



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Rogers Brothers 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 *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 (P.L. 56-2, 7 U.S.C. 2321 ET SEQ.)

GARDEN PEA

'Alcan'



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 27th day of August in the year of our Lord one thousand nine hundred and eighty-one.

Attest:

Samuel R. Lee
 Commissioner
 Plant Variety Protection Office
 Grain Division
 Agricultural Marketing Service

John R. Block
 Secretary of Agriculture

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

INSTRUCTIONS: See Reverse.

1a. TEMPORARY DESIGNATION OF VARIETY Canner 69-190		1b. VARIETY NAME Alcan		FOR OFFICIAL USE ONLY	
				PV NUMBER 8000098	
2. KIND NAME Garden Pea		3. GENUS AND SPECIES NAME Pisum Sativum		FILING DATE 5/5/80	TIME 8:00 A.M. P.M.
4. FAMILY NAME (BOTANICAL) Leguminosae		5. DATE OF DETERMINATION Fall, 1969		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 5/5/80 7/27/81
6. NAME OF APPLICANT(S) Rogers Brothers Seed Company		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P. O. Box 1647 Idaho Falls, ID 83401		8. TELEPHONE AREA CODE AND NUMBER (208) 522-0143	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation			10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION Delaware		11. DATE OF INCORPORATION Feb. 25, 1975
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: Mr. Charles Green, Administrative Assistant Rogers Brothers Seed Company P. O. Box 1647, Idaho Falls, ID 83401					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- 13B. Exhibit B, Novelty Statement.
- 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- 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 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

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? YES NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? YES NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? YES NO

17. The applicant(s) declare(s) that a viable sample of basic seed 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 Act.

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

April 24, 1980
 (DATE)

Charles Green

(SIGNATURE OF APPLICANT)
 Charles Green, Administrative Assistant
 for Rogers Brothers Seed Company

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, 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 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.
- 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, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

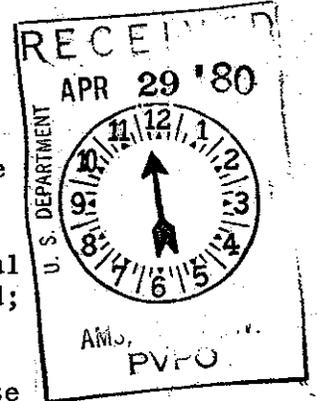


Exhibit AOrigin and Breeding History of the Variety

Alcan is an early maturing Alaska type canning pea that was derived from the following hand pollinated crosses:

{(Winner 60 x Alaska 123) x Washburn Wilson K 235-35} x Asgrow Sprite

The final cross of this pedigree was made during the winter of 1962-63 and the following series of selections were subsequently made:

<u>Year</u>	<u>Generation</u>	<u>Plot</u>	<u>Harvested</u>
1963	f ₁	63757	Bulked
1964	f ₂	64809	7 single plant selections
1965	f ₃	65894	3 single plant selections
1966	f ₄	66532	1 single plant selection
1967	f ₅	67636	3 single plant selections
1968	f ₆	68439	3 oz. bulk
1969	f ₇	69190	9 oz. bulk

The 9 oz. bulk harvest of plot 69109 has subsequently been increased and is the source of the current production seed stock. In the f₈ generation, 10 single plant selections were harvested and after evaluating for trueness to type during the subsequent years, three purelines evolved from these selections as the basis of the seed stock maintenance for Alcan and have been increased and placed in reserve.

There have been no off-type plants reported in Alcan throughout its development and to the best of our knowledge Alcan is uniform in type and genetically stable.

ALCAN

8000098

Exhibit B

Novelty Statement

Alcan most closely resembles the Rogers Brothers variety Cameo, except Alcan averages approximately one-half sieve size larger and has darker green fresh pea color than Cameo.

Alcan differs from the variety Dot, in as much as it has nearly one sieve size larger pea size and Alcan produces 10% or more of the nodes with 3 pods per node while Dot only produces two pods per node.

ALCAN

EXHIBIT B

(Supplement)

ALCAN most closely resembles the Rogers Brothers pea variety, Cameo, except ALCAN has darker green fresh pea color than Cameo with a Royal Horticultural Society Color Chart color match of 145A compared to 145B for Cameo.

Also, the dry seed color of ALCAN is darker green color than Cameo with ALCAN matching Color 146B and Cameo matching color 146C on the Royal Horticultural Society color chart.

RECEIVED

JUN 20 1964



UNIVERSITY OF CALIFORNIA
DAVIS

ALCAN
Exhibit B - SUPPLEMENT
Novelty Statement

Amendment to sieve size statement:

Alcan most closely resembles the Rogers Brothers variety Cameo, except Alcan averages approximately 0.3 of a sieve size larger than Cameo.

