

No.

8600097



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 (P.L. 57-1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'B169'

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 30th day of November in the year of our Lord one thousand nine hundred and eighty-nine.

Attest:

Kenneth H. Evans
Commissioner

Plant Variety Protection Office
Agricultural Marketing Service

Clayton Yeutter
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

FORM APPROVED: OMB NO. 0581-0055

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

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).

1. NAME OF APPLICANT(S) Asgrow Seed Company		2. TEMPORARY DESIGNATION XP-B169		3. VARIETY NAME B-169 ^{10/2/89 val} B169	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) Kalamazoo, MI 49001		5. PHONE (Include area code) (9620-190-20) ⁹⁶²⁶⁻¹⁹⁰⁻³¹ (616) 385-6605 ⁶⁶⁰⁸		FOR OFFICIAL USE ONLY PVPO NUMBER 8600097	
6. GENUS AND SPECIES NAME Phaseolus vulgaris L.		7. FAMILY NAME (Botanical) Leguminosae		FILING DATE February 27, 1986 TIME 10:30 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
8. KIND NAME Garden Bean		9. DATE OF DETERMINATION September 1982		AMOUNT FOR FILING \$ 1800.00 DATE February 27, 1986	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation				AMOUNT FOR CERTIFICATE \$ 200.00 DATE Sept. 26, 1989	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION <u>Delaware</u>				12. DATE OF INCORPORATION March 22, 1968	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS John A. Batcha ^{KATHY L. WARD} ^{10/2/89} Dr. John E. Cross ^{4/88 val} Asgrow Seed Co. ⁹⁶²⁶⁻¹⁹⁰⁻³¹ (616) 385-6605 ⁶⁶⁰⁸ ^{Bldg 190, Gull Rd.} 9620-190-20 Kalamazoo, MI 49001 PHONE (Include area code):					
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.)					
b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement.					
c. <input type="checkbox"/> Exhibit C, Objective Description of Variety (Request form from Plant Variety Protection Office.)					
d. <input type="checkbox"/> Exhibit D, Additional Description of Variety.					
e. <input checked="" type="checkbox"/> Exhibit E, Statement of the Basis of Applicant's Ownership.					
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 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) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.? <input type="checkbox"/> Yes (If "Yes," give date) <input checked="" type="checkbox"/> No					
19. HAS THE VARIETY BEEN RELEASED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES? Offered for sale in U.S. June 1985 <input checked="" type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input 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 <i>John A. Batcha</i>				DATE <i>Feb 20, 1986</i>	
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, 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.
- 14e Section 52(4) of the Plant Variety Protection Act requires applicants to furnish a statement of the basis of the applicant's ownership. The applicant may be the actual breeder, the employer of the breeder, the owner through purchase or inheritance, 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.)
- 19 See section 41 (i, j) and 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice for eligibility requirements.

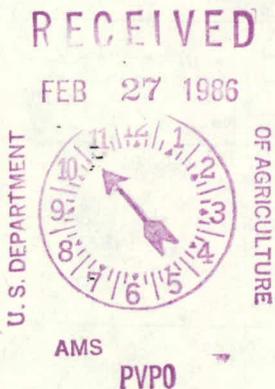


EXHIBIT A 'B169' 19/89/ra

Origin and Breeding History for XP-B169 Garden Bean

The original cross was between Goldrush and Strike. XP-B169 was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho from this cross as follows:

- 1-24-76 Planted parent lines Goldrush and Strike in the greenhouse at WBS. Crosses made.
- 6-1-76 Planted F₁ seed in the field at WBS. Advanced one generation.
- 6-4-77 Planted F₂ populations in the field at WBS. Individual plant selections made.
- 6-3-78 Planted F₃ line in the field at WBS. Individual plant selections made.
- 6-5-79 Planted F₄ line in the field at WBS. Individual plant selections made.
- 5-31-80 Planted F₅ line in the field at WBS. Individual plant selections made.
- 6-1-81 Planted F₆ line in the field at WBS. Individual plant selections made.
- 6-3-82 Planted F₇ line in the field at WBS under the number R824668. Observation during the growing season indicated the line was uniform and breeding true. All subsequent increases of XP-B169 trace to the bulk of R824668.
- 5-25-85 Planted approximately 300 single plant selections, all tracing back to R824668, in the field at WBS under the number F85733. Observations during the growing season confirmed the line was uniform and breeding true.

Observations indicated XP-B169 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 multiplications.

