200600042

No.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, 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 [illegible]ORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE [illegible] PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT [illegible]D BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MUSKMELON

'WSH 39-1046 AN'

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 twenty-second day of January, in the year two thousand and nine.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[illegible]ulture

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 - 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 OWNER: Seminis Vegetable Seeds, Inc.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME:

3. VARIETY NAME: WSH 39-1046 AN

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*: 2700 Camino del Sol, Oxnard, CA 93030-7967

5. TELEPHONE *(include area code)*: (805) 647-1572

6. FAX *(include area code)*: (805) 918-2545

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PVPO NUMBER: 200600042

FILING DATE: Dec. 2, 2005

7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.)*: Corporation

8. IF INCORPORATED, GIVE STATE OF INCORPORATION: CA

9. DATE OF INCORPORATION: June 4, 1962

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. *(First person listed will receive all papers)*

Sharen Chaffin
Seminis Vegetable Seeds, Inc.
37437 State Hwy 16
Woodland CA 95695

Marcel Bruins (marcel.bruins@seminis.com)
Seminis Vegetable Seeds, Inc.
Physical address: Wageningse Afweg 31
NL-6702 PD Wageningen, The Netherlands
(Postal: P.O. Box 97, NL-6700 AB Wageningen The Netherlands)
PH: 31 317 468 428; FAX: 31 317 468 431

FEES RECEIVED

FILING AND EXAMINATION FEES: $ 4382.00 DATE 12/2/05

CERTIFICATION FEE: $ 768.00 DATE 10/21/08

11. TELEPHONE *(Include area code)*: (530) 669-6172

12. FAX *(Include area code)*: (530) 666-4426

13. E-MAIL: sharen.chaffin@seminis.com

14. CROP KIND *(Common Name)*: Muskmelon

16. FAMILY NAME *(Botanical)*: Cucurbitaceae

15. GENUS AND SPECIES NAME OF CROP: Cucumis melo

17. IS THE VARIETY A FIRST GENERATION HYBRID? ☐ YES ☑ NO

18. DOES THE VARIETY CONTAIN ANY TRANSGENES? *(OPTIONAL)*
☐ YES ☑ NO
IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERICALIZATION. _____

19. 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 Variety
- d. ☐ Exhibit D. Additional Description of the Variety *(Optional)*
- e. ☑ Exhibit E. Statement of the Basis of the Owner'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 ($3,652), made payable to "Treasurer of the United States" *(Mail to the Plant Variety Protection Office)*

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
☐ YES *(If "yes", answer items 21 and 22 below)* ☑ NO *(If "no", go to item 23)*

21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?
☐ YES ☐ NO
IF YES, WHICH CLASSES? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☐ NO
IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED
(If additional explanation is necessary, please use the space indicated on the reverse.)

23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?
☑ YES ☐ NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. *(Please use space indicated on reverse.)*

24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT *(PLANT BREEDER'S RIGHT OR PATENT)*?
☐ YES ☑ NO
IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. *(Please use space indicated on reverse.)*

25. The owners declare that a viable sample of basic seed of the variety has been 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 owner(s) is(are) the owner 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.

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

SIGNATURE OF OWNER		SIGNATURE OF OWNER	
Sharen Chaffin			
NAME *(Please print or type)*		NAME *(Please print or type)*	
Sharen Chaffin			
CAPACITY OR TITLE	DATE	CAPACITY OR TITLE	DATE
Specialist	11-30-05		

(See reverse for instructions and information collection burden statement)

ST-470 (04-03) designed by the Plant Variety Protection Office using Word 2002.

INSTRUCTIONS

20060042

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable *(in the sense that it will reproduce an entire plant)* tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for $3,652 ($432 filing fee and $3,220 examination fee), payable to "Treasurer of the United States" *(See Section 97.6 of the Regulations and Rules of Practice.)* Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of $432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office
Telephone: (301) 504-5518
FAX: (301) 504-5291
Homepage: http://www.ams.usda.gov/science/pvpo/pvpindex.htm

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 http://www.ams.usda.gov/lsg/seed.htm.

ITEM

19a. Give:
(1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified

19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety 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 are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, *etc.*

19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.

