



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Gallatin Valley Seed Co.,  
A Division of 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, 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 (1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

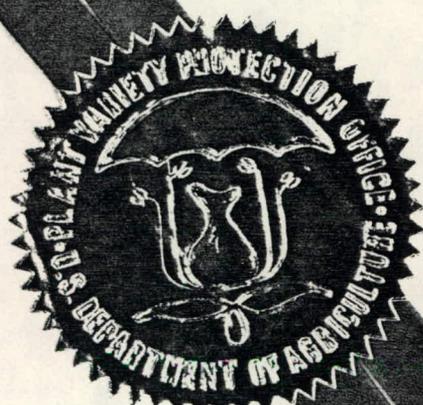
'Early Sweet #9'

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 11th day of March in the year of our Lord one thousand nine hundred and eighty-two.

Attest:

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

*John R. Block*  
Secretary of Agriculture





Data Indicative Of Novelty

'Early Sweet #9' is most similar to its male parent 'Early Sweet #7'. Both are early canning peas. 'Early Sweet #9' is about two days later.

The main significant difference between these varieties is that 'Early Sweet #9' has a "crypto-dwarf"\* vine and 'Early Sweet #7' has a standard dwarf type of vine growth. With the "crypto-dwarf" vine type the internode length of the early seeding development is longer than a standard dwarf type.

The vine length of 'Early Sweet #9' to the first flowering node is ten inches where as the vine length of 'Early Sweet #7' is six inches. This forty percent difference in vine height to the first flowering node is a very significant advantage in some harvesting conditions.

\*For more information about the "crypto-dwarf", see an article by Dr. G.A. Marx titled "Classification, Genetics, and Breeding" in the book The Physiology Of The Garden Pea, page 32, printed by Academic Press.

RACERASE BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



# 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.

AMS, LP&S DIV.  
PVPD

RECEIVED



U.S. DEPARTMENT  
MAY 4 1981  
RECEIVED

**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 (H 482-20-1-4)		1b. VARIETY NAME Early Sweet #9		<b>FOR OFFICIAL USE ONLY</b>	
				PV NUMBER <b>8100110</b>	
2. KIND NAME Canner Pea		3. GENUS AND SPECIES NAME <u>Pisum sativum</u>		FILING DATE 5/15/81	TIME 3:30 <b>A.M.</b> <b>P.M.</b>
4. FAMILY NAME (BOTANICAL) Leguminosae		5. DATE OF DETERMINATION 1975		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 5/15/81 12/21/81
6. NAME OF APPLICANT(S) GALLATIN VALLEY SEED CO., A Division of 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 2-25-75	

12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS:  
 GALLATIN VALLEY SEED CO.  
 P. O. Box 80  
 Idaho Falls, Idaho 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.

May 1, 1981  
 (DATE)

Alden E. Hill  
 (SIGNATURE OF APPLICANT)

5/1/81  
 (DATE)

Harlow J. McNamee  
 (SIGNATURE OF APPLICANT)

April 27, 1981

Exhibit 13B. <sup>D. 1st 8/10/519</sup>

## Botanical Description Of 'Early Sweet #9'

'Early Sweet #9' is an early canner pea which blooms first at the tenth node. It grows to a height of about 50 cm. One and two pods are produced at each node. 'Early Sweet #9' appears to have a genetic combination which gives it a phenotype called "crypto-dwarf"\* The internode length of the early seeding development is longer than a standard dwarf type.

\*For more information about the "crypto-dwarf", see an article by Dr. G.A. Marx titled "Classification, Genetics, and Breeding" in the book The Physiology Of The Garden Pea, page 32, printed by Academic Press.