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EXHIBIT B *B169 19/2/89*

Novelty Statement Concerning ~~XP-B169~~ Garden Bean

XP-B169 is a medium small sieve, round-podded bean for processing. To our knowledge, the commercial variety most similar to XP-B169 is Slenderette. The new experimental variety Sentry is also similar to B169. Comparative characteristics that distinguish XP-B169 include, but may not be limited to the following:

Sieve size. At the same relative maturity, based on the last harvest before the seed content of pods reached 13%, XP-B169 averaged 1.5% pods that were 5-sieve or larger, compared to 17% for Slenderette.

	Percent 5-Sieve and Larger Pods	
	<u>XP-B169</u>	<u>Slenderette</u>
1983	1.0	14
1984	<u>2.0</u>	<u>20</u>
Ave.	1.5%	17%

Pod color. In 1983 pods of slenderette were evaluated as 144A according to the Royal Horticultural Society color chart, compared to 145B for XP-B169. In 1984 the ratings were 143B for Slenderette and 143C for XP-B169. Both evaluations confirm the darker pod color of Slenderette compared to XP-B169.

Pod length. Pods of XP-B169 have been consistently longer than those of Sentry, by an average of 8mm.

	Pod Length, mm	
	<u>XP-B169</u>	<u>Sentry</u>
1983	135	125
1984	140	134
1985	<u>140</u>	<u>131</u>
Ave.	138	130

Seed size. In comparisons involving 5 years and two locations, XP-B169 has been consistently larger in seed size compared to Sentry, by an average of 170 seeds per lb.

	Seed Size (seeds/lb.)	
	<u>XP-B169</u>	<u>Sentry</u>
1981	1692	1844
1982	1572	1692
1983, location 1	1728	1832
location 2	1600	1888
1984, location 1	1956	2208
location 2	1776	1840
1985	<u>1744</u>	<u>1952</u>
Ave.	1724	1894

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OBJECTIVE DESCRIPTION OF VARIETY
BEAN (*Phaseolus vulgaris* L.)

NAME OF APPLICANT(S) Asgrow Seed Company	FOR OFFICIAL USE ONLY
	PVPO NUMBER 8600097
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) Kalamazoo, Michigan 49001	VARIETY NAME OR TEMPORARY DESIGNATION LXP-B169 'B169' 1986 val

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 Twin Falls, Idaho . 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
- 3 = Kinghorn Wax
- 5 = Michelite 62
- 7 = Bush Blue Lake 290

- 2 = Kentucky Wonder
- 4 = White Kidney
- 6 = Dwarf Horticultural
- 8 = Other (specify below)
Slenderette

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

Branching habit:
1 = compact 2 = open

cm wider than }

Main stalk: 1 = brittle 2 = wirey

1 = stout 2 = thin

4.

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3. PLANT: (Cont'd)

8600097

EXP-B169
 'B169' 10/4/57

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

1 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:

2 1 = smooth 2 = wrinkled

1 1 = dull 2 = glossy

3 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) _____

4 7 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

10/4/57

1	2	3	4	5	6
←		54	41	5	

3 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness
4 sieve	<input type="checkbox"/> 1 <input type="checkbox"/> 4	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"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness
6 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness

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6. FRESH PODS: (Cont'd)

8600097 <XP-B169>
 'B169' 1/1/09 val

- 3 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart
- 1 Creaseback: 1 = present 2 = absent
- 2 Pubescence: 1 = none 2 = sparse 3 = considerable
- 2 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
- 1 3 mm spur length
- 1 Fiber: 1 = none 2 = sparse 3 = considerable
- 6 Number of seeds per pod
- 1 Surface: 1 = smooth 2 = rough
- 2 Suture string: 1 = present 2 = absent
- 2 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 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) _____
- 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) _____
- Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

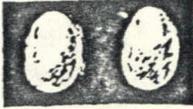
8. SEED SHAPE AND SIZE:

- 1 Hilum view: 1 = elliptical 2 = oval 3 = round
- 4 Cross section: 1 = elliptical 2 = oval 3 = cordate 4 = round

1 Side view:



1 = oval to oblong



2 = round



3 = reniform

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

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XP-BT69
'B169' 12/19
VRL

2 1 = truncate ends 2 = rounded ends

2 6 gm/100 seed

0 2 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):

0 Anthracnose (specify race below) _____

0 Fuscos blight

0 Rust (specify race below) _____

0 Red node virus

0 Powdery mildew

0 Pod mottle virus

0 Fusarium root rot

2 Bean common mosaic virus (specify strain below)
"I" gene, resistant to mosaic by all
strains

0 Pythium root rot

1 Mosaic mottle

0 Rhizoctonia root rot

2 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

0 Curly top

0 Bacterial wilt

Other (specify below) _____

0 Halo blight (specify race below) _____

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

0 Aphids

0 Root knot nematode

0 Leaf hopper

0 Seed corn maggot

0 Lygus

0 Thrips

0 Pod borer

0 Weavils

Other (specify below) _____

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

0 Heat

0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

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Asgrow Seed Company
PVP Application - Garden Bean XPB169
February 20, 1986

EXHIBIT E

Statement of the Basis of Applicant's Ownership

1B169'19/89
<XPB169> was originated and developed by Dr. John D. Atkin and Dr. David M. Webster, Asgrow Plant Breeders. By agreement between employee and Asgrow Seed Company, all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such invention, discovery, or development are retained by the employee.

