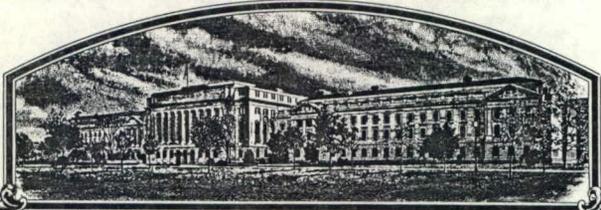


No.



8300134

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, 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. 2321-2324, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Perk'



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 28th day of September in the year of our Lord one thousand nine hundred and eighty-four.

Attest:

Kenneth A. Owen
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

John R. Block

Secretary of Agriculture



1889

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

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

INSTRUCTIONS: See Reverse.

1a. TEMPORARY DESIGNATION OF VARIETY XP-F139		1b. VARIETY NAME PERK r/s 9/8/84		FOR OFFICIAL USE ONLY PV NUMBER 8300134	
2. KIND NAME Garden Pea		3. GENUS AND SPECIES NAME <u>Pisum Sativum</u>		FILING DATE 5/20/83	TIME A.M. 8:30 P.M.
4. FAMILY NAME (BOTANICAL) Leguminosae		5. DATE OF DETERMINATION July 1980		FEE RECEIVED \$ 1,000 \$ 500.00	DATE 5/20/83 7/25/84
6. NAME OF APPLICANT(S) Asgrow Seed Company		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 9620-190-25 Kalamazoo, MI 49001		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 (9620-190-25) Asgrow Seed Company, Gull Road, Building 190 Kalamazoo, MI 49001					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- 13B. Exhibit B, Novelty Statement.
- 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 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? YES NO (If "Yes," give name of countries and dates.)

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

April 27, 1983
(DATE)

John A. Batcha
(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.



EXHIBIT A

Origin and Breeding History of ~~XP-F139~~ 'PERK'

NOTE: XP-F139 IS THE VARIETY 'PERK' MS 8/9/84

The original cross was Puget with an afila breeding line made in February 1976. XP-F139 was developed by backcrossing seven times to the recurrent parent, Puget, with selfing and selection for afila after BC₁, BC₃, BC₅, and BC₇. In 1980, following BC₇ and three generations of selfing, an afila family was planted in the field. This family was observed during the growing season and appeared to be uniform and breeding true. Observations in 1981 on selections from this family confirmed that it was uniform and breeding true.

In 1982 XP-F139 was in experimental yield trial, and observations that year indicated the value of the line. XP-F139 was nominated to the status of experimental variety in November 1982.

Observations indicated ~~XP-F139~~ 'PERK' is uniform and stable within commercially acceptable limits. As is true with other pea varieties, a small percentage of variants or offtypes can occur within commercially acceptable limits, for almost any characteristics during the course of repeated multiplication.

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EXHIBIT B

Novelty Statement Concerning ~~XP-F139~~ 'PERK'

NOTE: XP-F139 IS THE VARIETY 'PERK'. R/S

~~XP-F139~~ 'PERK' is a main season freezer pea that exhibits the afila characteristic; leaflets are modified and borne as tendrils.

~~XP-F139~~ 'PERK' was developed by backcrossing the afila characteristic into Puget, and therefore, XP-F139 is practically identical to Puget. The principal difference between the two is Puget has normal foliage, with two leaflet pairs per leaf, whereas XP-F139 has no leaflets, only tendrils and stipules.

Other varieties that may resemble ~~XP-F139~~ 'PERK' include Novella and XP-F138.

1. Novella differs from ~~XP-F139~~ 'PERK' in having only two flowers per node, whereas XP-F139 commonly has three flowers per node. In 1982 Novella was 80 heat units earlier to processing maturity than XP-F139, and the vine of Novella was 15 cm shorter than that of ~~XP-F139~~ 'PERK'.
2. XP-F138 was developed by backcrossing the afila characteristic into Bolero, and therefore, differs from XP-F139 in all the ways Bolero differs from Puget. The most obvious difference is in pod and berry color. Pods and berries of XP-F139 (144B for both characteristics in the Royal Horticultural Society Colour Charts) are lighter than those of XP-F138 (146A and 144A, respectively). Also, Puget is resistant to near wilt caused by race 2 of Fusarium oxysporum f. sp. pisi, whereas Bolero is susceptible.

