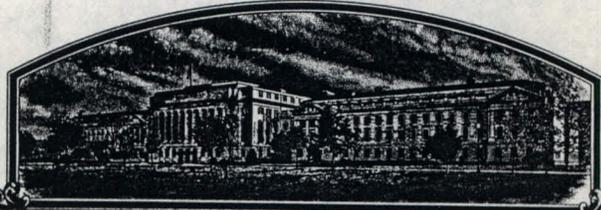


No.

9100074



**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.)

PEA

'Somerset'

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

Attest

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

*Ed 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) <b>ROGERS <del>BROTHERS</del> SEED COMPANY</b> <i>NK AAA 16 Sept 1991</i>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO. <b>PW-606</b>	3. VARIETY NAME <b>SOMERSET</b>
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP) <b>1755 WESTGATE DRIVE, SUITE 100 BOISE, ID 83704</b>		5. PHONE (Include area code) <b>208-322-7272</b>	<b>FOR OFFICIAL USE ONLY</b> PVPO NUMBER <b>9100074</b> Date <i>Jan. 17, 1991</i> Time <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. Filing and Examination Fee: <b>\$ 2150.<sup>00</sup></b> Date <i>December 26, 1990</i> Certificate Fee: <b>\$ 250.<sup>00</sup></b> Date <i>Sept. 16, 1991</i>
6. GENUS AND SPECIES NAME <b>PISUM SATIVUM</b>	7. FAMILY NAME (Botanical) <b>LEGUMINOSAE</b>		
8. CROP KIND NAME (Common Name) <b>GARDEN PEA</b>	9. DATE OF DETERMINATION <b>JUNE 1988</b>		
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) <b>CORPORATION</b>			
11. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>DELAWARE</b>	12. DATE OF INCORPORATION <b>FEBRUARY 27, 1975</b>		

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 4188**  
**BOISE, IDAHO 83711-4188**

PHONE (Include area code):

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)

- a.  Exhibit A, Origin and Breeding History of the Variety.
- b.  Exhibit B, Novelty Statement.
- c.  Exhibit C, Objective Description of Variety.
- d.  Exhibit D, Additional Description of Variety.
- e.  Exhibit E, Statement of the Basis of Applicant's Ownership.
- f.  Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office \_\_\_\_\_
- g.  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.)  
 YES (If "YES," answer items 16 and 17 below)  NO (If "NO," skip to item 18 below)

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?  
 YES  NO

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?  
 FOUNDATION  REGISTERED  CERTIFIED

18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?  
 YES (If "YES," through  Plant Variety Protection Act  Patent Act. Give date: \_\_\_\_\_ )  
 NO

19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?  
 YES (If "YES," give names of countries and dates)  
 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 <i>MANAGER - MARKET SUPPORT</i>	DATE <i>Dec. 17, 1990</i>
SIGNATURE OF APPLICANT [Owner(s)]	CAPACITY OR TITLE	DATE

## INSTRUCTIONS

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A,B,C,E; (3) at least 2,500 viable untreated seeds; (4) check, drawn on a U.S. bank, payable to "Treasurer of the United States" in the amount of \$2,150 (\$250 filing fee and \$1,900 examination fee). (See section 180.175 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for 30 days, then returned to the applicant as unfiled. Mail application and other requirements to: Plant Variety Protection Office, AMS, USDA, Rm. 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the Application are self-explanatory unless noted below. Corrections on the Application form and Exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a Certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$250 for issuance of the Certificate.

Plant Variety Protection Office  
Telephone: 301/344-2518

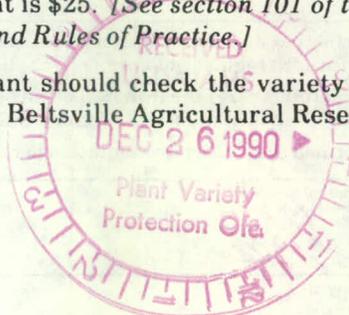
### ITEM

9. Give the date when there has been at least a tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined. [See section 41(d) of the Plant Variety Protection Act (Act).]
- 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. (See sections 41 and 52 of the Act.)
- 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 which clearly indicate novelty.
- 14c. Exhibit C forms are available from the PVPO; specify crop kind. Fill in the Exhibit C (Objective Description of Variety form) to describe your variety.
- 14d. Optional additional characteristics and/or photographs: Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 14e. Section 52(4) of the 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 this affirmative decision after the variety has either been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified the applicant may change the choice. (See section 180.16 of the Regulations and Rules of Practice.)
19. See sections 41 (i, j) and 42 of the Act and section 180.7 of the Regulations and Rules of Practice for eligibility requirements.

