

No.

9400074



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Seminis Vegetable Seeds, Inc.

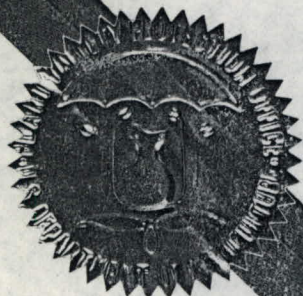
Whereas, THERE HAS BEEN PRESENTED TO THE  
**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED 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 EIGHTEEN 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, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Tacoma'



*In Testimony Whereof, I have herunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this thirtieth day of June in the year of our Lord one thousand, nine hundred and ninety-seven.*

Attest:

*Martha A. Stanton*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*J. Schickel*  
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 SCIENCE DIVISION

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
 (INSTRUCTIONS ON REVERSE)

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) *RWS 4-22-97* ~~ASGROW SEED COMPANY~~ *Seminis Vegetable Seeds, Inc.* XPF 266

3. VARIETY NAME *Tacoma* *RWS 7-24-96*

4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP)  
 7000 Portage Road  
 Kalamazoo, MI 49001

5. PHONE (include area code)  
 (616) 323-4000

FOR OFFICIAL USE ONLY  
 PVPO NUMBER  
 9400074

6. GENUS AND SPECIES NAME  
 Pisum sativum

7. FAMILY NAME (Botanical)  
 Leguminosae

F I L I N G  
 Date  
 January 31, 1994  
 Time  
 A.M.  P.M.

8. CROP KIND NAME (Common Name)  
 Garden Pea

9. DATE OF DETERMINATION  
 July 1988

F E E S  
 Filing and Examination Fee:  
 \$ 2,325.00  
 Date  
 January 31, 1994

10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)  
 Corporation

C E R T I F I C A T E  
 Certificate Fee:  
 \$ 300.00

11. IF INCORPORATED, GIVE STATE OF INCORPORATION  
 Delaware

12. DATE OF INCORPORATION  
 March 22, 1968

D  
 Date  
 05/19/99

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS  
*RWS 4-22-97*  
*RWS 10-8-96*  
 Kathy L. Ward *Seminis Vegetable Seeds, Inc.* (616) 384-2353  
~~9652-190-22~~ *Asgrow Seed Company* ~~916 666 0931~~  
 7000 Portage Road *37437 County Rd. 16*  
 Kalamazoo, MI 49001 *Woodland CA 95695*

PHONE (include area code):

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)

- a.  Exhibit A, Origin and Breeding History of the Variety
- b.  Exhibit B, Novelty Statement
- c.  Exhibit C, Objective Description of Variety
- d.  Exhibit D, Additional Description of Variety
- e.  Exhibit E, Statement of the Basis of Applicant's Ownership
- f.  Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office 1/28/94
- g.  Filing and Examination Fee (\$2,325) made payable to "Treasurer of the United States"

15. 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) of the Plant Variety Protection Act)  YES (If "YES," answer items 16 and 17 below)  NO (If "NO," skip to item 18 below)

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?  
 YES  NO

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?  
 FOUNDATION  REGISTERED  CERTIFIED

18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?  
 YES (If "YES," through  Plant Variety Protection Act  Patent Act. Give date: \_\_\_\_\_).  
 NO

19. HAS 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) U.S.A. 12/93  
 NO

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request 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 Protection Act.

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

SIGNATURE OF APPLICANT [Owner(s)] <i>Kathy L. Ward</i>	CAPACITY OR TITLE Vegetable Research Administration Manager	DATE <i>1-21-94</i>
---	--	------------------------

SIGNATURE OF APPLICANT [Owner(s)]	CAPACITY OR TITLE	DATE
-----------------------------------	-------------------	------



## INSTRUCTIONS

**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) at least 2,500 viable untreated seeds; (4) check, drawn on a U.S. bank, payable to "Treasurer of the United States" in the amount of \$2,325 (\$275 filing fee and \$2,050 examination fee). (See section 180.175 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for 30 days, then returned to the applicant as unfiled. Mail application and other requirements to: Plant Variety Protection Office, AMS, USDA, Rm. 500, NAL Building, 10301 Baltimore Blvd., 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 \$275 for issuance of the Certificate.

