No. 7800009

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## W. Atlee Burpee Company

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 (1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Royal Oak Leaf'

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* 2nd *day of* February *in the year of our Lord one thousand nine hundred and* seventy-eight

*Attest:*

Acting *Commissioner*
*Plant Variety Protection Office*
*Grain Division*
*Agricultural Marketing Service*

*Secretary of Agriculture*

FORM GR-470
(1-76)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
PLANT VARIETY PROTECTION OFFICE
NATIONAL AGRICULTURAL LIBRARY
BELTSVILLE, MARYLAND 20705

FORM APPROVED
OMB NO. 40-R3712

# APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

| 1a. TEMPORARY DESIGNATION OF VARIETY | 1b. VARIETY NAME | FOR OFFICIAL USE ONLY |
|---|---|---|
| | ROYAL OAK LEAF | PV NUMBER 7800009 |
| 2. KIND NAME: LETTUCE | 3. GENUS AND SPECIES NAME: Lactuca sativa | FILING DATE 12-12-77 TIME 8:30 A.M. P.M. |
| 4. FAMILY NAME (BOTANICAL): COMPOSITAE | 5. DATE OF DETERMINATION: 1975 | FEE RECEIVED $250.00 DATE 12-12-77<br>$250.00 12-12-77<br>$250.00 1-30-78 |
| 6. NAME OF APPLICANT(S): W. ATLEE BURPEE COMPANY | 7. ADDRESS (*Street and No. or R.F.D. No., City, State, and ZIP Code*): 300 PARK AVENUE WARMINSTER, PENNSYLVANIA 18974 | 8. TELEPHONE AREA CODE AND NUMBER: 215-674-4900 |

| 9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (*Corporation, partnership, association, etc.*) | 10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION | 11. DATE OF INCORPORATION |
|---|---|---|
| CORPORATION | PENNSYLVANIA | 1915 |

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

JEROME H. KANTOR, ASSISTANT TO THE PRESIDENT
W. ATLEE BURPEE COMPANY
300 PARK AVENUE
WARMINSTER, PENNSYLVANIA 18974

**13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:**

- [X] 13A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52 of the Plant Variety Protection Act.)*
- [X] 13B. Exhibit B, Novelty Statement.
- [X] 13C. Exhibit C, Objective Description of the Variety *(Request form from Plant Variety Protection Office.)*
- [X] 13D. Exhibit D, Additional Description of the Variety.

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). (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 [X] NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? [ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

15. Does the applicant(s) agree to the publication of his/her (their) name(s) and address in the Official Journal? [X] YES [ ] NO

16. The applicant(s) declare(s) 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.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) 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 Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

1

November 30, 1977
(DATE)

Jerome H. Kantor
(SIGNATURE OF APPLICANT)
Jerome H. Kantor, Assistant to the President

(DATE)

(SIGNATURE OF APPLICANT)

# INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and $250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, National Agricultural Library, Beltsville, Maryland 20705. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

5 Give the date the applicant determined that he had a new variety based on (1) the definition in Section 41(a) of the Act and (2) the date a decision was made to increase the seed.

13a Give (1), the genealogy, including public and commerical varieties, lines, or clones used, and the breeding method. (2), the details of subsequent stages of selection and multiplication. (3), the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4), evidence of stability.

13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties; (1) identify these varieties and state all differences objectively; (2) Attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

13c Fill in the Exhibit C, Objective Description form for all characteristics, for which you have adequate data.

13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe; such as; plant habit, plant color, disease resistance, etc.

14A If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled or published or the certificate has been issued. However, if the applicant specifies "NO", he may change his choice. (See Section 180.15 of the Regulations and Rules of Practice.)

LETTUCE
ROYAL OAK LEAF

13A. Exhibit A - Origin and Breeding History of the Variety

Result of crossing Oakleaf an established commercial variety and Burpee Bibb an established variety and selection for fifteen generations.

