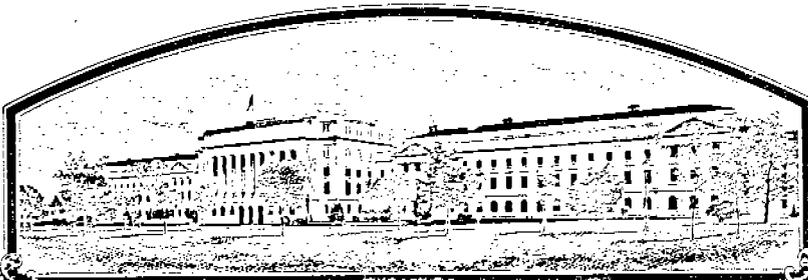


No.

7100097



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ferry-Morse Seed Company

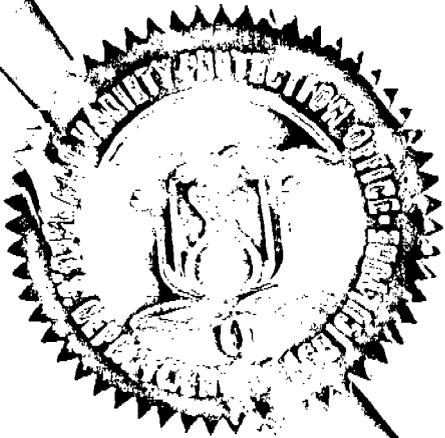
Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, 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 (STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Rainier'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 20th day of June in the year of our Lord one thousand nine hundred and seventy-four

Attest:

J. J. Rollin
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Earl L. Butz
Secretary of Agriculture

Variety: Rainier

Exhibit A: Origin and Breeding History of the Variety

Rainier was selected from a cross of two pedigreed lines of the following parentage:

seed parent: $\sqrt{\text{Wade} \times (\text{Tendergreen} \times \text{Stringless Blue Lake})F_3} / F_4$

pollen parent: (Blue Lake x Stringless Blue Lake FM-1)F₂

The cross was made in 1960 and the pedigree method of breeding was followed in ensuing generations.

Seed from bush plants segregating in the F₂ generation and the entire F₃ generation were bulk-massed in 1960 and 1961. In 1963 one of the progeny rows from F₄ plants selected in 1962 exhibited a small, erect plant type with long, round, dark green, fairly straight pods resembling Blue Lake quality. F₆ plants derived from a select mass of this F₅ row were observed in 1964 to have a tendency to sprawl, have medium to good production and be somewhat insensitive to conditions causing blossom drop. Pods on these plants were 5 to 5½ inches long with a slight tendency to curl; seed development was somewhat rapid; pods were dark green externally and internally, texture was medium tender.

Following three consecutive generations of single plant selection from 1964 to 1966 for improved plant habit, concentration of maturity, and improved pod production, one F₉ progeny row in 1967 was noted to have a stronger, more upright habit, be more productive and with a more concentrated maturity than related selections of this cross. In addition, the line was uniform for habit of growth, maturity and pod type. The decision to increase this line as a possible new variety was made on August 11, 1967.

In the first generation of multiplication in the fall of 1967, one out cross (purple flowered type) and one mixture (pale pod type) were removed from a population of approximately 3,000 plants. In the spring of 1968, 5 pounds of seed from the previous generation of increase was planted and no off types were noted in approximately 7500 plants. From seed harvested here, 55 pounds were planted for a summer 1968 increase and from this field 27 flat-podded and 60 oval-podded plants were removed from population of approximately 82,500 plants, i.e. a frequency of 0.0033 percent flat-podded plants and 0.0073 percent oval-podded plants were observed.

