

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

Rogers N^o Seed Co.

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 (7 U.S.C. 2321 ET SEQ.)

BEAN

'Bush Romano 635'

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 October in the year of our Lord one thousand nine hundred and ninety-one.

Attest

Kenneth A. Evans

Commissioner

Plant Variety Protection Office

Agricultural Marketing Service

Ed Madigan

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

FORM APPROVED: OMB NO. 0681-0055

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) Rogers Brothers ^{NK} Seed Company ^{SAH 28 Oct 1991}		2. TEMPORARY DESIGNATION H635-]-]3)	3. VARIETY NAME 'Bush Romano 635'									
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 1755 Westgate Dr. #100, P.O. Box 4727 Boise, ID 83711-0727		5. PHONE (Include area code) 208/322-7272										
6. GENUS AND SPECIES NAME <u>Phaseolus vulgaris</u>		7. FAMILY NAME (Botanical) Leguminosae										
8. KIND NAME Bean		9. DATE OF DETERMINATION 1989										
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Rogers Brothers Seed Company		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="2" style="writing-mode: vertical-rl; transform: rotate(180deg);">FILING</td> <td>DATE <u>Mar. 27, 1989</u></td> </tr> <tr> <td>TIME <u>9:30</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.</td> </tr> <tr> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">FEES RECEIVED</td> <td>AMOUNT FOR FILING \$ <u>1800.00</u></td> </tr> <tr> <td>DATE <u>Mar. 14, 1989</u></td> </tr> <tr> <td>AMOUNT FOR CERTIFICATE \$ <u>200.00</u></td> </tr> <tr> <td></td> <td>DATE <u>Oct. 21, 1991</u></td> </tr> </table>		FILING	DATE <u>Mar. 27, 1989</u>	TIME <u>9:30</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	FEES RECEIVED	AMOUNT FOR FILING \$ <u>1800.00</u>	DATE <u>Mar. 14, 1989</u>	AMOUNT FOR CERTIFICATE \$ <u>200.00</u>		DATE <u>Oct. 21, 1991</u>
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FEES RECEIVED	AMOUNT FOR FILING \$ <u>1800.00</u>											
	DATE <u>Mar. 14, 1989</u>											
	AMOUNT FOR CERTIFICATE \$ <u>200.00</u>											
	DATE <u>Oct. 21, 1991</u>											
11. IF INCORPORATED, GIVE STATE OF INCORPORATION <u>Deleware</u>		12. DATE OF INCORPORATION February 25, 1975										
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS P.O. Box 4727 1755 Westgate Dr., #100 Boise, ID 83711-0727 <div style="text-align: right; margin-top: 10px;"> 208/322-7272 PHONE (Include area code): </div>												

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 Variety (Request form from Plant Variety Protection Office.)
- d. Exhibit D, Additional Description of Variety.
- e. 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.)

Yes (If "Yes," answer items 16 and 17 below)
 No

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> Yes <input 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
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18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?

Yes (If "Yes," give date)
 No

19. HAS THE VARIETY BEEN RELEASED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES ?

Yes (If "Yes," give names of countries and dates)
 No

Released for commercial sales in the U.S.A. in January 1989

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 <u>3/7/89</u>
SIGNATURE OF APPLICANT	DATE

INSTRUCTIONS

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds (*furnish only untreated seed*), and \$1,800 fee (*\$200 filing fee and \$1,600 examination fee*) to the 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 Sections 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.

NOTE: All information submitted in support of an application becomes PUBLIC INFORMATION once the certificate is issued. (*See Section 180.17 of the Regulations and Rules of Practice.*)

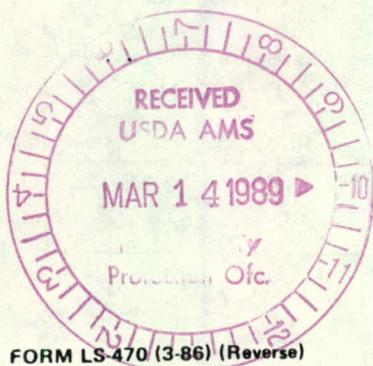


Exhibit 14A. (Continued)
Origin and Breedin History
of 'Bush Romano 635'

