No. 7700079

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, 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 (7 U.S.C. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Plateau Provider'

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* tenth *day of* August *in the year of our Lord one thousand nine hundred and* seventy-eight

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

FORM GR-470
(12-15-72)

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

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1. VARIETY NAME OR TEMPORARY DESIGNATION Plateau Provider	2. KIND NAME Snap Bean	FOR OFFICIAL USE ONLY PV NUMBER 7700079
3. GENUS AND SPECIES NAME Phaseolus vulgaris L.	4. FAMILY NAME *(Botanical)* Leguminosae	FILING DATE 6-27-77 / TIME 1:00 A.M. P.M. FEE RECEIVED $250.00 / BALANCE DUE $6-27-77
	5. DATE OF DETERMINATION 22 August 1972	$250.00 / $6-27-77 $250.00 / $6-5-78
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)* 111 FERRY-MORSE WAY P.O. Box 100 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 1969

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

Mr. D.V. Brondyke, Executive Vice President
Ferry-Morse Seed Company
111 Ferry-Morse Way, P.O. Box 100
Mountain View, California 94040

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.)*

[X] 13B. Exhibit B, Botanical Description of the Variety

[X] 13C. Exhibit C, Objective Description of the Variety

[X] 13D. Exhibit D, Data Indicative of Novelty

[X] 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

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 [X] 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

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.

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.

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

18 May 1977
(DATE)

Ferry-Morse Seed Company
(SIGNATURE OF APPLICANT)
by: D.V. Brondyke
Executive Vice President

(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, 6525 Belcrest Road, Hyattsville, Maryland 20782. (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 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.

13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.

13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.

13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

4 May 1977

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs(W)B(C)6(W)A(C)Ms)).

EXHIBIT A: Origin and Breeding History of the Variety.

Plateau Provider was selected as a single plant selection, involving the pedigree method of breeding, from the cross, 1C-X303, made in 1967 between two F_1 plants sharing the common parent, Provider. The F_1 seed parent came from a cross of Avalanche (seed parent) x Provider (pollen parent); the F_1 pollen parent came from a cross of B3477-4(W)D1BMsMs(GH)Ms (seed parent) x Provider (pollen parent).

Seeds of the F_2 and F_3 generation of the 1C-X303 cross were bulk massed in the spring and summer of 1968. Eight F_3 single plants were selected for their high productivity and straight pods in the field at Columbus, Wisconsin, in 1969. From the F_4 progeny row of the 1C-X303MsMs(W)B selection 8 single plants were selected in California in 1970. From the eight F_5 progeny rows planted at Columbus, Wisconsin in 1971, the 1C-X303MsMs(W)B(C)6 row was rated the best for its 6-6&1/2" straight, smooth pods, erect branching bush habit, and having pods well distributed out from the center of the plant. Six F_6 selections were taken from this row and F_7 progeny rows were planted in both Wisconsin and California in 1972. Very little variation was noted between these F_7 progeny rows. The decision was made to mass the seed of the 1C-X303MsMs(W)B(C)6(W)A progeny row from both Wisconsin and California and to increase the line as a possible new white seeded Provider-type variety on August 22, 1972. It was given the experimental designation of E4207.

No segregation of off types was observed among 500 F_8 plants in a California increase made in 1973. Similarly, among 2500 F_9 plants grown in California in 1974 no off types were observed. Increase and testing of E4207 continued through 1975. E4207 was named Plateau Provider in the spring of 1976.

4 May 1977

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs(W)B(C)6(W)A(C)Ms)).

EXHIBIT B: Botanical Description of the Variety.

Seed germination and emergence are rapid with moderately vigorous early seedling growth. Time of flowering is one to two days after Provider; similarly the pods reach their mature diameter one to two days after Provider. Seed and fiber development are moderately rapid but similar in rate to Provider.

Plants are determinate, bush, erect, medium tall (34 to 50 cm.) with a medium wide spread (26 to 51 cm.). The plant is similar to Provider in height and spread, but has a slightly darker foliage color. The leaves are deltoid ovate, acuminate, with rounded or truncate bases. Stems and leaves are slightly pubescent, less so than Provider. Inflorescences arise from apex and leaf axils and contain 3 to 6 white flowers. Pods are borne high, spread widely over the plant, yet only rarely touch the soil surface.

Pods are stringless, 14 to 17 cm. in length, round, 11 mm. in width (suture to suture), and 12 mm. in thickness. The pod spur is 13 to 15 mm. long. The pod surface is very smooth and only slightly pubescent. The pod color is a medium to medium dark green. Compared to Provider, the pods are slightly less creaseback, have a longer spur, have less pubescence, and are a darker green pod color.