**Plant Variety Protection Office**  
**Telephone: 301/504-5518**

### ITEM

9. Give the date when there has been at least a tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined. [See section 41(d) of the Plant Variety Protection Act (Act).]
- 14a. 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) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability. (See sections 41 and 52 of the Act.)
- 14b. 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 are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons which clearly indicate novelty.
- 14c. Exhibit C forms are available from the PVPO; specify crop kind. Fill in the Exhibit C (Objective Description of Variety form) to describe your variety.
- 14d. 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.
- 14e. Section 52(4) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. The applicant may be the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.
15. 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 either 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 section 180.16 of the Regulations and Rules of Practice.)
19. See sections 41 (i,j) and 42 of the Act and section 180.7 of the Regulations and Rules of Practice for eligibility requirements.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any change of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is \$25. [See section 101 of the Act, and sections 180.130, 180.131, 180.132, and 180.175(h) of the Regulations and Rules of Practice.]

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Rm. 213, Building 306, Beltsville Agricultural Research Center -- East, Beltsville, MD 20705. Telephone: 301/504-8089.

Public reporting burden for this collection of information is estimated to average 30 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, Room 404-W Administration Building, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, regarding OMB 0581-0055.



## EXHIBIT A

## Origin and Breeding History of Tacoma (XPF-266) Garden Pea

Tacoma was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho, by backcrossing and pedigree selection as follows:

- 12-84 Planted Turbo and Stampede in the greenhouse at WBS; crosses made.
- 4-17-85 Planted F1 in the field at WBS; allowed to self.
- 4-4-86 Planted F2 population in the field at WBS. Selected an afilea plant with freezer (dark green) berry color.
- 10-20-86 Planted Turbo and F3 line from above in the greenhouse at WBS; crossed to produce BC1.
- 3-19-87 BC1F1 and Turbo planted in the greenhouse at WBS; crossed to produce BC2.
- 6-19-87 BC2F1 planted in the greenhouse at WBS; allowed to self.
- 11-11-87 BC2F2 planted in the greenhouse at WBS; selected individual plants with dark green berry color.
- 4-8-88 BC2F3 selection planted in the field at WBS under the number R881413. Observations during the growing season indicated the line was uniform and breeding true. All subsequent increases of Tacoma trace to the bulk of R881413.
- 4-17-89 BC2F3+1 planted in the field at WBS under the number F89355. Observations during the growing season confirmed the line is uniform and breeding true.
- 3-21-90 Planted F89355 in the field at WBS under the number F90531. Harvested as individual plants.
- 4-3-91 Planted ~500 individual progenies in the field at WBS under the number F91748. Observations again confirmed the line was uniform and breeding true.

Observations on increases in 1988, 1989, and 1991 indicate Tacoma is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties a small percentage of offtypes can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants are known to occur.



9400074

EXHIBIT B

Novelty Statement Concerning Tacoma (XP-F266) Garden Pea

Tacoma is a mid-season, medium sieve freezer pea with afile foliage. To our knowledge the variety most similar to Tacoma is Trek. The qualitative difference that best distinguishes the two includes, but may not be limited to, flowers per node: Observations in 1991 and 1992 indicate that Trek bears 2 flowers per node, whereas in the same years in the same trial Tacoma bore 3 flowers per node.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
GRAIN DIVISION  
HYATTSVILLE, MARYLAND 20782  
**OBJECTIVE DESCRIPTION OF VARIETY**  
PEA (*PISUM SATIVUM*)

NAME OF APPLICANT(S) <u>ASGROW SEED COMPANY</u>	VARIETY NAME OR TEMPORARY DESIGNATION <u>Tacoma</u>
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 7000 Portage Road Kalamazoo, MI 49001	FOR OFFICIAL USE ONLY PVPO NUMBER <u>9400074</u>

Place the appropriate number that describes the varietal character in the boxes below.  
Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