20. 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 this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. *(See Regulations and Rules of Practice, Section 97.103).*

23. *See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.*

24. *See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.*

22. CONTINUED FROM FRONT *(Please provide a statement as to the limitation and sequence of generations that may be certified.)*

23. CONTINUED FROM FRONT *(Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)*

US: Sale of hybrid in January 2005

24. CONTINUED FROM FRONT *(Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)*

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. *(See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)*

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (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 USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A

Origin and Breeding History of Melon, 'WSH 39-1046 AN'

'WSH 39-1046 AN' is a western shipper inbred line developed at the Seminis Vegetable Seeds Research Station located in Woodland, California, using backcross 1 followed by pedigree selection as the breeding method.

In 1993, an initial cross was made between 'Castella' (an oval cantaloupe variety of Nunhems Zaden) and 'TAMU130' (a Seminis finished breeding line which originated from a cross between 'TAM Uvalde' x 'Durango').

Breeding / Selection / Evaluation Scheme:

c.v. Castella.....x.....TAMU130 Initial cross made in 1993

Spring 1994	F_1 ↓	Backcross made to Castella.
Fall 1994	BC_1 ↓	Mass selection for non-suture, firm flesh, and andromonoecious.
Spring 1995	BC_1S_1 ↓	11 single plant selections made for non-suture, firm flesh, deep orange color, and round fruit.
Fall 1995	BC_1S_2 ↓	3 single plant selections made for non-suture, larger fruit, and resistance to Powdery Mildew race 1 (field resistance observed).
Spring 1996	BC_1S_3 ↓	5 single plant selections made for non-suture and resistance to Powdery Mildew race 1. Line was observed to be fixed for non-suture and no sporalation was observed
Fall 1996	BC_1S_4 ↓	5 single plant selections harvested and bulked as breeder seed and Designated as 'WSH 39-1046AN'.
Spring 1997	WSH 39-1046AN ↓	Breeder seed increase made by mass selection.
Spring 1999	WSH 39-1046AN ↓	Breeder seed was transferred to the Foundation Seed Department in Woodland, Ca.
1999 – 2004	WSH 39-1046AN	Continued multiplication and seed increases by Foundation Seed. The line was included in annual field trials for evaluation and it was found to be uniform and stable.

Selection criteria in the development of WSH 39-1046AN included characteristics for non-suture, firm flesh, deep orange color, rounded fruit, and excellent netting.

Observations made during 5 generations of multiplication, seed increases and purity grow outs (1999 to 2004) confirm that 'WSH 39-1046 AN' is uniform and stable within commercially acceptable limits. As is true with other melon varieties, a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. However, we have seen neither genetic variants nor off-types in the more than 15,000 plants that have been observed during this time, nor are any expected to occur in the future.

EXHIBIT B

Statement of Distinctness for Melon, 'WSH 39-1046 AN'

'WSH 39-1046 AN' is a western shipper melon with consistent netting and deep orange colored fruit. To our knowledge, the variety most similar to 'WSH 39-1046 AN' is 'Top Mark' (Dessert Seed Co.). The comparative characteristics that best distinguish the two include, but may not be limited to, resistance to Fusarium Wilt (*Fusarium oxysporum* f. sp. *melonis)* Race 2 and Powdery Mildew (*Sphaerotheca fuliginea)* Race 1. 'WSH 39-1046 AN' carries the FOM-1 gene which makes it resistant to Fusarium Wilt Race 2 and also the Pm-1 gene which makes it resistant to Powdery Mildew Race 1, whereas 'Top Mark' does not carry either of these genes and is thus susceptible to both diseases.

FORM APPROVED: OMB NO. 40-R3822

EXHIBIT C
(Muskmelon)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
[redacted]
BELTSVILLE, MARYLAND 20705

OBJECTIVE DESCRIPTION OF VARIETY

Muskmelon (Cucumis melo L.)

NAME OF APPLICANT(S): Seminis Vegetable Seeds, Inc

VARIETY NAME OR TEMPORARY DESIGNATION: WSH 39-1046AN

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code): 2700 Camino del Sol, Oxnard CA 93030-7967

FOR OFFICIAL USE ONLY

PVPO NUMBER: 200600042

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

1. TYPE:

[6] 1 = PERSIAN 2 = HONEY DEW 3 = CASABA 4 = CRENSHAW 5 = COMMON OR SUMMER
6 = OTHER Western Shipper

2. AREA OF BEST ADAPTATION IN U.S.A.

[3] 1 = SOUTHEAST 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST 4 = MOST AREAS

3. MATURITY (FROM SEEDING TO HARVEST):

[9][5] DAYS
[5] NO. DAYS EARLIER THAN . . . . . [4] 1 = FORDHOOK GEM (EARLY) 2 = DELICIOUS 51 (MIDSEASON) 3 = HONEY DEW (LATE) 4 = OTHER (Specify) Top Mark
[7] NO. DAYS LATER THAN . . . . . [ ]

