

No.

8500026



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 (ACT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Javelin'

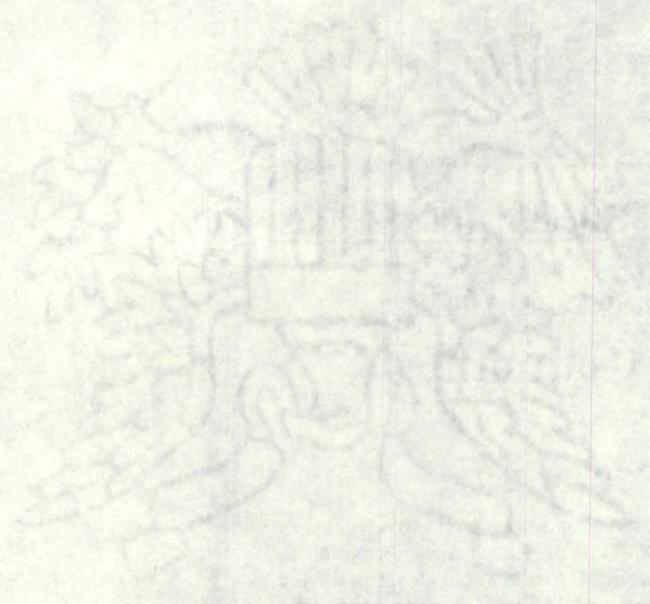
In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D. C. this 31st day of August in the year of our Lord one thousand nine hundred and eighty-six.

Attest:

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

Richard E. Lyng
Secretary of Agriculture

1000



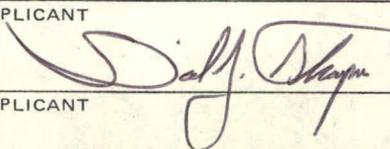
U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 WAREHOUSE & SEED DIVISION

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) FERRY-MORSE SEED COMPANY		2. TEMPORARY DESIGNATION FM 1555		3. VARIETY NAME JAVELIN	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. Box 7274 MOUNTAIN VIEW, CA 94039		5. PHONE (Include area code) (415) 967-6973		FOR OFFICIAL USE ONLY PVPO NUMBER 8500026	
6. GENUS AND SPECIES NAME PHASEOLUS VULGARIS L.		7. FAMILY NAME (Botanical) LEGUMINOSAE		FILING DATE 12-5-84 TIME 2:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME BEAN		9. DATE OF DETERMINATION AUGUST 1984		FEES RECEIVED AMOUNT FOR FILING \$ 1,800 DATE 12/5/84 AMOUNT FOR CERTIFICATE \$ 200.00 DATE August 4, 1986	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) <p style="text-align: center;">CORPORATION</p>				12. DATE OF INCORPORATION 4 April 1969	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION <p style="text-align: center;">CALIFORNIA</p>				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. Box 7274 MOUNTAIN VIEW, CA 94039	
PHONE (Include area code): (415) 967-6973					
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.? (Not prior to this application) <input type="checkbox"/> Yes (If "Yes," give date) <input checked="" type="checkbox"/> No 					
19. HAS THE VARIETY BEEN OFFERED FOR SALE OR MARKETED IN THE U.S. OR OTHER COUNTRIES? (Not as of date of application) <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 November 13, 1984	
SIGNATURE OF APPLICANT				DATE	

INSTRUCTIONS

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$1,800 fee (\$200 filing fee and \$1,600 examination fee) to U.S. Department of Agriculture, Agricultural Marketing Service, Warehouse 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.

VARIETY: Javelin (formerly FM-1555(formerly 1D-1555(C)MsMsMs
(formerly 1C-X1555-Ms(W)B2A(GH)1A(W)Ms(C)Ms#1(F)Ms)))

Exhibit A: Origin and Breeding History of the Variety

Javelin originated as a F₇ selection by the pedigree method breeding from the cross designated 1C-X1555. Cross 1C-X1555 had Blue Crop as its seed parent and a pedigreed line, 1C-X303-MsMs(W)G(C)2(W)Ms, a sister line of Plateau Provider, as the pollen parent; the cross was made in the winter/spring of 1973 in the greenhouse at San Juan Bautista, California. The F₁ seed of 1C-X1555 was then planted back into the greenhouse in June of 1973 to obtain seed of the F₂ segregating generation.

