

No.

8400093



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, 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 (1930, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Menuet'

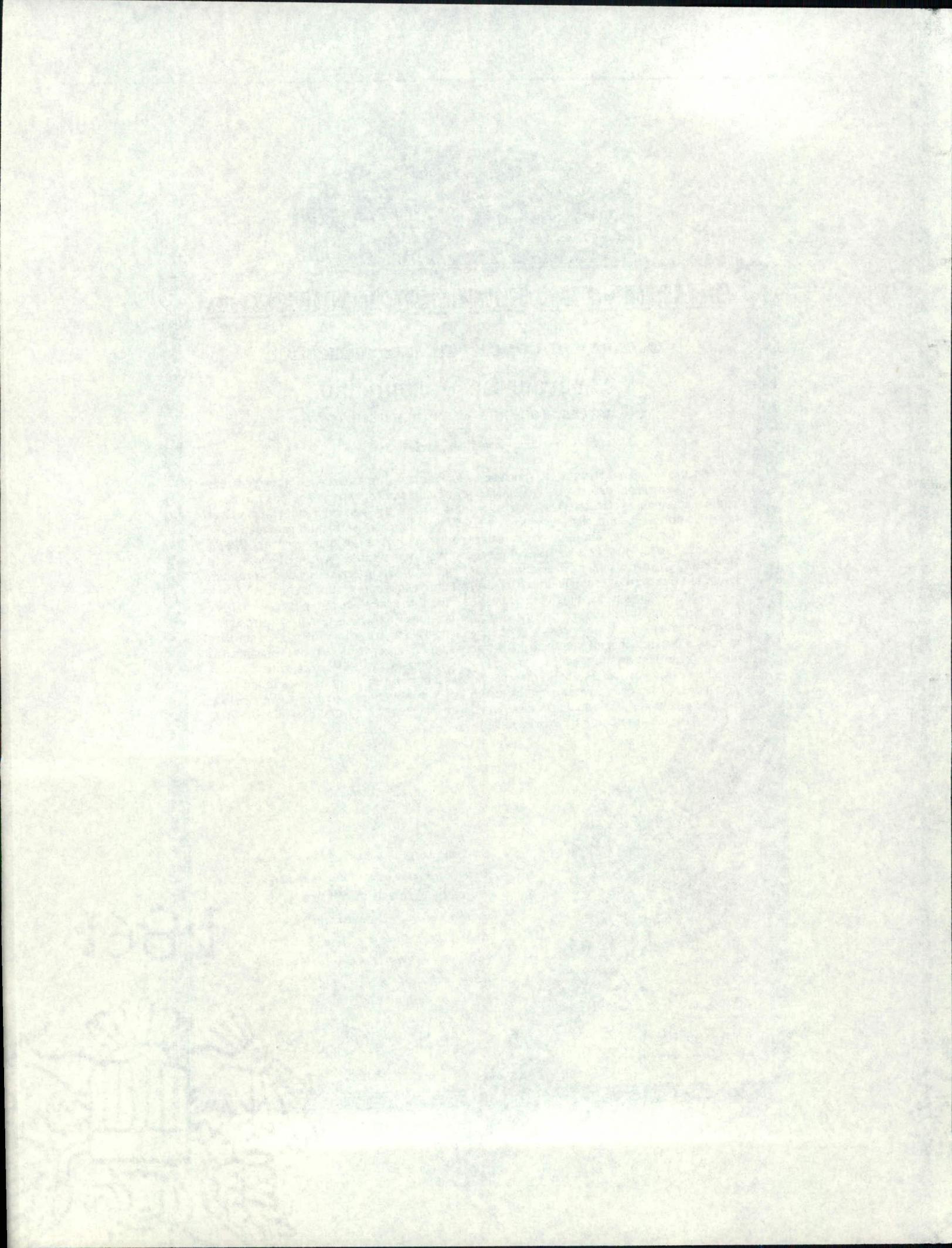


In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 31st day of May in the year of our Lord one thousand nine hundred and eighty-five.

Attest:

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

John R. Block
Secretary of Agriculture



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 XP-C134 | | 3. VARIETY NAME <i>Menuet rfs</i> | |
| 4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 9620-190-25 Kalamazoo, MI 49001 | | 5. PHONE (Include area code) (616) 385-6605 | | FOR OFFICIAL USE ONLY PVPO NUMBER 8400093 | |
| 6. GENUS AND SPECIES NAME <u>Pisum sativum</u> | | 7. FAMILY NAME (Botanical) Leguminosae | | FILING DATE 5/1/84 TIME 2:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. | |
| 8. KIND NAME Garden Pea | | 9. DATE OF DETERMINATION July 1979 | | FEES RECEIVED AMOUNT FOR FILING \$ 1,800 DATE 5/1/84 AMOUNT FOR CERTIFICATE \$ 200.00 DATE 4/26/85 | |
| 10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation | | | | 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 John A. Batcha (9620-190-25) Asgrow Seed Company, Gull Road, Bldg. 190 Kalamazoo, MI 49001 | | | | 12. DATE OF INCORPORATION March 22, 1968 | |

