200700431

No.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

University of Saskatchewan

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 [illegible]GHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR [illegible]RTING 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] BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'CDC Buteo'

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-fifth day of February, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[illegible] 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 - 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: University of Saskatchewan

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME: S96-33

3. VARIETY NAME: CDC Buteo

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
Crop Development Centre
51 Campus Drive
Saskatoon, SK S7N 5A8 Canada

5. TELEPHONE *(include area code)*: (306)966-5855

6. FAX *(include area code)*: (306) 966-5015

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PVPO NUMBER: 200760431
FILING DATE: August 31, 2007

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

8. IF INCORPORATED, GIVE STATE OF INCORPORATION:

9. DATE OF INCORPORATION:

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. *(First person listed will receive all papers)*
Craig R. Cook
Dale R. Clark
WestBred, LLC
81 Timberline Drive
Bozeman, MT. 59718

FEES RECEIVED
FILING AND EXAMINATION FEES: $ 4382.00 DATE 8/31/2007
CERTIFICATION FEE: $ 768.00 DATE 1/25/08

11. TELEPHONE (Include area code): (406)587-1218

12. FAX (Include area code): (406)586-8247

13. E-MAIL: ccook@westbred.com

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

16. FAMILY NAME *(Botanical)*: Poaceae (alt. Graminae)

15. GENUS AND SPECIES NAME OF CROP: Triticum aestivum

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. ☑ Exhibit F. Declaration Regarding Deposit
- g. ☑ Voucher Sample *(3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)*
- h. ☑ Filing and Examination Fee ($4,382), 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 ONLY 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)*
☐ UNDECIDED

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	
Craig R. Cook for WestBred LLC		Dale R. Clark for WestBred, LLC	
NAME *(Please print or type)*		NAME *(Please print or type)*	
Craig R. Cook		Dale R. Clark	
CAPACITY OR TITLE	DATE	CAPACITY OR TITLE	DATE
Wheat Breeder	12/17/07	Director of Research	12/17/07

ST-470 (02-06) designed by the Plant Variety Protection Office using Word 2003.

200700431

(See reverse for instructions and information collection burden statement)

GENERAL INSTRUCTIONS: 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, F; (3) for a tuber reproduced variety, 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; and (4) payment by credit card or check drawn on a U.S. bank for $4,382 ($518 filing fee and $3,864 examination fee), payable to "Treasurer of the United States" *(See Section 97.6 of the Regulations and Rules of Practice)*. **NEW:** With the application for a seed reproduced variety **or by direct deposit soon after filing**, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to **reproduce** the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. 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 payment by credit card or check payable to "Treasurer of the United States" in the amount of $768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

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.)*

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVPOmail@usda.gov
Homepage: http://www.ams.usda.gov/science/pvpo/PVPindex.htm

SPECIFIC INSTRUCTIONS:
To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. 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 replicated 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.)*

Canada 2004 USA Sept. 10, 2006

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).)*

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, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (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).

#200700431

CDC Buteo

(Hard Red Winter Wheat)

19. a. Exhibit A. Origin and Breeding History

CDC Buteo is a hard red winter wheat selected from the progeny of the cross Norstar*2Vona//Abilene made in 1988 by Dr. Brian Fowler Crop Development Center, University of Saskatchewan. The F1 and F2 were produced in a greenhouse.. F2-derived F3 single plant selections were made in the Fall of 1990. These selections were grown as head rows in an artificially inoculated rust nursery under irrigation in Saskatoon in 1990-91, where the rows were evaluated for winter hardiness, height, straw strength, and disease reaction,. F3-derived F4 lines were selected and grown as head rows in the field near, Saskatoon in 1991-92. Again, winter hardiness, height, straw strength, disease reaction (in an artificially inoculated rust nursery), and seed kernel type were evaluated. This process was repeated in 1992-93. F4-derived F5 head rows were selected for further evaluation in an artificially inoculated rust nursery in Saskatoon in 1993-94. Heads were selected from resistant rows and the F5-derived, F6 heads were again planted for evaluation in an artificially inoculated rust nursery in Saskatoon in 1994-95. Single rows, one of which was later designated S96-33, were selected in the 1994-95 disease nursery. The agronomic performance, wheat quality and disease reactions of S96-33, were evaluated in trials grown in Saskatchewan in 1995-96 and 1996-97, 1998-99, and 1999-2000. Based on two years testing by the Canadian Coop, Wheat Quality Sub-committee, CDC Buteo has significantly higher test weight, kernel weight than the checks (Table 1) And, wheat quality characteristics of CDC Buteo are excellent. CDC Buteo has moderate resistance to the current races of leaf and stem rust (Table 2). Agronomic and yield data are presented in Tables 3 and 4, respectively.

