

No.

8300099



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

PEA

'Honey Pod'



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 29th day of June in the year of our Lord one thousand nine hundred and eighty-four.

Attest

Kenneth H. Evans
Commissioner

Plant Variety Protection Office
Livestock, Meat, Grain & Seed Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture



1989

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

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

1. NAME OF APPLICANT(S) ROGERS BROTHERS SEED COMPANY		2. TEMPORARY DESIGNATION EP 80281		3. VARIETY NAME HONEY POD	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P. O. BOX 80 IDAHO FALLS, IDAHO		5. PHONE (Include area code) (208) 522-0143		FOR OFFICIAL USE ONLY VPPO NUMBER <div style="font-size: 1.5em; font-weight: bold;">8300099</div>	
6. GENUS AND SPECIES NAME Pisum Sativum		7. FAMILY NAME (Botanical) Leguminosae		FILING DATE 3/28/83 TIME 9:30 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
8. KIND NAME GARDEN PEA		9. DATE OF DETERMINATION Summer 1980		FEES RECEIVED AMOUNT FOR FILING \$ 1,000 DATE 3/28/83 AMOUNT FOR CERTIFICATE \$ 500.00 DATE 5/17/84	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) CORPORATION				12. DATE OF INCORPORATION	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION DELAWARE					
13. NAME AND 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 83402					
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED					
a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)		c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)			
b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement		d. <input checked="" type="checkbox"/> Exhibit D, Additional Description of the Variety			
15. 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) of the Plant Variety Protection Act.)					
<input type="checkbox"/> Yes (If "Yes," answer items 16 and 17 below) <input checked="" type="checkbox"/> No					
16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No			17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> Foundation <input type="checkbox"/> Registered <input type="checkbox"/> Certified		
18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S. OR OTHER COUNTRIES? Planning to file concurrently for Breeders Rights in England					
<input checked="" type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input type="checkbox"/> No					
19. HAVE RIGHTS BEEN GRANTED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
20. The applicant(s) declare(s) that a viable sample of basic seeds 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 Protection Act. Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT 				DATE March 14, 1983	
SIGNATURE OF APPLICANT				DATE	

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. Department of Agriculture, Agricultural Marketing Service, Livestock, Meat, 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

- 9 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.
- 14a 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.
- 14b 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.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d 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.
- 15 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.)
- 16 See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.



Origin and Breeding History of the Variety

HONEY POD is a late maturing, round podded, edible pod pea that was derived from the following hand-pollinated crosses:

Oregon Sugar Pod x (Puget x Steck Sugar Pod)

Steck Sugar Pod is an older, unknown variety that was obtained through a home gardener.

The final cross of HONEY POD was made between Oregon Sugar Pod and the Puget X Steck Sugar Pod hybrid in the Fall of 1974, and the following series of bulks and selections were subsequently made:

<u>YEAR</u>	<u>GENERATION</u>	<u>PLOT</u>	<u>HARVESTED</u>
1974	f ₁	74-GH-185	Bulked
1975	f ₂	75 2232	Bulked
1976	f ₃	76 815	3 Single Plant Selections
1977	f ₄	772117-G-2	4 Single Plant Selections
1978	f ₅	782041-2	3 Single Plant Selections
1979	f ₆	791728	Bulked - 1# 14 oz.

During the Summer of 1980, approximately one pound of St. 791728 was planted as plots 80281 and 80976 for observation and increase respectively. There was 7 pounds 8 ounces of seed harvested from plot 80976 and this has been the source of seed for our present production of HONEY POD. Four single plant selections were taken from HONEY POD during the f₇ generation and these are being increased as pure line reserve maintenance stocks.

During the increase of HONEY POD in the f₉ generation, one early rabbit ear rogue per 48,000 plants and one early conventional rogue per 86,000 plants were detected and removed.

HONEY POD is a true and stable variety.

1977

EXHIBIT A

Obtain and Bureau Library of the Variety

During the summer of 1980, approximately one pound of seed was planted in plots 8028 and 8029. The plants were harvested on 10/24/80. The seed was then planted in plots 8028 and 8029. The plants were harvested on 10/24/80. The seed was then planted in plots 8028 and 8029. The plants were harvested on 10/24/80.

Year	Plot	Harvest
1977	8028	10/24/80
1977	8029	10/24/80
1978	8028	10/24/80
1978	8029	10/24/80

During the summer of 1980, approximately one pound of seed was planted in plots 8028 and 8029. The plants were harvested on 10/24/80. The seed was then planted in plots 8028 and 8029. The plants were harvested on 10/24/80. The seed was then planted in plots 8028 and 8029. The plants were harvested on 10/24/80.