The F₂ seed, 1C-X1555-Ms, was planted in the field at Sun Prairie, Wisconsin, in the summer of 1974. The progeny rated very good for its upright habit, heavy yield, and straight, smooth round pods. Three F₂ single plant selections were made in the row.

F₃ seed from the three selections was planted in progeny rows in the field at Sun Prairie, Wisconsin, in the summer of 1975. The F₃ row designated 1C-X1555-Ms(W)B rated good to very good for its upright habit, heavy yield, and smooth, well-filled pods. Two F₃ plants were selected from the row.

F₄ seed of the two selections, was planted back into the field at Sun Prairie, Wisconsin, in the summer of 1976. The progeny row of the second selection, 1C-X1555-Ms(W)B2, rated good for its upright habit and straight pods. Three F₄ plants were selected.

Going through a modified single seed descent procedure with the three F₄ selections, two generations were added in the greenhouse in the fall/winter/spring of 1976-77 in Sun Prairie, Wisconsin. Seed from only one plant of each F₄ selection was harvested in the F₅ and F₆ generation.

The F₇ seed of each of the original F₄ selections was planted in progeny rows in the field at Sun Prairie, Wisconsin, in the summer of 1977. The row planted with F₇ seed designated 1C-X1555-Ms(W)B2A(GH)1A, was rated outstanding for its heavy yield and straight, smooth pods. The F₈ seed from this row was bulk-massed.

F₈ seed of 1C-X1555-Ms(W)B2A(GH)1A(W)Ms was planted in a 60-foot double-row bed at San Juan Bautista, California, in the summer of 1978 and was to serve as the first generation of seed increase of the line. However, segregation for pod diameter was noted and 25 plants were selected for their more narrow pods. Generally the row rated very good for its upright, narrow plants with high pod height and heavy yield of straight, smooth pods. There was also segregation for oval to round pods and rounder podded plants were selected.

The seed size from each of the 25 F₈ selections was also noted to vary quite widely. Only the seed from four of the selections was saved for growing out in the F₉ generation. The F₉ seed from these four F₈ selections was massed together.

The F₉ seed of 1C-X1555-Ms(W)B2A(GH)1A(W)Ms(C)Ms#1 was planted in a winter nursery in Florida in the fall of 1979. The row was given a fair rating and noted for its full production of straight, full, smooth round pods; F₁₀ seed from the row was bulk-massed and returned to California.

THE UNIVERSITY OF CHICAGO (Chicago, Illinois)
Department of Chemistry

RESEARCH REPORT NO. 1000

THE PREPARATION OF POLYMERIZABLE
MONOMERS. I. THE POLYMERIZATION OF
ACRYLAMIDE. The polymerization of
acrylamide was studied in the presence
of various metal ions. The results
showed that the rate of polymerization
was increased by the presence of
copper(II) ions.

THE POLYMERIZATION OF ACRYLAMIDE IN THE
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F₁₀ seed of 1C-X1555-Ms(W)B2A(GH)1A(W)Ms(C)Ms#1(F)Ms was planted in a 30 foot double row bed at San Juan Bautista, California, in the summer of 1980. The row rated very good for its upright, tall plants with straight, smooth, well-filled pods; its F₁₁ seed was bulk-massed. The decision was made to evaluate and increase seed of 1C-X1555-Ms(W)B2A(GH)1A(W)Ms(C)Ms#1(F)Ms as a potential new variety in the late summer of 1980; the line was redesignated ID-1555 and sampled outside the company as FM-1555.

F₁₁ seed of ID-1555 was evaluated in small row plots in Florida in the fall of 1980 and the spring of 1981 and in the summer of 1981 in Wisconsin; a 400 foot double row bed was grown in California for seed increase in the summer of 1981. All plantings rated good and no off types indicative of genetic instability in the variety were observed. The California increase was given the best rating and was noted to have a very attractive pod type that picked cleanly at the pedicel attachment of the pod.

F₁₁ seed of ID-1555-(C)Ms was evaluated in two trials in Florida, three trials in Wisconsin, one trial each in New York and Tennessee in the fall through summer season of 1981 to 1982. All trials rated from good to excellent. Also ten 400 foot double row beds were planted in California for another generation of seed increase in the summer of 1982. The planting rated very good to excellent; 40 "bumpy" podded plants were rogued from approximately 25,000 plants of the California planting.