4. PLANT:

[1] 1 = ANDROMONOECIOUS 2 = MONOECIOUS 3 = GYNOECIOUS 4 = OTHER _____
[1] 1 = VINE 2 = SEMI-BUSH 3 = BUSH

5. LEAF (MATURE BLADE OF THIRD LEAF)

Note: None of these really fit but #1 is the closest match (5)

[1] SHAPE: 1 = ORBICULAR 2 = OVATE 3 = RENIFORM
[3] 1 = NOT LOBED 2 = SHALLOWLY LOBED 3 = DEEPLY LOBED
[3] 1 = LIGHT GREEN (HONEY DEW) 2 = MEDIUM GREEN 3 = DK. GREEN (RIO GOLD)
[1][3][0] mm LENGTH [1][0][0] mm WIDTH
[1] SURFACE: 1 = PUBESCENT 2 = GLABROUS 3 = SCABROUS

6. FRUIT (AT EDIBLE MATURITY):

[1][4] cm LENGTH [1][3] cm DIAMETER [1][1][4][4] gm WEIGHT
[2] SHAPE: 1 = OBLATE 2 = OVAL 3 = ROUND 4 = ELONGATE-CYLINDRICAL 5 = SPINDLE 6 = ACORN
[2] SURFACE: 1 = SMOOTH 2 = NETTED 3 = CORRUGATED 4 = WARTED
[2] BLOSSOM SCAR: 1 = OBSCURE 2 = CONSPICOUS
[1] RIBS: 1 = ABSENT 2 = PRESENT
NA [0][0] NO. RIBS PER FRUIT [ ][ ][ ] mm RIB WIDTH AT MEDIAL [2] RIBS: 1 = SMOOTH 2 = NETTED

SUTURES:

NA [ ] 1 = SHALLOW (GOLDEN DELIGHT) 2 = MEDIUM 3 = DEEP (HACKENSACK)
[2] 1 = SMOOTH 2 = NETTED
[3] SHIPPING QUALITY: 1 = POOR (HOME GARDEN) 2 = FAIR (SHORT DISTANCE SHIPPING) 3 = EXCELLENT (LONG DISTANCE SHIPPING)

[1] FRUIT ABSCISE: 1 = WHEN RIPE 2 = WHEN OVERRIPE 3 = DO NOT ABSCISS

8/26/08 SMS

7. RIND NET:

3	1 = ABSENT 2 = SPARSE 3 = ABUNDANT
2	DISTRIBUTION: 1 = SPOTTY 2 = COVERS ENTIRE FRUIT
2	COARSENESS: 1 = FINE 2 = MEDIUM COARSE 3 = VERY COARSE
2	INTERLACING: 1 = NONE 2 = SOME 3 = COMPLETE
2	INTERSTICES: 1 = SHALLOW 2 = MEDIUM DEEP 3 = DEEP

8. RIND TEXTURE:

2 1 = SOFT 2 = FIRM 3 = HARD

4 mm THICKNESS AT MEDIAL

9. RIND COLOR (AT EDIBLE MATURITY):

COLORS: (SELECT TWO WHEN NECESSARY, i.e., CREAMY YELLOW 0204)

01 = WHITE 02 = CREAM 03 = BUFF 04 = YELLOW 05 = GOLD 06 = GREEN 07 = ORANGE 08 = BRONZE
09 = BROWN 10 = GRAY 11 = BLACK 12 = OTHER *(Specify)* _____

06	PRIMARY COLOR
02	NET COLOR
	MOTTLING COLOR
	FURROW (SUTURE) COLOR

RIND COLOR (AT FULL MATURITY)

04	PRIMARY COLOR
02	NET COLOR
	MOTTLING COLOR
	FURROW (SUTURE) COLOR

10. FLESH (AT EDIBLE MATURITY):

COLORS: (SELECT TWO WHEN NECESSARY, i.e., CREAMY YELLOW 23)

