

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

'Ozark'



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 November in the year of our Lord one thousand nine hundred and seventy-four

Attest:

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

Earl L. Butz
 Secretary of Agriculture

Variety: ~~E1211~~ (formerly designated 1C-71) OZARK R/S

Exhibit A: Origin and Breeding History of the Variety

Selected as a single plant selection involving the pedigree method of breeding from a cross made in 1966 between the variety Bush Blue Lake 274 as the seed parent and the pedigreed line, 1H-25F(C)MsMsMsMs (later named Avalanche 73) as the pollen parent.

The F₂ generation from the F₁ plant that was selected for its straight pods was bulk-massed. The F₄ progeny row from one F₃ single plant selection was noted for its uniformity as well as its excellent plant habit, yield ability, and pod type and was bulk-massed. The F₅ generation maintained this uniformity and the decision was made on September 11, 1970, to increase this as a possible new variety. The F₆ generation was inoculated and found resistant to the New York strain of common Bean Mosaic Virus, BV1-A.

In the first generation of increase (F₆) in a population of 540 plants no obvious variants were observed; no obvious variants were found in a population of 4500 plants in the 2nd generation of increase (F₇). The F₆ progeny rows from 12 single plant selections taken from the F₅ bulk-mass were essentially identical in appearance and highly uniform within rows.

CVB 10-25-72

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION OZARK 51211 ^{R/S} _{1/8/74}		2. KIND NAME Snap Bean	FOR OFFICIAL USE ONLY PVPO NUMBER 73028	
3. GENUS AND SPECIES NAME Phaseolus vulgaris L.		4. FAMILY NAME (Botanical) Leguminosae	FILING DATE 11-19-72	TIME 3:00 P.M.
6. NAME OF APPLICANT(S) Ferry-Morse Seed Company Dr. George C. Emery, Breeder		5. DATE OF DETERMINATION 11 September 1970	FEE RECEIVED \$750	CHARGES —
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation		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	
		10. STATE OF INCORPORATION California	11. DATE OF INCORPORATION 7 April 1969	

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

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 12A. Exhibit A, Origin and Breeding History of the Variety (See Section 52, P.L. 91-577)
- 12B. Exhibit B, Botanical Description of the Variety
- 12C. Exhibit C, Objective Description of the Variety
- 12D. Exhibit D, Data Indicative of Novelty
- 12E. 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).

25 Oct. 1972
(DATE)

(DATE)

Ferry-Morse Seed Company
(SIGNATURE OF APPLICANT)

by: J. W. Prandley, Executive Vice President
(SIGNATURE OF APPLICANT)

Variety: ~~61211~~ OZARK RJS

Exhibit B: Botanical Description of the Variety

Seed germination and emergence are moderately rapid, early seedling growth is vigorous. Flowering occurs approximately one day earlier than Tendercrop. Pods attain their mature size earlier and their mature diameter is greater than Tendercrop pods. Seed and fiber development are slightly slower than Tendercrop.

Plants are determinate, bush, erect, medium tall (15 - 20 inches) with a medium spread, slightly more than Tendercrop. The foliage has a similar color but is slightly heavier with thicker stems and petioles than Tendercrop. The leaflets are deltoid ovate, acuminate with rounded or truncate bases and are larger than Tendercrop. Stems and leaves are slightly pubescent. Inflorescences arise from the apex and leaf axils and contain 4 to 8 white flower buds. Pods are borne medium to high in the plant and only occasionally touch the soil.

The stringless pods are 5 1/2 to 6 inches in length, round to slightly crease-back, 7/16 to 9/16 inches in cross-section, 5/8 to 7/16 inches from suture to suture. The neck and spur are medium in length. The pod surface is smooth, slightly pubescent and only very slightly bumpy over the seed cavity. Pod color is a medium green. Compared to Tendercrop the pods average approximately 1/2 inch longer, are slightly less creaseback, are lighter in color, and have a slightly shorter spur.

Seed are round, oblong, very slightly reniform, and white. Compared to Tendercrop the seed are slightly larger and more reniform.

MB 10-25-72

VARIETY: ~~E1211~~ OZARKEXHIBIT D: DATA INDICATIVE OF NOVELTYOZARK

~~E1211~~ most closely resembles the variety Avalanche in plant type and pod appearance. ~~E1211~~ is slightly later flowering and slightly later reaching a mature pod diameter than Avalanche; pods of ~~E1211~~ are longer, slightly darker in color, more round, longer spur, with a much slower rate of seed and fiber development than Avalanche.

	<u>E1211 OZARK</u>	<u>Avalanche</u>
pod length	6.28 \pm .047 inches	5.79 \pm .066 inches
Spur length	.63 \pm .029 inches	.49 \pm .026 inches

73028

EXHIBIT "E"

Plant Variety Protection Application

No: 73028

ASSIGNMENT

I, DR. 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 - ~~E1211~~ OZARK

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, 1973.

BREEDER

George C. Emery

F 8

12/72

ASSIGNMENT OF INTELLECTUAL PROPERTY

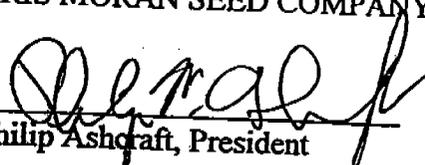
WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of 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)

14300010
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 1937



Bill Jones

Secretary of State

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)

2 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) _____

1 5 CM. LENGTH 1 2 MM. WIDTH (Between sutures) 1 4 MM. THICKNESS 8 5 $\frac{\text{WIDTH}}{\text{THICKNESS}} \times 10$

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

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

2 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 1 Pod flesh: 1 = FIRM 2 = WATERY

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

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

6 NUMBER OF SEEDS PER POD 4 NUMBER PODS PER PLANT (Once over harvest)

9 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
Secondary color: 5 = BROWN 6 = PINK 7 = RED 8 = PURPLE
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

2 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 40 GM. WEIGHT PER 100 SEEDS
3 = CORDATE 4 = ROUND

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

0 6 MM. WIDTH (Dorsal to ventral) 0 6 MM. THICKNESS (Side to side)

1 3 MM. LENGTH 1 0 $\frac{\text{WIDTH}}{\text{THICKNESS}} \times 10$