The F₁₃ seed, ID-1555-(C)MsMs, was evaluated in seven trial locations in the fall, 1982, through summer, 1983, season in Wisconsin, New York, Oregon, Tennessee, Florida, Idaho and California and rated good to very good. Ten beds of seed increase were grown in California in the summer of 1983. No off types were observed in the planting.

F₁₄ seed, ID-1555-(C)MsMsMs, was again evaluated in several Ferry-Morse trials and in small pilot planting with commercial growers during the fall, 1983, through summer, 1984, season. The variety performed well in all trials. Seed was increased further in a 3.5 acre planting in Idaho in the summer of 1984; the planting was given a very good rating and was free of off types, indicative genetic stability of the line.

The decision to introduce ID-1555-(C)MsMsMs, as a new variety was made and the variety was named Javelin in August, 1984.

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the progress made during the year.

The second part of the report deals with the financial statement of the organization. It shows the income and expenditure for the year and the balance sheet at the end of the year. The report also shows the progress of the various projects and the results achieved. The report concludes with a summary of the work done and the progress made during the year.

The third part of the report deals with the administrative and general matters. It includes a list of the members of the organization and the names of the various committees and sub-committees. It also includes a list of the various projects and the results achieved. The report concludes with a summary of the work done and the progress made during the year.

The fourth part of the report deals with the future plans of the organization. It includes a list of the various projects and the results achieved. It also includes a list of the various committees and sub-committees. The report concludes with a summary of the work done and the progress made during the year.

The fifth part of the report deals with the general remarks and conclusions. It includes a list of the various projects and the results achieved. It also includes a list of the various committees and sub-committees. The report concludes with a summary of the work done and the progress made during the year.

VARIETY: Javelin (formerly FM-1555(formerly 1D-1555-(C)MsMsMs
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Exhibit B: Data Indicative of Novelty

Javelin is most similar to the variety, Plateau Provider (maturity, plant type, etc.) but is distinct from Plateau Provider in having a smaller pod diameter (suture to suture width and crosswall thickness).

A. Measurements were taken on pods from plants growing in a special trial planted in the field on June 16, 1983, at San Juan Bautista, California.

	<u>Javelin</u>	<u>Plateau Provider</u>	<u>d</u>	<u>t</u>	<u>p</u>
1. Pod width mm (suture to suture)	9.3	10.6	1.3	10.82	<.001
2. Pod thickness mm (crosswall to crosswall)	10.2	10.9	.7	5.59	<.001

(100 measurements for each variety)

B. Measurements were taken on pods from plants growing in a special trial planted in the field on July 7, 1984, at San Juan Bautista, California.

	<u>Javelin</u>	<u>Plateau Provider</u>	<u>d</u>	<u>t</u>	<u>p</u>
1. Pod width mm (suture to suture)	9.7	10.5	.8	9.27	<.001
2. Pod thickness mm (crosswall to crosswall)	9.6	11.2	1.6	17.12	<.001

(100 measurements for each variety)

C. Measurements were taken on pods from plants growing in a special trial planted in the field on June 29, 1984, at Sun Prairie, Wisconsin.

	<u>Javelin</u>	<u>Plateau Provider</u>	<u>d</u>	<u>t</u>	<u>p</u>
1. Pod width mm (suture to suture)	9.6	10.8	1.2	12.87	<.001
2. Pod thickness mm (crosswall to crosswall)	9.6	11.3	1.7	14.76	<.001

(100 measurements for each variety)

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

2 1 = truncate ends 2 = rounded ends

1 8 gm/100 seed

4 gm/100 seed lighter than 8 }
 gm/100 seed same as } comparison variety from page one
 gm/100 seed heavier than }

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):

<input type="checkbox"/> 0 Anthracnose (specify race below) _____	<input type="checkbox"/> 0 Fuscous blight
<input type="checkbox"/> 0 Rust (specify race below) _____	<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 <u>Bean common mosaic virus (specify strain below)</u> BV-1A NY15
<input type="checkbox"/> 0 Pythium root rot	<input type="checkbox"/> 2 Mosaic mottle
<input type="checkbox"/> 0 Rhizoctonia root rot	<input type="checkbox"/> 2 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) _____
<input type="checkbox"/> 0 Halo blight (specify race below) _____	

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) _____

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

0 Heat 0 Cold 0 Drought 0 Air pollution

13. COMMENTS:

8

VARIETY: Javelin (formerly FM-1555 (formerly 1D-1555-(C)MsMsMs
(formerly 1C-X1555-Ms(W)B2A(GH)1A(W)Ms(C)Ms#1(F)Ms)))

Exhibit D: Botanical Description of the Variety

Seed germination is moderately vigorous with medium to rapid emergence. Seedling growth is moderately vigorous.

