No. 9800267

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Busch Agricultural Resources, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED 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 TWENTY 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, OR IMPORTING IT, OR EXPORTING IT, [illegible] CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR USING IT IN [illegible]UCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY [illegible]ECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A [illegible]ERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF TH[illegible] 84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BARLEY

'Legacy'

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, D.C. this twelfth day of September, in the year two thousand one.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[illegible] of Agriculture

REPRODUCE LOCALLY. *Include form number and date on all reproductions.*

FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) *(as it is to appear on the Certificate)*
BUSCH AGRICULTURAL RESOURCES, INC.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER
6B93-2978

3. VARIETY NAME
'Legacy' per letter of 9/15/99 MAK 9/17/99

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
3515 EAST COUNTY ROAD 52
FT. COLLINS, CO 80524 USA

5. TELEPHONE *(include area code)*
(970) 221-5622

6. FAX *(include area code)*
(970) 482-5965

FOR OFFICIAL USE ONLY
PVPO NUMBER 9800267

FILING DATE 01/07/1998

FEES RECEIVED
FILING AND EXAMINATION FEE: $ 2,450.00 DATE 12/18/97
CERTIFICATION FEE: $ 320.00 DATE 8/31/01

7. GENUS AND SPECIES NAME
HORDEUM VULGARE L.

8. FAMILY NAME *(Botanical)*
GRAMINEA

9. CROP KIND NAME *(Common name)*
SPRING BARLEY

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.) (Common name)*
CORPORATION

11. IF INCORPORATED, GIVE STATE OF INCORPORATION
DELAWARE

12. DATE OF INCORPORATION
01-01-81

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS
~~DR. LES WRIGHT~~ -OR- DR. MIKE BJARKO
BUSCH AGRICULTURAL RESOURCES, INC. (SAME ADDRESS AND PHONE #)
~~3515 EAST COUNTY ROAD 52~~ Thomas M. Wood
~~FT. COLLINS, CO 80524 USA~~ 10733 Sunset Office Drive, Suite 400
St. Louis MO 63127

14. TELEPHONE *(include area code)*
~~(970) 221-5622~~
314-909-3970

15. FAX *(include area code)*
~~(970) 482-5965~~

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED *(Follow instructions on reverse)*

a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of the Variety
d. ☒ Exhibit D. Additional Description of the Variety *(Optional)*
e. ☒ Exhibit E. Statement of the Basis of the Applicant's Ownership
f. ☒ Voucher Sample *(2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)*
g. ☒ Filing and Examination Fee ($2,450), made payable to "Treasurer of the United States" *(Mail to PVPO)*
h. QUALITY AND AGRONOMIC DATA

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
☒ YES *(If "yes," answer items 18 and 19 below)* ~~☒ NO~~ *(If "no," go to item 20)*

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☒ NO

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
☐ YES *(If "yes," give names of countries and dates)* ☒ NO

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

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

SIGNATURE OF APPLICANT *(Owner(s))*		SIGNATURE OF APPLICANT *(Owner(s))*	
Leslie J. Wright		Michael Bjarko	
NAME *(Please print or type)* Leslie J. Wright		NAME *(Please print or type)* MICHAEL BJARKO	
CAPACITY OR TITLE Director of Barley Research	DATE 12/8/97	CAPACITY OR TITLE Barley Breeder	DATE 15 Dec '97

STD-470 (03-96) *(Previous editions are to be destroyed)*

(See reverse for instructions and information collection burden statement)

9800267

EXHIBIT A

MAH 7-10-01

ORIGIN AND BREEDING HISTORY OF ~~6B93-2978~~ 'Legacy'

PEDIGREE: Bumper/Karl//Bumper/Manker/3/Bumper/Karl/4/Excel

DATE OF CROSS: 1989

History:
In 1989 the cross of Bumper/Karl//Bumper/Manker/3/Bumper/Karl/4/Excel was made in the greenhouse in Fort Collins, CO. The F1 was grown out in the greenhouse. Since there is no segregation in the F1 no selections were made. The F2 was grown in Moorhead, MN in 1990. Individual plants were selected, based on the following criteria: Straw strength, Maturity, Scald resistance, Net blotch resistance. The F3 is advanced through single seed descent with no selections. The selection Legacy originated in Moorhead, MN as an F4 headrow in 1992. At the F4 stage experimental lines are selected based on several criteria. These traits are compared with those of selected commercial varieties grown in the same location. These varieties were Robust and Excel. At the F4 headrow stage, selections is based on the following criteria:

Agronomic Traits:
Straw strength
Height, maturity
Head size
Test weight
Scald resistance.
Malting Traits:
Kernel plumpness
Protein
Extract level prediction.