Single line selection bred true in 1975 and yielded approximately one pound of seed.

In 1976 a crop was grown and no variants were removed. A portion of this crop was again used as stock seed to plant a 1977 crop where no variants were found.

We therefore consider this to be a true breeding line.

LETTUCE
ROYAL OAK LEAF

Exhibit B - Novelty Statement

The seed of Royal Oak Leaf is white and indistinguishable in size, shape and color from the variety Oak Leaf.

The seedlings are longer than Oakleaf with narrower cotyledons. Measurements made of ten day old seedlings grown at 25 degree Celsius under constant light are as follows:

| | SEEDLING LENGTH | COTYLEDON LENGTH | COTYLEDON WIDTH |
|---|---|---|---|
| Oak Leaf | 3.88 mm | 1.94 mm | 0.94 mm |
| Royal Oak Leaf | 3.94 mm | 2.16 mm | 0.78 mm |

The leaf color of Royal Oak Leaf is distinctly darker, more bluish green than Oak Leaf. Royal Oak Leaf is Spinach Green 0960 R. H. S. Colour Chart compared to Oak Leaf which is Lettuce Green 861 R. H. S. Colour Chart.

The leaves are pinnately lobed with the terminal lobe longer and narrower than Oak Leaf. The midribs are thick and succulent.

Royal Oak Leaf is slow to initiate seed stalk development so that the inner leaves which are numerous tend to form an open head. The plants produce a rosette that is larger than Oak Leaf and equally long standing in habit.

We believe Royal Oak Leaf to be a new and unique cultivar of Lactuca sativa.

FORM GR-471
(4-3-72)

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

EXHIBIT C

# OBJECTIVE DESCRIPTION OF VARIETY
## (LETTUCE)

INSTRUCTIONS: See reverse.

NAME OF APPLICANT(S)
W. ATLEE BURPEE COMPANY

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)
300 Park Avenue
Warminster, Pennsylvania 18974

FOR OFFICIAL USE ONLY
PVPO NUMBER
297 - 1 - 7800009

VARIETY NAME OR TEMPORARY DESIGNATION
Royal Oak Leaf

Place the appropriate number that describes the varietal character of this variety in the boxes below.

**1. PLANT TYPE:** [1][0]
10 = CUTTING (Leaf) 20 = STALK
50 = BUTTERHEAD 60 = LATIN
70 = OTHER (Specify) _____

30 = COS
31 = SELF-CLOSING GROUP
32 = LOOSE-CLOSING GROUP

40 = CRISPHEAD
41 = IMPERIAL GROUP
42 = GREAT LAKES GROUP
43 = VANGUARD
44 = NEW YORK GROUP

**2. SEED COLOR:** [1]
1 = WHITE 2 = BLACK 3 = YELLOW

**3. ANTHOCYANIN:** [1]
1 = ABSENT 2 = PRESENT

**4. LEAF CONTAINING ANTHOCYANIN:** [ ]
1 = COVERED 2 = SPOTTED 3 = ALONG MARGIN 4 = ABSENT 5 = OTHER (Specify) _____

**5. LEAF SURFACE TEXTURE:** [2]
1 = SMOOTH 2 = BLISTERED

**6. LEAF SURFACE REFLECTANCE:** [2]
1 = DULL 2 = GLOSSY 3 = OTHER (Specify) _____

**7. LEAF MARGIN:** [2]
1 = STRAIGHT 2 = WAVY
3 = CURLED

[4]
1 = ENTIRE 2 = DENTATE 3 = INCISED
4 = DEEPLY INCISED 5 = OTHER (Specify) _____

**8. LEAF SHAPE:** [2]
1 = ROUNDED 2 = POINTED

[2]
1 = BROADER THAN LONG 2 = LONGER THAN BROAD 3 = OTHER (Specify) _____

**9. LEAF COLOR:** (See reverse.) [6]
1 = RED 2 = REDDISH-BROWN 3 = YELLOW 4 = YELLOWISH-GREEN 5 = GREYISH-GREEN
6 = BLUE-GREEN 7 = DARK-GREEN 8 = VERY DARK GREEN