50 Heads were selected from the F8 generation at harvest of 1998 and planted as single rows in the fall of 1998. Five rows were selected at harvest of 1999, and seed of each row was planted in the fall of 1999 in long plots. One long plot was selected at harvest in 2000, and this seed was used to plant approximately one-half acre in the fall of 2000 to produce Breeders Seed. The Breeders seed was planted in the fall of 2001, and

Foundation seed was harvested in August of 2002. Foundations seed was planted in the fall of 2002 and Registered seed was harvested in August, 2003. Registered seed was planted in the fall of 2003, with Certified seed being harvested in August of 2004. Certified seed was first sold to growers in Canada in the fall of 2004.

The University of Saskatchewan granted WestBred, LLC the rights to apply for PVP in the USA, see attached.
Registered seed of CDC Buteo was first sent to WestBred associates in September of 2005 to produce Certified seed. Certified seed was harvested in August of 2006, and the first unencumbered, certified seed sale of CDC Buteo in the United States was September 10th, 2006.

A variant that is similar to CDC Buteo, but is 4 to 8 inches taller, occurs at a frequency of up to .10% (10 per 10,000 plants). Also, a white seed variant may occur at a frequency of up to 0.6% (60/10,000 seed). Otherwise, CDC Buteo is a stable and uniform variety in appearance and performance across several generations (F4 to F11) and growing conditions.

Table 1. Grain Quality of CDC Buteo compared to CDC Clair and CDC Osprey. Data from the Quality Evaluation Team report on the 1997-2000 Central Hard RedWinter Wheat Cooperative Test

Character	CDC Clair	CDC Osprey	CDC Buteo
Test Wt.	81.9	82.4	84.7
Kernal Wt	33.0	32	34.8
Wheat Protein	11.1	11.4	11.7
Flour Protein	10.2	10.6	10.7
Protein Loss	0.9	0.8	1
Falling #	402.0	393	407
Amyl BU	827.0	807	778
Flour Yield	74.2	75.9	75.6
Flour Ash	0.4	0.369	0.38
PSI	59.0	61	57.3
Loaf Volume	772.0	805	860
Absorption	60.0	58	59
Minutes	4.0	4.3	3.9
Far. Absorption	58.1	56.3	59.4
Far. DDT	5.3	6.73	5.7
Far. MTI	43.0	30	42
Far. Stability	9.3	10.52	8.39

CDC Buteo

#200700431

Table 2. Disease reactions of CDC Buteo compared to CDC Kestrel, CDC Clair, CDC Osprey, CDC Harrier, CDC Falcon and CDC Raptor. Data from artificial rust infections at the University of Saskatchewan, Saskatoon (a and b) and Plant Science Dept. University of Manitoba(W) using epidemic mixtures supplied by Agriculture and Agri-Food Canada in Winnipeg.

a) Stem Rust	CDC Kestel	CDC Clair	CDC Osprey	CDC Harrier	CDC Falcon	CDC Raptor	CDC Buteo
1998a	40 MS	60 M	60 MS	40 MR	10 MR	5 M	20 MR
1998b	20 MS	65 S	65 S	5 MR	0 R	0 R	15 MS
1998W	10 MS	20 MS-S	50 S	20 R-MR	10 MR-MS	5 R	30 MS
1999a	40 MS	60 MS	40 MS	20 MR	10 R-MR	5 R	10 M
1999b	5 MS	80 S	70 S	5 R-MR	10 MR	10 R-MR	10 MR
1999W	30 MS-40 S	40 S	50 S	30 MR-MS	10 MR	10 MR	40 MR-S
2000a	40 MS	60 MS	40 MS	10 MR	10 M	10 MR	40 MS
2000b	30 MS-40 S	35 MS-S	60 S	R	R	R	10 MR-MS
2000W	10 MS-S	70 S	70 S	5MS	10 MS	5 MR	10 MR-MS
b) Leaf Rust							
1998a	20 MS	20 M	20 MS	40 MS	TR	TR	10 MR
1998b	40 MS	40 S	40 S	20 MS	5 MR	10 MR	5 MR
1998W	35 MS-S	55 S	60 S	60 S	40 S	10 MR	10 MR-MS
1999a	20 MS	20 M	40 MS	40 M	10 MR	10 MR	20 M
1999b	R	50 S	65 S	15 MS	5 MR	10 MR	10 MR-MS
1999W	60 MS-S	35 MS-S	75 S	40 MS	5 MR	5 MR	5 MR-MS
2000W	5 MS	5-10 MS-S	15-20 S	5 MS	TR R-MR	TR R-MR	Tr R-MR