WATERPAPERASE BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



GALLATIN VALLEY SEED CO.  
-A Montana Corporation-

CONSENT TO ADOPTION OF RESOLUTION

BY

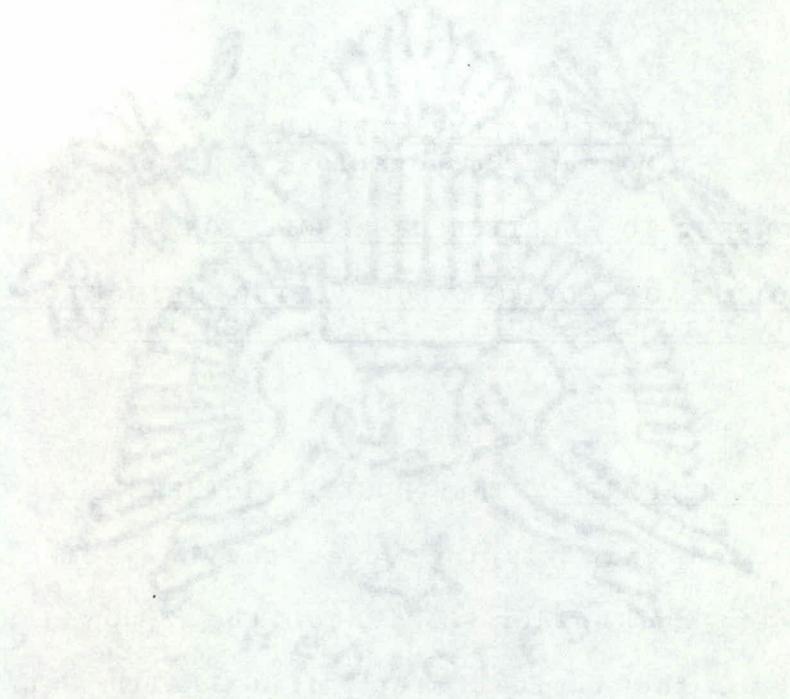
SOLE SHAREHOLDER OF CORPORATION ACTING WITHOUT A MEETING  
PURSUANT TO SECTION 15-22-134, RCM 1947

\* \* \* \*

KNOW ALL MEN BY THESE PRESENTS: That ROGERS BROTHERS SEED COMPANY, a corporation organized and existing under the Laws of the State of Delaware, as owner and holder of all of the 2,005 issued and outstanding shares of the capital stock of GALLATIN VALLEY SEED CO., a corporation organized and existing under the laws of the State of Montana, acting without a meeting of shareholders of said Montana corporation pursuant to and as authorized by Section 15-22-134 of the Montana Business Corporation Code, hereby consents to the adoption of the following resolutions with like effect as if adopted by a unanimous vote of the shareholders of said Montana corporation at a meeting of its shareholders duly called and noticed for the purpose of considering the adoption of said resolution, to-wit:

WHEREAS, the shareholder of this corporation purchased all of the issued and outstanding shares of this corporation on April 1, 1975 and;

WHEREAS, pursuant to a resolution of its Board of Directors dated March 25, 1977, the shareholder of this corporation has resolved to liquidate this corporation under a plan of liquidation which complies with Section 334(b) (2) of the Internal Revenue Code of 1954; and

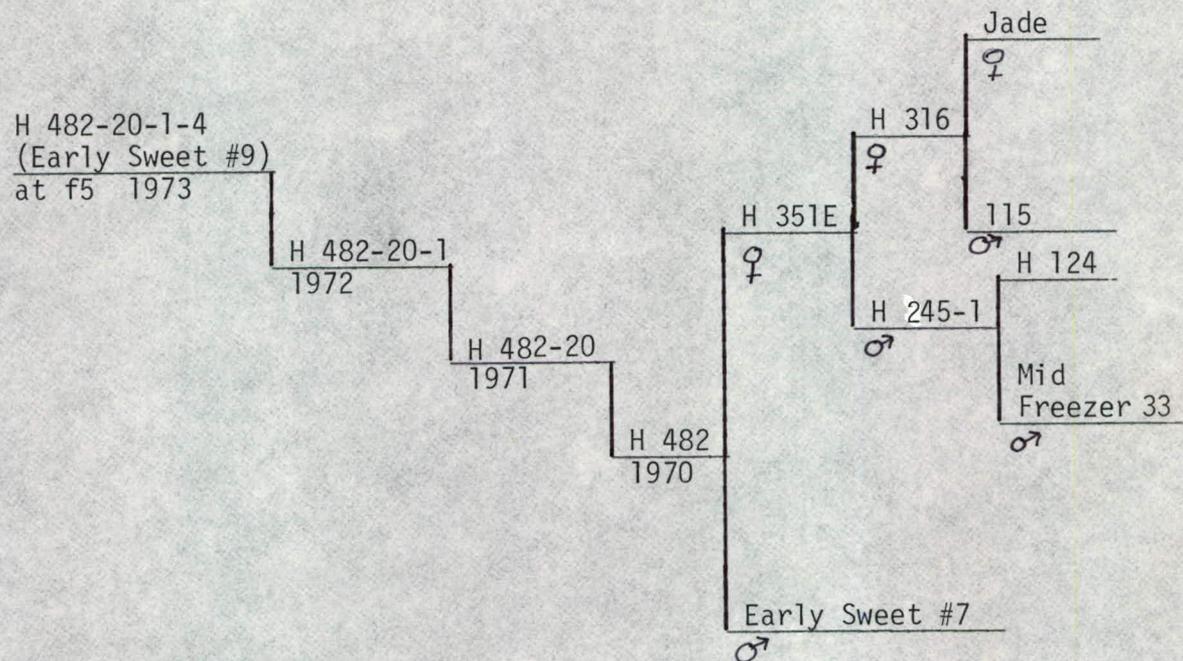


8001

April 27, 1981

Exhibit 13A.

