No. 7700072

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Asgrow 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.)

PEA

'Lotus'

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* 15th *day of* September *in the year of our Lord one thousand nine hundred and* seventy-seven

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

FORM GR-470 (1-76)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
PLANT VARIETY PROTECTION OFFICE
NATIONAL AGRICULTURAL LIBRARY
BELTSVILLE, MARYLAND 20705

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1a. TEMPORARY DESIGNATION OF VARIETY	1b. VARIETY NAME	FOR OFFICIAL USE ONLY
XP-F66	LOTUS HF 9/7/77	PV NUMBER 7700072
2. KIND NAME: Garden Pea	3. GENUS AND SPECIES NAME: Pisum sativum	FILING DATE 5-31-77 TIME 11:00 A.M. P.M.
4. FAMILY NAME (BOTANICAL): Leguminosae	5. DATE OF DETERMINATION: July, 1973	FEE RECEIVED $ 250— DATE 5-31-77 $ 250— 5-31-77 $ 250— 9-7-77
6. NAME OF APPLICANT(S): Asgrow Seed Company	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*: Kalamazoo, Michigan 49001	8. TELEPHONE AREA CODE AND NUMBER: (616) 385-6605

9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)*	10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION	11. DATE OF INCORPORATION
Corporation	Delaware	March 22, 1968

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

John A. Batcha
Asgrow Seed Company
7000 Portage Road
Unit 9630-190-1
Kalamazoo, Michigan 49001

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

[X] 13A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52 of the Plant Variety Protection Act.)*

[XX] 13B. Exhibit B, Novelty Statement.

[X] 13C. Exhibit C, Objective Description of the Variety *(Request form from Plant Variety Protection Office.)*

[X] 13D. Exhibit D, Additional Description of the Variety.

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). (If "Yes," answer 14B and 14C below.)* [ ] YES [XX] 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? [ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

15. Does the applicant(s) agree to the publication of his/her (their) name(s) and address in the Official Journal? [XX] YES [ ] NO

16. The applicant(s) declare(s) 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.

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 Act.

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

3-9-77
(DATE)

John A. Batcha
(SIGNATURE OF APPLICANT)
John A. Batcha 00001

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and $250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, National Agricultural Library, Beltsville, Maryland 20705. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

5 Give the date the applicant determined that he had a new variety based on (1) the definition in Section 41(a) of the Act and (2) the date a decision was made to increase the seed.

13a Give (1), the genealogy, including public and commerical 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 stability.

13b 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 differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

13c Fill in the Exhibit C, Objective Description form for all characteristics, for which you have adequate data.

13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe; such as; plant habit, plant color, disease resistance, etc.

14A 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 his affirmative decision after the variety has either been sold and so labeled or published or the certificate has been issued. However, if the applicant specifies "NO", he may change his choice. (See Section 180.15 of the Regulations and Rules of Practice.)

Asgrow Seed Company
Garden Pea ~~XP-F66~~ LOTUS

7700072

EXHIBIT A--Origin and Breeding History of ~~XP-F66~~ LOTUS Pea

The original cross, M410 x Venus, was made in 1967, and ~~XP-F66~~ LOTUS has been developed by straight selection from this cross. Single plant selections were made through F_6 in 1972. In July, 1973, a decision was made that this line was unique and that it was worthy of increase and extensive trials. It was designated as ~~XP-F66~~ LOTUS in January, 1975.

~~XP-F66~~ LOTUS has been in replicated trials at the Asgrow Research Center since 1974, and during that time, the line has been increased and refined through mass selection. As a final check on homozygosity, approximately 400 progenies were grown from single plant selections. These progenies were carefully evaluated several times during the growing season, and there was very little variation between the progenies. However, any progeny suspect in any way at any inspection was eliminated. When the seed matured, the field was harvested and this has become our Breeder's seed.

~~XP-F66~~ LOTUS is to our knowledge, a stable, true breeding line. We have found no variants in the Breeder's seed.

JDA
1/6/77

Asgrow Seed Company
Garden Pea ~~XP-F66~~ LOTUS

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EXHIBIT B--Novelty Statement Concerning ~~XP-F66~~ LOTUS Pea

The commercial pea variety most similar to ~~XP-F66~~ LOTUS to our knowledge is Venus. Comparative characteristics which make ~~XP-F66~~ LOTUS a different variety include, but are not restricted to, the following:

1. ~~XP-F66~~ LOTUS produces three flowers and two or three pods per node; whereas, Venus is strictly double-flowered and produces one or two pods per node.

