No. 8200009

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Asgrow Seed Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF 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 (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Dew'

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, D.C. *this* 23rd *day of* September *in the year of our Lord one thousand nine hundred and* eighty-two

Attest:

Kenneth A. Evans

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

John R Block

Secretary of Agriculture

8200009

EXHIBIT A

Origin and Breeding History of XP-F3035 Garden Pea

The original cross, made in 1964, was Sprite by Mohawk. XP-F3035 was developed by straight line selections from that cross through the F_{12} generation in 1974, when it was advanced to the status of an experimental line.

Observation and yield trials in 1978, 1979, and 1980 confirmed the value of this line as a very early freezer pea.

XP-F3035 is a stable, true breeding line. We have been able to find no segregation.

Observations indicate XP-F3035 is uniform and stable, within commercially acceptable levels.

mga

8200009

EXHIBIT B

Novelty Statement Concerning XP-F3035

XP-F3035 is unique as a freezer pea because of its very early maturity and small sieve size. To our knowledge, the commercial variety most similar to XP-F3035 is Spring. Comparative characteristics that make XP-F3035 a distinct variety include, but may not be limited to the following:

Trial data corrected to 115 tenderometer

Variety	Year	Heat Units	Sieve Size
3035	1979	1010	4.2
	1981	1164	4.2
Spring	1979	1020	4.9
	1981	1155	4.8

1980 data not included because of disease.

1. In two years of trials Spring was an average of 0.6 sieve size larger than XP-F3035.

2. In two comparisons of seed counts, XP-F3035 averaged 2174 seeds/pound or 214 more seeds per pound than Spring. The standard error of this difference, 36.7 with 2 degrees of freedom, indicates the difference is significant at the 95% confidence level.

mga

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.

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

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

FORM APPROVED
OMB NO. 40-R3822

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

1a. TEMPORARY DESIGNATION OF VARIETY: XP-F3035	1b. VARIETY NAME: Dew (187 811026)	FOR OFFICIAL USE ONLY — PV NUMBER: 8200009
2. KIND NAME: Garden Pea	3. GENUS AND SPECIES NAME: Pisum Sativum	FILING DATE: 10/26/81 — TIME: 2:00 A.M. P.M.
4. FAMILY NAME (BOTANICAL): Leguminosae	5. DATE OF DETERMINATION: 1974	FEE RECEIVED: $ 500.00 — DATE: 10/26/81; $ 250.00 — 8/5/82
6. NAME OF APPLICANT(S): Asgrow Seed Company	7. ADDRESS (*Street and No. or R.F.D. No., City, State, and ZIP Code*): Kalamazoo, MI 49001 9620-190-25	8. TELEPHONE AREA CODE AND NUMBER: 616-385-6605
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (*Corporation, partnership, association, etc.*) Corporation	10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION: Delaware	11. DATE OF INCORPORATION: March 22, 1968

12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS:
John A. Batcha
Asgrow Seed Company 9620-190-25
Kalamazoo, MI 49001

13. **CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:**

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

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

United Kingdom March 23, 1981

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? [ ] YES [X] 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? [X] 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.

September 2, 1981
(DATE)

John A. Batcha
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

FORM GR-470 (1-78)

Asgrow Seed Company
subsidiary of The Upjohn Company
Kalamazoo, Michigan 49001

March 17, 1982

Mr. Thaddeus E. Frey
Examiner, Plant Variety Protection Office
U.S. Department of Agriculture
National Agricultural Library Building
Beltsville, MD 20705

Dear Mr. Frey:

Reference is made to your letter of February 9, 1982 concerning pea application #8200009 'Dew'.

1. Difference between Dew and Spring can be documented by differences in number of seeds per pound:

Spring		Dew	
Year/Lot	Seed/Pound	Year/Lot	Seed/Pound
1978 227	1936	1978 228	2164
1979 171	1984	1979 173	2184
1981 124	1676	1981 126	2112

Data was accumulated at the Asgrow Research Station in Twin Falls, ID. A severe Pea Leaf Roll virus infestation in 1980 did major damage to our trials, and that is the reason data is not provided for 1980.

