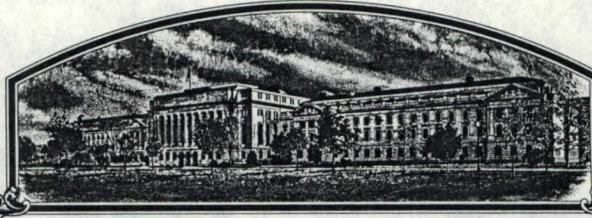


No.

8400021



# 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 OFFERING 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. 2321-2322, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Latemar'



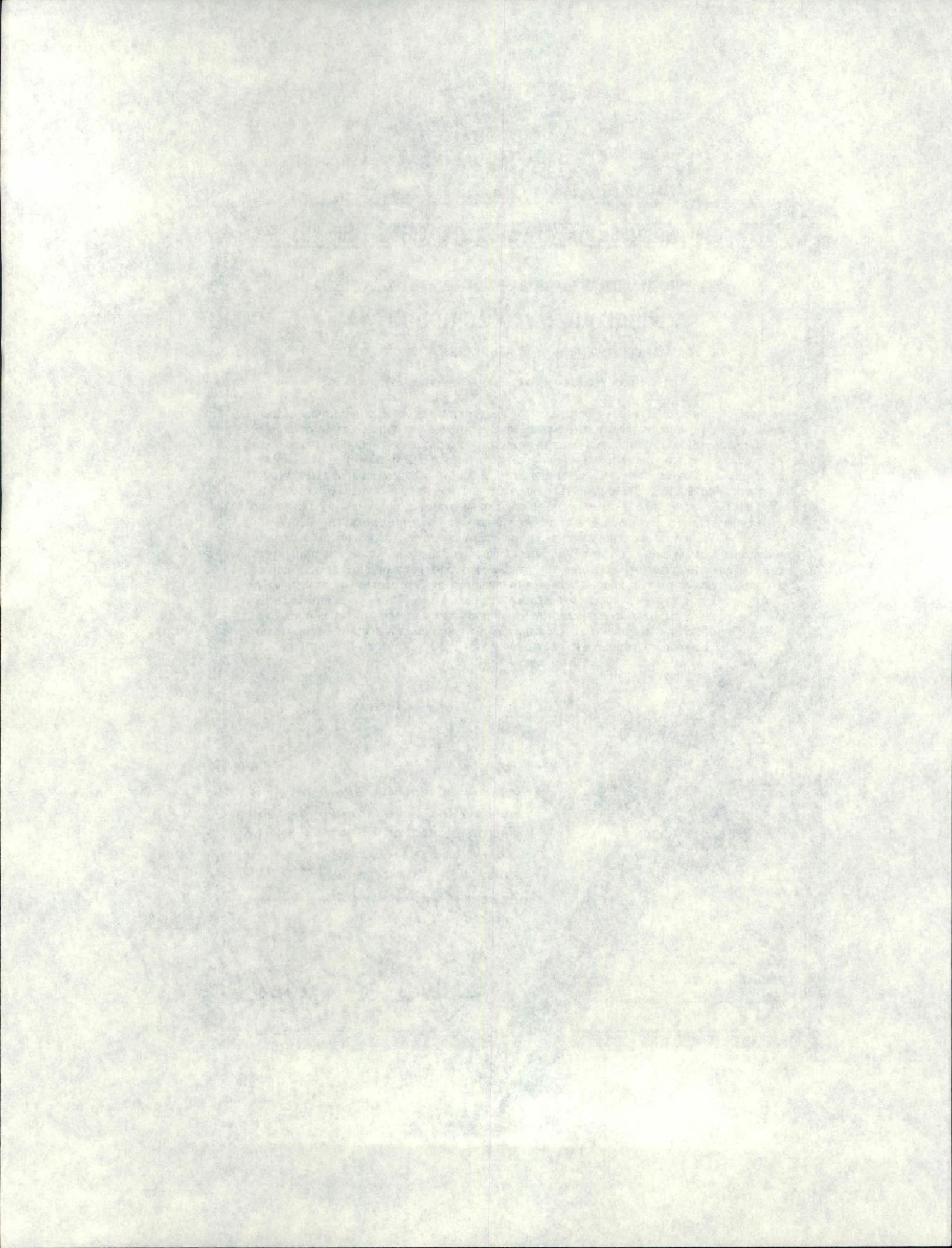
In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 27th day of December in the year of our Lord one thousand nine hundred and eighty-five.

