoutte:* 1 = FLATTENED 2 = ROSETTE 3 = *Semi-* GLOBULAR *See Silhoutte Exhibit*

5

[2] *Odor:* 1 = NONE 2 = MILD FRAGRANCE 3 = STRONG FRAGRANCE 4 = MILD "MARIGOLD" 5 = STRONG "MARIGOLD"
Compared to marigold Crackerjack

 # 72087

6. FLOWER: *(Continued)*

[1] Ray: 1 = FLATTENED 2 = CURLED/TWISTED *(Fantastic)* 35 to 40 Ray Petals per a flower.

[2] Apices: 1 = ENTIRE 2 = LOBED 3 = NOTCHED

[1] SURFACE - Dorsal:
[1] SURFACE - Ventral: } 1 = GLABROUS 2 = PUBESCENT 3 = PUBESCENT ON APICE ONLY

[1] LUSTER - Dorsal:
[2] LUSTER - Ventral: } 1 = SHINY 2 = DULL

[1] PATTERN - Dorsal:
[1] PATTERN - Ventral: } 1 = SOLID 2 = SPOTTED 3 = STRIPED 4 = PICOTEE 5 = OTHER *(Specify)* _____

[1] Color: 1 = SOLID 2 = BICOLOR *(Specify colors)*: Primary _____ Secondary _____
See note
State color standards used: _____

SIZE *(Use outer row of first matured flower)*: [2][0] MM. LONG [1][2] MM. WIDE

[2] Disc: 1 = ABSENT 2 = PRESENT, COVERED 3 = PRESENT, UNCOVERED

[2] Type: 1 = NOT QUILLED 2 = QUILLED

7. DISEASE RESISTANCE *(0 = Not Tested; 1 = Susceptible; 2 = Resistant)*

[0] ROOT-ROT *(Phytophthora)*
[0] GREY MOLD *(Botrytis)*
[0] STEM ROT *(Sclerotinia)*
[1] VIRUS YELLOWS
[0] FUSARIUM WILT
[0] WITCHES BROOM

8. INDICATE A VARIETY THAT MOST NEARLY RESEMBLE THAT SUBMITTED

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant shape	Golden Boy	Flower size	Red Brocade
Plant size	Golden Boy	Flower shape	Gypsy Dancer
Foliage	Petite Orange	Flower color	Golden Jubilee

INSTRUCTIONS

REFERENCES: The following publications may be used as a reference aid for completing this form:

(a) Bailey, L. H., 1949, Manual of Cultivated Plants, MacMillan.

(b) Royal Horticulture Society, 1965, Dictionary of Gardening, Oxford.

(c) Wyman, Donald, 1971, Wyman's Gardening Encyclopedia, MacMillan.

COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

JOSEPH HARRIS COMPANY, INC.

Harris Seeds

MORETON FARM
ROCHESTER, N.Y., 14624

TEL. 594-9411
or 247-3963
Area Code 716

EXHIBIT D R/S. PV # 72087

June 24, 1974

Mr. Robert J. Snyder
Plant Variety Protection Office
U.S.D.A. 6525 Belcrest Road
Hyattsville, Maryland 20782

Dear Mr. Snyder:

Honeymoon, a recent Harris introduction, is the variety of marigold most similar to Gypsy Sunshine (application No. 72084).

Gypsy Sunshine differs from Honeymoon in the following ways:

1. Gypsy Sunshine flowers about a week earlier than Honeymoon.

2. The first flower of Gypsy Sunshine is smaller with less petals than that of Honeymoon, but from the 2nd flower - the flower size becomes quite comparable.

3. Gypsy Sunshine's foliage is finer and with more branching than that of Honeymoon.

4. Gypsy Sunshine is about 25% shorter.

5. Gypsy Sunshine has more flower production.

6. Gypsy Sunshine's crest is not as pronounced as is the crest on Honeymoon.

Sincerely yours,
JOSEPH HARRIS COMPANY, INCORPORATED

John M. Barna

John Barna
Flower Research &Trials

JB/mgm

JOSEPH HARRIS COMPANY, INC.

Harris Seeds

MORETON FARM.....
ROCHESTER, N.Y., 14624.

TEL. 594-9411.....
or 247-3963.....
Area Code 716.....

April 21, 1975

Mr. Robert J. Snyder
Plant Variety Protection Office
U.S.D.A. 6525 Belcrest Road
Hyattsville, Maryland 20782

EXHIBIT D

Dear Mr. Snyder:

In regard to your request for a description of the foliage characteristics for marigold variety "Honey Moon" - which is a comparison variety for marigold application No. 72087 "Gypsy Sunshine", we have enclosed the received exhibit C form along with a pressed leaf of both Honey Moon and Gypsy Sunshine taken from plants two months old from seed sowing. The information listed below is also taken from plants in a pak trial. We do not have mature plants of either Honey Moon or Gypsy Sunshine from which to supply information for form "C".

	Honey Moon	Gypsy Sunshine
Plant height:	8-10 cm.	6-8 cm.
Leaf length:	6-7 cm.	4-5 cm.
Leaf width:	3½ - 4 cm.	3 cm.
Leaflets	9 TO 11	7 TO 9

Sincerely yours,

JOSEPH HARRIS COMPANY, INCORPORATED

John M. Barna

John M. Barna
Director of Flower Research

JMB/mgm

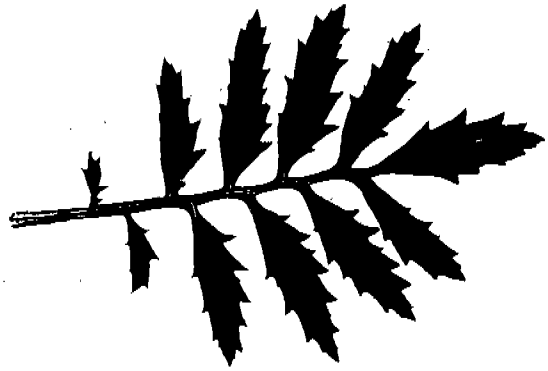
Encl.

