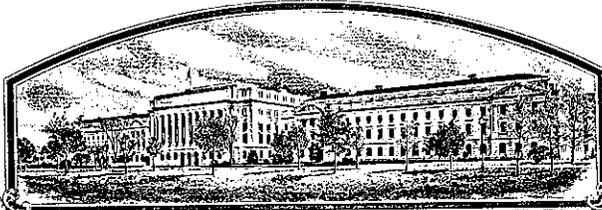


No.

8100033



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

SNAP BEAN

'Dandy'



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 28th day of February in the year of our Lord one thousand nine hundred and eighty-three.

Attest:

Kenneth A. ...
Acting
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED
 OMB NO. 40-R3822

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 GP 76139		1b. VARIETY NAME DANDY		FOR OFFICIAL USE ONLY PV NUMBER 8100033	
2. KIND NAME SNAP BEAN		3. GENUS AND SPECIES NAME Phaseolus vulgaris		FILING DATE 12/5/80	TIME 12:30 P.M.
4. FAMILY NAME (BOTANICAL) Leguminosae		5. DATE OF DETERMINATION Fall 1976		FEE RECEIVED \$ 500.00	DATE 12/5/80
				\$ 250.00	2/1/83
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 80 Idaho Falls, Idaho 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 ROGERS BROTHERS SEED COMPANY P. O. Box 80, 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.

Nov. 6, 1980
 (DATE)

Charles Green
 (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.

DEC 5 1980

DANDYEXHIBIT AORIGIN AND BREEDING HISTORY OF THE VARIETY

DANDY is an early maturing, green podded garden bean and was derived from the following hand-pollinated crosses.

CC 296 B X GREEN ISLE

The above cross was made during the Fall of 1971 and the following series of selections were subsequently made:

<u>YEAR</u>	<u>GENERATION</u>	<u>FIELD PLOT</u>	<u>AMOUNT HARVESTED</u>
1972	f ₂	721377	5 single plants
1973	f ₃	731418	3 single plants
1973-74 (winter)	f ₄	(Greenhouse)	Bulk
1974	f ₅	741063	8 single plants
1975	f ₆	751283	1# 4 oz.
1976	f ₇	76139	2# 11 oz.
1976	f ₇	76372	22#

The harvested seed of plots 76139 and 76372 have been increased into the present commercial production. Six single plant selections which were selected in the f₉ generation are currently being increased and the most uniform and true to type of these purelines will be increased into commercial production and will replace the original line as a source of seed stock.

Variant types found in DANDY have consisted of one flat pod rogue per 2600 plants and one string pod rogue per 25,000 plants. Other than these off-types, the variety is genetically stable and uniform for type.

DANDYEXHIBIT BDATA INDICATIVE OF NOVELTY

DANDY is most similar to the bean variety, Cometa, but DANDY is three days earlier maturing, has a 7 cm shorter bush and has a 1.0 cm longer pod length than Cometa.

Following is a two year data comparison for DANDY and Cometa averages:

	<u>YEAR</u>	<u>DAYS TO FRESH HARVEST</u>	<u>BUSH HEIGHT</u>	<u>POD LENGTH</u>
DANDY	1978	63	36 cm	9.5 cm
	1979	69	36 cm	10.2 cm
COMETA	1978	66	46 cm	8.9 cm
	1979	71	41 cm	8.9 cm

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION
 BELTSVILLE, MARYLAND 20705

EXHIBIT C
 (Bean)

OBJECTIVE DESCRIPTION OF VARIETY
 BEAN (*Phaseolus vulgaris* L.)

NAME OF APPLICANT(S) ROGERS BROTHERS SEED COMPANY	FOR OFFICIAL USE ONLY
	PVPO NUMBER 8100033
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P. O. BOX 80 IDAHO FALLS, IDAHO 83401	VARIETY NAME OR TEMPORARY DESIGNATION DANDY (GP 76139)

Place numbers in the boxes (e.g.) for the characters that best describe this variety. Measured data should be for SPACED PLANTS. Ranges may also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____ The location of test area is _____

Please answer questions appropriate for your variety if the information is available.

1. TYPE:

1 = Field (dry-edible) 2 = Garden

2. MARKET MATURITY:

Days to edible pods Days to green shells

Days to dry seeds

Heat units to edible pods

Heat units to green shells

Heat units to dry seeds

No. days earlier than

..... Same as ...