Attest

*Kenneth A. Evans*  
Commissioner

Plant Variety Protection Office  
Agricultural Marketing Service

*John R. Block*  
Secretary of Agriculture



• Asgrow Seed Company  
 PVP Application - ~~XPB142~~ ~~'ARGO'~~ 'LATEMAR'  
 November 3, 1983

## EXHIBIT A

## ORIGIN AND BREEDING HISTORY

~~VAL 1/25/85~~ 'LATEMAR' ~~'ARGO'~~ ~~AB 10-21-85~~  
 The original cross made to develop ~~XPB142~~ was Slenderette x Provider. This cross and all subsequent breeding work was conducted at Asgrow Seed Company, Western Breeding Station in Twin Falls, Idaho.

Details of the breeding history follow:

- February 1979 - BC<sub>0</sub> produced in the greenhouse, Twin Falls, Idaho.
- April 1979 - Planted BC<sub>0</sub> in the greenhouse for production of BC<sub>1</sub>.
- July 1979 - Planted BC<sub>1</sub> in the greenhouse for production of BC<sub>2</sub>.
- November 1979 - Planted BC<sub>2</sub> in the greenhouse for production of BC<sub>3</sub>.
- February 1980 - Planted BC<sub>3</sub> in the greenhouse for production of BC<sub>4</sub>.
- May 1980 - Planted BC<sub>4</sub> in the greenhouse for production of BC<sub>5</sub>.
- August 1980 - Planted BC<sub>5</sub> in the greenhouse for production of BC<sub>6</sub>.
- December 1980 - Planted BC<sub>6</sub>S<sub>0</sub> in the greenhouse for production of BC<sub>6</sub>S<sub>1</sub>.
- June 1981 - Planted BC<sub>6</sub>S<sub>1</sub> in the field for production of BC<sub>6</sub>S<sub>2</sub>.
- October 1981 - Planted BC<sub>6</sub>S<sub>2</sub> in the greenhouse for production of BC<sub>6</sub>S<sub>3</sub>.
- February 1982 - Planted BC<sub>6</sub>S<sub>3</sub> in the greenhouse for production of BC<sub>6</sub>S<sub>4</sub>.
- June 1982 - Planted BC<sub>6</sub>S<sub>4</sub> in the field.
- August/September 1982 - Observed BC<sub>6</sub>S<sub>4</sub>; determined it was uniform and breeding true.

~~'ARGO'~~ 'Late mar' ~~KME 12/14/85~~  
 Observations indicate ~~XPB142~~ is uniform and stable within commercially acceptable limits. As is true with other garden bean varieties, a small percentage of variants or offtypes can occur within commercially acceptable limits, for almost any characteristic during the course of repeated multiplication.

JAB:mga



U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, MEAT, GRAIN & SEED DIVISION

FORM APPROVED: OMB NO. 0581-0055

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**

(Instructions on reverse)

1. NAME OF APPLICANT(S) Asgrow Seed Company		2. TEMPORARY DESIGNATION XPB142		3. VARIETY NAME <b>'LATEMAR' 11/25/85</b> <del>ARGO AS 10-11-85</del>	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 9620 190 25 Gull Road Kalamazoo, MI 49001		5. PHONE (Include area code) (616) 385-6605		<b>FOR OFFICIAL USE ONLY</b>	
6. GENUS AND SPECIES NAME <u>Phaseolus vulgaris</u>		7. FAMILY NAME (Botanical) Leguminosae		<b>FILING</b>	DATE 12/14/83
8. KIND NAME Garden Bean		9. DATE OF DETERMINATION September 1982			TIME 2:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)  Corporation				<b>FEES RECEIVED</b>	AMOUNT FOR FILING \$ 1,000
11. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware		12. DATE OF INCORPORATION March 22, 1968			DATE 12/14/83
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Mr. John A. Batcha 9620 190 25 Asgrow Seed Company Kalamazoo, MI 49001				AMOUNT FOR CERTIFICATE \$ 500.00	DATE 10/21/85

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 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.)  Yes (If "Yes," answer items 16 and 17 below)  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.?  Yes (If "Yes," give date)  No

19. HAS THE VARIETY BEEN OFFERED FOR SALE OR MARKETED IN THE U.S. OR OTHER COUNTRIES?  Yes (If "Yes," give names of countries and dates)  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 <i>John A. Batcha</i>	DATE November 3, 1983
SIGNATURE OF APPLICANT	DATE

## INSTRUCTIONS

**General:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$1,000 fee (*\$500 filing fee and \$500 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 are clear differences; 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.

