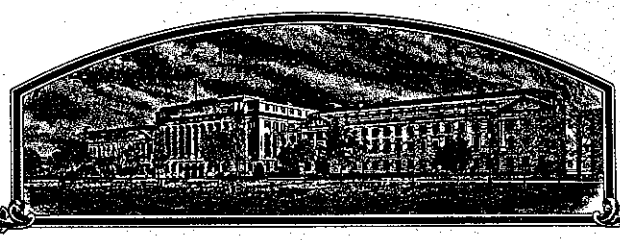
No. 8200132



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Royal Sluis

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

BEAN

'Ovation'

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* 26th *day of* April *in the year of our Lord one thousand nine hundred and* eighty-five.

*Attest:*

*Commissioner*
*Plant Variety Protection Office*
*Agricultural Marketing Service*

*Secretary of Agriculture*

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).

**FOR OFFICIAL USE ONLY**

PV NUMBER 8200132

| | |
|---|---|
| 1a. TEMPORARY DESIGNATION OF VARIETY: 80 RS 1331 | 1b. VARIETY NAME: Ovation |
| 2. KIND NAME: Dwarf snap bean | 3. GENUS AND SPECIES NAME: Phaseolus Vulgaris |
| 4. FAMILY NAME (BOTANICAL): Leguminosa | 5. DATE OF DETERMINATION: Oct. 1979 |
| 6. NAME OF APPLICANT(S): Royal Sluis | 7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*: P.O. Box 22, 1600 AA ENKHUIZEN, Holland |
| 8. TELEPHONE AREA CODE AND NUMBER: 02280-2741 | |
| 9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)*: association | 10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION: |
| 11. DATE OF INCORPORATION: | |

| | | | |
|---|---|---|---|
| FILING DATE: 5/25/82 | TIME: 11:30 ~~A.M.~~ P.M. | | |
| FEE RECEIVED: $ 500.00 / $ 250.00 | DATE: 5/25/82 / 3/27/85 | | |

12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS:

Royal Sluis, P.O. Box 22, 1600 AA ENKHUIZEN; Holland

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.)*
- [X] 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 [X] 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.)*

Holland, 03/02/82
Germany, 24/11/81

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.

4th March 1982
(DATE)

J.G. Timmerman
(SIGNATURE OF APPLICANT)

(DATE)

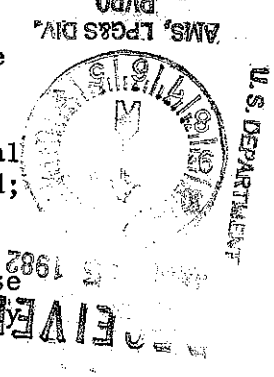
(SIGNATURE OF APPLICANT)

## 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.

Dwarf french bean Ovation

Exhibit A

Pedigree: two own parentlines.
OVATION R/S 5/13/83
~~Nerine~~ has been derived from several back crosses with our parent line, to obtain better pod characteristics.

The back cross method of breeding was used for the last several generations. Line selection was carried out. Disease resistance testing was carried out before multiplication of elite seeds.
OVATION
~~Nerine~~ has been stable and uniform through several generations of selfing. No off types have been found.

Exhibit B

Novelty statement OVATION IS MOST SIMILAR TO NERINA R/S 5/13/83

Ovation differs from Nerina in its larger sieve size (Dutch trials, August 1982).
Ovation 10,1 mm, s = 0,18, n = 100
Nerina 9,1 mm, s = 0,20, n = 100

Ovation differs from Bourdon in its planthabit, its more concentrated podset, uniformer sieve size and later maturity.
As date of first blooms is easier to measure, and more stable than pod maturity, we have made the following observations.

Days from sowing to the appearance of the first open flower of a plant.
Bourdon : 50 days, s = 1, n = 200
Ovation : 54 days, s = 1, n = 200
(Dutch trials, July 1981)

Exhibit D

Additional description

Bourdon is a heavy yielding snap bean for cutting and slicing. Pods are very smooth, show no pod constriction and are uniform in size.

8200132

ROYAL SLUIS

EXHIBIT A B addendum
CNB

2.

Days from sowing to the appearance of the first open flower of a plant:

| | August 1980 | July 1981 | Sept. 1982 |
|---|---|---|---|
| Nerine[a] | 49 (S=0,8, n=200) | 50 (S=0,9, n=200) | 51 (S=1,0, n=200) |
| Ovation | 52 (S=0,9, n=200) | 54 (S=1,0, n=200) | 55 (S=1,2, n=200) |

Concerning the difference with Bourdon, we stated that Ovation was 4 days later flowering, but it is no longer relevant, as we have withdrawn the application of Bourdon.
We did not mention Bourdon in Nerine[a]'s application, because we used Nerine[a] as most similar variety in Bourdon's application.

We hope this information is sufficient to process the application of both Nerine and Ovation.

Yours sincerely,

ROYAL SLUIS

J.G. Timmerman
Marketing dept.