The bush is upright, medium tall, slightly spreading, well-anchored, with pods held high. Leaves are medium in size and number, deltoid ovate shape with round or truncated bases and medium dark green in color.

Flower are white; flowering is early and concentrated into a short period.

Edible pod maturity is medium early and concentrated into a short period; pod yield is heavy.

Pods are medium long (14-16 cm), medium slim diameter (9-10 cm width x 9-10 cm thickness), round to round oval with a smooth surface, generally straight with slight tendency toward a reflexive curve, with a medium short spur (5-13 mm) and medium green in color. Fiber and seed development are moderately slow.

Seeds are white, round in cross section, cylindrical, and medium small size.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WARRANT OF HABEAS CORPUS

IN RE: [Name], Defendant

That the said [Name] is a citizen of the State of [State], and that he is now confined in the custody of the Sheriff of the County of [County], State of [State], by virtue of a writ of habeas corpus issued by the Court of [Court], State of [State], on the [Date], and that the said [Name] is entitled to his liberty.

That the said [Name] is entitled to his liberty because the writ of habeas corpus issued by the Court of [Court], State of [State], on the [Date], is a writ of habeas corpus issued by a court of competent jurisdiction, and the said [Name] is entitled to his liberty.

That the said [Name] is entitled to his liberty because the writ of habeas corpus issued by the Court of [Court], State of [State], on the [Date], is a writ of habeas corpus issued by a court of competent jurisdiction, and the said [Name] is entitled to his liberty.

That the said [Name] is entitled to his liberty because the writ of habeas corpus issued by the Court of [Court], State of [State], on the [Date], is a writ of habeas corpus issued by a court of competent jurisdiction, and the said [Name] is entitled to his liberty.

That the said [Name] is entitled to his liberty because the writ of habeas corpus issued by the Court of [Court], State of [State], on the [Date], is a writ of habeas corpus issued by a court of competent jurisdiction, and the said [Name] is entitled to his liberty.

submitted with Nov. 19, 1985
letter from O. Thompson

EXHIBIT "E"

Plant Variety Protection Application

No: 8500026

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, _____
'Javelin',
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
13th day of November, 19 85.

BREEDER

George C. Emery

12/72

10

RECEIVED

NOV 25 1985



OF AGRICULTURE

U.S. DEPARTMENT

AMS
PVPO

10/28/85

A1,

Letter is good - do we have Exhibit E? ^{YES} ~~NO~~

Validity of search is dependent on results of letter

1). Check info in 'Galena' PXC - Creesebock - ^{none} listed
this is not a valid value, ~~see~~ checked literature.

✓ 2). Correct field Pod Curvature in 'Galena', Proyobel,
& Sira from Caps to lower case

→ 3). Check info in 'Sira' Pod width mm=35 ??? 46

✓ 4). Correct field in 'Jira' NV15 & = NT etc.

