

No.

8900151



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

BEAN

'Acclaim'

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

Attest

Kenneth Hoans
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Edward Madigan
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE

FORM APPROVED: OMB NO. 0581-0055

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

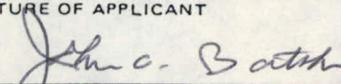
1. NAME OF APPLICANT(S) Asgrow Seed Company		2. TEMPORARY DESIGNATION XP-B199		3. VARIETY NAME Acclaim	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 9626-190-46 Kalamazoo, MI 49001		5. PHONE (Include area code) (616) 385-6605		FOR OFFICIAL USE ONLY PVPO NUMBER 8900151	
6. GENUS AND SPECIES NAME Phaseolus vulgaris		7. FAMILY NAME (Botanical) Leguminosae		FILING DATE Apr. 11, 1989 TIME 10:30 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
8. KIND NAME Garden Bean		9. DATE OF DETERMINATION September, 1983		AMOUNT FOR FILING \$ 1800.00 DATE Apr. 4, 1989	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation				FEES RECEIVED AMOUNT FOR CERTIFICATE \$ 200.00 DATE December 30, 1991	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware				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 Ward ^{27 Jan 1992} Asgrow Seed Company Kalamazoo, MI 49001 PHONE (Include area code): (616) 385-6605					
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 checked="" 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 U.S. May 19, 1988 Offered for sale outside U.S. in 1988 also. <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 				DATE April 1, 1989	
SIGNATURE OF APPLICANT				DATE	

EXHIBIT A

Origin and Breeding History of XP-B199 Garden Bean

XP-B199 was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho, by backcrossing resistance to halo blight into the bean variety Eagle:

- 2-79 Planted Eagle and a resistant breeding line, #13, in the greenhouse at WBS. Crosses made. Resistance of #13 originated with HBR72, a release from the University of Wisconsin.
- 6-79 Planted hybrid seed in the field in the field at WBS. Allowed plants to self.
- 11-79 Planted BC_0S_1 seed in the greenhouse. Tested for resistance and crossed the resistant plant, HB5, to Eagle.
- 3-80 Planted BC_1S_0 in the greenhouse and crossed to Eagle.
- 7-80 Planted BC_2S_0 in the greenhouse. Allowed to self.
- 11-80 Planted BC_2S_1 in the greenhouse. Tested for resistance and crossed resistant plant to Eagle.
- 3-81 Planted BC_3S_0 in the greenhouse. Allowed to self.
- 8-81 Planted BC_3S_1 in the greenhouse. Tested for resistance and allowed resistant plant to self.
- 2-82 Planted BC_3S_2 in the greenhouse, progeny tested for resistance, allowed to self.
- 6-82 Planted BC_3S_3 in the field at WBS. Selections made.
- 6-7-83 Planted BC_3S_4 in the field at WBS under the number R837004. Observations during the growing season indicated the line was uniform and breeding true. All subsequent increases of B199 trace to the bulk of R837004.
- 6-14-84 Planted BC_3S_{4+1} in the field at WBS as R8413382. Observations during the growing season confirmed the line was uniform and breeding true.
- 6-4-85 Planted bulk from R8413382 in the field at WBS as R854345. Observations again confirmed the line was uniform and breeding true.

Observations indicate XP-B199 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.

Asgrow Seed Company
PVP Application
Garden Bean, XP-B199 (Acclaim)
April 1, 1989

8900151

EXHIBIT B

Novelty Statement Concerning XP-B199 Garden Bean

XP-B199 is a processor variety developed by backcrossing resistance to halo blight into the variety Eagle. To our knowledge the commercial variety that most closely resembles B199 is Eagle. Comparative characteristics that best distinguish the two include, but may not be limited to, resistance to halo blight, caused by Pseudomonas syringae pv syringae in tests on primary leaves of seedlings B199 has consistently been resistant relative to the fully susceptible reaction of Eagle. phaseolicola

RWS
12-28-92

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) Asgrow Seed Company ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) Unit 9620-190-46 Kalamazoo, Mi 49001	FOR OFFICIAL USE ONLY PVPO NUMBER 8900151
	VARIETY NAME OR TEMPORARY DESIGNATION XP-B199

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
 3 No. days earlier than }
 Same as .. } 1 = Tendercrop 2 = Kentucky Wonder
 No. days later than } 3 = Kinghorn Wax 4 = White Kidney
 } 5 = Michelite 62 6 = Dwarf Horticultural
 } 7 = Bush Blue Lake 290 8 = Other (specify below)
 } Eagle

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 }
 Main stalk: 1 = brittle 2 = wiry Branching habit:
 1 = compact 2 = open
 1 = stout 2 = thin

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3. PLANT: (Cont'd)

2 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

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) _____

5 0 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
←		9	24	67	→

3 sieve	<input type="text"/> <input type="text"/>	cm length	<input type="text"/> <input type="text"/>	mm width	<input type="text"/> <input type="text"/>	mm thickness
4 sieve	<input type="text"/> <input type="text"/>	cm length	<input type="text"/> <input type="text"/>	mm width	<input type="text"/> <input type="text"/>	mm thickness
5 sieve	<input type="text"/> 1 <input type="text"/> 5	cm length	<input type="text"/> 9. <input type="text"/> 7	mm width	<input type="text"/> 10. <input type="text"/> 4	mm thickness
6 sieve	<input type="text"/> <input type="text"/>	cm length	<input type="text"/> <input type="text"/>	mm width	<input type="text"/> <input type="text"/>	mm thickness

6. FRESH PODS: (Cont'd)

- 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
- 1 Constrictions: 1 = none 2 = slight 3 = deep
- 2 Pod flesh: 1 = light 2 = medium 3 = dark
- 1 5 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
- 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 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 1 gm/100 seed

gm/100 seed lighter than

gm/100 seed same as 8

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

Bean common mosaic virus (specify strain below)
"I" gene resistance _____

0 Pythium root rot

2 Mosaic mottle

0 Rhizoctonia root rot

1 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

0 Curly top

0 Bacterial wilt

Other (specify below) _____

2 Halo blight (specify race below)
Moderate resistance to races 1 & 2

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:

Asgrow Seed Company
PVP Application
Garden Bean, XP-B199 (Acclaim)

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April 1, 1989

EXHIBIT E

STATEMENT OF THE BASIS OF APPLICANT'S OWNERSHIP

XP-B199 was originated and developed by John D. Atkin and 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.