Seeds are white, short oblong, and round in cross section. In comparison to the colored seed of Provider, seed of Plateau Provider are smaller in all dimensions.

FORM APPROVED. OMB NO. 40-R3712

FORM GR-470-12
(11-15-72)

EXHIBIT C
(Bean)

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

OBJECTIVE DESCRIPTION OF VARIETY

BEAN *(PHALEOLUS VULGARIS)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
FERRY-MORSE SEED COMPANY

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

FOR OFFICIAL USE ONLY

PVPO NUMBER 7700079

VARIETY NAME OR TEMPORARY DESIGNATION
PLATEAU PROVIDER

Place the appropriate number that describes the varietal character of this variety 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 = SNAPBEAN 2 = GREEN SHELL 3 = DRY EDIBLE 4 = MULTIPURPOSE

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

[2] Grows best during: 1 = SPRING 2 = SUMMER 3 = FALL 4 = WINTER

[4] Best adapted in: 1 = NORTHWEST 2 = NORTHCENTRAL 3 = NORTHEAST 4 = SOUTHEAST 5 = SOUTHWEST 6 = MOST REGIONS

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

[5][4] GREEN PODS [ ][ ] GREEN SHELLS [ ][ ] DRY SEEDS

[0][0] NO. DAYS EARLIER THAN --------- [1]
[0][5] NO. DAYS LATER THAN ---------- [7]

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:

[1] 1 = DETERMINATE, ERECT BUSH 2 = DETERMINATE, SPRAWLING BUSH 3 = DETERMINATE, SEMIPOLE 4 = INDETERMINATE, POLE

[0][4][2] CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE

[0][0][5] NUMBER PRIMARY BRANCHES PER MAIN STALK

[3][7] CM. SPREAD

[2] Branching habit: 1 = COMPACT 2 = OPEN

[0][4] NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF TERMINAL INFLORESCENCE

[0][2] CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF

[0][7] MM. STALK DIAMETER ABOVE FIRST TRIFOLIATE LEAF

[1] Main stalk: 1 = BRITTLE 2 = WIREY [1] 1. STOUT 2. THIN

[3] Flower position:
[3] Pod Position:
1 = LOW, CONCENTRATED 2 = HIGH, CONCENTRATED 3 = SCATTERED

5. LEAVES:

[1] 1 = SMOOTH 2 = WRINKLED [1] 1 = DULL 2 = GLOSSY [2] Thickness: 1 = THIN 2 = MEDIUM 3 = THICK

[2] Size: 1 = SMALL *(Earliwax)* 2 = MEDIUM 3 = LARGE *(Tendercrop)* [8] CM. PETIOLE LENGTH *(To basal leaflets of first trifoliate leaf)*

[2] Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED 3 = SHARP POINTED

[2] PUBESCENCE - Dorsal:
[2] PUBESCENCE - Ventral:
1 = NONE 2 = SLIGHT 3 = CONSIDERABLE

[2] Color: 1 = LIGHT GREEN *(Bountiful)* 2 = MEDIUM GREEN 3 = DARK GREEN *(Bush Blue Lake)*

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 [4] 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 6] CM. LENGTH [1 1] MM. WIDTH *(Between sutures)* [1 2] MM. THICKNESS [0 9] WIDTH / THICKNESS X 10

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

[2] Curvature: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED

[1] Constrictions: 1 = NONE 2 = SLIGHT 3 = DEEP

[2] Surface: 1 = SHINY 2 = DULL

[1] Pod flesh: 1 = LIGHT 2 = DARK

[14] MM. SPUR LENGTH

[3] Fiber: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE

[8] NUMBER OF SEEDS PER POD

[14] NUMBER MARKETABLE PODS PER PLANT *(Once over harvest)*

[2] Pubescence: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE

[1] Spur: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED

[1] Surface: 1 = SMOOTH 2 = BLISTERED

[1] Pod flesh: 1 = FIRM 2 = WATERY

[2] Suture string: 1 = PRESENT 2 = ABSENT

[1] Seed development: 1 = SLOW 2 = MEDIUM 3 = FAST

[20] NUMBER 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: [0] Secondary color: 1 = WHITE 2 = YELLOW 3 = BUFF 4 = TAN 5 = BROWN 6 = PINK 7 = RED 8 = PURPLE 9 = BLUE 10 = BLACK 11 = OTHER *(Specify)*_____