The F5 generation is a seed increase in Yuma, AZ. As an F6, it was first tested in replicated yield trials in 1993 at Moorhead and Crookston, MN. From the first year of yield testing through the release of the variety, continual assessments of numerous agronomic and malting traits are carried out. These traits are assessed on samples grown at several locations per year and statistically compared to the most widely grown commercial varieties, plus selected advanced experimental lines. The varieties Robust, Excel and Stander were used throughout the testing program. The following criteria are assessed at each stage of yield trial testing:

Agronomic traits:	**Malting traits:**
Yield	Kernel plumpness
Straw strength (lodging)	Extract Level
Height	Total protein
Maturity	Soluble protein
Test weight	Alpha amylase
Resistance to scald	Diastatic power
Resistance to net blotch	Wort viscosity
Resistance to spot blotch	Turbidity

Our most important agronomic traits are yield, straw strength and disease resistance. Our most important malting traits are extract level, protein and enzyme levels (alpha amylase and diastatic power).

It was entered in the Mississippi Valley Uniform Regional Barley Nursery in 1996. In 1997 it was entered in the Western Regional Cooperative Trial. It is targeted as a six-rowed malting barley for midwestern and western barley production. In 1996 head selections were made at Fort Collins, Colorado from a uniform and stable population to initiate purification and multiplication. Headrows were grown in the winter of 1996/1997 in the greenhouse at Ft Collins, CO. In 1997, headrows and progeny plots were grown in the field at Ft Collins, CO. Breeder seed was produced near Yuma, Az during the 1997/1998 winter season. Legacy has been uniform and stable from F6 through F10(Breeder Seed). Less than .05% of the plants were rogued from Breeder fields in 1995. Approximately 95% of the rogued plants were 2 to 4 centimeters taller than Legacy. Less than .05% total variant plants may be encountered in subsequent generations.Certified seed will be available in 2001.

EXHIBIT B

STATEMENT OF DISTINCTNESS

MAH 7-10-01

'Legacy' ~~6B93-2978~~ is most similar to the spring barley variety " Robust ", however it can be distinguished by the following morphological characteristics.

- 6B93-2978 has a lax head.
  Robust has a mid-lax head.

- 6B93-2978 has long glume hair confined to a band.
  Robust glumes are completely covered with short hair.

- 6B93-2978 has semi-smooth lemma awns.
  Robust has smooth lemma awns.

- 6B93-2978 has long rachilla hairs.
  Robust has short rachilla hairs.

FORM APPROVED: OMB NO. 40-R3822

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND SEED DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Barley)

OBJECTIVE DESCRIPTION OF VARIETY
BARLEY *(HORDEUM VULGARE)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
BUSCH AGRICULTURAL RESOURCES, INC.

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
3515 EAST COUNTY ROAD 52
FT. COLLINS, CO 80524 USA

FOR OFFICIAL USE ONLY
PVPO NUMBER 9800267
VARIETY NAME OR TEMPORARY DESIGNATION 'Legacy'
MM 7-10-01

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

1. GROWTH HABIT:

[1] 1 = SPRING 2 = FACULTATIVE WINTER 3 = WINTER [3] Early Growth: 1 = PROSTRATE 2 = SEMIPROSTRATE 3 = ERECT

2. MATURITY (50% Flowering):

[2] 1 = EARLY (California Mariout) 2 = MIDSEASON (Betzes) 3 = LATE (Frontier)

[0] No. of days *Earlier* than ..... [8]
[ ] No. of days *Later* than ..... [ ]
1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON 5 = PIROLINE 6 = PRIMUS 7 = UNITAN 8 = ROBUST

3. PLANT HEIGHT (From soil level to top of head):

[3] 1 = SEMIDWARF 2 = SHORT (California Mariout) 3 = MEDIUM TALL (Betzes) 4 = TALL (Conquest)

[0][1] Cm. *Shorter* than ..... [8]
[ ][ ] Cm. *Taller* than ..... [ ]
1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON 5 = PIROLINE 6 = PRIMUS 7 = UNITAN 8 = ROBUST

4. STEM:

[3] Exertion *(Flag to spike at maturity)*: 1 = 0 - 3 cm. 2 = 3 - 10 cm. 3 = 10 - 15 cm. [1] Anthocyanin: 1 = ABSENT 2 = PRESENT

[0][5] NO. OF NODES (Originating from node above ground)