Pedigree Chart For: 'Early Sweet #9' (H 482-20-1-4)  
By: Gallatin Valley Seed Co.



'Early Sweet #9' is the result of a hand pollinated cross between H 351 E (a breeding line of Gallatin Valley Seed Co.) and 'Early Sweet #7' (an early canning pea variety currently being used in the midwest).

'Early Sweet #9' was selected as a single plant selection (H 482-20-1-4) in 1973, and has been maintained as a pure line since then. It was observed for two years and was first increased in 1975. In 1978, 1,250 pounds of seed were sold for trial plantings. In 1979, the trial plantings were increased to a total of

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SOUTHWORTH CO. U.S.A.

March

AST

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MAY 4 1981

U. S. DEPARTMENT



OF AGRICULTURE

AMS, LPG&S DIV.  
PVPO

SOUTHWORTH CO. U.S.A.

April 27, 1981

Exhibit 13A. (continued)

32,000 pounds. This variety was still in the trial quantity stage during 1980 with a total of 31,910 pounds being tested. Commercial sales of 'Early Sweet #9' will begin in 1981 with a total of 79,400 pounds having been ordered.

The only variant plants observed in 'Early Sweet #9' is a trace of albino and varigated mutants. These variants are a common problem in peas. The frequency is normally one or less per thousand.

'Early Sweet #9' has been observed each year of increase and has every appearance of being stable.

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SOUTHWORTH CO. U.S.A.

25% COTTON FIBER

March

12

The following information was obtained from the records of the  
 Federal Bureau of Investigation, Southern District of New York, on  
 March 12, 1981, in connection with the investigation of the  
 activities of the Communist Party, USA, New York City Chapter,  
 and its affiliates, in the Southern District of New York.  
 The information was obtained from the files of the New York  
 Office of the Federal Bureau of Investigation, Southern District  
 of New York, and is being furnished to you for your information.  
 The information is being furnished to you in confidence and is  
 not to be disseminated outside your agency.

RACERASE BOND  
 SOUTH WORTHINGTON U.S.A.  
 COTTON FIBER

**RECEIVED**  
 MAY 4 1981  
 U.S. DEPARTMENT OF JUSTICE  
 AMS, LPG&S DIV.  
 PVPO

May 7, 1981

Pea Application:

No. 8100110, 'Early Sweet #9'

Exhibit A. (continued)

'Early Sweet #9' has been observed and tested for more than three years and is stable and uniform.

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SOUTHWORTH CO. U.S.A.  
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RAKARASE BOND  
SOUTH NORTH COL. S.A.  
88% COTTON FIBER

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JUN 15 1981  
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AMS, LPG&S DIV.  
PVPO

8. PODS:

1 Shape: 1 = STRAIGHT 2 = SLIGHTLY CURVED  2 End: 1 = POINTED (Alderman) 2 = BLUNT (Alaska)  
 1 Color: 1 = LIGHT GREEN (Alaska WR) 2 = MEDIUM GREEN 3 = DARK GREEN (Alderman)  
 1 Surface: 1 = SMOOTH 2 = ROUGH  2 Surface: 1 = SHINY 2 = DULL  
 3 Borne: 1 = SINGLE 2 = DOUBLE 3 = SINGLE AND DOUBLE 4 = SINGLE, DOUBLE, & TRIPEE  
 5 = DOUBLE & TRIPLE 6 = TRIPLE 7 = OTHER (Specify) \_\_\_\_\_  
 0  7 CM. LENGTH  1  5 MM. WIDTH (Between sutures)  0  7 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

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

SEEDS (Dry, Mature):

4 Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED  
 3 Surface: 1 = SMOOTH 2 = DIMPLED  2 Surface: 1 = SHINY 2 = DULL  
 3 = WRINKLED  
 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  
 0 Secondary Color: 5 = DARK GREEN 6 = BLUE-GREEN 7 = YELLOW 8 = BROWN 9 = RED  
 10 = GRAY 11 = BLACK  
 1 Hilum Floor Color: 1 = WHITE 2 = TAN  1 Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE  
 3 = BLACK

1  9 GRAMS PER 100 SEEDS

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

1 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  
 0 OTHER (Specify) \_\_\_\_\_