1 = WHITE 2 = CREAM 3 = YELLOW 4 = GREEN 5 = ORANGE 6 = SALMON 7 = PINK
8 = OTHER *(Specify)* _____

5 COLOR NEAR CAVITY

5 COLOR IN CENTER

5 COLOR NEAR RIND

11 REFRACTOMETER % SOLUABLE SOLIDS (CENTER OF FLESH)

9 % SOLUABLE SOLIDS FOR CHECK VARIETY *(Specify variety* Top Mark *)*

2 AROMA: 1 = ABSENT 2 = FAINT 3 = STRONG

1 FLAVOR: 1 = MILD 2 = SOMEWHAT SPICY 3 = VERY SPICY

11. SEED CAVITY:

51 mm LENGTH

50 mm WIDTH

1 SHAPE IN X-SECTION: 1 = CIRCULAR 2 = TRIANGULAR

12. SEEDS:

336 NO. PER FRUIT

35 gm PER 1,000

13. DISEASE RESISTANCE * (0 = UNTESTED, 1 = SUSCEPTIBLE, 2 = RESISTANT)

	BACTERIAL WILT		MELON RUST
2	POWDERY MILDEW	2	SULPHUR BURN		SCAB
	WATERMELON MOSAIC	2	FUSARIUM WILT		ROOT KNOT (NEMATODE)
	ANTHRACNOSE		SQUASH MOSAIC		OTHER _____
	ROOT ROT		OTHER _____		OTHER _____
	VERTICILLUM WILT		
	DOWNY MILDEW		
	CUCUMBER MOSAIC		

* STATE GENUS, SPECIES, AND RACES WHEN KNOW, UNDER ITEM 16.

14. INSECT RESISTANCE: (0 = UNTESTED, 1 = SUSCEPTIBLE, 2 = RESISTANT)

☐ APHID	☐ PICKLE WORM	☐ DARKLING GROUND-BEETLE	☐ BANDED CUCUMBER BEETLE
☐ MITE	☐ WESTERN SPOTTED CUCUMBER BEETLE	☐ MELON LEAFHOPPER	☐ OTHER *(Specify)*
☐ MELON WORM	☐ WESTERN STRIPED CUCUMBER BEETLE	☐ MELON LEAFMINER	_____

15. NAME A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED FOR THE FOLLOWING CHARACTERISTICS: Top Mark

CHARACTER	VARIETY	CHARACTER	VARIETY
DAYS MATURITY	Top Mark	FRUIT SHAPE	Top Mark
PLANT VIGOR	"	RIND COLOR	"
PLANT HABIT	"	FLESH AROMA	"
FRUIT NETTING	"	FLESH FLAVOR	"
FRUIT SIZE	"	FLESH COLOR	"

16. ADDITIONAL INFORMATION AND COMMENTS:

JMS 8/26/08

The surface of 'WSH 39-1046 AN' is fully netted. There are **no** sutures or ribs evident before or after net formation.

This line (and hybrids made from this line) have EXCELLENT (long distance) shipping quality and can easily be shipped from Central America to the United States.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

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

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
Seminis Vegetable Seeds, Inc.		WSH 39-1046 AN
4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP, and Country)*	5. TELEPHONE *(Include area code)*	6. FAX *(Include area code)*
2700 Camino del Sol Oxnard, CA 93030-7967	(805) 647-1572	(805) 918-2545
	7. PVPO NUMBER	200600042

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

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? **If no, give name of country.** ☑ YES ☐ NO

10. Is the applicant the original owner? ☑ YES ☐ NO **If no, please answer one of the following:**

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?
☐ YES ☐ NO **If no, give name of country**

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?
☐ YES ☐ NO **If no, give name of country**

11. Additional explanation on ownership *(Trace ownership from original breeder to current owner. Use the reverse for extra space if needed)*:

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) named below. Unless otherwise stated, all rights to the varieties developed by Seminis Vegetable Seeds, Inc. are assigned to the Company by agreement or by operation of law. No rights to such invention, discovery or development are retained by the employee(s).

Employee (Breeder): Paul Chung

Site Location: Woodland, California

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet 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 owner, both the original owner and the applicant must meet one of the above criteria.

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

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provide and employer.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S)	ADDRESS *(Street and No. or RD No., City, State, and Zip Code and Country)*	TEMPORARY OR EXPERIMENTAL DESIGNATION
Seminis Vegetable Seeds, Inc.	2700 Camino del Sol Oxnard, CA 93030	WHS 39-1046 AN
		VARIETY NAME WHS 39-1046 AN
NAME OF OWNER REPRESENTATIVE (S)	**ADDRESS** *(Street and No. or RD No., City, State, and Zip Code and Country)*	FOR OFFICIAL USE ONLY
Carol L. Miller	37437 State Highway 16 Woodland, Ca 95695	**PVPO NUMBER** 200600042

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Carol L Miller
Signature

25 Aug 08
Date

10