Because of a severe virus problem during the summer of 1980 in Idaho, it was impossible to obtain replicated sieve size data to support this claim for sieve size difference. We have, however, data from the three previous years which should support this difference. This comparison is as follows:

Variety	Year	Tender-ometer						AVG. Sieve	AVG. Sieve Adjusted	
		1	2	3	4	5	6			
ALCAN	1977	123	2	18	32	39	8	1	3.37	2.86
	1978	110	7	18	17	35	11	2	3.31	3.07
	1979	114	7	12	24	36	18	3	3.55	3.19
									\bar{X}	$\frac{3.19}{3.04}$
									s	$\frac{.17}{.17}$
									Coef. of Var.	0.056
CAMEO	1977	111	13	24	29	28	5	1	2.91	2.70
	1978	105	15	27	32	21	4	1	2.75	2.67
	1979	120	11	21	22	32	11	3	3.20	2.78
									\bar{X}	$\frac{2.78}{2.72}$
									s	$\frac{.06}{.06}$
									Coef. of Var.	0.022

1 All average sieve sizes adjusted to 100 Tenderometer, using formula of 0.67% sieve size change per tenderometer unit.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION
NATIONAL AGRICULTURAL LIBRARY
BELTSVILLE, MARYLAND 20705
OBJECTIVE DESCRIPTION OF VARIETY
PEA (*PISUM SATIVUM*)

NAME OF APPLICANT(S) ROGERS BROTHERS SEED COMPANY		VARIETY NAME OR TEMPORARY DESIGNATION ALCAN
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P. O. Box 1647 Idaho Falls, Idaho 83401		FOR OFFICIAL USE ONLY PVPO NUMBER 8000098

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:

At Twin Falls

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 Will collect data during 1980
NUMBER OF NODES

5. LEAFLETS:

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 1 = NOT MARBLED 2 = MARBLED (Alaska)
4 = HEAVY

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)
 1 Color: 1 = LIGHT GREEN (Alaska WR) 2 = MEDIUM GREEN 3 = DARK GREEN (Alderman)
 4 = OTHER (Specify) _____
 1 Surface: 1 = SMOOTH 2 = ROUGH 2 Surface: 1 = SHINY 2 = DULL
 4 Borne: 1 = SINGLE 2 = DOUBLE 3 = SINGLE AND DOUBLE 4 = SINGLE, DOUBLE, & TRIPEE
 5 = DOUBLE & TRIPLE 6 = TRIPLE 7 = OTHER (Specify) _____
 4 5 ^{mm} CM. LENGTH 1 2 MM. WIDTH (Between sutures) 0 6 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

1 Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____
 Seive: % 0 9 3 8 3 5 1 4 0 4 0 0 0 0 2 6 5 AVERAGE

SEEDS (Dry, Mature):

1 Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED
 1 Surface: 1 = SMOOTH 2 = DIMPLED 3 = WRINKLED 2 Surface: 1 = SHINY 2 = DULL
 1 Color Pattern: 1 = MONOCOLOR 2 = MOTTLED 3 = STRIPED 4 = DOTTED
 3 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

1 9 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 1 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	Dot	Fresh Seed Color	Cameo & Dot
Leaf Color	Dot	Mature Seed Color	Dot
Pod Color	Cameo & Dot	Seed Shape	Alaska WR
Pod Shape	Cameo	Plant Habit	Cameo

COMMENTS:

7

MAY 5 1980

8:00 am

ALCANExhibit DAdditional Description of the Variety

Alcan is a smooth seeded, early Alaska canning variety which has a determinate vine and a concentrated and determinate pod set. Alcan combines a desirable small sieve size with high yield potential. The dark green cotyledon color gives Alcan a uniquely attractive canned appearance.

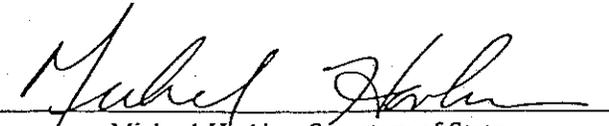
State of Delaware



Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE
DO HEREBY CERTIFY THAT "ROGERS BROTHERS SEED COMPANY", FILED A
CERTIFICATE OF AMENDMENT, CHANGING ITS CORPORATE TITLE TO "ROGERS
NK SEED CO.", ON THE TWENTY-SIXTH DAY OF DECEMBER, A.D. 1990, AT 10:01
O'CLOCK A.M.




Michael Harkins, Secretary of State

AUTHENTICATION: 

DATE: 10/08/1991

DO NOT WRITE IN THIS SPACE

AMENDED
STATEMENT AND DESIGNATION
BY
FOREIGN CORPORATION

ROGERS NK SEED CO.

_____, a corporation
organized and existing under the laws of Delaware,
and which is presently qualified for the transaction of intrastate business in the
State of California, makes the following statements and/or designation:

That the name of the corporation has been changed to that hereinabove set forth
and that the name relinquished at the time of such change was _____

ROGERS BROTHERS SEED COMPANY

ROGERS NK SEED CO.