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

1 APHIDS  0 OTHER (Specify) \_\_\_\_\_

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Early Sweet #7	Fresh Seed Color	Early Sweet #7
Leaf Color	"	Mature Seed Color	"
Pod Color	"	Seed Shape	"
Pod Shape	"	Plant Habit	"

COMMENTS:

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) GALLATIN VALLEY SEED CO.	VARIETY NAME OR TEMPORARY DESIGNATION 'Early Sweet #9 (H 482-20-1-4)
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 167 Twin Falls, ID 83301	FOR OFFICIAL USE ONLY PVPO NUMBER 8100110

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:

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     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)

WHEREAS, pursuant to Section 15-2276 of the Montana Business Corporation Code the shareholder of this corporation has consented to the voluntary dissolution of the corporation;

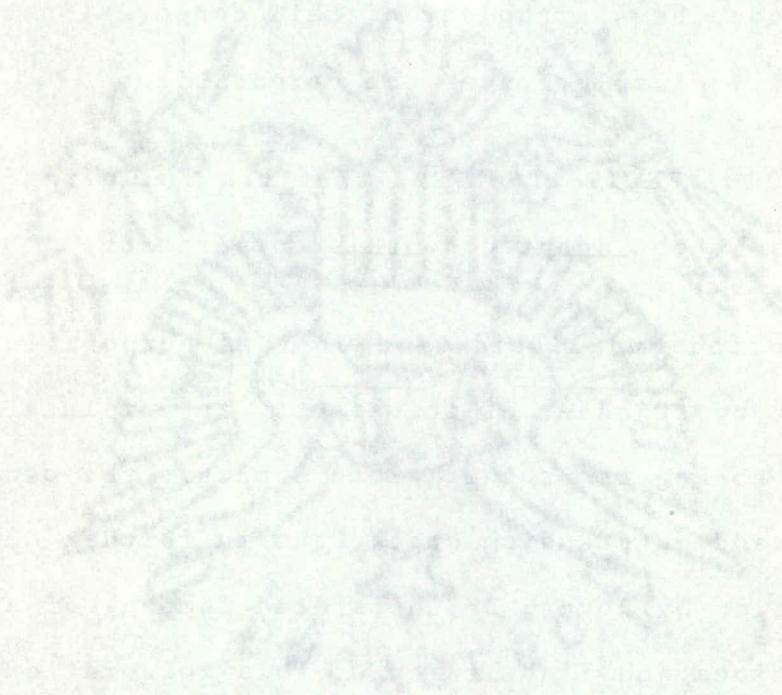
NOW THEREFORE, BE IT RESOLVED, that the following plan of liquidation is hereby adopted by this corporation:

The dissolution and liquidation of this corporation shall be carried out by transfer of its assets, in complete cancellation of its stock, to Rogers Brothers Seed Company, the owner of all of its issued and outstanding stock, and in further consideration of the assumption by Rogers Brothers Seed Company of all of the debts, obligations and liabilities of this corporation outstanding at the time of such transfer. Such liquidating distribution to Rogers Brothers Seed Company shall take place no later than March 24, 1978 and further,

RESOLVED, that the liquidation of this corporation pursuant to the foregoing plan of liquidation shall be carried out in such manner as to cause such liquidation and the distribution of the assets of this corporation to qualify under and be treated in accordance with Sections 332 and 334 (b)(2) of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder, and further,

RESOLVED, that the directors and officers of this corporation be and they hereby are authorized to take any and all actions necessary to carry out the foregoing resolutions in accordance with their purpose and intent.

1861



IN WITNESS WHEREOF, said corporation has caused its corporate name to be subscribed and its corporate seal to be affixed by its proper officers, hereunto duly authorized this 22<sup>nd</sup> day of February, 1978.

ROGERS BROTHERS SEED COMPANY

By Harvey W. Mauth  
President

Attest:

Alden E. Hill  
Alden E. Hill  
Secretary

1888



STATE OF IDAHO )  
 ) ss  
County of Bonneville )

On this 22<sup>nd</sup> day of February, 1978, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared HARVEY W. MAUTH, known to me to be the President of ROGERS BROTHERS SEED COMPANY, a Delaware corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Harlow M. Haman  
Notary Public for the State of Idaho  
My Commission expires: Lifetime

(SEAL OF)  
( SAID )  
( NOTARY)

C E R T I F I C A T E

STATE OF IDAHO )  
 ) ss.  
County of Bonneville)

I, ALDEN E. HILL, Secretary of GALLATIN VALLEY SEED CO.,, a corporation organized and existing under the laws of the State of Montana, DO HEREBY CERTIFY that Rogers Brothers Seed Company, a corporation organized and existing under the laws of the State of Delaware, is the owner of 2,005 shares of the capital stock of Gallatin Valley Seed Co., and that said 2,005 shares represents the total issued and outstanding Capital Stock of the Corporation as shown by the books of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

Alden E. Hill  
Secretary

(CORPORATE)  
( SEAL )

1008



Foreign-Montana

No. 14236-1

GALLATIN VALLEY SEED CO.

