

No.

8300121



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ferry-Morse 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 (T. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Milano'

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 31st day of July in the year of our Lord one thousand nine hundred and eighty-six.

Attest:

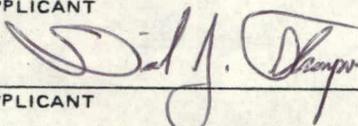
Kenneth H. Evans
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Richard E. Lyon
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) Ferry-Morse Seed Company | | 2. TEMPORARY DESIGNATION E0217 | | 3. VARIETY NAME Milano | |
| 4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. Drawer 7274 Mountain View, California 94039 | | 5. PHONE (Include area code) (209) 579-7333 (415) 967-6973 | | FOR OFFICIAL USE ONLY PVPO NUMBER 8300121 | |
| 6. GENUS AND SPECIES NAME Phaseolus vulgaris L. | | 7. FAMILY NAME (Botanical) Leguminosae | | FILING DATE 5/2/83 TIME 8:00 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. | |
| 8. KIND NAME Garden Bean | | 9. DATE OF DETERMINATION Summer 1982 | | FEES RECEIVED AMOUNT FOR FILING \$ 1,000 DATE 5/2/83 | |
| 10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation | | | | AMOUNT FOR CERTIFICATE \$ 500. DATE June 16, 1986 | |
| 11. IF INCORPORATED, GIVE STATE OF INCORPORATION California | | | | 12. DATE OF INCORPORATION 4 April 1969 | |
| 13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Dr. David J. Thompson Ferry-Morse Seed Company P.O. Drawer 7274 P.O. Box 4938 Mountain View, California 94039 MODESTO, CA. 95352-4938 | | | | | |
| 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 checked="" 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 4/12/83 | |
| SIGNATURE OF APPLICANT | | | | DATE I | |

8300131

MAY 2 1983

VARIETY: Milano formerly E0217, formerly 1D-69, formerly 1C-X1557
- (GH)Ms(W)13AMsMs(C)Ms

Exhibit A: Origin and Breeding History of the Variety

Milano was selected as a single plant selection, involving the pedigree method of breeding, from the cross 1C-X1557 made between F_3 selections of the pedigreed line, 1C-X1261-Ms1,4,5, as the pollen parent and F_3 selections from 1C-X1540-Ms as the seed parent. Varieties in the ancestry of 1C-X1261 include Tendercrop, Amigo, and Bush Romano 71. Ancestors of 1C-X1540 include Custer and Bush Romano 71.

Cross 1C-X1557 was made in February, 1973. An unrecorded number of F_1 seed was planted back in the greenhouse at San Juan Bautista, CA, in the fall of 1973; the F_2 seed, 1C-X1557-(GH)Ms of these plants was bulk-massed.

1C-X1557-(GH)Ms seed was planted in the field in Columbus, WI, in the summer of 1974; the row rated very good for its flat, light green pods and 30 single plant selections were made.

The F_3 seed of these 30 F_2 selections was planted in progeny rows in the summer of 1975 in Columbus, WI. The 13th progeny row, 1C-X1557-(GH)Ms(W)13, rated fair for its good concentration of maturity, heavy yield, well-filled pods, and medium light green pod color. One single plant selection was taken from the row.

F_4 seed of the 1C-X1557-(GH)Ms(W)13A selection was planted in a progeny row in the field in Columbus, WI, in the summer of 1976; rated good to very good for its smooth, flat, long, medium wide pods. F_5 seed from the 18 plants in the row was bulk-massed.

F_5 seed, 1C-X1557-(GH)Ms(W)13AMs, was planted in a progeny row in the field in Columbus, WI, in the summer of 1977. The row rated very good. In comparison to Bush Romano 14 it had better yield, wider pods, slightly darker pod color, and more upright habit. F_6 seed of this row was bulk-massed.

F_6 seed, 1C-X1557-(GH)Ms(W)13AMsMs, was sent to California and planted for seed increase in the summer of 1978. At San Juan Bautista, the field planting was rated very good to excellent for its upright plant, good concentration and yield, and straight, smooth, flat pods. The line was considered worthy of seed increase and intensive trials. It was redesignated 1D-69.