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED

- a. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- b. Exhibit B, Novelty Statement
- c. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- d. 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? Yes No

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? Foundation Registered 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

France, March 1984

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 <i>April 6, 1984</i> |
| SIGNATURE OF APPLICANT | DATE |

INSTRUCTIONS

#1800

#200

#1600

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$1,100 fee (~~\$500 filing fee and \$600 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
 PVP Application XP-C134
 April 9, 1984

EXHIBIT A

Origin and Breeding History

The parentage of ^{'MENUET' R/S 4/29/85} XP-C134 involves M61180 and a breeding line (W715 x Nugget). W715 was developed at the University of Wisconsin. These lines were crossed in the field at Asgrow's Western Breeding Station (WBS) in Twin Falls, Idaho, in the spring of 1973. XP-C134 was developed by pedigree (line) selection from that cross (details below). ^{'MENUET'}

In 1979 an F₇ line was grown in the field, and inspection during the year indicated the line was breeding true. Observations of subsequent increases in 1980 and 1981 confirmed that the line was uniform and breeding true.

| | |
|----------------|--|
| April 16, 1973 | M61180 (seed parent) and (W715 x Nugget) (pollen parent) planted in the field at WBS. During the spring these lines were crossed. |
| November, 1973 | F ₁ seed planted in the field at Los Mochis, Mexico. |
| April 22, 1974 | Planted F ₂ seed in the field at WBS. Made single plant selections. |
| April 29, 1975 | Planted F ₃ line in the field at WBS. Single plant selections made. |
| April 14, 1976 | Planted F ₄ line in the field at WBS. Single plant selections made. |
| April 13, 1977 | Planted F ₅ line in the field at WBS. Single plant selections made. |
| April 14, 1978 | Planted F ₆ line in the field at WBS under the number R78487. Single plant selections made. |
| April 6, 1979 | Planted F ₇ selection from R78484 in the field at WBS under the number R79361. Observations on this line during the spring season indicated it was uniform and breeding true. |

Subsequent increases through 1983 were at WBS from bulks tracing to R79361. Yield trials in 1982 (R8282) and 1983 (C134).

Observations indicated ^{'MENUET'} XP-C134 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.

8400093

EXHIBIT B

Novelty Statement

R/S 4/29/85

'MENUET'

'MENUET'

<XP-C134> is a late-season canner with wrinkled seed. <XP-C134> is unique in its market class because of its small sieve size, an average of 1.9 sieve at 95-100 tenderometer, and because it is resistant to race 1 and race 2 of fusarium wilt.

To our knowledge, the commercial variety that most closely resembles <XP-C134> is Mini 93. Differences include but are not necessarily restricted to maturity and flowering date.

'MENUET'

'MENUET'

<XP-C134> is an average of 105 heat units later to 115 tenderometer in the four years of trial for which comparisons are available.

Heat Units to 115 Tenderometer

| Year | 'MENUET' <XP-C134> | Mini 93 |
|---------|-----------------------|----------------|
| 1979 | 1460 | 1360 |
| 1980 | 1615 | 1465 |
| 1981 | 1510 | 1450 |
| 1982 | 1520 | (Not in trial) |
| 1983 | 1593 | 1479 |
| Average | 1544 | 1439 |

<XP-C134> is also later to flower than Mini 93. In five comparisons over a period of 4 years the first blossom of XP-C134 opened 3 days after the first blossom for Mini 93, and <XP-C134> reached 80% full flower 4 days after Mini 93.

'MENUET'

Comparison Flowering Dates for Mini 93 and XP-C134

| Year | Date to First Flower | | Date to 80% Full Flower | |
|------|----------------------|--------------------|-------------------------|---------|
| | C134 | Mini 93 | C134 | Mini 93 |
| 1979 | June 9 (R7944) | June 4 (R79136) | June 11 | June 6 |
| 1980 | June 13 (R80135) | June 11 (R80121) | June 18 | June 13 |
| 1981 | June 11 (R8193) | June 9 (R8184) | June 15 | June 12 |
| 1983 | June 15 (R8363) | June 13 (R8361) | June 20 | June 15 |
| 1983 | June 16 (R83PVP16) | June 12 (R83PVP14) | June 18 | June 15 |
| Ave. | 13 | 10 | 16 | 12 |

JAB:mga
 XP-C134

EXHIBIT 3
Monthly Statement

The following table shows the monthly statement of the account for the period from 1/1/54 to 12/31/54. The account was opened on 1/1/54 with a deposit of \$100.00. The balance at the end of each month is shown in the right-hand column. The interest earned on the account is shown in the middle column. The total amount of interest earned for the year is \$1.50.