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

[0] 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:

[2] 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 3 = CORDATE 4 = ROUND

[24] GM. WEIGHT PER 100 SEEDS

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

[0 6] MM. WIDTH *(Dorsal to ventral)*

[0 5] MM. THICKNESS *(Side to side)*

[1 1] MM. LENGTH

[0 1 2] WIDTH / THICKNESS X 10

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

[1] FLOWERS [1] STEMS [1] PODS [1] SEEDS [1] LEAVES

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

0	RUST *(Specify race)* _____	0	ANGULAR LEAF SPOT
0	BACTERIAL WILT	2	COMMON BEAN MOSAIC
0	ANTHRACNOSE	0	YELLOW BEAN MOSAIC
0	SOUTHERN BEAN MOSAIC	0	FUSARIUM ROOT ROT
0	CURLY TOP	2	N.Y. 15 BEAN MOSAIC
0	POWDERY MILDEW	0	BEAN MOSAIC VIRUS 4
0	HALO BLIGHT	0	FUSCOUS BLIGHT
0	ALFALFA MOSAIC VIRUS	0	ALFALFA MOSAIC VIRUS 2
0	POD MOTTLE VIRUS	0	RED NODE VIRUS
0	ROOT KNOT NEMATODE	0	OTHER *(Specify)* _____

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

0	APHIDS	0	LEAF HOPPERS
0	POD BORER	0	LYGUS
0	THRIPS	0	WEAVILS
0	SEED CORN MAGGOT	0	OTHER *(Specify)* _____

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

[0] HEAT [0] COLD [0] DROUGHT [0] OTHER *(Specify)* _____

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

1. Beans of New York. Vol. I 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.

March 31, 1978

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs (W)B(C)6(W)A(C)Ms))

EXHIBIT D: Data Indicative of Novelty.

Plateau Provider most closely resembles the variety White Seeded Provider. It is distinct from White Seeded Provider by having a shorter seed length, wider pod width(between satures), longer pods, and flowers earlier.

	Plateau Provider	White Seeded Provider	$\bar{d}$	$\bar{s}_d$	t	df	p
Seed length (mm)	11.3	13.4	2.09	.09	23.09	299	<.001
*Pod Width (mm) (between sutures) (sieve-5 pods)	9.8	8.9	0.95	.086	11.01	94	<.001
*Pod length (cm) (sieve-5 pods)	13.2	12.6	0.61	.141	4.34	94	<.001
*Days to flower (Date of planting to date of 1st open flower)	35.5	38.1	2.59	.413	6.27	36	<.001

*-Measurements were obtained from a planting made January 28, 1978, in a greenhouse held at a minimum 68° Fahrenheit at Columbus, Wisconsin.

In addition Plateau Provider is distinct from White Seeded Provider by having a darker (brighter) pod color, slightly more curve to the pods, and its pods are less crease-back than White Seeded Provider.

4 May 1977

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs(W)B(C)6(W)A(C)Ms)).

EXHIBIT D: Data Indicative of Novelty.

Plateau Provider most closely resembles the variety White Seeded Provider. It is distinct from White Seeded Provider by having a longer pod and a shorter pod spur.

	Plateau Provider	White Seeded Provider	$\bar{d}$	$s_{\bar{d}}$
Pod length *	16.28 cm.	14.95 cm.	1.37	.23
Pod spur length *	13.80 mm.	15.80 mm.	2.00	.60

* - measurements are based on ten paired comparisons.

Measurements were obtained from a planting made in February 2, 1976, in a greenhouse held at a minimum 68° Fahrenheit at Columbus, Wisconsin.

7700079

EXHIBIT "E"

Plant Variety Protection Application

No: _____

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 - PLATEAU PROVIDER, 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 12 day of May, 1977.

BREEDER

George C. Emery

DR. GEORGE C. EMERY

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

NEWY01A:171511:1:09/26/97
26757-1

A490370

ENDORSED
FILED
In the office of the Secretary of State
of the State of California

JUN 30 1997

BILL JONES, Secretary of State

CERTIFICATE OF AMENDMENT

OF THE

ARTICLES OF INCORPORATION

OF

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

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, President

Helen Andritsakis, Secretary

NEWY01A:163794:1:06/25/97
26757-1

A493976

State of California

SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE

VB

2 PAGES

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

THE GREAT SEAL OF THE STATE OF CALIFORNIA

EUREKA

Bill Jones

Secretary of State

SEC/STATE FORM CE-107 (REV. 4/97)

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