F_7 seed, 1D-69, was planted to the field in the summer of 1979 at San Juan Bautista, CA. The planting rated very good and in comparison to E8270 (later named Caesar) was earlier maturing. Trial plantings in 1979 in Wisconsin, New York, Oregon, and Tennessee indicated 1D-69 was worthy of increasing as a new Bush Romano variety and was redesignated for sampling outside of Ferry-Morse as E0217.

E0217 was named Milano in late winter of 1982.

A 1/2 acre increase of E0217 in 1981 resulted in no off types being found. Similarly, a 4 acre increase of the line in 1982 also produced no off types. The line is quite stable for type.

VARIETY: Milano formerly E0217, formerly 1D-69, formerly 1C-X1557
 - (GH)Ms (W) 13AMsMs (C)Ms

Exhibit B: Data Indicative of Novelty

Milano most closely resembles the cv. Caesar, for which it shares in parentage. Milano can be differentiated from Caesar by its slightly narrower and thinner pod.

- A. Pod measurements were taken from field plots planted May 20, 1982, at Sun Prairie, Wisconsin.

| | <u>Milano</u> | <u>Caesar</u> | <u>t</u> | <u>p</u> |
|------------------------------------|---------------|---------------|----------|----------|
| 1. Pod width (100 measurements) | 17.4 mm | 17.9 mm | 2.62 | 0.01 |

- B. Pod measurements were taken from field plots planted June 14, 1982, at San Juan Bautista, California.

| | <u>Milano</u> | <u>Caesar</u> | <u>t</u> | <u>p</u> |
|--|---------------|---------------|----------|----------|
| 1. Pod width (100 measurements) | 16.4 mm | 17.4 mm | 4.49 | <.001 |
| 2. Pod thickness (100 measurements) | 10.5 mm | 11.2 mm | 3.44 | <.001 |

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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) FERRY-MORSE SEED COMPANY | FOR OFFICIAL USE ONLY |
| | PVPO NUMBER 8300121 |
| ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. DRAWER 7274 MOUNTAIN VIEW, CALIFORNIA 94039 | VARIETY NAME OR TEMPORARY DESIGNATION MILANO |

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: Wisconsin. The location of test area is Sun Prairie, Wisconsin. Please answer questions appropriate for your variety if the information is available.

1. TYPE:

1 = Field (dry-edible) 2 = Garden

2. MARKET MATURITY:

Days to edible pods Days to green shells

Days to dry seeds

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)
Roma

3. PLANT:

1 = Determinate 2 = Indeterminate

cm height

cm shorter than }
 Same as } comparison variety from above

cm taller than }

cm spread Number primary branches near base

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

cm wider than }

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

4

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

1 = truncate ends 2 = rounded ends

5 1 gm/100 seed

0 8 gm/100 seed lighter than 8

gm/100 seed same as

comparison variety from page one

gm/100 seed heavier than

MAY - 2 1983



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):

0 Anthracnose (specify race below) _____

0 Fuscos blight

2 Rust (specify race below)
Rust Collections 16, 23, 32

0 Red node virus

0 Powdery mildew

0 Pod mottle virus

0 Fusarium root rot

2 Bean common mosaic virus (specify strain below)
BV-1A

0 Pythium root rot

2 Mosaic mottle

0 Rhizoctonia root rot

0 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

1 Curly top

0 Bacterial wilt

0 Other (specify below) _____

0 Halo blight (specify race below) _____

11. INSECT RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Aphids

0 Root knot nematode

0 Leaf hopper

0 Seed corn maggot

0 Lygus

0 Thrips

0 Pod borer

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:

7

VARIETY: Milano formerly E0217, formerly 1D-69, formerly 1C-X1557
- (GH)Ms(W)13AMsMs(C)Ms

Exhibit D: Botanical Description of the Variety

Seed germination is moderately rapid. Emerging seedlings are large, strong, and grow vigorously. The unifoliate leaves develop rapidly and are large.