Certificate of Withdrawal

STATE OF IDAHO  
Department of State  
Boise, Idaho

Approved, filed and admitted to the  
records of articles of Incorporation  
of the State of Idaho this 24th  
day of March 19 78  
at 9:30 o'clock A M.

FEES PAID

Filing \$ 4.00

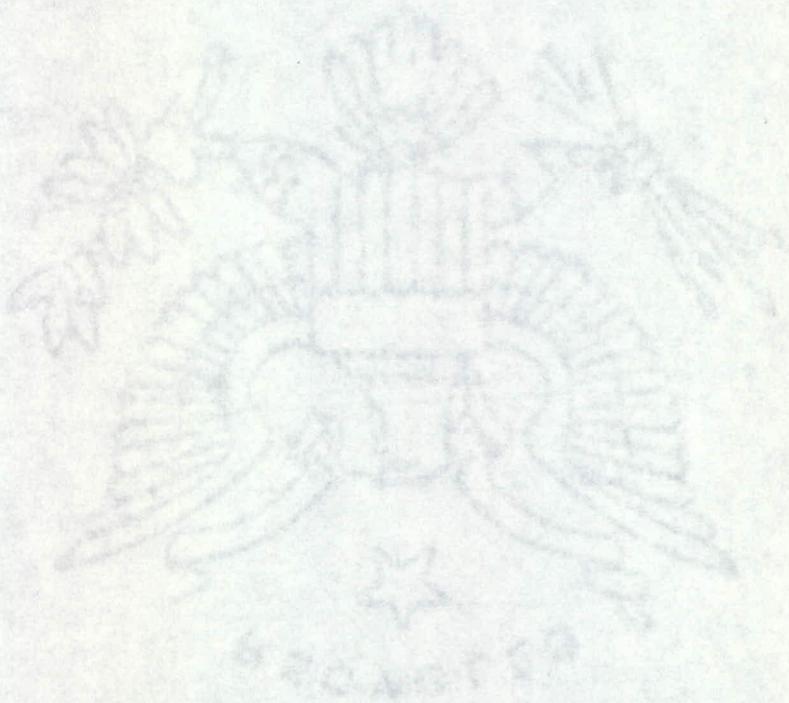
Pete T. Cenarrusa

SECRETARY OF STATE

BY Megan Tapp  
CORPORATION CLERK

Filed by: Rogers Brothers Seed Co,  
P.O. Box 1647  
Idaho Falls, Idaho 83401

1861



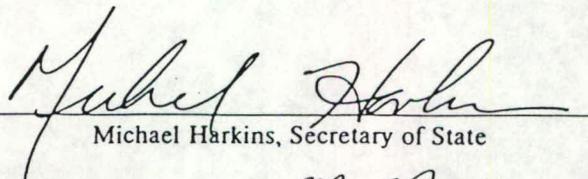
# State of Delaware

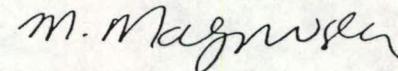


## Office of Secretary of State

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

1888



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.

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1888



*Office of the Secretary of State*

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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

944080001

DATE: 05-16-94

16

1998



**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 13<sup>th</sup> day of April, 1994.

Willem van Overschot  
Willem van Overschot, President

Richard B. Geller  
Richard B. Geller, Secretary



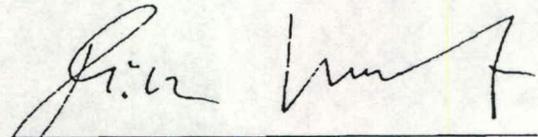
ROGERS NK SEED CO.

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

APR 23 1994

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1998



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



1998



*State of Delaware*  
*Office of the Secretary of State* PAGE 1

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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:



1998

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:

<b>NAME</b>	<b>STATE OF INCORPORATION</b>
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.

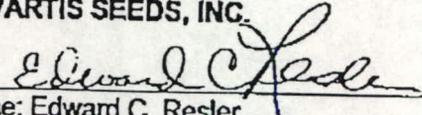
**FIFTH:** That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, the address of which is 7500 Olson Memorial Highway, Golden Valley, MN 55427.

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



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