1. TYPE:

1 - GARDEN    2 - FIELD    3 - EDIBLE-PODDED

2. MATURITY:

Node number of first bloom:     No. of days to processing     Heat Units

No. of days Earlier than . . . . .  1 - ALASKA WR    2 - THOMAS LAXTON WR    3 - LITTLE MARVEL

No. of days Later than . . . . .  4 - WANDO    5 - ALDERMAN WR    6 - AUSTRIAN WINTER

3. PLANT HEIGHT:

CM. HIGH

Cm. Shorter than . . . . .  } 1 - ALASKA WR    2 - THOMAS LAXTON WR    3 - LITTLE MARVEL

Cm. Taller than . . . . .  } 4 - WANDO    5 - ALDERMAN WR    6 - AUSTRIAN WINTER

4. VINE:

Habit: 1 - DETERMINATE    2 - INDETERMINATE     Stockiness: 1 - SLIM (Alaska)    3 - HEAVY (Alderman)  
2 - MEDIUM (Thomas Laxton WR)

Branching: 1 - NONE (Alaska)    2 - 1-2 BRANCHES (Little Marvel)    3 - MORE THAN 2 BRANCHES (Dwarf Gray Sugar)

Internodes: 1 - STRAIGHT    2 - ZIG ZAG     NUMBER OF NODES

5. LEAFLETS: Afila

Color: 1 - LIGHT GREEN (Alaska WR)    2 - MED. GREEN (Thomas Laxton WR)    3 - DARK GREEN (Alderman)  
4 - OTHER (Specify)

Wax: 1 - NONE    2 - LIGHT    3 - MEDIUM    4 - HEAVY  1 - NOT MARBLED    2 - MARBLED (Alaska)

Number of leaflet pairs: 1 - NOT PAIRED    2 - ONE    3 - TWO    4 - THREE OR MORE

6. STIPULES:

1 - LACKING    2 - PRESENT     1 - NOT CLASPING    2 - CLASPING

1 - NOT MARBLED    2 - MARBLED     Size (Compared with leaflets): 1 - SMALLER    2 - SAME  
3 - LARGER

Color (Compared with leaflets): 1 - LIGHTER    2 - SAME    3 - DARKER

7. FLOWER COLOR:

VENATION     STANDARD     WING     KEEL } 1 - WHITE    2 - GREENISH    3 - LAVENDER  
4 - PURPLE    5 - RED  
6 - OTHER (Specify)



8. PODS:

1 Shape: 1 - STRAIGHT 2 - SLIGHTLY CURVED 3 - CURVED  2 End: 1 - POINTED (Alderman) 2 - BLUNT (Alaska)  
 3 Color: 1 - LIGHT GREEN (Alaska WR) 2 - MEDIUM GREEN 3 - DARK GREEN (Alderman) 4 - OTHER (Specify) \_\_\_\_\_  
 2 Surface: 1 - SMOOTH 2 - ROUGH  2 Surface: 1 - SHINY 2 - DULL  
 5 Borne: 1 - SINGLE 2 - DOUBLE 3 - SINGLE AND DOUBLE 4 - SINGLE, DOUBLE, & TRIPEE  
 5 - DOUBLE & TRIPLE 6 - TRIPLE 7 - OTHER (Specify) \_\_\_\_\_  
 7 CM. LENGTH  1  1 MM. WIDTH (Between sutures)  8 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

3 Color: 1 - LIGHT GREEN 2 - GREEN 3 - DARK GREEN 4 - OTHER (Specify) \_\_\_\_\_  
 Seive: %  1  5  2  6  3  8  1  9  5  2  6  7  8  7 **AVERAGE**  2  6  7

SEEDS (Dry, Mature):