[5] Collar Shape: 1 = CLOSED 2 = V-SHAPED 3 = OPEN 4 = MODIFIED CLOSED OR OPEN 5=SAUCER [1] Shape of Neck: 1 = STRAIGHT 2 = SNAKY 3 = OTHER (Specify)

5. LEAF:

[1] Basal leaf sheath *(seedling)*: 1 = GLABROUS 2 = PUBESCENT [2] Position of flag leaf *(at boot stage)*: 1 = DROOPING 2 = UPRIGHT

[2] Waxiness: 1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY 3 = WAXY [1][9] MM. WIDTH (First leaf below flag leaf)

[2][3] CM. LENGTH (First leaf below flag leaf) [1] Anthocyanin in leaf sheath: 1 = ABSENT 2 = PRESENT

6. HEAD:

[2] Type: 1 = TWO-ROWED 2 = SIX-ROWED [1] Density: 1 = LAX 2 = ERECT (Not dense) 3 = ERECT (Dense)

[4] Shape: 1 = TAPERING 2 = STRAP 3 = CLAVATE 4 = OTHER (Specify) PARALLEL [2] Waxiness: 1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY 3 = WAXY

[3] Lateral Kernels Overlap: 1 = NONE 2 = AT TIP 3 = 1/4 - 1/2 OF HEAD [4] Rachis *(Hair on edge)*: 1 = LACKING 2 = FEW 3 = COVERED 4 = LONG WITH MARGIN HAIRS

7. GLUME:

[3] Length: 1 = 1/3 OF LEMMA 2 = 1/2 OF LEMMA 3 = MORE THAN 1/2 OF LEMMA [3] Hairs: 1 = NONE 2 = SHORT 3 = LONG

[3] Hair covering: 1 = NONE 2 = RESTRICTED TO MIDDLE 3 = CONFINED TO BAND 4 = COMPLETELY COVERED

[3] Awns: 1 = LESS THAN EQUAL TO LENGTH OF GLUMES 2 = EQUAL TO LENGTH OF GLUMES 3 = MORE THAN EQUAL TO LENGTH OF GLUMES

[3] Awn Surface: 1 = SMOOTH 2 = SEMISMOOTH 3 = ROUGH

9800267

8. LEMMA:

[5] Awn: 1 = AWNLESS 2 = AWNLETS ON CENTRAL ROWS, AWNLESS ON LATERAL ROWS 3 = SHORT ON CENTRAL ROWS, AWNLETS ON LATERAL ROWS 4 = SHORT (less than equal to length of spike) 5 = LONG (longer than spike) 6 = HOODED

[3] Awn Surface: 1 = AWNLESS 2 = SMOOTH 3 = SEMISMOOTH 4 = ROUGH

[3] Teeth: 1 = ABSENT 2 = FEW 3 = NUMEROUS

[1] Hair: 1 = ABSENT 2 = PRESENT

[1] Shape of base: 1 = DEPRESSION 2 = SLIGHT CREASE 3 = TRANSVERSE CREASE

[2] Rachilla Hairs: 1 = SHORT 2 = LONG

9. STIGMA:

[2] Hairs: 1 = FEW 2 = MANY

10. SEED:

[2] Type: 1 = NAKED 2 = COVERED

[2] Hairs on Ventral Furrow: 1 = ABSENT 2 = PRESENT

[4] Length: 1 = SHORT (8.0 mm.) 2 = SHORT TO MIDLONG (7.5 - 9.0 mm.) 3 = MIDLONG (8.5 - 9.5 mm.) 4 = MIDLONG TO LONG (9.0 - 10.5 mm.) 5 = LONG (10.0 mm.)

[2] Wrinkling of hull: 1 = NAKED 2 = SLIGHTLY WRINKLED 3 = SEMIWRINKLED 4 = WRINKLED

[1] Aleurone Color: 1 = COLORLESS (White or Yellow) 2 = BLUE

[0 0] PERCENT ABORTIVE

[4 0] GMS. PER 1000 SEEDS

11. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant) 3=MODERATELY SUSCEPTIBLE 4=MODERATELY RESISTANT

[4] SEPTORIA	[2] NET BLOTCH	[2] SPOT BLOTCH	[0] POWDERY MILDEW
[0] LOOSE SMUT	[0] BACTERIAL BLIGHT	[0] COVERED SMUT	[0] FALSE LOOSE SMUT
[0] STEM RUST	[0] LEAF RUST	[4] SCAB	[0] SCALD
[0] AY	[0] BSMV	[0] BYDV	[ ] OTHER (Specify)