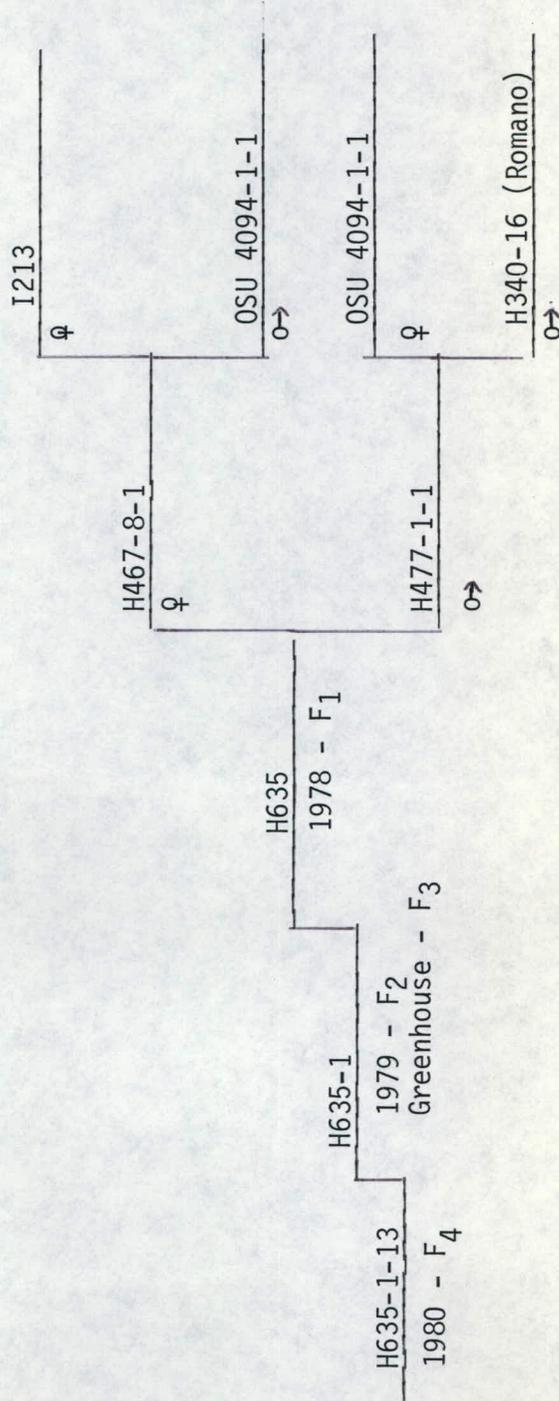
March 3, 1989

'Bush Romano 635' (H635-1-13) is the result of a hand-pollinated cross between H467-8-1(♀) and H477-1-1 (♂) in 1978. This variety was selcted as an F₄ in 1980. 'Bush Romano 635' has been observed since 1981 and has proven stable.

The first increase of 'Bush Romano 635' was made in 1985 when 39 pounds were harvested. The first commercial sales began in January 1989, with a sale of 10,000 pounds.

March 3, 1989

Exhibit 14A.
Origin and Breeding History of 'Bush Romano 635'



Increase: 1985 - 39 pounds harvested

Commercial: January - 1989

Exhibit 14B.

March 3, 1989

NOVELTY STATEMENT

'Bush Romano 635' is similar to 'Roma II' in being a Romano, but differs primarily in having persistent green chlorophyll and having light green seed whereas 'Roma II' has non-persistent chlorophyll and white seed.

'Bush Romano 635' is also about 1 day later than 'Roma II' and has longer, darker pods (15 cm, 143 c vs 13.5 cm, 145A) than 'Roma II'.