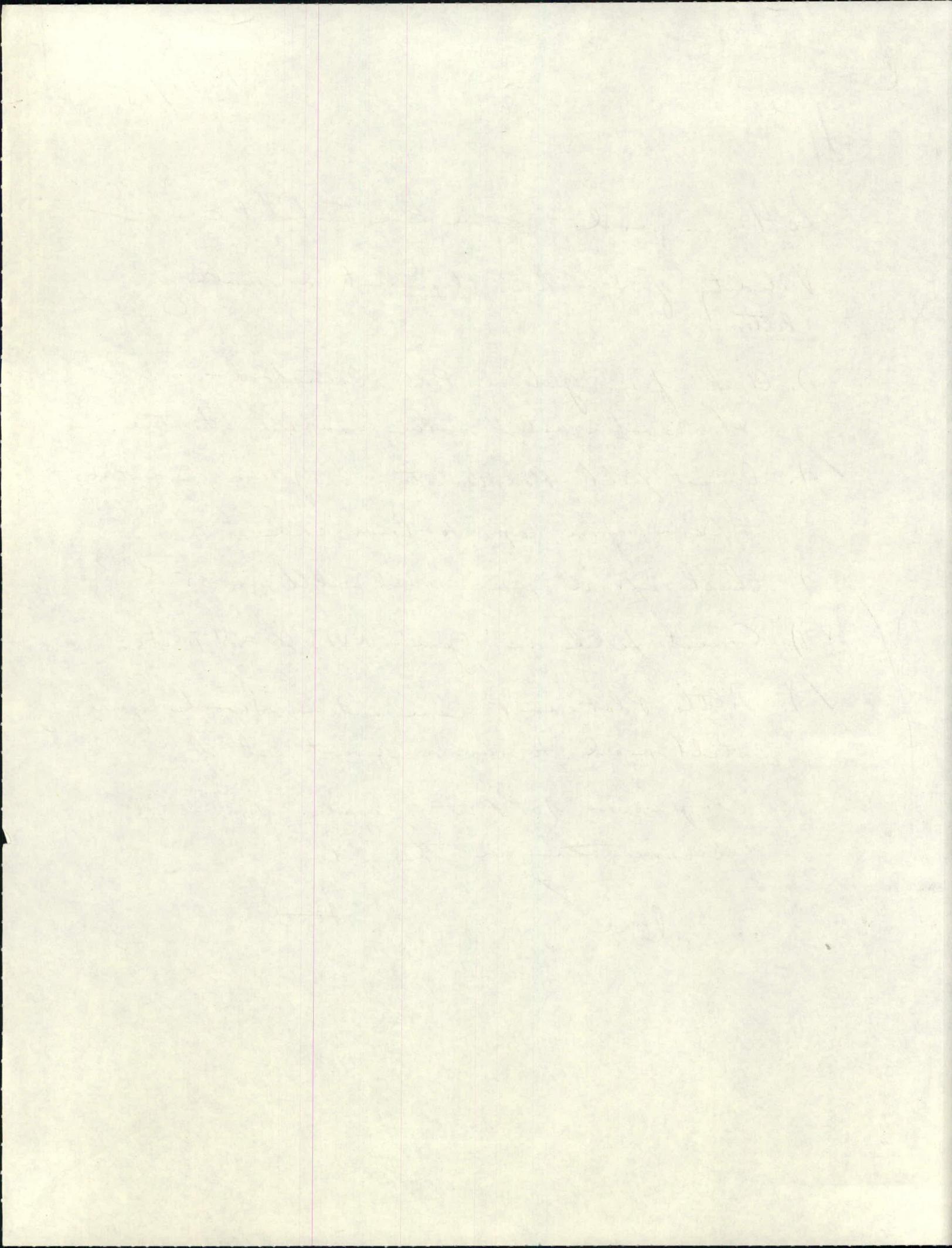
✓ 5). Altho Plateau P came out in search you
still need to run a print out of
comparison of PP & Jevolin for
documentation in this file.

is 16 mm
on GINA
application

done ✓

~~✓~~

Amer to Off. J. of The EC Communities 28(C29A), 1985



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

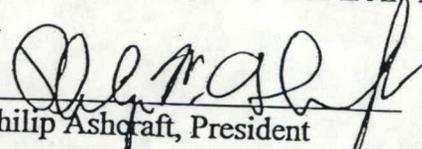
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