Variety: Rainier

Exhibit A: Origin and Breeding History of the Variety

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION Rainier		2. KIND NAME Snap Bean		FOR OFFICIAL USE ONLY PVPO NUMBER 7197	
3. GENUS AND SPECIES NAME Phaseolus vulgaris L.		4. FAMILY NAME (Botanical) Leguminosae		FILING DATE 4/28/71	
		5. DATE OF DETERMINATION August 11, 1967		TIME 9:30 A.M.	
6. NAME OF APPLICANT(S) Ferry-Morse Seed Company Dr. George C. Emery, Breeder		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P. O. Box 100 111 Ferry-Morse Way Mountain View, California 94040		8. TELEPHONE AREA CODE AND NUMBER (415) 967-6973	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation		10. STATE OF INCORPORATION California		11. DATE OF INCORPORATION 7 April 1959	

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

CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 13a. Exhibit A, Origin and Breeding History of the Variety (See Section 52, P.L. 91-577)
- 13b. Exhibit B, Botanical Description of the Variety
- 13c. Exhibit C, Objective Description of the Variety
- 13d. Exhibit D, Data Indicative of Novelty
- 13e. Exhibit E, Statement of the Basis of Applicant's Ownership

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. (See Section 52, P.L. 91-577).

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a), P.L. 91-577) (If "Yes," answer 14B and 14C below.) YES NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? YES NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed?

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes 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 (P.L. 91-577).

April 12, 1971
(DATE)

George C. Emery
(SIGNATURE OF APPLICANT)
Ferry-Morse Seed Company
by: D.V. Brandtke, Vice President
(SIGNATURE OF APPLICANT)

April 12, 1971
(DATE)

Variety: Rainier

Exhibit B: Botanical Description of the Variety

Seedling emergence is rapid and vigorous, seedlings have a dark green color. Young plants are erect at flowering. Flowering occurs early (averages one day later than Oregon 58) with an abundance of flowers open at the same time. Flowers of terminal racemes often open above the uppermost leaf. Pod set occurs over a wide range of temperature and humidity conditions. Many pods develop and mature at the same time. As pods increase in size, the somewhat weak supporting branches are pulled down; plants as a result open up above the crown with pods frequently touching the soil. Seed development is slow until pods reach maximum diameter, after which seed development is rapid. Internal flesh breakdown is slow in mature pods. Pods become creaseback as seed reach maximum size.

Plants have a bush habit, a medium height (14-16 inches), and wide spread (18-21 inches). Internodes tend to be long and slim, the medium large leaves have long petioles. Stem length is somewhat responsive to day length and temperature; more nodes are formed to the terminal inflorescence under longer, warmer days than under shorter, cooler days. Though habit of growth is weak and sprawly, vegetative growth is vigorous and abundant. Leaflets are cordate with somewhat attenuated apices. Foliage is dark green, only slightly pubescent and smooth. The bush is not as strong or erect as Oregon 58, leaves are not as thick, and petioles are longer than Oregon 58.

Flowers are white, relatively small, with copious amounts of light blue pollen. Flowers are smaller with greater amounts of pollen than Oregon 58.

Mature pods are 5 to 5½ inches in length, round becoming creaseback as seed matures, with a mature diameter (before seed enlargement) of 3/8 to 7/16 inches, generally straight, slightly bumpy over seed cavity, 6 seed/pod, dark green in color. Neck of pod is short; spur is medium in length. Pods will be shorter under moisture stress conditions. Compared to Oregon 58, pods of Rainier are shorter but more uniform in length and with fewer missing seed; will mature at a smaller diameter with earlier seed development; have less interocular cavitation; and have a sweeter taste, but not as strong in Blue Lake flavor, in the raw pod stage.

The white seed are smaller and less oblong than Oregon 58.

Variety: Rainier

3

Exhibit B: Botanical Description of the Variety

OBJECTIVE DESCRIPTION OF VARIETY
BEAN (PHASEOLUS VULGARIS)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S) FERRY-MORSE SEED COMPANY	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 111 FERRY-MORSE WAY P. O. BOX 100 MOUNTAIN VIEW, CALIFORNIA 94040	PVPO NUMBER 7197
	VARIETY NAME OR TEMPORARY DESIGNATION Rainier

Place the appropriate number that describes the varietal character of this variety 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:

<input type="text" value="1"/> 1 = SNAPBEAN	<input type="text" value="2"/> 2 = GREEN SHELL	<input type="text" value="3"/> 3 = DRY EDIBLE	<input type="text" value="4"/> 4 = MULTIPURPOSE
---	--	---	---

2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.:

<input type="text" value="2"/> Grows best during:	1 = SPRING	2 = SUMMER	3 = FALL	4 = WINTER
<input type="text" value="6"/> Best adapted in:	1 = NORTHWEST 5 = SOUTHWEST	2 = NORTHCENTRAL 6 = MOST REGIONS	3 = NORTHEAST	4 = SOUTHEAST

