

No.



8400109

# 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, OR 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

'Toga'

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 August in the year of our Lord one thousand nine hundred and eighty-six.

Attest:

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

*Richard E. Lyng*  
Secretary of Agriculture

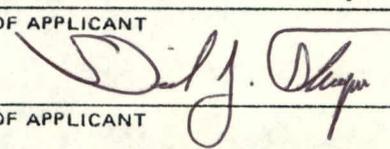




**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**

(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)<br>FERRY-MORSE SEED COMPANY  |  | 2. TEMPORARY DESIGNATION<br>FMX-60  |   | 3. VARIETY NAME<br>TOGA   |  |
| 4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code)<br><del>P.O. BOX 7274</del><br>MOUNTAIN VIEW, CA <del>94036</del>   |  | 5. PHONE (Include area code)<br><del>(415) 967-6973</del><br>(209) 579-7333 |   | FOR OFFICIAL USE ONLY<br>PVPO NUMBER<br>8400109   |  |
| 6. GENUS AND SPECIES NAME<br>PHASEOLUS VULGARIS L.   |  | 7. FAMILY NAME (Botanical)<br>LEGUMINOSAE                                   |   | FILING DATE<br>5/23/84<br>TIME 8:30 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.      |  |
| 8. KIND NAME<br>GARDEN BEAN  |  | 9. DATE OF DETERMINATION<br>SPRING, 1983                                    |   | FEES RECEIVED<br>AMOUNT FOR FILING \$ 1,800<br>DATE 5/23/84<br>AMOUNT FOR CERTIFICATE \$ 200.00<br>DATE 7/24/86 |  |
| 10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)<br>CORPORATION   |  |   |   | 12. DATE OF INCORPORATION<br>4 APRIL 1969   |  |
| 11. IF INCORPORATED, GIVE STATE OF INCORPORATION<br>CALIFORNIA   |  |   |   | 12. DATE OF INCORPORATION<br>4 APRIL 1969   |  |
| 13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS<br>Dr. David J. Thompson<br>Ferry-Morse Seed Company<br>P.O. Box <del>7274</del> 4938<br>MOUNTAIN VIEW, CA <del>94039</del> Modesto, Ca. 95352-4938   |  |   |   |   |  |
| 14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED<br>a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)<br>b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement<br>c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)<br>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.)<br><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?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |   | 17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?<br><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?<br><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?<br><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.<br>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.<br>Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties. |  |   |   |   |  |
| SIGNATURE OF APPLICANT<br>  |  |   |   | DATE<br>4/30/84   |  |
| SIGNATURE OF APPLICANT   |  |   |   | DATE<br>1   |  |



VARIETY: Toga (formerly FMX-60 (formerly 1D-60 (formerly 1D-X240-MsMsE(MT)8(W)Ms)))

Exhibit A: Breeding History of the Variety

Toga arose as an F<sub>5</sub> single plant selection following the pedigree method of breeding from the cross of the F<sub>1</sub>, 1D-X104 ♀, crossed with ♂ cv. Internor. The F<sub>1</sub> ♀ parent, 1D-X104, was a complex F<sub>1</sub> that can be represented in the following formula:

$$\{[\text{HM7395} \times (\text{Lake Superior} \times \text{Tidal Wave } F_1)] F_1\} \times \text{Internor } F_1\}$$

Thus 1D-X104 ♀ x ♂ Internor represents the first backcross (BC<sub>1</sub>) generation of 1D-X104 to the recurrent parent, Internor. HM7395 is a very small seeded wild Phaseolus vulgaris line coming from Norvell's collection and represents the ultimate source of the cytoplasm for Toga.

The cross, 1D-X104 ♀ x ♂ Internor, was made in the greenhouse in Sun Prairie, Wisconsin, in the spring of 1975. The 4 resulting F<sub>1</sub> seed were designated 1D-X240 and planted back to the greenhouse in the fall of 1975. F<sub>2</sub> seed from the 4 plants was massed.

The F<sub>2</sub> mass, 1D-X240-Ms, was planted in the field at Sun Prairie, WI, in the summer of 1976. The row was rated good for its upright habit, heavy yield, and straight pods; seven F<sub>2</sub> single plant selections were made in the row and their F<sub>3</sub> seed was massed together.