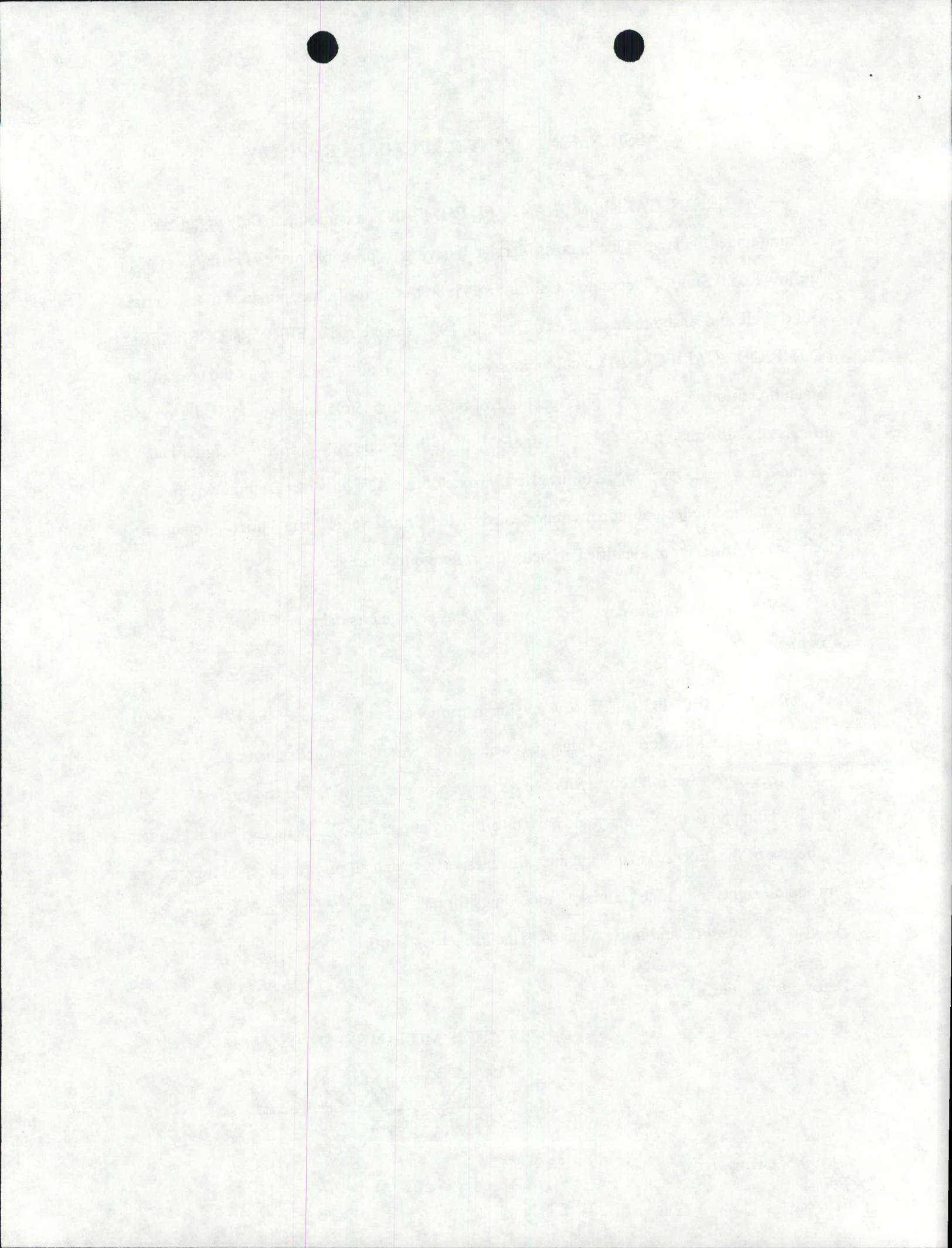
NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordings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

1430010

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

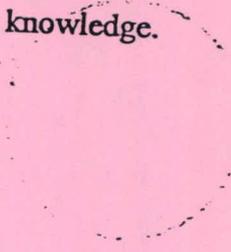
To the Secretary of State
State of California

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.

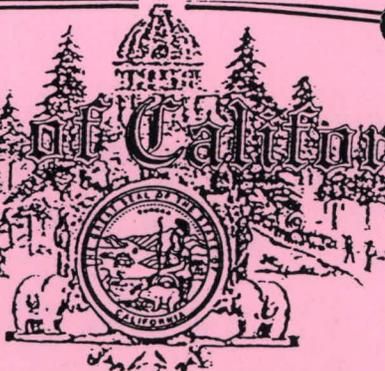
IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

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



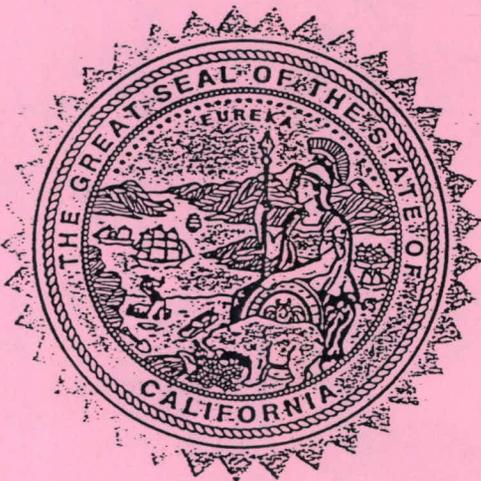
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I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

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