Statement of the Basis of Applicant's Ownership

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Transfer of Plant Variety Protection Act Rights

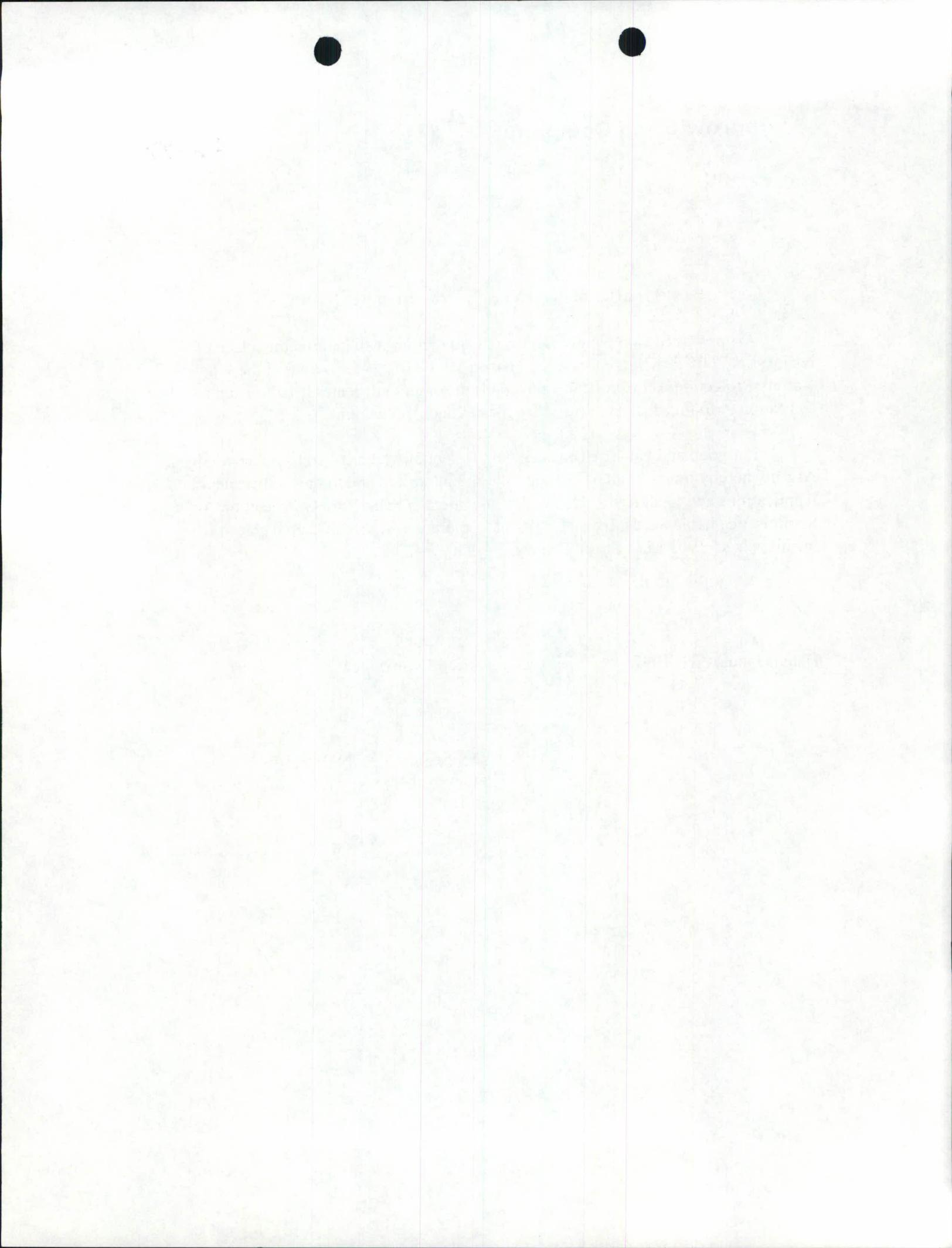
Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

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



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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