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401-2117

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MAY 20 1983



PEA CANNING AND FREEZING TRIALS - WBS - 1982

Plot No.	Variety	Date Cut	Total Cut Wt.	Green Pea Yield (GMS)	% Peas	Tdr.	Disp.	Degree Days	Sieve Size Distribution Percent							Ave. Size	
									1	2	3	4	5	6	7		
117AB	Green Arrow	7-12	90	6191	15.2	101	F ₃ C ₁ ,2-3-4	1601	20	20	23	20	14	3		2.97	
		7-13	107	7959	16.4	102	X	1633	6	13	23	36	19	3		3.58	
		7-14	100	8266	18.2	105	F ₃ ,3-4-5	1658	8	17	23	31	18	3		3.43	
		7-15	83	6332	16.8	108	F ₃	1677	8	15	27	31	17	2		3.40 ^a	
118AB	Puget	7-8	78	3906	11.0	89	F ₃ C ₁ , ³⁻⁴⁻⁵ _{@90}	1521	9	19	34	29	9			3.10	
		7-10	84	4487	11.8	96	F ₃	1546	6	13	32	35	13			3.39	
		7-11	68	4613	14.9	101	F ₃	1573	2	6	24	50	18	Tr		3.76	
		7-12	66	5383	18.0	115	F ₃	1601	4	8	28	43	17			3.61	
119AB	Puget Afila	7-9	52	1325	5.6	86	F ₃ C ₁ ,2-3-4	1521	21	27	38	13	1			2.46	
		7-11	50	2100	9.3	100	F ₃	1573	12	21	39	27	1			2.84	
		7-12	43	2277	11.7	110	F ₃	1601	7	16	36	33	8			3.19	
		X															
33AB	Dinos	7-9	73	5448	16.4	97	F ₃ C ₁ ,1-2-3	1521	41	42	16	1				1.77	
		7-10	81	6181	16.8	99	X	1546	39	43	17	1				1.80	
		7-11	75	6015	17.7	106	F ₃ ,1-2-3	1573	30	46	23	1				1.95	
		7-12	70	5572	17.5	108	X	1601	24	48	27	1				2.05	
34AB	D.S.P.	7-11	72	4997	15.3	96	F ₃ C ₁ ,3-4-5	1573	4	6	16	34	32	8		4.08	
		7-12	65	5747	19.5	106	F ₃ ,4-5-6	1601	3	4	13	23	36	18	3		4.51
		7-13	82	5770	15.5	105	X	1633	2	5	13	29	37	12	2		4.38 ^c
		7-14	61	4204	15.2	117	F ₃ ,3-4-5	1658	3	3	12	35	40	7	Tr		4.27
35AB	Ivy	7-11	82	4736	12.7	89	F ₃ C ₁ , ²⁻³⁻⁴ _{@90}	1573	29	35	29	7	Tr			2.14	
		7-12	80	6271	17.3	90	X	1601	22	35	33	10				2.31	
		7-13	77	6437	18.4	98	F ₃	1633	14	32	40	14				2.54	
		7-15	80	7634	21.0	110	F ₃	1677	9	28	45	17	1			2.73 ^a	
122AB	F3007 x (Cor x Nug x Nep)	7-11	62	6550	23.3	120	X	1573	4	11	28	40	16	1		3.56	
		7-11	70*	6822*	21.5	104	F ₃ C ₁ ,2-3-4	1573	3	13	32	38	14	Tr		3.47	
		7-12	62*	7344*	26.1	118	F ₃ ,3-4-5	1601	2	8	26	43	20	1		3.74	
		7-13	76*	6986*	20.3	124	X	1633	2	6	23	4k	27	1		3.88	

*Harvested A plot only--above figures corrected.

8300134

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8. PODS:

2 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) _____
 2 Surface: 1 = SMOOTH 2 = ROUGH 2 Surface: 1 = SHINY 2 = DULL
 2 Borne: 1 = SINGLE 2 = DOUBLE 3 = SINGLE AND DOUBLE 4 = SINGLE, DOUBLE, & TRIPEE 5 = DOUBLE & TRIPLE 6 = TRIPLE 7 = OTHER (Specify) _____
 0 8 CM. LENGTH 1 3 MM. WIDTH (Between sutures) 0 7 NO. SEEDS PER POD

9. SEEDS (95--100 Tenderometer):

2 Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____
 Seive: % 1 2 2 1 3 9 2 7 0 1 2 8 4 AVERAGE

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
 2 Primary 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
 Secondary Color: 10 = GRAY 11 = BLACK
 1 Hilum Floor Color: 1 = WHITE 2 = TAN 3 = BLACK 1 Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE
 1 9 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 1 POWDERY MILDEW 0 BACTERIAL BLIGHT
 0 MOSAIC 0 PEA ENATION MOSAIC 0 YELLOW BEAN MOSAIC
 OTHER (Specify) _____

11. INSECT: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

APHIDS OTHER (Specify) _____

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness		Fresh Seed Color	Puget
Leaf Color		Mature Seed Color	Puget
Pod Color	Puget	Seed Shape	Puget
Pod Shape	Puget	Plant Habit	Bonnaire

COMMENTS:

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
OBJECTIVE DESCRIPTION OF VARIETY
PEA (*PISUM SATIVUM*)

EXHIBIT C
(Pea)

NAME OF APPLICANT(S)

Asgrow Seed Company

VARIETY NAME OR TEMPORARY DESIGNATION

<XP-F1397

'PERK'

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

9620-190-25, Gull Road, Kalamazoo, MI 49001

FOR OFFICIAL USE ONLY

PVPO NUMBER

8300134

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 = GARDEN 2 = FIELD 3 = EDIBLE-PODDED

2. MATURITY:

1 6 Node number of first bloom: 0 7 4 No. of days to processing 1 5 5 0 Heat Units
 No. of days Earlier than } 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL
 0 4 No. of days Later than 4 } 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

3. PLANT HEIGHT:

0 5 4 CM. HIGH
 Cm. Shorter than } 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL
 1 0 Cm. Taller than 4 } 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

4. VINE:

1 Habit: 1 = DETERMINATE 2 = INDETERMINATE 2 Stockiness: 1 = SLIM (Alaska) 3 = HEAVY (Alderman)
2 = MEDIUM (Thomas Laxton WR)
 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 2 0 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 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 Size (Compared with leaflets): 1 = SMALLER 2 = SAME
3 = LARGER
 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)