

No.

9000127



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

## Rogers NK 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 OF 1930, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

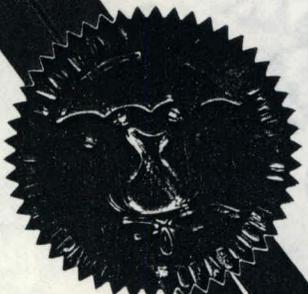
'Kentucky Blue'

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 28th day of February in the year of our Lord one thousand nine hundred and ninety-two.

Attest:

*Kenneth Evans*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Edward Madigan*  
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

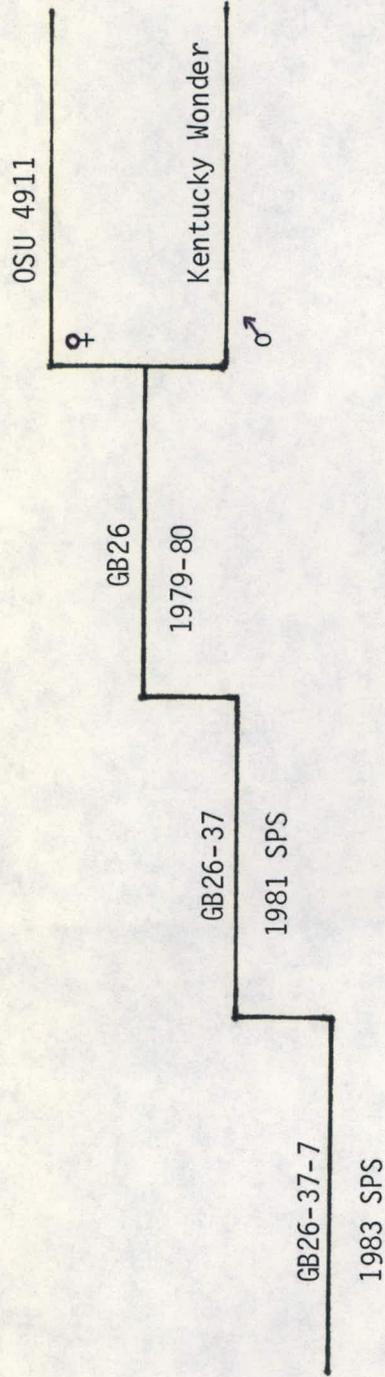
**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
(Instructions on reverse)

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) (as it is to appear on the Certificate) Rogers <del>Brothers</del> <sup>NK</sup> Seed Company <sup>AAA 24 Feb. 1992</sup>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO. GB26-37-7	3. VARIETY NAME Kentucky Blue
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP) P. O. Box 4727 - 1755 Westgate Dr. Suite 100 Boise, Idaho 83711-4727		5. PHONE (include area code) (208) 322-7272	FOR OFFICIAL USE ONLY PVPO NUMBER 9000127
6. GENUS AND SPECIES NAME Phaseolus Vulgaris L.		7. FAMILY NAME (Botanical) Leguminosae	
8. CROP KIND NAME (Common Name) Snap Bean (Pole Type)		9. DATE OF DETERMINATION 1985	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation		F I L I N G Date Mar. 26, 1990 Time <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware		12. DATE OF INCORPORATION 2/27/75	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Mr. Charles Green ROGERS BROTHERS SEED COMPANY P. O. Box 4727, 1755 Westgate Dr., Suite 100 Boise, ID 83711-4727		F E E S Filing and Examination Fee: \$ 2150.- Date Mar. 26, 1990 R E C E I V E D Certificate Fee: \$ 250.00 Date Jan. 13, 1992	
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)		PHONE (include area code): (208) 322-7272	
a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety			
b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement.			
c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of Variety			
d. <input checked="" type="checkbox"/> Exhibit D, Additional Description of Variety.			
e. <input checked="" type="checkbox"/> Exhibit E, Statement of the Basis of Applicant's Ownership.			
f. <input checked="" type="checkbox"/> Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office <u>3-14-90</u>			
g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,150) made payable to "Treasurer of the United States."			
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 (If "NO," skip to item 18 below)			
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) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.? <input type="checkbox"/> YES (If "YES," through <input type="checkbox"/> Plant Variety Protection Act <input type="checkbox"/> Patent Act. Give date: _____ ) <input checked="" type="checkbox"/> NO			
19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES? <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 (Owner(s)) <i>Charles Green</i>		CAPACITY OR TITLE Manager Marketing Support	DATE 3-15-90
SIGNATURE OF APPLICANT (Owner(s))		CAPACITY OR TITLE	DATE

"Kentucky Blue" (GB26-37-7)

Exhibit 14A  
Pedigree Chart for Kentucky Blue  
By: Rogers Brothers Seed Co.



1st Increase: 124 lbs. harvested in 1985  
SPS = Single Plant Selection



## Exhibit 14A (Cont.)

"Kentucky Blue" (GB26-37-7) is the result of a hand-pollinated cross between "OSU 4911" (♀) and "Kentucky Wonder" (♂) in 1979. Kentucky Blue was selected as a single plant in 1983, and has been maintained as a pureline since that date. Increase began in 1985. It has been observed each year since 1983 and found to be stable.

Kentucky Blue has been given an award by All-America Selections. Sales to packet seed companies will begin after July 1990. Sales to home gardeners will basically start the spring of 1991.

## Exhibit 14B

## Data Indicative of Novelty

"Kentucky Blue" (GB26-37-7) is most similar to its' parent variety "Kentucky Wonder" and its' sister variety "Minidoka". All are long-podded, pole bean types. Kentucky Blue differs from Kentucky Wonder in (1) being white seeded vs. brown seeded, (2) being significantly shorter (195 cm vs. 250+ cm), (3) having smooth, round pods vs. rougher, oval to flat pods, (4) being about seven days earlier in maturity, and (5) having smaller leaves.