Table 3. Agronomic Performance of CDC Buteo compared to CDC Kestrel, CDC Clair, CDC Osprey, CDC Harrier, CDC Falcon, and CDC Raptor. Data from the Central Hard Red Winter Wheat Cooperative tests. (1997-2000).

	Variety							
Character	Kestrel	Clair	Osprey	Harrier	Falcon	Raptor	CDC Buteo	No.of Tests
Winter Survival	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0
Heading Date (DOY)	171	172	171	173	170	172	171	22
Maturity (DOY)	213	213	212	214	210	214	213	20
Plant Ht. cm	94	90	91	95	75	82	88	31
Lodging (0-9)	2.3	2.4	1.8	1.7	0.7	0.9	2.5	11
Protein (%)	10.8	11.8	11.8	11	12.4	12.1	12.2	21

Table 4. Grain yield in t/ha (% of CDC Clair) of CDC Buteo compared tp CDC Kestrel, CDC Clair, CDC Osprey, CDC Harrier, CDC Falcon, CDC Raptor. Data from the Central Hard Red Winter Wheat Cooperative tests. (1997-2000)

	Alberta		Saskatchewan		Southeast		
Variety	Southern	Central	Brown Soils	Parkland	Irrigation	Manitoba	Mean
CDC Kestrel	4.74 (102)	7.26 (97	3.45 (98)	3.97 (97)	5.44 (101)	6.07 (101)	4.7 (99)
CDC Clair	4.67 (100)	7.5 (100)	3.52 (100)	4.07 (100)	5.37 (100)	6.02 (100)	4.77 (100)
CDC Osprey	4.53 (97)	7.25 (97)	3.49 (99)	4.01 (98)	4.87 (91)	5.73 (95)	4.61 (97)
CDC Harrier	4.98 (107)	7.11 (95)	3.57 (102)	3.84 (94)	5.88 (109)	6.36 (106)	4.77 (100)
CDC Falcon	4.74 (102)	7.54 (101)	3.45 (98)	3.49 (86)	6.79 (126)	6.3 (105)	4.76 (100)
CDC Raptor	4.65 (100)	7.53 (100)	3.51 (100)	3.88 (95)	6.29 (117)	5.91 (98)	4.79 (101)
CDC Buteo	4.47 (96)	7.15 (95)	3.34 (95	3.75 (92)	6.4 (119)	5.87 (98)	4.64 (97)

19. b. Exhibit B. Statement of Distinctness

CDC Buteo is most similar to the variety CDC Falcon. However, CDC Buteo seed is elliptical while CDC Falcon is ovate. Also, the glume shoulders of CDC Buteo are square where the glume shoulders of CDC Falcon are wanting. These differences, along with the complete Exhibit C, Objective Description of Variety, show CDC Buteo to be a novel and distinct variety of wheat.

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

Form Approved OMB NO 0581-0055

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 2.5 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, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (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 to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Exhibit C

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

OBJECTIVE DESCRIPTION OF VARIETY
Wheat (*Triticum* spp.)