3. MATURITY (Days from seeding to first harvest):

<input type="text" value="5"/> <input type="text" value="0"/> GREEN PODS	<input type="text" value=""/> <input type="text" value=""/> GREEN SHELLS	<input type="text" value=""/> <input type="text" value=""/> DRY SEEDS
<input type="text" value="0"/> <input type="text" value="4"/> NO. DAYS EARLIER THAN	<input type="text" value="1"/> <input type="text" value="7"/> NO. DAYS LATER THAN	1 = TENDERCROP 2 = KENTUCKY WONDER 3 = KINGHORN WAX 4 = WHITE KIDNEY 5 = MICHELITE 62 6 = DWARF HORTICULTURAL 7 = BUSH BLUE LAKE 8 = OTHER (Specify)

4. PLANT:

<input type="text" value="2"/> 1 = DETERMINATE, ERECT BUSH 3 = DETERMINATE, SEMIPOLE	2 = DETERMINATE, SPRAWLING BUSH 4 = INDETERMINATE, POLE
<input type="text" value="0"/> <input type="text" value="3"/> <input type="text" value="6"/> CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE	<input type="text" value="5"/> <input type="text" value="0"/> CM. SPREAD
<input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="4"/> NUMBER PRIMARY BRANCHES PER MAIN STALK	<input type="text" value="0"/> <input type="text" value="5"/> NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF TERMINAL INFLORESCENCE
<input type="text" value="2"/> Branching habit: 1 = COMPACT 2 = OPEN	<input type="text" value="0"/> <input type="text" value="5"/> MM. STALK DIAMETER ABOVE FIRST TRIFOLIATE LEAF
<input type="text" value="1"/> <input type="text" value="2"/> CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF	<input type="text" value="2"/> Main stalk: 1 = BRITTLE 2 = WIREY <input type="text" value="2"/> 1. STOUT 2. THIN
<input type="text" value="3"/> Flower position:	} 1 = LOW, CONCENTRATED 2 = HIGH, CONCENTRATED 3 = SCATTERED
<input type="text" value="3"/> Pod Position:	

5. LEAVES:

<input type="text" value="1"/> 1 = SMOOTH 2 = WRINKLED	<input type="text" value="2"/> 1 = DULL 2 = GLOSSY	<input type="text" value="1"/> Thickness: 1 = THIN 2 = MEDIUM 3 = THICK
<input type="text" value="2"/> Size: 1 = SMALL (Earliwax) 2 = MEDIUM 3 = LARGE (Tendercrop)	<input type="text" value="14"/> CM. PETIOLE LENGTH (To basal leaflets of first trifoliolate leaf)	
<input type="text" value="2"/> Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED 3 = SHARP POINTED		
<input type="text" value="2"/> PUBESCENCE - Dorsal:	} 1 = NONE 2 = SLIGHT 3 = CONSIDERABLE	
<input type="text" value="2"/> PUBESCENCE - Ventral:		
<input type="text" value="3"/> Color: 1 = LIGHT GREEN (Bountiful) 2 = MEDIUM GREEN 3 = DARK GREEN (Bush Blue Lake)	4	

6. FLOWERS:

1 Color: 1 = WHITE 2 = CREAM 3 = PINK 4 = LILAC 5 = PURPLE
6 = OTHER (Specify) _____

2 Racemes: 1 = LONG 2 = MEDIUM 3 = SHORT 6 NUMBER FLOWERS PER RACEME

7. FRESH PODS: (Edible maturity, averages for 10 pods)

3 Color: 1 = LIGHT GREEN (Bountiful) 2 = MEDIUM GREEN (Tendergreen) 3 = DARK GREEN (Wade)
4 = LIGHT YELLOW (Brittlewax) 5 = GOLDEN YELLOW (Cherokee Wax) 6 = GREEN-RED VARIAGATED (Horticultural)
7 = OTHER (Specify) _____

13 CM. LENGTH 11 MM. WIDTH (Between sutures) 14 MM. THICKNESS 79 $\frac{\text{WIDTH}}{\text{THICKNESS}} \times 10$

3 Cross section pod shape: 1 = FLAT 2 = OVAL 3 = CREASEBACK 4 = ROUND

1 Curvature: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED 2 Pubescence: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE

1 Constrictions: 1 = NONE 2 = SLIGHT 3 = DEEP 2 Spur: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED

2 Surface: 1 = SHINY 2 = DULL 1 Surface: 1 = SMOOTH 2 = BLISTERED

2 Pod flesh: 1 = LIGHT 2 = DARK 2 Pod flesh: 1 = FIRM 2 = WATERY

14 MM. SPUR LENGTH 2 Suture string: 1 = PRESENT 2 = ABSENT

1 Fiber: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE 2 Seed development: 1 = SLOW 2 = MEDIUM 3 = FAST

6 NUMBER OF SEEDS PER POD 17 NUMBER PODS PER PLANT (Once over harvest)

11 NUMBER MARKETABLE PODS PER PLANT (Once over harvest) 1 Machine harvest: 1 = ADAPTED 2 = NOT ADAPTED

8. SEED COAT COLOR:

1 1 = MONOCHROME 2 = POLYCHROME 1 1 = SHINY 2 = DULL

1 Primary color: 1 = WHITE 2 = YELLOW 3 = BUFF 4 = TAN
5 = BROWN 6 = PINK 7 = RED 8 = PURPLE
Secondary color: 9 = BLUE 10 = BLACK 11 = OTHER (Specify) _____

Color pattern: 1 = SPLASHED 2 = MOTTLED 3 = STRIPED 4 = FLECKED 5 = DOTTED

Secondary color location: 1 = HILAR RING 2 = HILAR SURFACE
3 = STROPHIOLE 4 = MICROPYLE
5 = SIDES 6 = DORSAL SURFACE
7 = NOT RESTRICTED TO ANY AREA 8 = COMBINATION OF LOCATIONS (Specify) _____

1 Hilar ring: 1 = NOT PRESENT 2 = NARROW 3 = BUTTERFLY SHAPED

1 Vein-like under coat pattern: 1 = ABSENT 2 = PRESENT

9. SEED SHAPE AND SIZE:

1 Hilum view: 1 = ELLIPTICAL 2 = OVAL 3 = ROUND 3 Side view: 1 = OVAL 2 = ROUND
3 = KIDNEY 4 = TRUNCATE ENDS

4 Cross section: 1 = ELLIPTICAL 2 = OVAL 28 GM. WEIGHT PER 100 SEEDS
3 = CORDATE 4 = ROUND

3 Classification: 1 = PEA 2 = MEDIUM 3 = MARROW 4 = KIDNEY 5 = PINTO

06 MM. WIDTH (Dorsal to ventral) 06 MM. THICKNESS (Side to side)

12 MM. LENGTH 010 $\frac{\text{WIDTH}}{\text{THICKNESS}} \times 10$ 5

10. ANTHOCYANIN: (1 = Absent 2 = Present):

FLOWERS STEMS PODS SEEDS LEAVES

11. DISEASE RESISTANCE (0 = Not tested; 1 = Susceptible; 2 = Resistant):

<input type="checkbox"/> RUST (Specify race) _____	<input type="checkbox"/> ANGULAR LEAF SPOT
<input type="checkbox"/> BACTERIAL WILT	<input type="checkbox"/> COMMON BEAN MOSAIC
<input type="checkbox"/> ANTHRACNOSE	<input type="checkbox"/> YELLOW BEAN MOSAIC
<input type="checkbox"/> SOUTHERN BEAN MOSAIC	<input type="checkbox"/> FUSARIUM ROOT ROT
<input type="checkbox"/> CURLY TOP	<input checked="" type="checkbox"/> N.Y. 15 BEAN MOSAIC
<input type="checkbox"/> POWDERY MILDEW	<input type="checkbox"/> BEAN MOSAIC VIRUS 4
<input type="checkbox"/> HALO BLIGHT	<input type="checkbox"/> FUSCOUS BLIGHT
<input type="checkbox"/> ALFALFA MOSAIC VIRUS	<input type="checkbox"/> ALFALFA MOSAIC VIRUS 2
<input type="checkbox"/> POD MOTTLE VIRUS	<input type="checkbox"/> RED NODE VIRUS
<input type="checkbox"/> ROOT KNOT NEMATODE	<input type="checkbox"/> OTHER (Specify) _____

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

<input type="checkbox"/> APHIDS	<input type="checkbox"/> LEAF HOPPERS
<input type="checkbox"/> POD BORER	<input type="checkbox"/> LYGUS
<input type="checkbox"/> THRIPS	<input type="checkbox"/> WEAVILS
<input type="checkbox"/> SEED CORN MAGGOT	<input type="checkbox"/> OTHER (Specify) _____

13. PHYSIOLOGICAL RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resistant)

HEAT COLD DROUGHT OTHER (Specify) _____

REFERENCES: The following publications may be used as a reference in completing this form:

1. Beans of New York. Vol. 1 Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.
2. Yarnell, S. H., Cytogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 - 330. 1965.
3. USDA Yearbook of Agriculture. 1937.