2. Dry seed color of Dew is light green -- Code #3.

3. Information on difference compared to other varieties you listed is as follows:

   a. Early Freezer 163, Small Seeded Thomas Laxton, Wisconsin 7101 - investigation by our plant breeder reveals these varieties have not been in production for many years, and he has no evidence they were ever successful.

   b. Karina - we have no data comparing Dew and Karina; however, we do have data comparing our variety Spring and Karina. We have comparative data on Spring and Karina from trials by the German PVP office and Lännen Tehtaat of Finland. Both indicate Karina is later than Spring by 15 C. Hu, in Germany and by 42 C. Hu, or 76 F. Hu, in Finland. Since Spring and Dew are similar in maturity (1979 and 1981 data in original application), we believe Karina is also later in maturity than Dew.

c. Honey, Colworth Swift, Prinsa and Skua - our plant breeder has no trial reference to these varieties in the last five years and questions whether they are being grown. If you can send us descriptions of these varieties, our plant breeders may be able to identify differences. We are attempting to locate seed of them. If we are successful in securing seed by planting time, we can have some data by this fall.

I trust the above answers the questions you raise. Please contact me should you require additional data.

Very truly yours,

John A. Batcha

John A. Batcha

mga

RECEIVED
MAR 22 1982
U. S. DEPARTMENT
AMS, LPG&S DIV.
PVPO

Asgrow Seed Company

Pea 'Dew', I

82-09

Transfer of Plant Variety Protection Act Rights

Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

For good and valuable consideration, reciept of which is hereby acknowledged, Asgrow hereby transfers all of its right, title and interest in and to the Certificates and Applications and to all rights relating thereto under the Plant Variety Protection Act to Seminis Vegetable Seeds, Inc., a California corporation, whose principle place of business is at 1905 Lirio Street, Saticoy, CA 93007-4206.

Dated: January 31, 1997

Asgrow Seed Company

By: Norman A Braksik

Norman A. Braksik
President

8. PODS:

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

[2] End: 1 = POINTED (Alderman) 2 = BLUNT (Alaska)

[2] 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

[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 3] MM. WIDTH (Between sutures)

[0 7] NO. SEEDS PER POD

9. SEEDS (95–100 Tenderometer):

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

Seive: %	1	2	3	4	5	6	7	8	AVERAGE
	10	14	27	38	11				3.26

SEEDS (Dry, Mature):

[1] Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED

[3] Surface: 1 = SMOOTH 2 = DIMPLED 3 = WRINKLED

[2] Surface: 1 = SHINY 2 = DULL

[1] Color Pattern: 1 = MONOCOLOR 2 = MOTTLED 3 = STRIPED 4 = DOTTED

[3] JEF 820323 Primary Color:

[ ] Secondary 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 10 = GRAY 11 = BLACK

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

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

[2 0] GRAMS PER 100 SEEDS

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

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

[ ] OTHER (Specify) _____

11. INSECT: (O= 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	Spring	Fresh Seed Color	Spring
Leaf Color	Little Marvel	Mature Seed Color	~~Spring~~ JEF 820415
Pod Color	Spring	Seed Shape	Spring
Pod Shape	Spring	Plant Habit	Spring

COMMENTS:

September 2, 1981

FORM APPROVED. OMB NO. 40-R3712

FORM GR-470-14
(3-78)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION
NATIONAL AGRICULTURAL LIBRARY
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Pea)

OBJECTIVE DESCRIPTION OF VARIETY
PEA *(PISUM SATIVUM)*

NAME OF APPLICANT(S)
Asgrow Seed Company 9620 190 25

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
Kalamazoo, MI 49001
9620-190-25

VARIETY NAME OR TEMPORARY DESIGNATION
XP-F3035

FOR OFFICIAL USE ONLY
PVPO NUMBER 8200009

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

1. TYPE:

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

2. MATURITY:

[1][0] Node number of first bloom: [0][5][5] No. of days to processing [1][0][9][0] Heat Units

[0][2] No. of days *Earlier* than . . . [1] 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:

[0][5][7] CM. HIGH

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

[0][7] Cm. *Taller* than . . . . . [3] 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

4. VINE:

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

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

[2] Internodes: 1 = STRAIGHT 2 = ZIG ZAG [1][6] NUMBER OF NODES

5. LEAFLETS:

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

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

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

6. STIPULES:

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

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

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

7. FLOWER COLOR:

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