JDA
1/6/77

XP-F66

FORM APPROVED. OMB NO. 40-R3712

FORM GR-470-14
(5-15-74)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Pea)

OBJECTIVE DESCRIPTION OF VARIETY

PEA *(PISUM SATIVUM)*

NAME OF APPLICANT(S)
Asgrow Seed Company

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)
Kalamazoo, Michigan 49001

VARIETY NAME OR TEMPORARY DESIGNATION
LOTUS ~~XP-F66~~

FOR OFFICIAL USE ONLY
PVPO NUMBER 7700072

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

1. TYPE:

[1] 1 = GARDEN 2 = FIELD 3 = EDIBLE-PODDED

2. MATURITY:

[1][2] Node number of first bloom: [0][7][0] No. of days to processing [1][3][2][5] Heat Units

[ ][ ] No. of days *Earlier* than . . . [ ] 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL

[0][3] No. of days *Later* than . . . . [3] 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

3. PLANT HEIGHT:

[0][6][3] CM. HIGH

[ ][ ] Cm. *Shorter* than . . . . . [ ] 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL

[0][3] Cm. *Taller* than . . . . . [4] 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

4. VINE:

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

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

[2] Internodes: 1 = STRAIGHT 2 = ZIG ZAG [1][7] NUMBER OF NODES

5. LEAFLETS:

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

[2] Wax: 1 = NONE 2 = LIGHT 3 = MEDIUM 4 = HEAVY [2] 1 = NOT MARBLED 2 = MARBLED (Alaska)

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

6. STIPULES:

[2] 1 = LACKING 2 = PRESENT [1] 1 = NOT CLASPING 2 = CLASPING

[2] 1 = NOT MARBLED 2 = MARBLED [3] Size (Compared with leaflets): 1 = SMALLER 2 = SAME 3 = LARGER

[2] Color (Compared with leaflets): 1 = LIGHTER 2 = SAME 3 = DARKER

7. FLOWER COLOR:

[1] VENATION [1] STANDARD [1] WING [1] KEEL 1 = WHITE 2 = GREENISH 3 = LAVENDER 4 = PURPLE 5 = RED 6 = OTHER (Specify) _____

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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) _____

[1] Surface: 1 = SMOOTH 2 = ROUGH

[1] 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) _____

[0 6] CM. LENGTH

[1 3] MM. WIDTH (Between sutures)

[0 6] NO. SEEDS PER POD

9. SEEDS (95–100 Tenderometer):

[3] Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____

Seive: %	1	2	3	4	5	6	7	8	AVERAGE
	0 6	0 9	1 9	2 7	3 5	0 4			3 8 8

SEEDS (Dry, Mature):

[2] 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] Hilum Floor Color: 1 = WHITE 2 = TAN 3 = BLACK

[1] Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE

[2 1] GRAMS PER 100 SEEDS

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

2	FUSARIUM WILT	0	NEAR–WILT	0	DOWNY MILDEW
0	ASCOCHYTA BLIGHT	0	POWDERY MILDEW	0	BACTERIAL BLIGHT
0	MOSAIC	0	PEA ENATION MOSAIC	0	YELLOW BEAN MOSAIC

[ ] OTHER (Specify) _____

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

[0] APHIDS

[ ] OTHER (Specify) _____

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Venus	Fresh Seed Color	Venus
Leaf Color	Venus	Mature Seed Color	Venus
Pod Color	Venus	Seed Shape	Venus
Pod Shape	Venus	Plant Habit	Venus

COMMENTS:

Asgrow Seed Company
Garden Pea ~~XP-F66~~ LOTUS

7700072

EXHIBIT D--Additional Description of ~~XP-F66~~ LOTUS Pea

~~XP-F66~~ LOTUS is an early, mid-season, freezer pea. There are very few freezer peas to our knowledge in this season, and all are double-flowered and, thus, distinctly different than ~~XP-F66~~ LOTUS, which is triple-flowered.

JDA
1/6/77

Asgrow Seed Company

77-72

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, reciept 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