NAME OF APPLICANT (S)	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME
WestBred, LLC	S96-33	CDC Buteo

ADDRESS (Street and No. or RD No., City, State, Zip Code and Country)
81 Timberline Drive
Bozeman, Montana 59718
USA

FOR OFFICIAL USE ONLY

PVPO NUMBER
#200700431

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., [0][9][9] or [0][9]) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____. Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

[1]
1 = Common
2 = Durum
3 = Club
4 = Other (Specify) _____

2. VERNALIZATION:

[2]
1 = Spring
2 = Winter
3 = Other (Specify) _____

3. COLEOPTILE ANTHOCYANIN:

[1] 1 = Absent 2 = Present

4. JUVENILE PLANT GROWTH:

[1] 1 = Prostrate 2 = Semi-Erect 3 = Erect

5. PLANT COLOR: (boot stage)

[2]
1 = Yellow-Green
2 = Green
3 = Blue-Green

6. FLAG LEAF: (boot stage)

[1] 1 = Erect 2 = Recurved
[2] 1 = Not Twisted 2 = Twisted
[2] 1 = Wax Absent 2 = Wax Present

7. EAR EMERGENCE:

[1][5][5] Number of Days (Average)
[0][1] Number of Days Earlier Than * Pryor
Same As * Big Sky
[0][5] Number of Days Later Than * Above

*Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

8. ANTHER COLOR:

[1] 1 = Yellow 2 = Purple

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9. PLANT HEIGHT: (from soil to top of head, excluding awns)

085 cm (Average)

12 cm Taller Than Ledger *

Same As Golden Spike *

02 cm Shorter Than Big Sky *

10. STEM:

A. ANTHOCYANIN

2 1 = Absent 2 = Present

B. WAXY BLOOM

2 1 = Absent 2 = Present

C. HAIRINESS (last internode of rachis)

2 1 = Absent 2 = Present

D. INTERNODE

1 1 = Hollow 2 = Semi-Solid 3 = Solid

cer 4 ~~3~~ Number of Nodes

E. PEDUNCLE

1 1 = Erect 2 = Recurved 3 = Semi-Erect

38 cm Length

F. AURICLE

1 Anthocyanin: 1 = Absent 2 = Present

2 Hair: 1 = Absent 2 = Present

11. HEAD: (At Maturity)

A. DENSITY

2
1 = Lax
2 = Middense (Laxidense)
3 = Dense

B. SHAPE

1
1 = Tapering
2 = Strap
3 = Clavate
4 = Other (Specify) _____

C. CURVATURE

2
1 = Erect
2 = Inclined
3 = Recurved

D. AWNEDNESS

4
1 = Awnless
2 = Apically Awnletted
3 = Awnletted
4 = Awned

12. GLUMES: (At Maturity)

A. COLOR

1
1 = White
2 = Tan
3 = Other (Specify) _____

B. SHOULDER

4
1 = Wanting 2 = Oblique
3 = Rounded 4 = Square
5 = Elevated 6 = Apiculate
7 = Other (Specify) _____

C. SHOULDER WIDTH

1
1 = Narrow
2 = Medium
3 = Wide

D. BEAK

3
1 = Obtuse
2 = Acute
3 = Acuminate

E. BEAK WIDTH

2
1 = Narrow
2 = Medium
3 = Wide

F. GLUME LENGTH

3
1 = Short (ca. 7 mm)
2 = Medium (ca. 8 mm)
3 = Long (ca. 9 mm)

G. WIDTH

2
1 = Narrow (ca. 3 mm)
2 = Medium (ca. 3.5 mm)
3 = Wide (ca. 4 mm)

H. PUBESCENCE

1
1 = Not Present
2 = Present

13. SEED:

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A. SHAPE

[3] 1 = Ovate
2 = Oval
3 = Elliptical

B. CHEEK

[1] 1 = Rounded
2 = Angular

C. BRUSH

[2] 1 = Short
2 = Medium
3 = Long

[1] 1 = Not Collared
2 = Collared

D. CREASE

[2] 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel

[1] 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

E. COLOR

[3] 1 = White
2 = Amber
3 = Red
4 = Other (Specify) _____

F. TEXTURE

[1] 1 = Hard
2 = Soft
3 = Other (Specify) _____

G. PHENOL REACTION (See Instructions)

[4] 1 = Ivory
2 = Fawn
3 = Light Brown
4 = Dark Brown
5 = Black

H. SEED WEIGHT

[3|4] g/1000 Seed (whole number only)