Plants are determinate, medium tall, consistently upright with narrow spread. Leaves are small (9.8 cm long x 8.0 cm width), deltoid ovate, acuminate, with rounded bases, pubescent, lightish green, on medium length petioles. Stems and petioles are moderately stout and brittle. Inflorescences arise from the apex and axils of the leaves and contain 4 to 8 white flower buds. Pods are generally borne high on the plants.

Pods are 11 to 14 cm in length, 14 to 18 mm in width, 9 to 12 mm in thickness, with a 10 mm spur. Pedicels are relatively short. The pod surface is medium smooth over the seed, pubescent, medium green. Rate of seed development is moderate. Pods develop a full complement of seed over a relatively wide temperature range.

Seed are white, oval-shaped, medium large (13 mm length x 9 mm width x 7 mm depth).

8300121

1983060

FORN AFFAIRS (S) (P) (U) (C) (M) (S) (P) (U) (C) (M) (S) (P) (U) (C) (M)

UNITED STATES DEPARTMENT OF STATE

The following information is being furnished to you for your information and use only. It is not to be disseminated outside your agency.

The information contained herein is classified "Secret" because its disclosure could result in the identification of sources of information and the compromise of the national defense. It is being furnished to you on a "need to know" basis.

This information is being furnished to you for your information and use only. It is not to be disseminated outside your agency. The information is classified "Secret" because its disclosure could result in the identification of sources of information and the compromise of the national defense.

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MAY 2 1983

EXHIBIT "E"

Plant Variety Protection Application

No: 83000121, 'Milano'

ASSIGNMENT

I, George C. Emery, agree and hereby
do transfer and assign to FERRY-MORSE SEED COMPANY all of my rights,
title, and interest in and to that certain variety namely, _____
Bean: Milano,
for which application for Plant Variety Protection Certificate has been
filed. This agreement shall be binding on my administrators, successors
and assigns.

In Witness Whereof, I have executed this agreement this
18 day of February, 19 86.

BREEDER

George C. Emery

12/72

RECEIVED

MAR 3 1986



U.S. DEPARTMENT

OF AGRICULTURE

AMS

PVPO

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

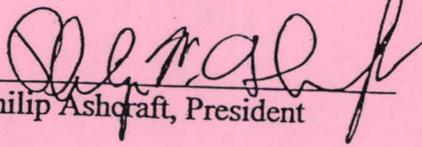
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:


Philip Ashcraft, President

CERTIFICATE OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

1400010

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

JUN 30 1997

Bill Jones
BILL JONES, Secretary of State

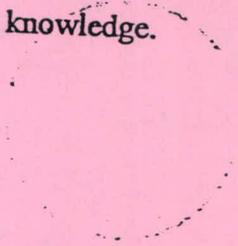
To the Secretary of State
State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
 - One. The name of this Corporation is:
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.



Yves Queste

Yves Queste, President

Helen Andritsakis

Helen Andritsakis, Secretary

State of California

SECRETARY OF STATE



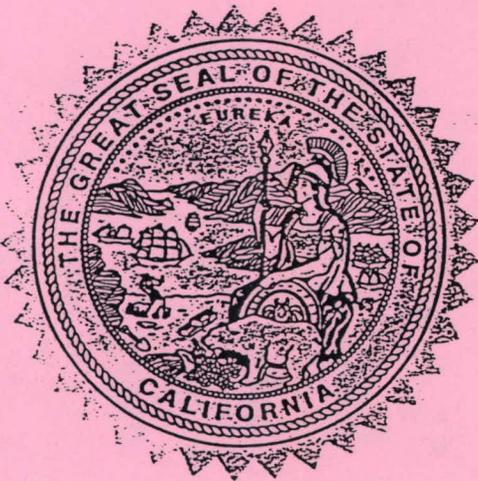
2 PAGE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

JUN 30 1997



Bill Jones

Secretary of State