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

VARIETY: RAINIEREXHIBIT D: DATA INDICATIVE OF NOVELTY

Rainier most closely resembles the variety Green Lakes 5A. Rainier is distinct from Green Lakes 5A in exhibiting a faster rate of seedling emergence; more vigorous seedling growth; slightly earlier flowering, slightly stronger plant habit, less top flowering; a less creaseback, rounder pod; more uniform for plant and pod type; and, most distinctly, a higher yield potential.

	<u>RAINIER</u>	<u>GREEN LAKES 5A</u>
days to emergence (greenhouse)	6.98 \pm .036	7.77 \pm .094
days to flowering (greenhouse)	33 \pm .091	34 \pm .087
Yield of green pods in tons per acre 50% < sieve-5 distribution	7.34 \pm .28	5.98 \pm .36

Variety: Rainier

Exhibit D: Data Indicative of Novelty

Rainier most closely resembles the variety Green Lakes 5A with which it shares similar parentage. Rainier is distinct from Green Lakes 5A in exhibiting a faster rate of seedling emergence; more vigorous seedling growth; slightly earlier flowering (one day on the average); slightly stronger plant habit; less top flowering; a less creaseback, rounder pod; more uniform for plant and pod type; and, most distinctly, a higher yield potential.

1968 Yield Trial, Columbus, Wisconsin

Harvested Plot Length = 15 foot, Replicated Randomized Block Design
Each Replication was harvested at 2 day intervals.

		Green Lakes Tons/Acre		Rainier Tons/Acre
Replication I	W1732	6.59	W1742	6.46
	W1750	7.74	W1745	7.68
	W1756	5.82	W1764	6.96
	W1767	7.30	W1768	8.89

1968 Yield Trial, San Juan Bautista, California

Harvested Plot Length = 15 foot, Replicated Randomized Block Design
Each Replication was harvested at 2 day intervals.

	Green Lakes 5A Tons/Acre	Rainier Tons/Acre
Replication I	5.41	6.81
Replication II	5.41	7.46
Replication III	5.63	7.65
Replication IV	7.93	7.00

1969 Oregon Yield Trial, Aurora, Oregon

Harvested Plot Length = 10 foot, Replicated Randomized Block Design
All Replication was harvested on the same day.

	Green Lakes 5A Tons/Acre	Rainier Tons/Acre
Replication I	4.9	6.0
Replication II	4.2	6.4
Replication III	4.8	7.7

Variety: Rainier

Exhibit D: Data Indicative of Novelty

EXHIBIT "E"

Plant Variety Protection Application

No: 7197

ASSIGNMENT

I, GEORGE C. EMERY, agree and hereby do transfer and assign to FERRY-MORSE SEED COMPANY all of my rights, title, and interest in and to that certain variety namely, SNAP BEAN, RAINIER, for which application for Plant Variety Protection Certificate has been filed. This agreement shall be binding on my administrators, successors and assigns.

In Witness Whereof, I have executed this agreement this 11 day of January, 19 73.

BREEDER

George C. Emery

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

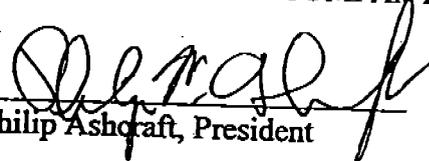
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:


Philip Ashcraft, President

CERTIFICATE OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

11400010

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

JUN 30 1997

Bill Jones
BILL JONES, Secretary of State

To the Secretary of State
State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
 - One. The name of this Corporation is:
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.



Yves Queste
Yves Queste, President

Helen Andritsakis
Helen Andritsakis, Secretary



State of California

SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

JUN 30 1997



Secretary of State