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) Rogers Brothers Seed Company	FOR OFFICIAL USE ONLY
	PVPO NUMBER 8900131
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. Box 4727 1755 Westgate Dr. #100 Boise, ID 83711-0727	VARIETY NAME OR TEMPORARY DESIGNATION 'Bush Romano 635'

Place numbers in the boxes (e.g.) for the characters that best describe this variety. Measured data should be for SPACED PLANTS. Ranges may also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____ . The location of test area is _____ . Please answer questions appropriate for your variety if the information is available.

1. TYPE:

1 = Field (dry-edible) 2 = Garden

2. MARKET MATURITY:

Days to edible pods Days to green shells

Days to dry seeds

Heat units to edible pods Heat units to green shells

Heat units to dry seeds

<input type="text" value="0"/> <input type="text" value="2"/> No. days earlier than	<input type="text" value="1"/>	} 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) 9 = <u>Roma II</u>
..... Same as	<input type="text"/>	
<input type="text" value="0"/> <input type="text" value="3"/> No. days later than	<input type="text" value="9"/>	

3. PLANT:

1 = Determinate 2 = Indeterminate

cm height

<input type="text" value="0"/> <input type="text" value="1"/> cm shorter than	<input type="text" value="9"/>	} comparison variety from above
..... Same as	<input type="text"/>	
<input type="text"/> <input type="text"/> cm taller than	<input type="text"/>	

cm taller than

cm spread Number primary branches near base

<input type="text" value="0"/> <input type="text" value="3"/> cm narrower than	<input type="text" value="9"/>	} comparison variety from above
..... width same as	<input type="text"/>	
<input type="text"/> <input type="text"/> cm wider than	<input type="text"/>	

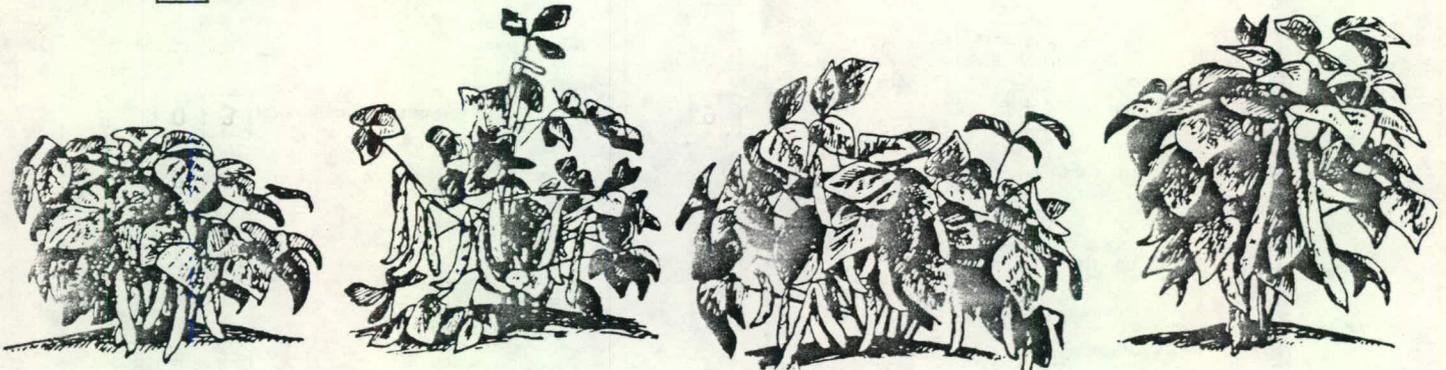
<input type="text" value="2"/> Main stalk: 1 = brittle 2 = wiry	<input type="text" value="1"/> Branching habit: 1 = compact 2 = open
<input type="text" value="1"/> 1 = stout 2 = thin	

5

3. PLANT: (Cont'd)

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

4 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

2 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 2 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 (143C)
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) _____

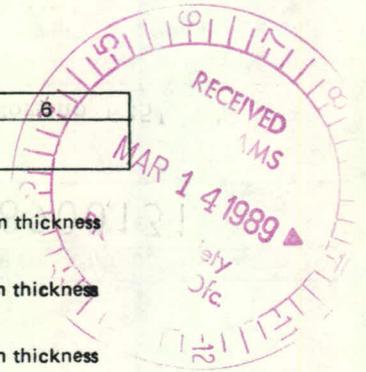
% Sieve size distribution at optimum maturity for non-flat pods