Asgrow Seed Company  
Plant Variety Protection Application  
Garden Bean - ~~XPB142~~ ~~ARGO~~ 'LAJEMAR' 1/25/85 VAL  
November 3, 1983

EXHIBIT B

'LAJEMAR' AK  
~~'ARGO' AB~~

To our knowledge, the variety which most closely resembles ~~XPB142~~  
is Slenderette. Difference which distinguishes these varieties  
includes but is not necessarily restricted to seed color:

Slenderette                      White Seed  
~~XPB142~~ ~~ARGO~~                      Brown Seed

'LAJEMAR'

Evaluations indicate breeding efforts have significantly improved  
germination capacity of ~~XPB142~~ under stress conditions.

~~ARGO~~  
'LAJEMAR'

JAB:mga

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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) Asgrow Seed Company	<b>FOR OFFICIAL USE ONLY</b>	
	PVPO NUMBER 8400021	
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code)	VARIETY NAME OR TEMPORARY DESIGNATION XPB-142	
	<del>ARSO</del> <b>LATEMAR</b> <sup>1/25/85</sup> <sub>AS</sub> <sub>YML</sub>	

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:**

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)

**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 .....  }

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  7 gm/100 seed

0  2 gm/100 seed lighter than .....  8  
 gm/100 seed same as ....   
  gm/100 seed heavier than .....

} comparison variety from page one

9. ANTHOCYANIN: (1 = absent 2 = present)

2 Flowers  1 Stems  1 Pods  2 Seeds  1 Leaves

10. DISEASE RESISTANCE (0 = not tested 1 = susceptible 2 = resistant):

- |   |   |
|---|---|
| <input type="checkbox"/> 1 Anthracnose (specify race below)<br><u>delta</u> | <input type="checkbox"/> 0 Fuscous blight   |
| <input type="checkbox"/> 0 Rust (specify race below)<br>_____               | <input type="checkbox"/> 0 Red node virus   |
| <input type="checkbox"/> 0 Powdery mildew                                   | <input type="checkbox"/> 0 Pod mottle virus   |
| <input type="checkbox"/> 0 Fusarium root rot                                | <input type="checkbox"/> 2 Bean common mosaic virus (specify strain below)<br><u>NY15</u> |
| <input type="checkbox"/> 0 Pythium root rot                                 | <input type="checkbox"/> 2 Mosaic mottle  |
| <input type="checkbox"/> 0 Rhizoctonia root rot                             | <input type="checkbox"/> 0 Black root   |
| <input type="checkbox"/> 0 Pythium wilt                                     | <input type="checkbox"/> 0 Bean yellow mosaic virus                                       |
| <input type="checkbox"/> 0 Angular leaf spot                                | <input type="checkbox"/> 0 Curly top  |
| <input type="checkbox"/> 0 Bacterial wilt                                   | <input type="checkbox"/> 0 Other (specify below)<br>_____                                 |
| <input type="checkbox"/> 0 Halo blight (specify race below)<br>_____        |   |

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

- |  |   |
|--|---|
| <input type="checkbox"/> 0 Aphids      | <input type="checkbox"/> 0 Root knot nematode             |
| <input type="checkbox"/> 0 Leaf hopper | <input type="checkbox"/> 0 Seed corn maggot               |
| <input type="checkbox"/> 0 Lygus       | <input type="checkbox"/> 0 Thrips                         |
| <input type="checkbox"/> 0 Pod borer   | <input type="checkbox"/> 0 Weavils                        |
|  | <input type="checkbox"/> 0 Other (specify below)<br>_____ |