12. INSECT: (0 = Not tested, 1 = Susceptible, 2 = Resistant)

[0] GREEN BUG	[0] ENGLISH GRAIN APHID	[0] CHINCH BUG	[0] ARMYWORM
[0] GRASS HOPPERS	[0] CERIAL LEAF BETTLE	[0] OTHER (Specify)	

HESSIAN FLY RACES: [ ] GP [ ] A [ ] B [ ] C [ ] D [ ] E [ ] F [ ] G

13. CHEMICAL (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[ ] DDT [ ] OTHER (Specify)

14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering	ROBUST	Seed size	6B89-2027
Leaf size	ROBUST	Coleoptile elongation	ROBUST
Leaf color	ROBUST	Seedling pigmentation	ROBUST
Leaf carriage	ROBUST		

REFERENCES: The following publications may be used as a reference aid for the standardization of character descriptions and terms used in this form:

1. Wiebe, G. A., and D. A. Reid, 1961, Classification of Barley Varieties Grown in the United States and Canada in 1958, Technical Bulletin No. 1224, U.S. Dept. of Agriculture.
2. Reid, D. A., and G. A. Wiebe, 1968, Barley: Origin, Botany, Culture, Winter Hardiness, Genetics, Utilization, Pests, Agriculture Handbook No. 338, U.S. Dept. of Agriculture. pp. 61 - 84.
3. Malting Barley Improvement Association, Milwaukee, Wisconsin, 1971, Barley Variety Dictionary.

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

EXHIBIT D

9800267

BOTANICAL DESCRIPTION OF ~~6B93-2978~~ 'Legacy'

MAH
7-16-2001

6B93-2978 Is a six-row, mid-season spring barley bred and developed by Busch Agricultural Resources, Incorporated Ft. Collins, Colorado. It has excellent malting quality.

Juvenile growth habit is erect. Plant color at boot is green with an upright flag leaf. Head shape is parallel and lax in density with a nodding head type. Neck is straight with a saucer collar. First rachis segment is long and narrow. Base of the first segment is a margin flange with hairs on the margin. Rachis shape is plain with interglume hairs and long hairs on the margins. Glume length is three-fourths the length of the kernel and glume hair is long and confined to a band. The glume awns are rough and longer than the length of the glume. Lemma awns are semi-smooth and longer than the length of the spike. Lemma teeth are frequent and sharkskin appears in interveinal areas. Lemma hair is absent and the base is a depression, showing a tendency to crease. Seed is covered, mid-long to long, finely wrinkled with wax slightly present. Aleurone is colorless. Palea tips are long. Rachilla length is one-third the length of the kernel with many long hair thicker at the baser. Ventral crease is V-shaped with crease hairs and fence hairs.

6B93-2978 is a Midwestern six-rowed variety well adapted to Minnesota, North Dakota, Idaho and Montana.

9800267

6B93-2978

1997 First Year Midwestern Six-Rowed A.M.B.A. Commercial Scale Candidate

Agronomic Summary

Line or Variety	Yield (% Stander) (5) PRE-95	(5) 95	(5) 96	(4) 97	(19) Avg	(9) Ht CM	(6) Ldg 1-9	(12) Mat 1-5	(11) Test Wt	(7) Net Blotch	(6) Spot Blotch	(17) DON
'Legacy' ~~6B93-2978~~	123	114	107	101	112	83	1.4	4.3	47.6	2.3	1.8	1.0
Robust	100 (72) *	100 (63)	100 (78)	100 (70)	100 (71)	84	2.1	4.3	48.7	3.5	3.0	1.8

