

No.

8300117



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, 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.)

BEAN

'Spinel'

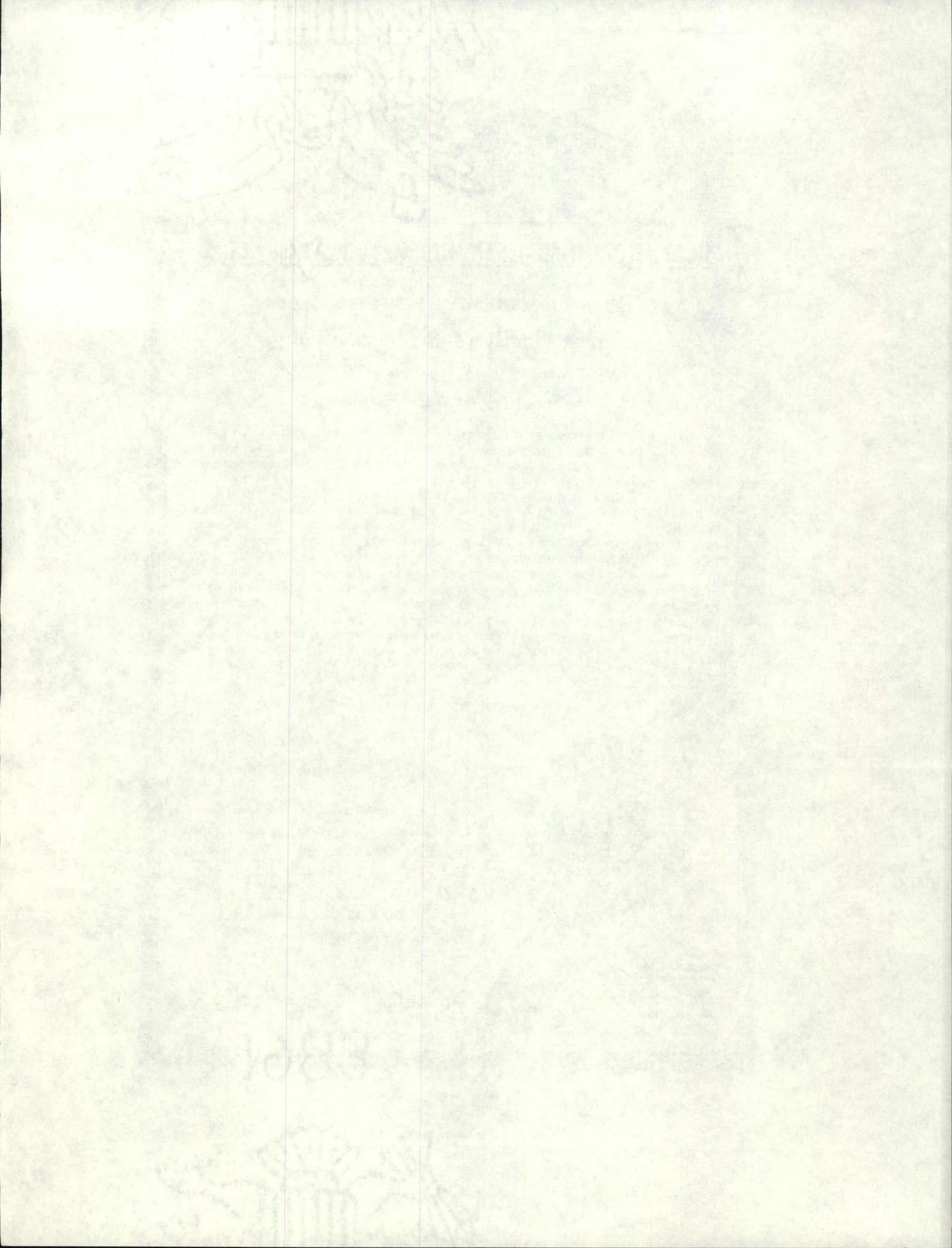


In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 25th day of July in the year of our Lord one thousand nine hundred and eighty-four.

Attest:

Kenneth A. Co...
Commissioner
Plant Variety Protection Office
Livestock, Meat, Grain & Seed Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture



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 D-78174		3. VARIETY NAME SPINEL	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. BOX 80 357 C. Street IDAHO FALLS, IDAHO 83402		5. PHONE (Include area code) (208) 522-0143		FOR OFFICIAL USE ONLY VPVO NUMBER 8300117	
6. GENUS AND SPECIES NAME PHASEOLUS VULGARIS		7. FAMILY NAME (Botanical) LEGUMINOSEAE		FILING DATE 5/2/83 TIME 8:00 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
8. KIND NAME DRY EDIBLE BEAN		9. DATE OF DETERMINATION SUMMER 1981		FEES RECEIVED AMOUNT FOR FILING \$ 1,000 DATE 5/2/83 AMOUNT FOR CERTIFICATE \$ 500.00 DATE 5/23/84	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) CORPORATION				12. DATE OF INCORPORATION FEBRUARY 25, 1975	
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, IDAHO 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?					
<input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" 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 April 15, 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.

MAY 2 1983

DRY EDIBLE BEAN
"SPINEL"

EXHIBIT A

ORIGIN AND BREEDING HISTORY

The Great Northern bean "Spinel" (tested as D78174) was derived from the following cross pollination in the greenhouse during the Winter of 1972-73.