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

0 Heat  0 Cold  0 Drought  0 Air pollution

13. COMMENTS:



**Asgrow Seed Company**

84-21

**Transfer of Plant Variety Protection Act Rights**

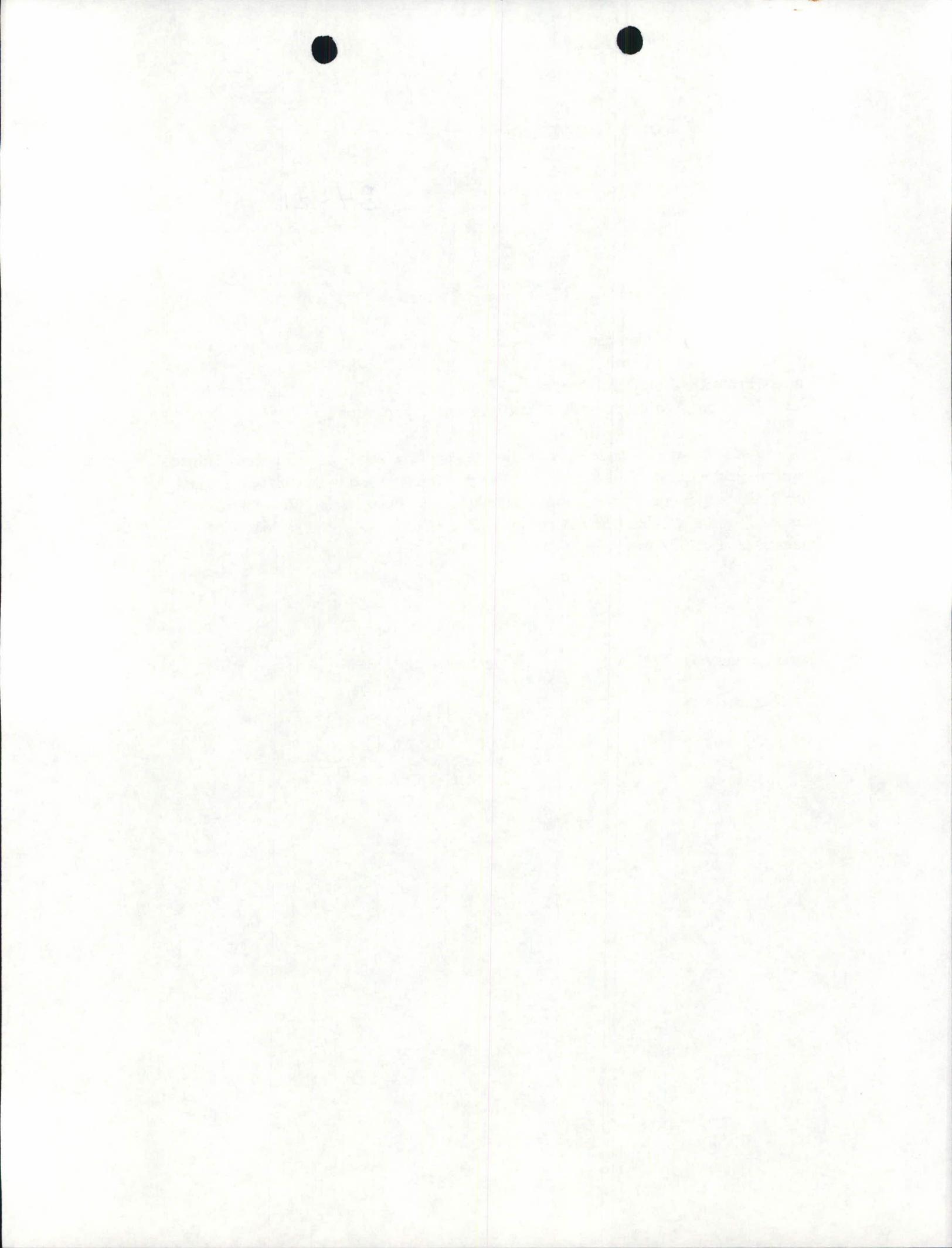
Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

For good and valuable consideration, receipt of which is hereby acknowledged, Asgrow hereby transfers all of its right, title and interest in and to the Certificates and Applications and to all rights relating thereto under the Plant Variety Protection Act to Seminis Vegetable Seeds, Inc., a California corporation, whose principle place of business is at 1905 Lirio Street, Saticoy, CA 93007-4206.

Dated: January 31, 1997

Asgrow Seed Company

By: Norman A. Braksik  
Norman A. Braksik  
President



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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

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Dated as of September 29, 2003

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*Original document filed in front office.  
(52 pages)*

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