The F<sub>3</sub> mass, 1D-X240-MsMs, was again planted in the field at Sun Prairie, WI, in the summer of 1977. The row was rated very good for its straight, smooth, short, slim pods; seven F<sub>3</sub> single plant selections were taken from the row and their F<sub>4</sub> seed held separately.

Five F<sub>4</sub> seed from each F<sub>3</sub> selection were planted in the greenhouse at Wisconsin in the fall of 1977. Each seedling was inoculated with Common bean mosaic virus, N.Y. strain (BV-1A). F<sub>5</sub> seed from each resistant plant was saved and held separately.

The F<sub>5</sub> progeny rows were planted back to the field in Sun Prairie, WI in the summer of 1978. The row planted with 1D-X240-MsMsE(MT)8 was rated excellent for its upright habit and heavy yield of straight, smooth pods. Five F<sub>6</sub> single plant selections were made, and their F<sub>7</sub> seed was massed together.

In the winter of 1978 the F<sub>7</sub> massed seed, 1D-X240-MsMsE(MT)8(W)Ms, was redesignated 1D-60 in anticipation of intensive evaluation and seed increase as a potential new variety.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It is essential for the company to have a clear and concise system in place to ensure that all financial data is properly documented and easily accessible. This will help in the preparation of financial statements and provide a clear picture of the company's financial health.

In addition, it is important to regularly review and update the accounting system to reflect changes in the business environment. This may include the adoption of new accounting standards or the implementation of new software. By staying up-to-date, the company can ensure that its financial records are accurate and reliable.

Finally, it is crucial to have a strong internal control system in place to prevent fraud and errors. This includes separating duties, requiring proper authorization for transactions, and conducting regular audits. By implementing these controls, the company can minimize the risk of financial loss and ensure the integrity of its financial records.

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1D-60 was planted for  $F_8$  seed increase in San Juan Bautista, California, in the summer of 1979. The row was rated excellent for its very heavy yield and no off-type plants were noted.

The 1980 trial rows of the  $F_8$  seed of 1D-60 were tested in Wisconsin, New York, and Oregon; their ratings ranged from fair to good. 1D-60 was redesignated as FMX-60 in anticipation of sampling outside the company in 1981.

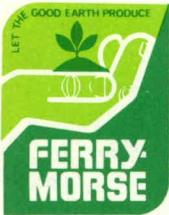
Further increases of 1D-60 were also grown in the rows in 1981 in San Juan Bautista, California; the ratings of the rows rated from good to very good and stood out for upright habit. No off-types were noted. The trial row in Wisconsin in 1981 was rated fair.

↓ In 1982 0.25 acres of FMX-60 was grown in San Juan Bautista, CA. The line appeared quite stable genetically and no off-types were noted. The trials in Wisconsin, New York, and Oregon rated fair to very good.

In the spring of 1983 FMX-60 was named Toga and introduced as a new whole pack processing bean.



ADDENDUM TO APPLICATION FORM  
QUESTION #19.



## FERRY-MORSE SEED COMPANY

Box 4938 • Modesto, California 95352-4938 • Telephone 209/579-7333 • International Telex: 184814 FERMOUT • TWX: 910379-6434 MORSEED  
Cable: MORSEED MODESTO

June 5, 1986

Ms. Virginia A. Lerch, Examiner  
Plant Variety Protection Office  
United States Department of Agriculture  
National Agricultural Library Building  
Beltsville, Maryland 20705

Re: Green Bean Application No. 8400109, 'Toga'

Dear Ms. Lerch:

As you requested in your letter of May 6, 1986 to Dr. David J. Thompson, I am providing the exact date 'Toga' was offered for sale in the United States. It was first offered for sale on April 1, 1984 - that is the date of the price list in which it first appeared.

If you have any further questions, please do not hesitate to contact either Dr. Thompson or myself.

Very truly yours,

G. R. Albritten  
Senior Vice President

GRA:jct



4/23/84

VARIETY: Toga (formerly FMX-60 (formerly 1D-60 (formerly 1D-X240-MsMsE(MT)8(W)Ms)))

Exhibit B: Data Indicative of Novelty

Toga is most similar to the cv. Interior, its paternal parent. It can be differentiated from Interior in having a more round pod (expressed as the ratio of the "suture to suture" width over the "crosswall to crosswall" thickness) and a longer seed length.