**10. HEADS:** [5]
1 = SPHERICAL 2 = FLATTENED 3 = ELONGATE
4 = POINTED 5 = NON-HEADING

**11. PLANT SIZE:** (See reverse.) [3]
1 = SMALL 2 = MEDIUM 3 = LARGE

**12. CULTURE:** [3]
1 = SUMMER CROP 2 = WINTER CROP 3 = NOT SPECIFIC 4 = UNDER GLASS 5 = OTHER (Specify) _____

**13. SIZE OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT** (Growth Chamber) **AT 25° C.:** (Place a zero in first box (i.e. [0][2]) when size is .9 mm. or less.)
[0][3] .9 mm. LENGTH OF SEEDLING [0][2] .2 mm. LENGTH OF COTYLEDON [0][0] .8 mm. WIDTH OF COTYLEDON

**14. DISEASE RESISTANCE TO:** (Enter zeroes in box(es) where there is no special disease resistance.)
[X] 1 = TIPBURN [0] 2 = MOSAIC [0] 3 = DAMPING OFF [0] 4 = DOWNY MILDEW
[0] 5 = SCLEROTINIA ROT [0] 6 = BROWN BLIGHT [0] 7 = BIG VEIN [ ] 8 = OTHER (Specify) _____

**15. OUTLINE THE FOURTH LEAF:** (For standardization purposes, the fourth leaf should be taken from a 20-day old plant grown under constant light.)

LETTUCE
ROYAL OAK LEAF

Exhibit D - Additional Description of the Variety

Royal Oak Leaf has a distinctly darker green leaf color than Oak Leaf. Color Spinach Green 0960 R. H. S. Colour Chart compared to Oak Leaf's Lettuce Green 861 R. H. S. Colour Chart.

The leaves are distinctly larger with longer central lobe than Oak Leaf.

We believe the unique darker green color of Royal Oak Leaf qualify it as a new and distinct cultivar of Lactuca sativa.

EXECUTION COPY

# GRANT OF SECURITY INTEREST

## (PLANT VARIETY CERTIFICATES)

WHEREAS, W. ATLEE BURPEE COMPANY, a Pennsylvania corporation (herein referred to as "Grantor"), has been issued the Plant Variety Certificates listed on Schedule 1 annexed hereto;

WHEREAS, Grantor is a wholly owned Subsidiary of CDS Holding Corp.;

WHEREAS, Grantor has agreed to grant a first priority security interest in substantially all the assets of Grantor to secure the payment of all amounts owing under the Revolving Credit Agreement, dated as of December 30, 1986 (as amended, supplemented or modified from time to time, the "Credit Agreement"), among CDS Holding Corp., the O.M. Scott & Sons Company and Manufacturers Hanover Trust Company (the "Bank" and "Grantee"); and

WHEREAS, pursuant to the terms of a Subsidiary Security Agreement dated as of December 30, 1986 (the "Subsidiary Security Agreement") made by Grantor in favor of Grantee, its successors transferees and assigns Grantor has mortgaged, pledged and granted to Grantee a security interest in all right, title and interest of Grantor in, to and under all Certificates of Plant Variety Protection now or hereafter issued to the Grantee by the Plant Variety Protection Office of the United States Department of Agriculture (or any successor agency thereto) (all such Certificates being herein collectively referred to as "Plant Variety Certificates"), together with any reissues, extensions or renewals thereof whether presently existing or hereafter arising or acquired in connection with the tangible and intangible assets of the Grantor's business, including the goodwill of the business symbolized by the Plant Variety Certificates issued to and the applications therefor and the registrations thereof, and all products and proceeds thereof, including, without limitation, any and all causes of action which may exist by reason of infringement or dilution thereof or injury to the associated goodwill, to secure the payment of all amounts owing under the Credit Agreement and any and all other amounts from time to time directly owing by the Grantor to the Bank;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby mortgage, pledge and grant to Grantee, its successors, indorses, transfees and assigns, a security interest in all of Grantor's right, title and interest in, to and under the following whether presently existing or hereafter arising or acquired:

(i) each Plant Variety Certificate and Plant Variety Certificate application, including, without limitation, each Plant Variety Certificate and Plant Variety Certificate application referred to in Schedule 1 hereto, and all of the goodwill of the business connected with the use of, and symbolized by, each Plant Variety Certificate and Plant Variety Certificate application;

(v) all products and proceeds of the foregoing, including, without limitation, any claim by Grantor against third parties for past, present or future infringement or dilution of any Plant Variety Certificate registration including, without limitation, any registration referred to in Schedule 1, or for injury to the goodwill associated with any Plant Variety Certificate or Plant Variety Certificate application.

This security interest is granted in conjunction with the security interest granted to the Grantee, its successors, indorses, transfees and assigns, in substantially all of the assets of the Grantor, as set forth in the Security Agreement, of which this Agreement is a part.

Grantor does hereby further acknowledge and affirm that the rights and remedies of Grantee with respect to the security interest in the Plant Variety Certificates, Plant Variety Certificates applications, made and granted hereby are more fully set forth in the Security Agreement, the

terms and provisions of which are incorporated by reference herein as if fully set forth herein. Terms defined in the Security Agreement shall have their defined meanings when used in this Grant of Security Interest.

IN WITNESS WHEREOF, Grantor has caused this Grant of Security Interest to be duly executed by its officers thereunto duly authorized as of the 30th day of December, 1986.

W. ATLEE BURPEE COMPANY

By: W. N. Englehart

Title: President

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JAN 30 1987
Plant Variety
Protection Ofc.

16. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

| CHARACTER | NAME OF VARIETY |
|---|---|
| Leaf color | BIBB |
| Leaf pigmentation | |
| Leaf shape | OAKLEAF |
| Plant size | GRAND RAPIDS |
| Head size | |

| VARIETY | NO. OF DAYS TO HEAD MATURITY UNDER WINTER CROPPING | LOCATION | NO. OF DAYS TO HEAD MATURITY UNDER SUMMER CROPPING | LOCATION | NO. OF DAYS TO SEED STALK EMERGENCE UNDER SUMMER CROPPING | LOCATION |
|---|---|---|---|---|---|---|
| Submitted | | | 50 days | Ventura, California | 72 days | Ventura, California |
| Similar | | | 50 days | Ventura, California | 72 days | Ventura California |
| Name of similar variety → | OAK LEAF | | | | | |

## INSTRUCTIONS

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

1. C. M. Rodenburg, 1960, Varieties of Lettuce, An International Monograph, Institunt Voor de Veredeling van Tuinbouwgewassen, Wageningen, Holland.

2. L. L. Morse, 1930, Field Notes on Lettuce, published by Ferry-Morse Seed Co.

LEAF COLOR: Nickerson's or any recognized color fan may be used to determine the leaf color of the described variety. The following lettuce varieties may be used as a guide to identify the eight colors listed on the form.

| Color | Variety |
|---|---|
| Red | "Salad Trim" |
| Reddish-brown | "Ruby" |
| Yellow | "Salad Bowl" |
| Yellowish-green | "Oakleaf" |
| Greyish-green | "White Boston" |
| Bluish-green | "Bibb" |
| Dark-green | "Imperial" group |
| Very dark green | "Deer Tongue" |