NOTE: 'NERINE' WAS CHANGED TO 'NERINA'
PER APPLICANT'S LETTER OF MAY 2, 1983
IN APPLICATION FOLDER # 82.00131. R.J.S. 5/13/83

JGT/CDV

FORM APPROVED: OMB NO. 40-R3822

EXHIBIT C
*(Bean)*

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

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

| NAME OF APPLICANT(S) | FOR OFFICIAL USE ONLY |
|---|---|
| Royal Sluis | PVPO NUMBER 8200132 |
| ADDRESS *(Street and No. or R.F.D. No., City, State, and Zip Code)* | VARIETY NAME OR TEMPORARY DESIGNATION |
| P.O. Box 22, 1600 AA ENKHUIZEN, Holland | Ovation / 80 RS 1331 |

Place numbers in the boxes (e.g. [0][8][9]) 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:**

[2] 1 = Field *(dry-edible)* 2 = Garden

**2. MARKET MATURITY:**

[8][0] Days to edible pods

[ ][ ] Days to green shells

[1][0][0] Days to dry seeds

[ ][ ][ ][ ] Heat units to green shells

[ ][7][2][0] Heat units to edible pods

[ ][ ][ ][ ] Heat units to dry seeds

[ ][ ] No. days earlier than . . . . . [ ]

. . . . . Same as . . [ ]

[ ][2] No. days later than . . . . . [8]

1 = Tendercrop
2 = Kentucky Wonder
3 = Kinghorn Wax
4 = White Kidney
5 = Michelite 62
6 = Dwarf Horticultural
7 = Bush Blue Lake 290
8 = Other (specify below) Bourdon

**3. PLANT:**

[ ] 1 = Determinate 2 = Indeterminate

[ ][4][0] cm height

[ ][ ] cm shorter than . . . . . [ ]

Same as . . [8] comparison variety from above

[ ][ ] cm taller than . . . . . [ ]

[ ][ ][ ] Number primary branches near base

[3][3] cm spread

[1] Branching habit: 1 = compact 2 = open

[ ][ ] cm narrower than . . . . . [ ]

width same as . . . [8] comparison variety from above

[ ][ ] cm wider than . . . . . [ ]

[1] 1 = stout 2 = thin

[2] Main stalk: 1 = brittle 2 = wirey

4

**3. PLANT: (Cont'd)**

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

[4] Bush form (illustrated below):

1 = spherical bush form 2 = stem bush form 3 = wide bush form 4 = high bush form

5 = other (specify) _____

**4. LEAVES:**

[1] 1 = smooth 2 = wrinkled

[1] 1 = dull 2 = glossy

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

[2] 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)_____

[5][4] Days to 50% bloom

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

[3] 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 variagated (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 |
|---|---|---|---|---|---|
| | | | 40 | 50 | 10 |

| | | | |
|---|---|---|---|
| 3 sieve | [ ][ ] cm length | [ ][ ] mm width | [ ][ ] mm thickness |
| 4 sieve | [ ][ ] cm length | [ ][ ] mm width | [ ][ ] mm thickness |
| 5 sieve | [1][4] cm length | [1][0] mm width | [1][0] mm thickness |
| 6 sieve | [ ][ ] cm length | [ ][ ] mm width | [ ][ ] mm thickness |

5

**6. FRESH PODS: (Cont'd)**

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

[2] Creaseback: 1 = present 2 = absent

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

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

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

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

[0][8] mm spur length

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

[8] Number of seeds per pod

[1] Surface: 1 = smooth 2 = rough

[2] Suture string: 1 = present 2 = absent

[1] 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

[1] Secondary color: } 5 = brown 6 = pink 7 = red 8 = purple
9 = blue 10 = black 11 = other (specify) _____

[1] 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)

_____

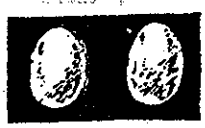
[ ] Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

**8. SEED SHAPE AND SIZE:**

[1] Hilum view: 1 = elliptical 2 = oval 3 = round [4] Cross section: 1 = elliptical 2 = oval 3 = cordate 4 = round

[1] Side view:

1 = oval to oblong



2 = round

3 = reniform

6

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

[2] 1 = truncate ends 2 = rounded ends

[3][0] gm/100 seed

[ ][ ] gm/100 seed lighter than . . . . . [ ]

gm/100 seed same as . . . . [8] comparison variety from page one

[ ][ ] gm/100 seed heavier than . . . . . [ ]

**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):**

[1] Anthracnose (specify race below) lambda

[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 X] Bean common mosaic virus (specify strain below) COMMON & NY15 STRAINS

RFS 9/10/82

[2] Mosaic mottle

[1] Black root

[ ] Bean yellow mosaic virus

[ ] 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

[0] Other (specify below)

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

[2] Heat [2] Cold [2] Drought [0] Air pollution

**13. COMMENTS:**

7

SECURITY AGREEMENT

By

SEMINIS VEGETABLE SEEDS, INC.,

SEMINIS, INC.

and

THE DOMESTIC SUBSIDIARIES PARTY HERETO,
as Grantors,

and

CITICORP NORTH AMERICA, INC.,
as Collateral Agent

Dated as of September 29, 2003

Original document filed in front office.
(52 pages)

#559734