1. 1983 Sun Prairie, Wisconsin. Planted June 9, 1983.

|  | <u>Toga</u> | <u>Interior</u> | <u>difference</u> | <u>t-value</u> | <u>d.f.</u> | <u>P</u> |
|--|-------------|-----------------|-------------------|----------------|-------------|----------|
| a. Width/Thickness                           | 1.08        | 1.18            | 0.10              | 4.45           | 198         | <.001    |
| b. Seed length <sup>mm</sup> <del>(cm)</del> | 10.56       | 9.76            | 0.80              | 7.60           | 198         | <.001    |

4/30/86  
per letter  
VRL

(comparisons are based on 100 measurements per variety)

2. 1983 San Juan Bautista, California. Planted June 10, 1983.

|  | <u>Toga</u> | <u>Interior</u> | <u>difference</u> | <u>t-value</u> | <u>d.f.</u> | <u>P</u> |
|--|-------------|-----------------|-------------------|----------------|-------------|----------|
| a. Width/Thickness                           | 0.99        | 1.08            | 0.09              | 9.4            | 198         | <.001    |
| b. Seed length <sup>mm</sup> <del>(cm)</del> | 11.25       | 10.57           | 0.68              | 7.38           | 198         | <.001    |

(comparisons are based on 100 measurements per variety)

1000

1000

1000

1000

1000

1000

1000



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)<br>FERRY-MORSE SEED COMPANY  | FOR OFFICIAL USE ONLY                         |
| ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code)<br>P.O. <del>Drawer 7274</del> Box 4938<br>Mountain View, CA 94039<br>MODESTO, 95352-4938 | PVPO NUMBER 8400109                           |
|   | VARIETY NAME OR TEMPORARY DESIGNATION<br>TOGA |

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 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)  
Interior

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 .....  }

Branching habit:  
 1 = compact      2 = open

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

6

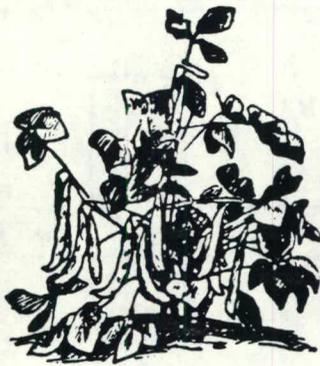
3. PLANT: (Cont'd)

3 Pod position: 1 = low 2 = high 3 = scattered

3 Bush form (illustrated below):



1 = spherical bush form



2 = stem bush form



3 = wide bush form



4 = high bush form

5 = other (specify) \_\_\_\_\_

4. LEAVES:

1 1 = smooth 2 = wrinkled

1 1 = dull 2 = glossy

1 Size: 1 = small (Earliwax) 2 = medium 3 = large (Tendercrop)

2 Color: 1 = light green (as light or lighter than Bountiful) 2 = medium green  
3 = dark green (as dark or darker than Bush Blue Lake 290)

5. FLOWERS:

1 Color: 1 = white 2 = cream 3 = pink 4 = lilac 5 = purple 6 = Other (specify) \_\_\_\_\_

3  6 Days to 50% bloom

6. FRESH PODS: (Edible maturity, average for 20 pods)

2 Exterior color: 1 = light green (as light or lighter than Bountiful)  
2 = medium green  
3 = dark green (as dark or darker than Bush Blue Lake 290)  
4 = light yellow (Brittlewax)  
5 = golden yellow (Cherokee Wax)  
6 = green-red variegated (Horticultural)  
7 = other (specify)

% Sieve size distribution at optimum maturity for non-flat pods

Note:

1 = 4.76 mm to 5.76 mm  
2 = 5.76 mm to 7.34 mm  
3 = 7.34 mm to 8.34 mm

4 = 8.34 mm to 9.53 mm  
5 = 9.53 mm to 10.72 mm  
6 = 10.72 mm or larger

| 1  | 2   | 3   | 4  | 5  | 6  |
|----|-----|-----|----|----|----|
| 2% | 30% | 63% | 5% | 0% | 0% |