1 Shape: 1 - FLATTENED 2 - ANGULAR 3 - OVAL 4 - ROUNDED  
 3 Surface: 1 - SMOOTH 2 - DIMPLED 3 - WRINKLED  2 Surface: 1 - SHINY 2 - DULL  
 1 Color Pattern: 1 - MONOCOLOR 2 - MOTTLED 3 - STRIPED 4 - DOTTED  
 2 Primary Color: { 1 - CREAMY-WHITE 2 - CREAM & GREEN 3 - LIGHT GREEN 4 - MEDIUM GREEN  
 5 - DARK GREEN 6 - BLUE-GREEN 7 - YELLOW 8 - BROWN 9 - RED  
 Secondary Color: { 10 - GRAY 11 - BLACK  
 2 Hüum Floor Color: 1 - WHITE 2 - TAN 3 - BLACK  1 Cotyledon Color: 1 - GREEN 2 - YELLOW 3 - ORANGE  
 1  8 GRAMS PER 100 SEEDS

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

2 FUSARIUM WILT  1 NEAR-WILT  0 DOWNY MILDEW  
 0 ASCOCHYTA BLIGHT  2 POWDERY MILDEW  0 BACTERIAL BLIGHT  
 0 MOSAIC  1 PEA ENATION MOSAIC  2 YELLOW BEAN MOSAIC  
 OTHER (Specify) \_\_\_\_\_

11. INSECT: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

APHIDS  OTHER (Specify) \_\_\_\_\_

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Stampede	Fresh Seed Color	Award
Leaf Color	Stampede	Mature Seed Color	Award
Pod Color	Epic	Seed Shape	Award
Pod Shape	Epic	Plant Habit	Stampede

COMMENTS:



**APPENDIX**  
**OBJECTIVE DESCRIPTION OF VARIETY**  
**PEA (*Pisum sativum*)**

**Variety Name or Temporary Designation:** Tacoma (F266)

PVP #9400074

**LEAFLET CHARACTERISTICS:**

2 Leaflet Type: 1=Leafless 2=Semi 3=Normal

**STIPULE CHARACTERISTICS:**

2 Color: 1=Light-Green 2=Medium-Green 3=Dark-Green 4=Blue-Green 5=Yellow-Green 6=Other \_\_\_\_\_

Please provide example varieties of similar specified color or check varieties and stipule color.

Variety Name	Stipule Color
Turbo	med. green

Variety Name	Stipule Color
Kalamo	Med. green

Variety Name	Stipule Color

2 Size: 1=Small 2=Medium 3=Large

Please provide example varieties of similar specified size or check varieties and stipule size.

Variety Name	Stipule Size
Turbo	medium

Variety Name	Stipule Size
Kalamo	medium

Variety Name	Stipule Size

**OTHER CHARACTERISTICS:** Describe other characteristics that may aid in identification.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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) <i>Asgrow Seed Company</i>	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER <i>XPF 266</i>	3. VARIETY NAME <i>Tacoma</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <i>37437 State Highway 16 Woodland, CA 95695</i>	5. TELEPHONE (include area code) <i>916-666-0931</i>	6. FAX (include area code) <i>916-668-0219</i>
7. PVPO NUMBER <i>9400074</i>		

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

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

10. Is the applicant the original breeder? If no, please answer the following:  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:  
 Is the original breeder(s) U.S. based company? If no, give name of country \_\_\_\_\_

11. Additional explanation 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.



Asgrow Seed Company  
PVP Application  
January 20, 1994  
XPF 266 Garden Pea

EXHIBIT E

STATEMENT OF THE BASIS OF APPLICANT'S OWNERSHIP

Tacoma RWS  
7-24-86

~~XPF 266~~ was developed by David M. Webster. By agreement between the employee, and Asgrow Seed Company, all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such invention, discovery, or development are retained by the employee.





**Asgrow Seed Company**

**Transfer of Plant Variety Protection Act Rights**

Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

For good and valuable consideration, receipt of which is hereby acknowledged, Asgrow hereby transfers all of its right, title and interest in and to the Certificates and Applications and to all rights relating thereto under the Plant Variety Protection Act to Seminis Vegetable Seeds, Inc., a California corporation, whose principle place of business is at 1905 Lirio Street, Saticoy, CA 93007-4206.

Dated: January 31, 1997

Asgrow Seed Company

By: Norman A. Braksik  
Norman A. Braksik  
President