PLANT SIZE: The following varieties may be used as a guide to identify the plant type size:

| TYPE | COMPARABLE VARIETIES | | |
|---|---|---|---|
| | SMALL | MEDIUM | LARGE |
| Cutting (leaf) | Boston-Curled | Prize Head | Grand Rapids |
| Stalk (stem) | Celtuce | -- | -- |
| Cos | Express | Parris Island | Giant White |
| Crisphead | Mignonette | Hanson (Merit) | Climax |
| Butterhead | Tom Thumb | Big Boston | Mammoth Butter |
| Latin | Sucrine | Creole | Deer Tongue |

STATE OF NEW YORK )
) ss.:
COUNTY OF NEW YORK )

On the 30th day December, 1986, before me personally came William N. Englehart, to me personally known and known to me to be the person described in and who executed the foregoing instrument as President of W. Atlee Burpee Company, who being by me duly sworn, did depose and say that he resides at 5572 Long Lane, Doylestown, PA; that he is President of W. Atlee Burpee Company, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that the said instrument was signed and sealed on behalf of said corporation by order of its Board of Directors; that he signed his name thereto by like order; and that he acknowledged said instrument to be the free act and deed of said corporation.

Loretta D Brenner
Notary Public

LORETTA D. BRENNER
Notary Public, State of New York
No. 60-4794803
Qualified in Westchester County
Certificate filed in New York County
Commission Expires March 30, 1987

[Seal]

My commission expires:

3/30/87

RECEIVED
U.S. ARMS
JAN 30 1987
Ofc

OWNER: W. ATLEE BURPEE COMPANY

PLANT VARIETY PROTECTION CERTIFICATES

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATIO |
|---|---|---|---|
| 7100001 | LETTUCE 'Green Ice' | 4/25/73 | 1990 |
| 7100002 | CHINA ASTER 'Totem Pole White' | 3/28/74 | 1991 |
| 7100003 | CHINA ASTER 'Totem Pole Rose-Pink' | 3/28/74 | 1991 |
| 7100004 | CHINA ASTER 'Totem Pole Scarlet-Cerise' | 3/28/74 | 1991 |
| 7100005 | CHINA ASTER 'Totem Pole Azure Blue' | 3/28/74 | 1991 |
| 7100006 | CHINA ASTER 'Totem Pole Dark Blue' | 3/28/74 | 1991 |
| 7100009 | VERBENA 'Ruffled White' | 4/8/75 | 1992 |
| 7100010 | MARIGOLD 'Redcoat' | 12/12/75 | 1992 |
| 7100053 | CHINA ASTER 'Ideal Dark Blue' | 3/14/75 | 1991 |
| 7100054 | CHINA ASTER 'Ideal Rose' | 3/14/74 | 1991 |
| 7100059 | ZINNIA 'Emperor' | 12/12/75 | 1992 |
| 7100077 | CHINA ASTER 'Burpeeana Extra Early Rose' | 3/28/74 | 1991 |
| 7100078 | CHINA ASTER 'Burpeeana Extra Early Scarlet Morn' | 3/28/74 | 1991 |
| 7100079 | CALENDULA 'Golden Gem' | 6/27/75 | 1992 |
| 7100081 | MARIGOLD 'Golden Fantastic' | 5/14/76 | 1993 |
| 7100085 | SWEETPEA 'Salmonette' | 12/12/75 | 1992 |
| 7100086 | SWEETPEA 'Lavender Delight' | 12/12/75 | 1992 |