| Month | Balance | Interest | Total |
|----------|----------|----------|----------|
| 1/1/54 | \$100.00 | | \$100.00 |
| 2/1/54 | 100.00 | .01 | 100.01 |
| 3/1/54 | 100.00 | .02 | 100.02 |
| 4/1/54 | 100.00 | .03 | 100.03 |
| 5/1/54 | 100.00 | .04 | 100.04 |
| 6/1/54 | 100.00 | .05 | 100.05 |
| 7/1/54 | 100.00 | .06 | 100.06 |
| 8/1/54 | 100.00 | .07 | 100.07 |
| 9/1/54 | 100.00 | .08 | 100.08 |
| 10/1/54 | 100.00 | .09 | 100.09 |
| 11/1/54 | 100.00 | .10 | 100.10 |
| 12/31/54 | 100.00 | 1.50 | 101.50 |

The total amount of interest earned for the year is \$1.50. The balance at the end of the year is \$101.50.

| Year | Balance | Interest | Total |
|------|----------|----------|--------|
| 1954 | \$100.00 | 1.50 | 101.50 |
| 1955 | 101.50 | | 101.50 |
| 1956 | 101.50 | | 101.50 |
| 1957 | 101.50 | | 101.50 |
| 1958 | 101.50 | | 101.50 |
| 1959 | 101.50 | | 101.50 |
| 1960 | 101.50 | | 101.50 |
| 1961 | 101.50 | | 101.50 |
| 1962 | 101.50 | | 101.50 |
| 1963 | 101.50 | | 101.50 |
| 1964 | 101.50 | | 101.50 |
| 1965 | 101.50 | | 101.50 |
| 1966 | 101.50 | | 101.50 |
| 1967 | 101.50 | | 101.50 |
| 1968 | 101.50 | | 101.50 |
| 1969 | 101.50 | | 101.50 |
| 1970 | 101.50 | | 101.50 |

The total amount of interest earned for the year is \$1.50. The balance at the end of the year is \$101.50.

FORM GR-470-14
(5-15-74)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Pea)

OBJECTIVE DESCRIPTION OF VARIETY

PEA (PISUM SATIVUM)

NAME OF APPLICANT(S)

Asgrow Seed Company

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

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

VARIETY NAME OR TEMPORARY DESIGNATION

<XP-C134> MENUET pjs

FOR OFFICIAL USE ONLY

PVPO NUMBER 8400093

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 4 Node number of first bloom: 0 7 3 No. of days to processing 1 5 3 9 Heat Units
 No. of days Earlier than 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL
 0 3 No. of days Later than 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

3. PLANT HEIGHT:

0 4 8 CM. HIGH
 1 5 Cm. Shorter than 4 } 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL
 Cm. Taller than 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)
 3 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 1 NUMBER OF NODES

5. LEAFLETS:

2 Color: 1 = LIGHT GREEN (Alaska WR) 2 = MED. GREEN (Thomas Laxton WR) 3 = DARK GREEN (Alderman)
4 = OTHER (Specify)
 2 Wax: 1 = NONE 2 = LIGHT 3 = MEDIUM 4 = HEAVY 1 1 = NOT MARBLED 2 = MARBLED (Alaska)
 3 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 3 Size (Compared with leaflets): 1 = SMALLER 2 = SAME
3 = LARGER
 2 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) 4

8. PODS:

3 Shape: 1 = STRAIGHT 2 = SLIGHTLY CURVED 2 End: 1 = POINTED (Alderman) 2 = BLUNT (Alaska)
 2 Color: 3 = CURVED 1 = LIGHT GREEN (Alaska WR) 2 = MEDIUM GREEN 3 = DARK GREEN (Alderman)
 2 Color: 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
 2 Borne: 5 = DOUBLE & TRIPLE 6 = TRIPLE 7 = OTHER (Specify) _____
 0 7 CM. LENGTH 0 9 MM. WIDTH (Between sutures) 0 9 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

1 Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____
 Seive: % 3 6 4 1 2 3 4 5 6 7 8 AVERAGE 1 8 7

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 1 GRAMS PER 100 SEEDS

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

2 FUSARIUM WILT 2 NEAR-WILT 0 DOWNY MILDEW
 0 ASCOCHYTA BLIGHT 0 POWDERY MILDEW 0 BACTERIAL BLIGHT
 0 MOSAIC 0 PEA ENATION MOSAIC 0 YELLOW BEAN MOSAIC
 0 OTHER (Specify) _____

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

0 APHIDS OTHER (Specify) _____

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

| CHARACTER | NAME OF VARIETY | CHARACTER | NAME OF VARIETY |
|------------|-----------------|-------------------|-----------------|
| Leafiness | Mini | Fresh Seed Color | Mini |
| Leaf Color | Mini | Mature Seed Color | Mini |
| Pod Color | Mini | Seed Shape | Mini |
| Pod Shape | C122 | Plant Habit | Mini |

COMMENTS:



84-93

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

Dated as of September 29, 2003

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

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