|         |   |  |  |
|---------|---|--|--|
| 3 sieve | <input type="checkbox"/> 0 <input type="checkbox"/> 9 cm length | <input type="checkbox"/> 0 <input type="checkbox"/> 8 mm width | <input type="checkbox"/> 0 <input type="checkbox"/> 8 mm thickness |
| 4 sieve | <input type="checkbox"/> 0 <input type="checkbox"/> 7 cm length | <input type="checkbox"/> 0 <input type="checkbox"/> 9 mm width | <input type="checkbox"/> 0 <input type="checkbox"/> 9 mm thickness |
| 5 sieve | <input type="checkbox"/> 0 <input type="checkbox"/> 0 cm length | <input type="checkbox"/> 0 <input type="checkbox"/> 0 mm width | <input type="checkbox"/> 0 <input type="checkbox"/> 0 mm thickness |
| 6 sieve | <input type="checkbox"/> 0 <input type="checkbox"/> 0 cm length | <input type="checkbox"/> 0 <input type="checkbox"/> 0 mm width | <input type="checkbox"/> 0 <input type="checkbox"/> 0 mm thickness |

6. FRESH PODS: (Cont'd)

- 3 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart
- 2 Creaseback: 1 = present 2 = absent
- 2 Pubescence: 1 = none 2 = sparse 3 = considerable
- 1 Spur: 1 = straight 2 = slightly curved 3 = curved
- 2 Constrictions: 1 = none 2 = slight 3 = deep
- 2 Pod flesh: 1 = light 2 = medium 3 = dark
- 0  9 mm spur length
- 2 Fiber: 1 = none 2 = sparse 3 = considerable
- 4 Number of seeds per pod
- 1 Surface: 1 = smooth 2 = rough
- 2 Suture string: 1 = present 2 = absent
- 1 Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast
- 1 Machine harvest: 1 = adapted 2 = not adapted
- 1 Pod flavor: (1) Standard (Tendercrop)  
 (2) Mild Blue Lake (BBL 274)  
 (3) Strong Blue Lake (Pole FM1)  
 (4) Mild Romano (Roma)  
 (5) Strong Romano (Pole Romano)  
 (6) Other (specify) \_\_\_\_\_

7. SEED COAT COLOR:

- 1 1 = Monochrome 2 = Polychrome  1 = shiny 2 = dull
- 1 Primary color: } 1 = white 2 = yellow 3 = buff 4 = tan
- Secondary color: } 5 = brown 6 = pink 7 = red 8 = purple  
 9 = blue 10 = black 11 = other (specify) \_\_\_\_\_
- 1 Color Pattern: 1 = none 2 = splashed 3 = mottled 4 = striped 5 = flecked 6 = dotted
- Secondary color location: 1 = hilar ring 2 = ventral surface  
 3 = sides 4 = dorsal surface  
 5 = not restricted to any area 6 = combination of location (specify below) \_\_\_\_\_
- 1 Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

8. SEED SHAPE AND SIZE:

- 1 Hilum view: 1 = elliptical 2 = oval 3 = round
  - 2 Cross section: 1 = elliptical 2 = oval 3 = cordate 4 = round
  - 1 Side view:   
- 1 = oval to oblong                      2 = round                      3 = reniform



4/23/84

VARIETY: Toga (formerly FMX-62 (formerly 1D-62 (formerly 1D-X240-MsMsE(MT)8(W)Ms)))

Exhibit D: Botanical Description of the Variety

Seed germination and emergence are at a medium rate. Seedling growth is vigorous. Flowering and pod development are at an early maturity and concentrated into a short period. Seed and fiber development are medium slow.

The bush is upright, medium tall and medium wide, well-anchored, with high, scattered pods. Leaves are medium dark green, small, medium in number, medium smooth, slightly pubescent and deltoid ovate shape.

Flowers are white, arise from the apex and leaf axils, and are borne 4 to 6 flowers per inflorescence.

Pods are 8 to 10 cm in length, 10 mm x 9 mm in diameter, medium dark green, round, slightly bumpy, slightly pubescent, medium short spur (9-12 mm). Pod interiors are firm, medium green, with very slight interocular cavitation.

Seeds are small, oblong, oval in cross-section, with truncated ends.