US1140 X OURAY

Following are details of selection and multiplication

	<u>YEAR</u>	<u>GENERATION</u>	<u>FIELD NUMBER</u>	<u>BULK HARVEST</u>	<u># SINGLE PLANT SELECTIONS</u>
Winter	1972-73	F ₁	Greenhouse	3 oz	
Summer	1973	F ₂	D73-116	2# 2 oz	
Summer	1974	F ₃	D74-99		3
Summer	1975	F ₄	D75-218		1
Summer	1976	F ₅	D76-1147		1
Summer	1977	F ₆	D77-591		1
Winter	1977-78	F ₇	Greenhouse	5 oz	
Summer	1978	F ₈	D78-174	1# 11oz	
Summer	1979	F ₉	D79-120		2
Summer	1980	F ₁₀	D80-426	2# 3 oz	
Summer	1981	F ₁₁	D81-2929	70#	
Summer	1982	F ₁₂	D82-3460	2078#	

Stock D82-3460 is being increased to commercial size quantities. This variety will be maintained through the procedure of pure line selection for stock seed.

The variety "Spinel" was stabilized in the F₁₀ generation. "Spinal" has been observed to be stable and uniform for 3 generations in the field since 1979. We have made no observations of any variants in the population.

EXHIBIT A

Case 1:17-cv-00001-TOR

The Great Northern "Spinel" variety was first identified in the following table during the winter of 1977-78.

Following are the names of the vineyard blocks and the location of the vineyard.

Year	Block	Vineyard	Block	Vineyard
Winter	1977-78	Block 1	Block 2	Block 3
Summer	1978-79	Block 4	Block 5	Block 6
Summer	1979-80	Block 7	Block 8	Block 9
Summer	1980-81	Block 10	Block 11	Block 12
Summer	1981-82	Block 13	Block 14	Block 15
Summer	1982-83	Block 16	Block 17	Block 18
Summer	1983-84	Block 19	Block 20	Block 21
Summer	1984-85	Block 22	Block 23	Block 24
Summer	1985-86	Block 25	Block 26	Block 27
Summer	1986-87	Block 28	Block 29	Block 30
Summer	1987-88	Block 31	Block 32	Block 33
Summer	1988-89	Block 34	Block 35	Block 36
Summer	1989-90	Block 37	Block 38	Block 39
Summer	1990-91	Block 40	Block 41	Block 42
Summer	1991-92	Block 43	Block 44	Block 45
Summer	1992-93	Block 46	Block 47	Block 48
Summer	1993-94	Block 49	Block 50	Block 51

MAY 2 1983

The variety "Spinel" was first identified in the following table during the winter of 1977-78. This variety will be identified through the procedure of the test kit for a Spinel.

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DRY EDIBLE BEAN
"SPINEL"

EXHIBIT B

NOVELTY STATEMENT

Our variety "Spinel" is most nearly like the Great Northern variety UI59. "Spinel" differs from UI59, in that "Spinel" has a determinate bush growth habit, while UI59 has an indeterminate vine growth habit. "Spinel" has an upright plant structure, and UI59 grows more prostrate. "Spinel" matures 2-3 days later than UI59. Seed of "Spinel" is more plump than seed of UI59.

888 S YAM

330017

EXHIBIT B

RECEIVED

Our office "Special" is now receiving the Green Book
dated 4-1983. The "Special" is dated in that "Special"
has a minimum of 100,000 copies, which is not a sufficient
to be grown here. "Special" has a special "Special" service
and this does not mean to "Special" service. "Special" service
than this. "Special" is not a "Special" service.

MAY 2 1983

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 8300117
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. BOX 80 357 C STREET IDAHO FALLS, IDAHO 83402	VARIETY NAME OR TEMPORARY DESIGNATION SPINEL

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: 5 YR. AVE.

Days to edible pods Days to green shells

Days to dry seeds PHYSIOLOGICAL MATURITY (90% PODS BUCKSKIN)

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 2 = Kentucky Wonder
 3 = Kinghorn Wax 4 = White Kidney
 5 = Michelite 62 6 = Dwarf Horticultural
 7 = Bush Blue Lake 290 8 = Other (specify below)
GREAT NORTHERN UI59

3. PLANT:

1 = Determinate 2 = Indeterminate

cm height 15"

cm shorter than }
 Same as ... } comparison variety from above

cm taller than }

cm spread 23" Number primary branches near base

cm narrower than }
 width same as ... } comparison variety from above

Branching habit:
 1 = compact 2 = open

cm wider than }

Main stalk: 1 = brittle 2 = wirey 1 = stout 2 = thin

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

2 1 = truncate ends 2 = rounded ends

2 8 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)
DELTA

2 Rust (specify race below)
16, 23, 32, 75-22

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)
BV1 BV1A

0 Mosaic mottle

0 Black root

0 Bean yellow mosaic virus

0 Curly top

1 Other (specify below)
COMMON BLIGHT

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)

0 Heat

0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

DRY EDIBLE BEAN
"SPINEL"

EXHIBIT D

BOTANICAL DESCRIPTION

Great Northern "Spinel" has an open, determinate bush plant habit, which holds a high percentage of its pods off the ground. In Twin Falls, Idaho, "Spinel" matures in 90 days or 3 days later than Great Northern UI59 (a vine type). "Spinel" has resistance to the BV₁ and NY₁₅ strains of bean common mosaic virus, as well as numerous races of bean rust. In Southern Idaho "Spinel" has out yielded UI59 by an average of 600 lbs/acre for the past 4 years. "Spinel" has an average seed size of 1500 seed/lb., which is the same as for UI59. The seed of "Spinel" is more plump than that of UI59. It has demonstrated potential in Idaho, Michigan, and Nebraska.

880'S YAM