Kentucky Blue differs from Minidoka by developing a light suture string, whereas Minidoka does not.

Field observations indicate that both Kentucky Wonder and Minidoka are susceptible to Common Bean Mosaic Virus, whereas Kentucky Blue is resistant.

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

NAME OF APPLICANT(S) Rogers Brothers Seed Company	FOR OFFICIAL USE ONLY
	PVPO NUMBER 9000127
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P. O. Box 4727 - 1755 Westgate Dr. Suite 100 Boise, ID 83711-4727	VARIETY NAME OR TEMPORARY DESIGNATION Kentucky Blue (GB26-37-7)

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

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)

3. PLANT:

1 = Determinate      2 = Indeterminate

cm height

cm shorter than .....

..... Same as .....

cm taller than .....

cm spread

cm narrower than .....

..... width same as .....

cm wider than .....

Main stalk: 1 = brittle      2 = wiry

Number primary branches near base

comparison variety from above

Branching habit:  
 1 = compact      2 = open

1 = stout      2 = thin

5

3. PLANT: (Cont'd)

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

5 Bush form (illustrated below):



1 = spherical bush form

2 = stem bush form

3 = wide bush form

4 = high bush form

5 = other (specify) Climbing (Pole Type)

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)

3 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      4 = 8.34 mm to 9.53 mm  
2 = 5.76 mm to 7.34 mm      5 = 9.53 mm to 10.72 mm  
3 = 7.34 mm to 8.34 mm      6 = 10.72 mm or larger

	1	2	3	4	5	6
	N/A	N/A	N/A	N/A	N/A	N/A

Not Applicable for Pole Beans

3 sieve	<input type="checkbox"/> 1 <input type="checkbox"/> 5	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"/> 1 <input type="checkbox"/> 7	cm length	<input type="checkbox"/> 9 <input type="checkbox"/> 5	mm width	<input type="checkbox"/> 9 <input type="checkbox"/> 5	mm thickness
5 sieve	<input type="checkbox"/> 1 <input type="checkbox"/> 9	cm length	<input type="checkbox"/> 1 <input type="checkbox"/> 0	mm width	<input type="checkbox"/> 1 <input type="checkbox"/> 0	mm thickness
6 sieve	<input type="checkbox"/> 2 <input type="checkbox"/> 0	cm length	<input type="checkbox"/> 1 <input type="checkbox"/> 1	mm width	<input type="checkbox"/> 1 <input type="checkbox"/> 0	mm thickness

C. FRESH PODS: (Cont'd)

9000127

- 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
- 2 Spur: 1 = straight 2 = slightly curved 3 = curved
- 1 Constrictions: 1 = none 2 = slight 3 = deep
- 3 Pod flesh: 1 = light 2 = medium 3 = dark
- 1  1 mm spur length
- 2 Fiber: 1 = none 2 = sparse 3 = considerable
- 9 Number of seeds per pod
- 1 Surface: 1 = smooth 2 = rough
- 1 Suture string: 1 = present 2 = absent
- 2 Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast
- 2 Machine harvest: 1 = adapted 2 = not adapted
- 6 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) Kentucky Wonder and Blue Lake

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) \_\_\_\_\_
- 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) \_\_\_\_\_
- 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



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

2 1 = truncate ends 2 = rounded ends

3  1 gm/100 seed

1  2 gm/100 seed lighter than .....  2

gm/100 seed same as ....

comparison variety from page one  2/

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 Fuscous 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)  
Field Observation (Strain Unknown)

0 Pythium root rot

Mosaic mottle

0 Rhizoctonia root rot

Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

0 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 Weevils

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:

1. White seeded vs. brown seeded (Kentucky Wonder)

2. Bush not as tall and sprawly as Kentucky Wonder

3. Pods round vs. oval/flat

4. Pods darker in color than Kentucky Wonder.

5. Seeds up slower than Kentucky Wonder.

6. Leaves smaller and slightly lighter in color than Kentucky Wonder.

## Exhibit 14D

## Additional Description of "Kentucky Blue"

"Kentucky Blue" is a pole bean which climbs to a height of about 195 cm and is about one week earlier than "Kentucky Wonder". Its' dark green pods average about 17 cm at prime (4 sv.) but can grow to over 22 cm. Pods are round and smooth with an excellent flavor. Kentucky Blue develops a light suture string with maturity.

## Exhibit 14E

## Statement of the Basis of Applicant's Ownership

The variety "Kentucky Blue" is the result of a cross between "OSU 4911" (♀) and "Kentucky Wonder" (♂) in 1979. This cross and subsequent selections were made by Calvin Lamborn for Rogers Brothers Seed Company. All seed increases of this variety have been by Rogers Brothers Seed Company.

*State of Delaware*  
*Office of the Secretary of State*

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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

11

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 13<sup>th</sup> day of April, 1994.

Willem van Overschot  
Willem van Overschot, President

Richard B. Geller  
Richard B. Geller, Secretary

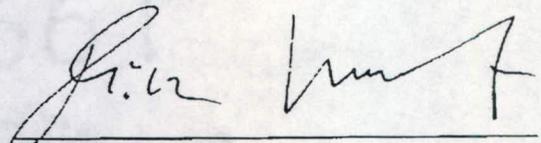
ROGERS NK SEED CO.

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  
971211787 - 0829320

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:

<b>NAME</b>	<b>STATE OF INCORPORATION</b>
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