72087

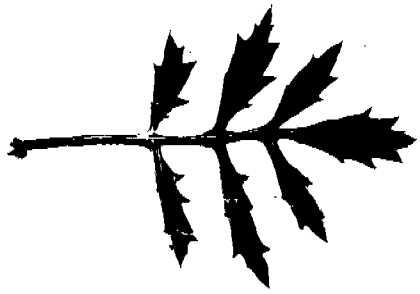
EXHIBIT D

SOWN Feb. 19, 1975
TAKEN Apr. 15, 1975

HONEY MOON



GYPSY SUNSHINE



JOSEPH HARRIS COMPANY, INC.

Harris Seeds

MORETON FARM
ROCHESTER, N.Y., 14624

TEL. 594-9411
or 247-3963
Area Code 716

May 31, 1974

Mr. Robert J. Snyder
Plant Variety Protection Office
U.S.D.A. 6525 Belcrest Road
Hyattsville, Maryland 20782

PV # 72087

Dear Mr. Snyder:

In reply to your letter of May 14, 1974 and the questions raised regarding Marigold application No. 72087.

(SEE REVISED EXHIBIT B) R.J.S.

Under Exhibit B: 71MA39 "Gypsy Sunshine" is a French type marigold having a compact multi-branched plant 12 to 14 inches high. Foliage is bluish green and rather finely cut, flowers golden yellow and tufted; flower size 50% larger than petite types.

(SEE REVISED EXHIBIT D!) RJS

Under Exhibit D: Gypsy Sunshine is a variety unique for the abundance of flowers; comparable to triploid hybrids. Comparable to Orange Nugget for early flowering; flower size to King Tut, height 1-2 inches taller than petite series; plant size and shape to Golden Boy; foliage like Petite Orange.

EXHIBIT E RJS

The Joseph Harris Company is the sole owner of this variety and Gypsy Sunshine is to replace the temporary designation 71MA39.

Sincerely,

JOSEPH HARRIS COMPANY, INC.

John M. Barna

John M. Barna
Director Flower Research

JMB:jm
Enc:

ASSIGNMENT

WHEREAS, Joseph Harris Company, Inc. ("Harris"), a corporation duly organized and existing under the laws of the State of Delaware is the owner of United States Plant Variety Protection Certificates listed in Exhibit A hereto; and

WHEREAS, in accordance with a Technology Transfer Agreement (the "Transfer Agreement") among Celanese Corporation ("Celanese"), Moran Seeds, Inc., Harris, CelPril Industries, Inc., Harris Moran International B.V. ("Sellers"), Virginia Chemicals, Inc., Les Produits Organiques du Santerre-Orsan S.A. ("Orsan"), HMS, CP Acquisition Inc., and Exploitatiemaatschappij Wolwevershaven B.V., dated January 10, 1985, and a Purchase Agreement dated December 7, 1985, as amended, among Celanese, Sellers and Orsan, has purchased from Harris said United States Plant Variety Protection Certificates.

NOW, THEREFORE, in accordance with said Transfer Agreement and Purchase Agreement, Harris assigns to Orsan all of its rights, title and interest in and to said United States Plant Variety Protection Certificates.

Harris hereby authorizes Orsan to apply for and obtain the recordation of this Assignment. Harris agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Orsan may reasonably request in order for Orsan to obtain the full benefits of this Assignment and to permit Orsan to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, such applications, affidavits and other documents for filing in such jurisdictions as Orsan may from time to time reasonably request.

By these presents HMS does hereby accept this Assignment and authorize the recording thereof with the appropriate authorities aforesaid.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed by its proper officers thereunto duly authorized this 10th day of January, 1985.

JOSEPH HARRIS COMPANY, INC.,
Assignor

By: David A. Jenkins
David A. Jenkins
Vice President

LES PRODUITS ORGANIQUES DU
SANTERRE-ORSAN S.A.
Assignee

By: _____
Title: Attorney-in-fact

STATE OF New York

COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared David Jenkins who acknowledged that he is Vice President of Joseph Harris Company, Inc., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Joseph Harris Company, Inc.

Sworn before me at New York this 10th day of January, 1985

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 1986

STATE OF New York

COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared Patrice Lefebvre who acknowledged that he is Attorney-in-fact of Les Produits Organiques du Santerre-Orsan S.A. the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Les Produits Organiques du Santerre-Orsan S.A.

Sworn before me at New York this 10th day of January, 1985.

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 1986

Exhibit A

United States Plant Variety Protection Certificates

Cert. No.	Date Issued	Kind	Variety Name	Owner
7200087	8/8/75	Marigold	Gypsy Sunshine	Joseph Harris Company, Inc.
7605018	9/28/77	Marigold	Cabaret Orange	Joseph Harris Company, Inc.
7800033	12/21/78	Radish	Fancy Red	Joseph Harris Company, Inc.
7800086	1/25/79	Lettuce	Deep Red	Joseph Harris Company, Inc.
8200045	9/23/82	Turnip	Royal Gem	Joseph Harris Company, Inc.
8200068	12/30/82	Egg Plant	Little Fingers	Joseph Harris Company, Inc.
8300024	12/30/83	Radish	Red King	Joseph Harris Company, Inc.