No. days later than

- 1 = Tendercrop
- 3 = Kinghorn Wax
- 5 = Michelite 62
- 7 = Bush Blue Lake 290

- 2 = Kentucky Wonder
- 4 = White Kidney
- 6 = Dwarf Horticultural
- 8 = Other (specify below)
- 9 = Earliwax
- 10 = Cometa

3. PLANT:

1 = Determinate 2 = Indeterminate

cm height

cm shorter than

..... Same as ...

cm taller than

cm spread

Number primary branches near base

cm narrower than

..... width same as ...

cm wider than

Branching habit:
 1 = compact 2 = open

Main stalk: 1 = brittle 2 = wirey

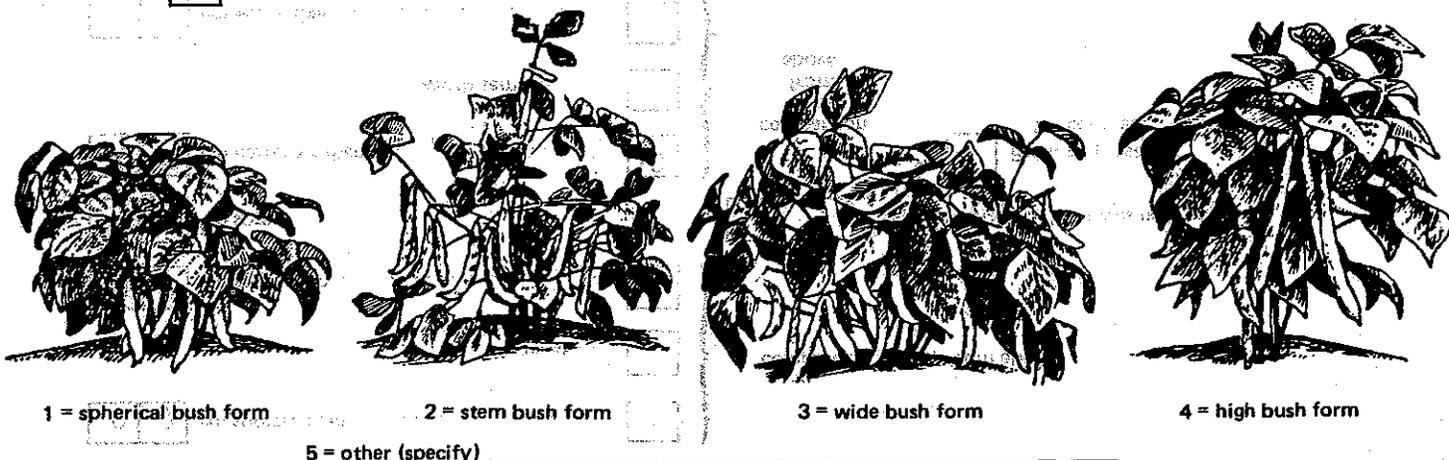
1 = stout 2 = thin

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3. PLANT: (Cont'd)

3 Pod position: 1 = low 2 = high 3 = scattered

4 Bush form (illustrated below):



4. LEAVES:

1 1 = smooth 2 = wrinkled

1 1 = dull 2 = glossy

2 Size: 1 = small (Earliwax) 2 = medium 3 = large (Tendercrop)

3 Color: 1 = light green (as light or lighter than Bountiful) 2 = medium green
3 = dark green (as dark or darker than Bush Blue Lake 290)

5. FLOWERS:

1 Color: 1 = white 2 = cream 3 = pink 4 = lilac 5 = purple 6 = Other (specify) _____

4 5 Days to 50% bloom

6. FRESH PODS: (Edible maturity, average for 20 pods)

2 Exterior color: 1 = light green (as light or lighter than Bountiful)
2 = medium green
3 = dark green (as dark or darker than Bush Blue Lake 290)
4 = light yellow (Brittlewax)
5 = golden yellow (Cherokee Wax)
6 = green-red variegated (Horticultural)
7 = other (specify) _____

% Sieve size distribution at optimum maturity for non-flat pods

Note:

- 1 = 4.76 mm to 5.76 mm
- 2 = 5.76 mm to 7.34 mm
- 3 = 7.34 mm to 8.34 mm
- 4 = 8.34 mm to 9.53 mm
- 5 = 9.53 mm to 10.72 mm
- 6 = 10.72 mm or larger

1	2	3	4	5	6
			3		

3 sieve	<input type="checkbox"/> 1 <input type="checkbox"/> 1	cm length	<input type="checkbox"/> 0 <input type="checkbox"/> 8	mm width	<input type="checkbox"/> 0 <input type="checkbox"/> 8	mm thickness
4 sieve	<input type="checkbox"/> 1 <input type="checkbox"/> 2	cm length	<input type="checkbox"/> 0 <input type="checkbox"/> 9	mm width	<input type="checkbox"/> 0 <input type="checkbox"/> 9	mm thickness
5 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness
6 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness

6. FRESH PODS: (Cont'd)

3 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart

2 Creaseback: 1 = present 2 = absent

3 Pubescence: 1 = none 2 = sparse 3 = considerable

2 Spur: 1 = straight 2 = slightly curved 3 = curved

2 Constrictions: 1 = none 2 = slight 3 = deep

3 Pod flesh: 1 = light 2 = medium 3 = dark

1 2 mm spur length

2 Fiber: 1 = none 2 = sparse 3 = considerable

6 Number of seeds per pod

1 Surface: 1 = smooth 2 = rough

2 Suture string: 1 = present 2 = absent

2 Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast

1 Machine harvest: 1 = adapted 2 = not adapted

1 Pod flavor: (1) Standard (Tendercrop)
 (2) Mild Blue Lake (BBL 274)
 (3) Strong Blue Lake (Pole FM1)
 (4) Mild Romano (Roma)
 (5) Strong Romano (Pole Romano)
 (6) Other (specify) _____

7. 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 = none 2 = splashed 3 = mottled 4 = striped 5 = flecked 6 = dotted

- Secondary color location: 1 = hilar ring 2 = ventral surface
 3 = sides 4 = dorsal surface
 5 = not restricted to any area 6 = combination of location (specify below) _____

- Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

8. SEED SHAPE AND SIZE:

1 Hilum view: 1 = elliptical 2 = oval
 3 = round

2 Cross section: 1 = elliptical 2 = oval 3 = cordate
 4 = round

1 Side view: 
 1 = oval to oblong


 2 = round


 3 = reniform

8. SEED SHAPE AND SIZE: (Cont'd)

8100033

2 1 = truncate ends 2 = rounded ends

1 8 gm/100 seed

0 3 gm/100 seed lighter than

gm/100 seed same as

gm/100 seed heavier than

7

5

comparison variety from page one

9. ANTHOCYANIN: (1 = absent 2 = present)

1 Flowers

1 Stems

1 Pods

1 Seeds

1 Leaves

10. DISEASE RESISTANCE (0 = not tested 1 = susceptible 2 = resistant):

2 Anthracnose (specify race below)
ARE Gene resistance

0 Rust (specify race below)

0 Powdery mildew

0 Fusarium root rot

0 Pythium root rot

0 Rhizoctonia root rot

0 Pythium wilt

0 Angular leaf spot

0 Bacterial wilt

0 Halo blight (specify race below)

0 Fuscous blight

0 Red node virus

0 Pod mottle virus

2 Bean common mosaic virus (specify strain below)
BV-1 and NY-15

0 Mosaic mottle

0 Black root

0 Bean yellow mosaic virus

1 Curly top

Other (specify below)

11. INSECT RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Aphids

0 Leaf hopper

0 Lygus

0 Pod borer

0 Root knot nematode

0 Seed corn maggot

0 Thrips

0 Weavils

- Other (specify below)

DEC 5 1980

12. PHYSIOLOGICAL RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Heat

0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

7

DANDYEXHIBIT DADDITIONAL DESCRIPTION OF THE VARIETY

DANDY is an early maturing, greenpodded variety with a maximum pod length of 11 cm and produces 95% of the pods of 8mm diameter or smaller (3 sieve or smaller). The small seeds of DANDY develop more slowly than is typical of this small, 'whole pack' type. The pods are dark green, being only slightly lighter color than Cometa. The pods of DANDY are round and typically retain this roundness well beyond prime green harvest stage.

The bush of DANDY is compact, stands erect and the leaves are relatively small, giving it a rather open foliage. Yields of DANDY have been high considering the small pod type.

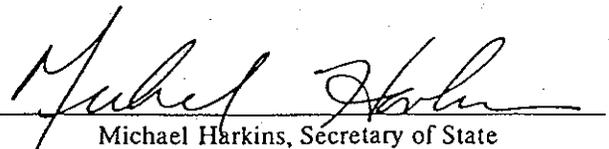
State of Delaware



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 O'CLOCK A.M.



William T. Quillen
William T. Quillen, Secretary of State

0810041 8320

AUTHENTICATION: 7120759

DATE: 05 16 94

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

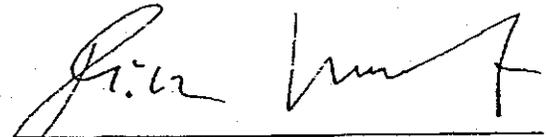
ROGERS NK SEED CO.

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

20 08 31

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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:

15

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 06/25/1997
971211787 - 0629320

**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