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HONEY POD

EXHIBIT B
(Revised)

Novelty Statement

HONEY POD is most similar to the variety, SugarRae.

HONEY POD is about 3 days earlier maturing than the pea cultivar, SugarRae, has larger leaves and stipules, and has more marbling on the stipules. The leaves and stipules of HONEY POD are less elongated and more rounded than SugarRae.* HONEY POD has an approximately 8 cm. shorter vine than SugarRae.

* - (See Supplement B)

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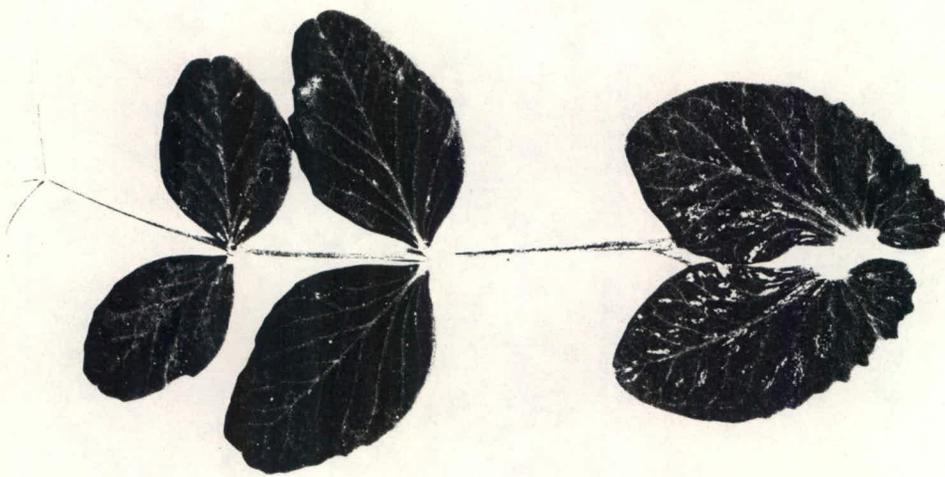
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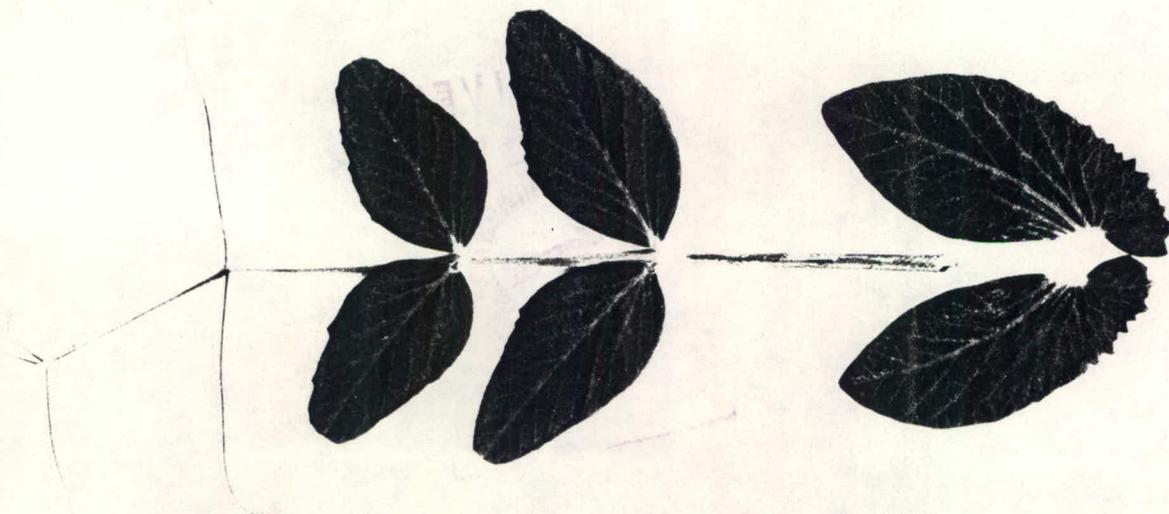
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(EP 80281)
Honey Pod



Sugar Rae

SUPPLEMENT EXHIBIT B

PROCESS

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OBJECTIVE DESCRIPTION OF VARIETY
PEA (*PISUM SATIVUM*)

NAME OF APPLICANT(S) <u>Rogers Brothers Seed Company</u>	VARIETY NAME OR TEMPORARY DESIGNATION HONEY POD (EP 80281)
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 80 Idaho Falls, Idaho 83402	FOR OFFICIAL USE ONLY PVPO NUMBER 8300099

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 *Lower nodes generally only one*
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) _____

8300099

HONEY POD

EXHIBIT D

Additional Description of the Variety

HONEY POD is a late maturing, round podded, edible pod type pea. It is characterized by a sturdy, open, dark foliage color vine that closely resembles the Perfection types. The pods develop prolifically in sets of two per node. The pods have thick walls that develop relatively low fiber when harvested at prime table stage, and fiber (strings) develop at the sutures. The pods are moderately sweet and are very crisp at prime maturity. HONEY POD grows vigorously and yields have been excellent.