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

FLAT POD TYPE

	1	2	3	4	5	6
3 sieve	<input type="text"/>					
	cm length	cm length	mm width	mm width	mm thickness	mm thickness
4 sieve	<input type="text"/>					
	cm length	cm length	mm width	mm width	mm thickness	mm thickness
5 sieve	<input type="text"/>					
	cm length	cm length	mm width	mm width	mm thickness	mm thickness
6 sieve	<input type="text"/>					
	cm length	cm length	mm width	mm width	mm thickness	mm thickness



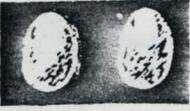
6. FRESH PODS: (Cont'd)

- 1 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
- 3 Pod flesh: 1 = light 2 = medium 3 = dark
- 1 0 mm spur length
- 2 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
- 1 Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast
- 1 Machine harvest: 1 = adapted 2 = not adapted
- 4 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 2 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) Light Green
- 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:

- 2 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

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

2 1 = truncate ends 2 = rounded ends

3 6 gm/100 seed

0 8 gm/100 seed lighter than 9

gm/100 seed same as

gm/100 seed heavier than

} comparison variety from page one

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)
BVI & NY 15

0 Pythium root rot

0 Mosaic mottle

0 Rhizoctonia root rot

0 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

2 Curly top

0 Bacterial wilt

0 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

0 Other (specify below) _____

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

0 Heat

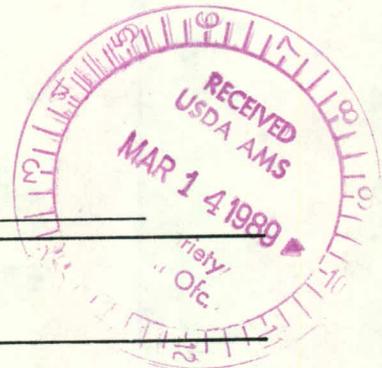
0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

- Pod Color is darker than Roma II (143C vs 145A).
- Has persistent green trait; Roma II does not.
- Greenish seed vs white seed of Roma II.
- Pod length is longer (15 cm vs 13.5 cm)



5. Curly Top resistant; Roma II is susceptible.

8

8900131

Exhibit D.

March 3, 1989

ADDITIONAL DESCRIPTION OF
'BUSH ROMANO 635'

'Bush Romano 635' is a 59 day, home garden type Romano. It produces pods that are 14 to 16 cm in length which have a medium dark green color that is persistent through maturation. The pod flavor is excellent, typical of the Oregon 'Blue Lake' types. The bush is upright (36 to 41 cm), with good pod placement.

'Bush Romano 635' is resistant to common bean mosaic (BV₁ and NY₁₅) and Curly Top Virus.

8900131

Exhibit E.

March 3, 1989

STATEMENT OF THE BASIS OF APPLICANTS OWNERSHIP

The variety 'Bush Romano 635' is the result of a hand-pollinated cross between H467-8-1 (♀) and H477-1-1 (♂) in 1978. This variety was selected as an F₄ in 1980. All selections and increases have been made by Rogers Brothers Seed Company and are owned by said company.

State of Delaware
Office of the Secretary of State

PAGE 1

I, WILLIAM T. QUILLEN, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "ROGERS NK SEED CO.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ROGERS SEED CO.", THE FIFTH DAY OF MAY, A.D. 1994, AT 9 O'CLOCK A.M.



William T. Quillen

William T. Quillen, Secretary of State

0810041 8320

944080001

AUTHENTICATION: 7120759

DATE: 05-16-94

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
ROGERS NK SEED CO.

Adopted in accordance with the provisions
of Section 242 of the General Corporation
Law of the State of Delaware

EFFECTIVE DATE: June 1, 1994

We, Willem van Overschot, President, and Richard B. Geller, Secretary, of Rogers NK Seed Co., a corporation existing under the laws of the State of Delaware, do hereby certify as follows:

FIRST: The Certificate of Incorporation of the corporation was filed on 2/27/75.