OWNER: W. ATLEE BURPEE COMPANY



| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7100087 | SWEETPEA 'Tangerine' | 3/5/76 | 1993 |
| 7100088 | VERBENA 'Ruffled Pink' | 4/8/75 | 1992 |
| 7200054 | SQUASH 'Burpee Golden Zucchini' | 2/15/75 | 1994 |
| 7200108 | SNAPDRAGON 'Bright Scarlet' | 11/24/75 | 1992 |
| 7400030 | CALIFORNIA POPPY 'Ballerina Yellow' | 4/18/75 | 1992 |
| 7400032 | CALENDULA 'Orange Gem' | 6/27/75 | 1992 |
| 7400033 | ZINNIA 'Ruffled Jumbo Scarlet' | 12/12/75 | 1992 |
| 7400034 | MARIGOLD 'Big Almost White' | 11/15/74 | 1991 |
| 7400040 | BEAN 'Greensleeves' | 6/18/76 | 1993 |
| 7500024 | MARIGOLD 'Golden Hawaii' | 3/5/76 | 1993 |
| 7500025 | CHINA ASTER 'Red Mound' | 6/27/75 | 1992 |
| 7600011 | MARIGOLD 'Red Pygmy' | 2/15/77 | 1994 |
| 7600071 | PUMPKIN 'Triple Treat' | 5/9/77 | 1994 |
| 7600072 | WATERMELON 'Sugarbush' | 7/26/77 | 1994 |
| 7800005 | ZINNIA 'Rose Starlet' | 2/2/78 | 1995 |
| 7800009 | LETTUCE 'Royal Oak Leaf' | 2/2/78 | 1995 |
| 7900060 | MARGOLD 'Happy Red' | 5/1/80 | 1997 |
| 8200017 | MARIGOLD 'Xantho-Orange' | 6/17/82 | 1999 |

OWNER: W. ATLEE BURPEE COMPANY

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 8200028 | TOMATO 'Super Beefsteak' | 8/19/82 | 1999 |
| 8200129 | ASTER 'Pot 'n Patio Blue' | 12/30/83 | 2000 |
| 8400138 | PUMPKIN 'Bushkin' | 8/30/85 | 2002 |
| 8500128 | PEA 'Snappy' | 10/31/85 | 2002 |
| 8600040 | ZINNIA 'Pinwheel Rose' | 8/31/86 | 2003 |

Applications

| APPLICATION NO. | TITLE AND SUBTITLE | APPLICATION DATE |
|---|---|---|
| 8400139 | Watermellon 'Sweet Treat' | 12/16/86 |
| 8600139 | Basil 'Purple Ruffles' | 7/7/86 |
| 8600149 | Cucumber 'Picklebush' | 7/9/86 |
| 8600158 | Zinnia 'Red Lollipop' | 9/3/86 |

# SECURITY AGREEMENT

SECURITY AGREEMENT, dated as of November 23, 1987, made by W. Atlee Burpee Company, a Pennsylvania corporation (the "Debtor") in favor of Bankers Trust Company, a New York banking corporation (the "Secured Party"). Unless otherwise defined herein or in Article XI hereof, all capitalized terms used herein and defined in the Credit Agreement are used herein as therein defined.

W I T N E S S E T H:

WHEREAS, the Secured Party and the Debtor have entered into the Credit Agreement;

WHEREAS, pursuant to the Credit Agreement, the Secured Party has agreed to provide the Debtor, in accordance with the terms and conditions set forth therein, with a working capital line not exceeding the Commitment;

WHEREAS, it is a condition precedent to the incurrence of Advances under the Credit Agreement that the Debtor execute and deliver to the Secured Party this Security Agreement; and

WHEREAS, the Debtor desires to execute this Security Agreement to satisfy the condition described in the preceding paragraph;

NOW, THEREFORE, in consideration of the premises and other benefits to the Debtor, the receipt and sufficiency of which are hereby acknowledged, the Debtor hereby makes the following representations and warranties and hereby covenants and agrees as follows:

## Plant Variety Protection Certificates

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7100001 | LETTUCE 'Green Ice' | 4/10/73 | 1990 |
| 7100002 | CHINA ASTER 'Totem Pole White' | 3/28/74 | 1991 |
| 7100003 | CHINA ASTER 'Totem Pole Rose-Pink' | 3/28/74 | 1991 |
| 7100004 | CHINA ASTER 'Totem Pole Scarlet-Cerise' | 3/28/74 | 1991 |
| 7100005 | CHINA ASTER 'Totem Pole Azure Blue' | 3/28/74 | 1991 |
| 7100006 | CHINA ASTER 'Totem Pole Dark Blue' | 3/23/74 | 1991 |
| 7100009 | VERBENA 'Ruffled White' | 4/8/73 | 1992 |
| 7100010 | MARIGOLD 'Redcoat' | 12/12/73 | 1992 |
| 7100053 | CHINA ASTER 'Ideal Dark Blue' | 3/14/74 | 1991 |
| 7100054 | CHINA ASTER 'Ideal Rose' | 3/14/74 | 1991 |
| 7100059 | ZINNIA 'Emperor' | 12/12/75 | 1992 |
| 7100077 | CHINA ASTER 'Burpeeana Extra Early Rose' | 3/28/74 | 1991 |
| 7100078 | CHINA ASTER 'Burpeeana Early Early Scarlet Morn' | 3/28/74 | 1991 |

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7100079 | CALENDULA 'Golden Gem' | 6/27/75 | 1992 |
| 7100081 | MARIGOLD 'Golden Fantastic' | 5/14/76 | 1993 |
| 7100085 | SWEETPEA 'Salmonette' | 12/12/75 | 1992 |
| 7100086 | SWEETPEA 'Lavender Delight' | 12/12/75 | 1992 |
| 7100087 | SWEETPEA 'Tangerine' | 3/5/76 | 1993 |
| 7100088 | VERBENA 'Ruffled Pink' | 4/8/75 | 1992 |
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| 7400030 | CALIFORNIA POPPY 'Ballerina Yellow' | 4/18/75 | 1992 |
| 7400032 | CALENDULA 'Orange Gem' | 6/27/75 | 1991 |
| 7400033 | ZINNIA 'Ruffled Jumbo Scarlet' | 12/12/75 | 1991 |
| 7400034 | MARIGOLD 'Big Almost White' | 11/15/74 | 1991 |
| 7400040 | BEAN 'Greensleeves' | 6/18/76 | 1993 |
| 7500024 | MARIGOLD 'Golden Hawaii' | 3/5/76 | 1993 |
| 7500025 | CHINA ASTER 'Red Mound' | 6/27/75 | 1992 |

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7600011 | MARIGOLD 'Red Pygmy' | 2/15/77 | 1994 |
| 7600071 | PUMPKIN 'Triple Treat' | 5/9/77 | 1994 |
| 7600072 | WATERMELON 'Sugarbush' | 7/26/77 | 1994 |
| 7800005 | ZINNIA 'Rose Starlet' | 2/2/78 | 1995 |
| 7800009 | LETTUCE 'Royal Oak Leaf' | 2/2/78 | 1995 |
| 7900060 | MARIGOLD 'Happy Red' | 5/1/80 | 1997 |
| 8200017 | MARIGOLD 'Xantho-Orange' | 6/17/82 | 1999 |
| 8200028 | TOMATO 'Super Beefsteak' | 8/19/82 | 1999 |
| 8200129 | ASTER 'Pot 'n Patio Blue' | 12/30/83 | 2000 |
| 8400138 | PUMPKIN 'Bushkin' | 8/30/85 | 2002 |
| 8500128 | PEA 'Snappy' | 10/31/85 | 2002 |
| 8600040 | ZINNIA 'Red Lollipop' | 8/31/86 | 2003 |

## Plant Variety Protection Certificates Applications

| APPLICATION NO. | TITLE AND SUBTITLE | APPLICATION DATE |
|---|---|---|
| 8400139 | Watermellon<br>'Sweet Treat' | 12/16/86 |
| 8600139 | Basil<br>'Purple Ruffles' | 7/7/86 |
| 8600149 | Cucumber<br>'Picklebush' | 7/9/86 |
| 8600158 | Zinnia<br>'Pinwheel Rose' | 9/8/86 |