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MAR 26 1963

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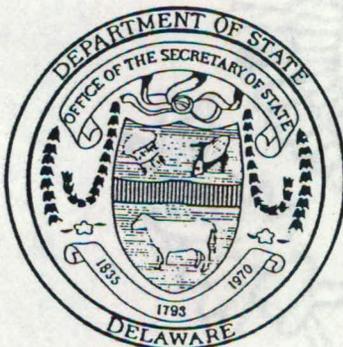
1998

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
Michael Harkins, Secretary of State
AUTHENTICATION: *M. Magnusen*
DATE: 10/08/1991

1998

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1888



1888

DO NOT WRITE IN THIS SPACE

1998
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.

8991



1993

State of Delaware
Office of the Secretary of State

PAGE 1

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

0810041 8320

AUTHENTICATION: 7120759

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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 13th day of April, 1994.

Willem van Overschot
Willem van Overschot, President

Richard B. Geller
Richard B. Geller, Secretary



BPP 1

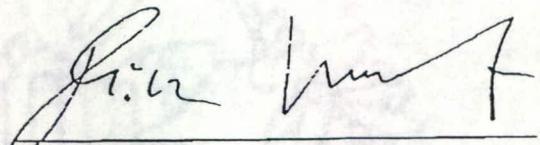
ROGERS NK SEED CO.

WRITTEN CONSENT OF SOLE SHAREHOLDER

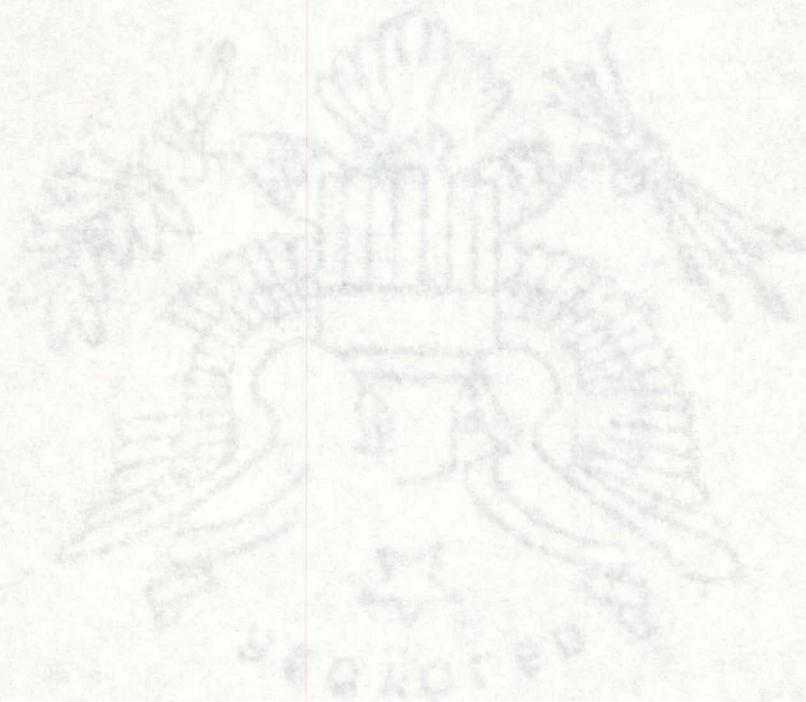
SANDOZ CORPORATION, owner of all of the issued and outstanding shares of ROGERS NK SEED CO., hereby consents, pursuant to Section 228 of the Delaware General Corporation Law, to the adoption of the following resolution as and for the act of the shareholder:

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

1008



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

1000



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
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AUTHENTICATION: 8531908
06-26-97

DATE:

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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.

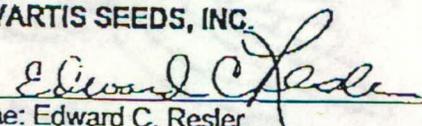
FIFTH: That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, the address of which is 7500 Olson Memorial Highway, Golden Valley, MN 55427.

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