SECOND: The Certificate of Incorporation of said corporation has been amended as follows:

By striking out the whole of Article I thereof as it now exists and inserting in lieu and instead thereof, a new Article I, reading as follows:

ARTICLE I

Name

The name of the Corporation is ROGERS SEED CO.

THIRD: Such amendment has been duly adopted in accordance with the provisions of the General Corporation Law of the State of Delaware, by the unanimous written consent of all of the stockholders entitled to vote in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

FOURTH: See attached Written Consent of Sole Shareholder and Board of Directors' Resolution.

IN WITNESS WHEREOF, we have signed this certificate this 13th day of April, 1994.

Willem van Overschot
Willem van Overschot, President

Richard B. Geller
Richard B. Geller, Secretary

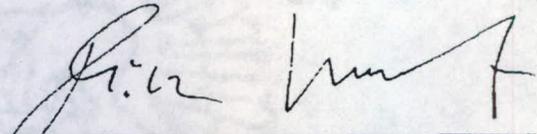
ROGERS NK SEED CO.

WRITTEN CONSENT OF SOLE SHAREHOLDER

SANDOZ CORPORATION, owner of all of the issued and outstanding shares of ROGERS NK SEED CO., hereby consents, pursuant to Section 228 of the Delaware General Corporation Law, to the adoption of the following resolution as and for the act of the shareholder:

RESOLVED, that SANDOZ CORPORATION, as sole shareholder, approves the amendment to Article I of the Certificate of Incorporation of ROGERS NK SEED CO., changing its name to **ROGERS SEED CO.**

Dated: April 22, 1994



Heinz P. Imhof,
Chief Executive Officer
Sandoz Corporation

ROGERS NK SEED CO.

RESOLUTION

RESOLVED, that according to Section 242 of the General Corporation Law of the State of Delaware, that Article I of the Certificate of Incorporation be amended, effective June 1, 1994, to read as follows: The name of the Corporation is **ROGERS SEED CO.**; and, further,

RESOLVED, that the appropriate officers of Rogers NK Seed Co. be, and they hereby are, authorized to take any and all further action and execute and deliver any and all further documents that may be necessary or desirable in order to carry out and effectuate fully the purposes set forth in the foregoing resolution.

ADOPTED UNANIMOUSLY BY THE BOARD
MARCH 31, 1994

Richard B. Geller

Richard B. Geller, Secretary

State of Delaware
Office of the Secretary of State PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ROGERS SEED CO.", A DELAWARE CORPORATION,

WITH AND INTO "NOVARTIS SEEDS, INC." UNDER THE NAME OF "NOVARTIS SEEDS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIFTH DAY OF JUNE, A.D. 1997, AT 9 O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



Edward J. Freel

Edward J. Freel, Secretary of State

0829320 8100M
971211787

AUTHENTICATION: 8531908
06-26-97

DATE:

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 06/25/1997
97L211787 - 0629320

**CERTIFICATE OF MERGER
OF
ROGERS SEED CO.
INTO
NOVARTIS SEEDS, INC.**

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each on the constituent corporations of the merger is as follows:

NAME	STATE OF INCORPORATION
Novartis Seeds, Inc.	Delaware
Rogers Seed Co.	Delaware

SECOND: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of section 251 of the General Corporation Law of Delaware

THIRD: That the name of the surviving corporation is Novartis Seeds, Inc.

FOURTH: That the Certificate of Incorporation of Novartis Seeds, Inc., a Delaware corporation which will survive the merger, shall be the Certificate of Incorporation of the surviving corporation.

FIFTH: That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, the address of which is 7500 Olson Memorial Highway, Golden Valley, MN 55427.

SIXTH: That a copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

SEVENTH: That this Certificate of Merger shall be effective on July 1, 1997.

Dated June 23, 1997

NOVARTIS SEEDS, INC.

By: Edward C. Resler
Name: Edward C. Resler
Title: Vice President & General Counsel