I. GERM SIZE

[2] 1 = Small
2 = Midsize
3 = Large

14. DISEASE: PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

(0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

[3] Stem Rust (*Puccinia graminis* f. sp. *tritici*)
[0] Stripe Rust (*Puccinia striiformis*)
[0] Tan Spot (*Pyrenophora tritici-repentis*)
[0] Halo Spot (*Selenophoma donacis*)
[0] *Septoria nodorum* (Glume Blotch)
[0] *Septoria avenae* (Speckled Leaf Disease)
[0] *Septoria tritici* (Speckled Leaf Blotch)
[0] Scab (*Fusarium* spp.)
[0] "Black Point" (Kernel Smudge)
[0] Barley Yellow Dwarf Virus (BYDV)
[0] Soilborne Mosaic Virus (SBMV)
[0] Wheat Yellow (Spindle Streak) Mosaic Virus
[0] Wheat Streak Mosaic Virus (WSMV)
[0] Other (Specify) _____
[0] Other (Specify) _____
[ ] Other (Specify) _____

[3] Leaf Rust (*Puccinia recondita* f. sp. *tritici*)
[0] Loose Smut (*Ustilago tritici*)
[0] Flag Smut (*Urocystis agropyri*)
[0] Common Bunt (*Tilletia tritici* or T. *laevis*)
[0] Dwarf Bunt (*Tilletia controversa*)
[0] Karnal Bunt (*Tilletia indica*)
[0] Powdery Mildew (*Erysiphe graminis* f. sp. *tritici*)
[0] "Snow Molds"
[0] Common Root Rot (*Fusarium*, *Cochliobolus* and *Bipolaris* spp.)
[0] Rhizoctonia Root Rot (*Rhizoctonia solani*)
[0] Black Chaff (*Xanthomonas campestris* pv. *translucens*).
[0] Bacterial Leaf Blight (*Pseudomonas syringae* pv. *syringae*)
[ ] Other (Specify) _____
[ ] Other (Specify) _____
[ ] Other (Specify) _____
[ ] Other (Specify) _____

15. INSECT: (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

[0] Hessian Fly (*Mayetiola destructor*)
[1] Stem Sawfly (*Cephus* spp.)
[0] Cereal Leaf Beetle (*Oulema melanopa*)
[ ] Other (Specify) _____
[ ] Other (Specify) _____
[ ] Other (Specify) _____

15. INSECT: (continued) (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (Where Needed)

- [0] Russian Aphid (*Diuraphis noxia*)
- [0] Greenbug (*Schizaphis graminum*)
- [0] Aphids
- [ ] Other (Specify) _____
- [ ] Other (Specify) _____
- [ ] Other (Specify) _____

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

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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
University of Saskatchewan	S96-33	CDC Buteo
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)*
51 Campus Drive Saskatoon, SK S7N 5A8	(306) 966-5855	(306) 966-5015
	7. PVPO NUMBER 200760431	

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

Canada

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**
Canada

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**
Canada

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

See Attached Document

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.

#200700431

UNIVERSITY OF SASKATCHEWAN

College of Agriculture
and Bioresources

Crop Development Centre

51 Campus Drive
Saskatoon, SK S7N 5A8 Canada
Telephone: (306) 966-5855
Facsimile: (306) 966-5015

April 13, 2007

Craig Cook
Winter Wheat Breeder
WestBred, LLC
81 Timberline Drive
Bozeman, MT. 59718

Dear Dr. Cook:

By means of this letter I hereby grant Westbred permission to apply for Plant Variety Protection on the variety CDC Buteo on behalf of the University of Saskatchewan. CDC Buteo is a product of the University of Saskatchewan's winter wheat breeding program.

Yours truly,

Dorothy Murrell
Managing Director

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is a equal opportunity provider and employer.

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
University of Saskatchewan	51 Campus Drive Saskatoon, SK S7N 5A8 Canada	S96-33
		VARIETY NAME CDC Buteo
NAME OF OWNER REPRESENTATIVE (S) WestBred, LLC Craig R. Cook	**ADDRESS** *(Street and No. or RD No., City, State, and Zip Code and Country)* 81 Timberline Drive Bozeman, Mt. 59718	**FOR OFFICIAL USE ONLY** **PVPO NUMBER** 200700431

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.

Craig R. Cook
Signature

12/18/07
Date