(Name of Corporation)

William B. Albers

(Signature of corporate officer)

William B. Albers, President

(Typed name and title of officer signing)

INSTRUCTIONS:

1. If this Amended Statement shows a change of corporate name, there must be attached to this Amended Statement a certificate of an authorized public official of the state or place of incorporation, that such change of name was made in accordance with the laws of that state or place.
2. For filing this Amended Statement there is a fee of \$15.00.

State of Delaware

PAGE 1

Office of the Secretary of State

I, WILLIAM T. QUILLEN, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "ROGERS NK SEED CO.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ROGERS SEED CO.", THE FIFTH DAY OF MAY, A.D. 1994, AT 9:00 CLOCK A.M.



William T. Quillen

William T. Quillen, Secretary of State

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
ROGERS NK SEED CO.

Adopted in accordance with the provisions
of Section 242 of the General Corporation
Law of the State of Delaware

EFFECTIVE DATE: June 1, 1994

We, Willem van Overschot, President, and Richard B. Geller, Secretary, of Rogers NK Seed Co., a corporation existing under the laws of the State of Delaware, do hereby certify as follows:

FIRST: The Certificate of Incorporation of the corporation was filed on 2/27/75.

SECOND: The Certificate of Incorporation of said corporation has been amended as follows:

By striking out the whole of Article I thereof as it now exists and inserting in lieu and instead thereof, a new Article I, reading as follows:

ARTICLE I

Name

The name of the Corporation is ROGERS SEED CO.

THIRD: Such amendment has been duly adopted in accordance with the provisions of the General Corporation Law of the State of Delaware, by the unanimous written consent of all of the stockholders entitled to vote in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

FOURTH: See attached Written Consent of Sole Shareholder and Board of Directors' Resolution.

IN WITNESS WHEREOF, we have signed this certificate this 13th day of April,
1994.

Willem van Overschot
Willem van Overschot, President

Richard B. Geller
Richard B. Geller, Secretary

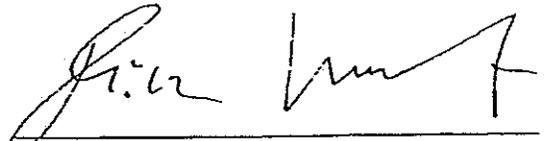
ROGERS NK SEED CO.

WRITTEN CONSENT OF SOLE SHAREHOLDER

SANDOZ CORPORATION, owner of all of the issued and outstanding shares of ROGERS NK SEED CO., hereby consents, pursuant to Section 228 of the Delaware General Corporation Law, to the adoption of the following resolution as and for the act of the shareholder:

RESOLVED, that SANDOZ CORPORATION, as sole shareholder, approves the amendment to Article I of the Certificate of Incorporation of ROGERS NK SEED CO., changing its name to ROGERS SEED CO.

Dated: April 22, 1994



Heinz P. Imhof,
Chief Executive Officer
Sandoz Corporation

ROGERS NK SEED CO.

RESOLUTION

RESOLVED, that according to Section 242 of the General Corporation Law of the State of Delaware, that Article I of the Certificate of Incorporation be amended, effective June 1, 1994, to read as follows: The name of the Corporation is **ROGERS SEED CO.**; and, further,

RESOLVED, that the appropriate officers of Rogers NK Seed Co. be, and they hereby are, authorized to take any and all further action and execute and deliver any and all further documents that may be necessary or desirable in order to carry out and effectuate fully the purposes set forth in the foregoing resolution.

ADOPTED UNANIMOUSLY BY THE BOARD
MARCH 31, 1994

Richard B. Geller
Richard B. Geller, Secretary

State of Delaware
Office of the Secretary of State PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ROGERS SEED CO.", A DELAWARE CORPORATION,
WITH AND INTO "NOVARTIS SEEDS, INC." UNDER THE NAME OF "NOVARTIS SEEDS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIFTH DAY OF JUNE, A.D. 1997, AT 9 O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



Edward J. Freel

Edward J. Freel, Secretary of State

0829320 8100M
971211787

AUTHENTICATION: 8531908
06-26-97

DATE:

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 06/25/1997
971211787 - 0829320

**CERTIFICATE OF MERGER
OF
ROGERS SEED CO.
INTO
NOVARTIS SEEDS, INC.**

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each on the constituent corporations of the merger is as follows:

NAME	STATE OF INCORPORATION
Novartis Seeds, Inc.	Delaware
Rogers Seed Co.	Delaware

SECOND: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of section 251 of the General Corporation Law of Delaware

THIRD: That the name of the surviving corporation is Novartis Seeds, Inc.

FOURTH: That the Certificate of Incorporation of Novartis Seeds, Inc., a Delaware corporation which will survive the merger, shall be the Certificate of Incorporation of the surviving corporation.

FIFTH: That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, the address of which is 7500 Olson Memorial Highway, Golden Valley, MN 55427.

SIXTH: That a copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

SEVENTH: That this Certificate of Merger shall be effective on July 1, 1997.

Dated June 23, 1997

NOVARTIS SEEDS, INC.

By: Edward C. Resler
Name: Edward C. Resler
Title: Vice President & General Counsel