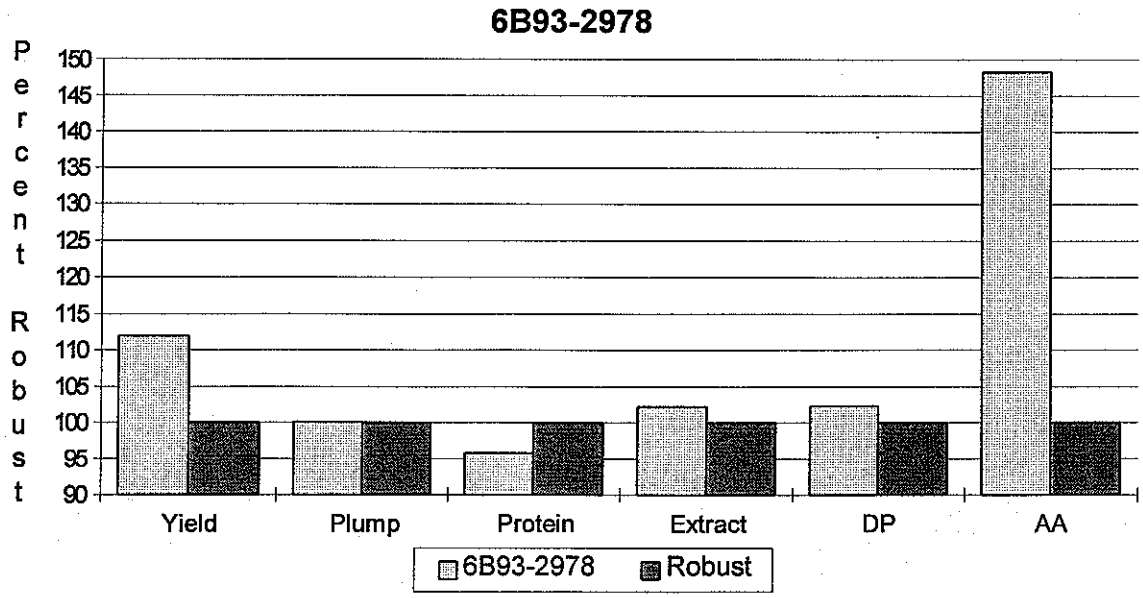
MAK 7-10-01

1993-97 Data, ( ) = Station Years
* Bushel / Acre

Quality Summary

Line or Variety	(13) % Plump	(15) Malt Protein	Extract (15) F. Grind	(12) C. Grind	(15) F-C Diff	(12) Wort Visc	(15) S/T	(15) Sol Protein	(15) DP	(15) AA	Wort (5) Color	(12) Turb
6B93-2978	76.3	13.6	78.4	76.8	1.75	1.48	46.9	6.36	167	70.8	2.2	7.8
Robust	76.2	14.2	78.1	75.2	2.80	1.50	40.9	5.77	163	47.7	1.8	7.6

1995-97 Data, ( ) = Station Years



8

Agronomic and quality abbreviation defined.

Yield = The yield as a percent of B1202
Ht CM = The height of the plant in centimeters
Ldg 1-9 = The percent of lodging, 1= 0%- 10% and 9= 90% - 100% lodging
Mat = Is a rating of maturity. 1= very early and 9 = very late
Test Wt. = Test Weight which measures bushel weight
Scald = The percent of the plant infected with scald.
Net Blotch = the percent of the plant infected with net blotch
% Plump = The percent of plump kernels
Malt Protein = The protein measurement of the malt
F. Grind = The measurement of extract from barley ground to a fine particle size.
C. Grind = The measurement of extract from barley ground to a course particle size.
F-C Diff = The difference between fine and the course grind.
Wort Visc. = The viscosity of the wort.
S/T = The soluble protein divided by the total protein.
Sol Protein = Soluble protein.
DP = Diastatic Power (enzyme measurement).
AA = Alpha Amylase (enzyme measurement).
Color = Measures clarity
Turb = Turbidity or folowability.

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055 EXPIRES: 12-31-96

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)
BUSCH AGRICULTURAL RESOURCES, INC.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER
6B93-2978

3. VARIETY NAME
Legacy
per letter 9/15/99 MAH 2-14-2000

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
3515 EAST COUNTY ROAD 52
FT. COLLINS, CO 80524 USA

5. TELEPHONE *(include area code)*
(970) 221-5622

6. FAX *(include area code)*
(970) 482-5965

7. PVPO NUMBER
9800267

8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block.* If no, please explain. [X] YES [ ] NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? [X] YES [ ] NO
If no, give name of country _____

10. Is the applicant the original breeder? If no, please answer the following: [X] YES [ ] NO

a. If original rights to variety were owned by individual(s):
Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country _____

b. If original rights to variety were owned by a company: [ ] YES [ ] NO
Is the original breeder(s) U.S. based company? If no, give name of country _____

11. Additional explantion on ownership *(If needed, use reverse for extra space):*

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter.

Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791.

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

EXHIBIT E.

98/00267

STATEMENT OF THE BASIS OF APPLICANT'S OWNERSHIP

Busch Agricultural Resources, Incorporated is applicant for protection in this case being:

a.) The incorporated business registered in Delaware for and within regular employees have bred ~~6B93-2978~~.
'Legacy'

MAK
7-10-2001

b.) The proprietary owner and intending commercial seller of 6B93-2978.

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