## 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

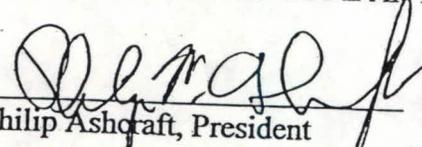
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

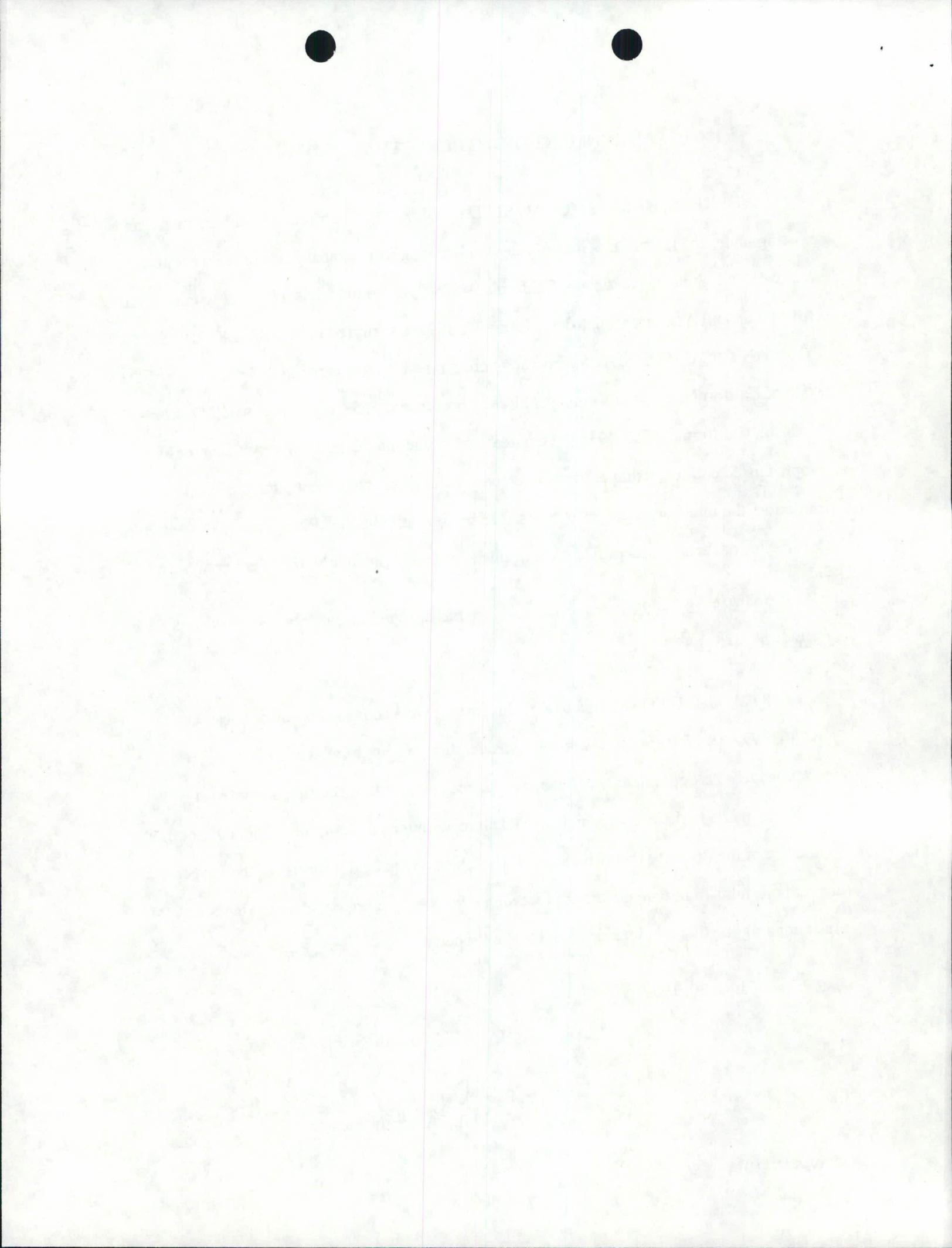
NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations 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)

1100010

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

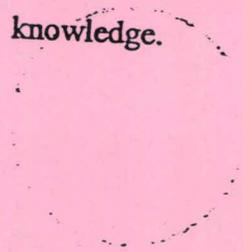
Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

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.

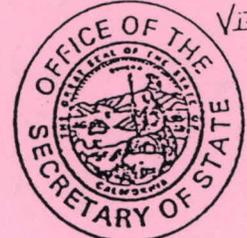
  
Yves Queste  
Yves Queste, President

Helen Andritsakis  
Helen Andritsakis, Secretary



# State of California

SECRETARY OF STATE



JPAGE

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



Secretary of State