### NOTES:

It is the responsibility of the applicant/owner to keep the PVPO informed of any change of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is \$25. [See section 101 of the Act, and sections 180.130, 180.131, 180.132, and 180.175(h) of the Regulations and Rules of Practice.]

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Rm. 213, Building 306, Beltsville Agricultural Research Center -- East, Beltsville, MD 20705. Telephone: 301/344-2089.



## SOMERSET

EXHIBIT A

## ORIGIN AND BREEDING HISTORY OF VARIETY

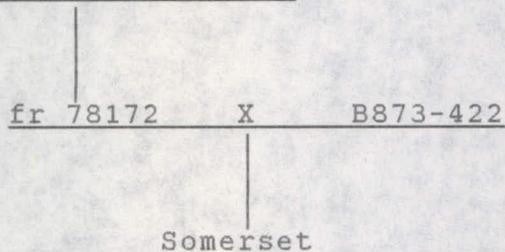
Somerset was derived from the following hand-pollinated cross:

Rogers Brothers freezer 78172 X B873-422

B873-422 was a release from Dr. G. A. Marx, Cornell University, Geneva, New York.

The development sequence of Somerset was as follows:

Ralca X Green Arrow



<u>Year</u>	<u>Generation</u>	<u>Plot</u>	<u>Amount Harvested</u>
1978	f1	78-GH-276	
1979	f2	792410	3 selections
1980	f3	802227A-3	8 selections
1980	f4	80-GH-133	
1980	f5	80-GH-189-1	
1981	f6	812902-1	2 selections
1982	f7	821707-2	2 selections
1983	f8	831724	3# 6 oz

The bulk harvest of stock 831724 in 1983 was subsequently multiplied and became the source of our commercial seed stock.

Somerset is genetically stable and uniform and no variant types have been detected.

## SOMERSET

EXHIBIT B

## DATA INDICATIVE OF NOVELTY

The pea variety Somerset most closely resembles the variety Green Arrow but differs in as much as Somerset is approximately six days earlier maturing at Nampa, Idaho; has a first blossom node of 13 as compares to 15 for Green Arrow; and, Somerset is resistant to powdery mildew (*Erysiphe polygoni*), while Green Arrow is not.



8. PODS:

2 Shape: 1 - STRAIGHT 2 - SLIGHTLY CURVED  1 End: 1 - POINTED (Alderman) 2 - BLUNT (Alaska)  
 2 Color: 3 - CURVED 1 - LIGHT GREEN (Alaska WR) 2 - MEDIUM GREEN 3 - DARK GREEN (Alderman)  
 2 Color: 4 - OTHER (Specify) \_\_\_\_\_  
 1 Surface: 1 - SMOOTH 2 - ROUGH  2 Surface: 1 - SHINY 2 - DULL  
 2 Borne: 1 - SINGLE 2 - DOUBLE 3 - SINGLE AND DOUBLE 4 - SINGLE, DOUBLE, & TRIPEE  
 2 Borne: 5 - DOUBLE & TRIPLE 6 - TRIPLE 7 - OTHER (Specify) \_\_\_\_\_  
 1  0 CM. LENGTH  1  2 MM. WIDTH (Between sutures)  0  9 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

2 Color: 1 - LIGHT GREEN 2 - GREEN 3 - DARK GREEN 4 - OTHER (Specify) \_\_\_\_\_  
 Selve: %  0  7  1  8  2  1  2  5  2  2  0  6  0  1  0  0  3  5  9 AVERAGE

SEEDS (Dry, Mature):

2 Shape: 1 - FLATTENED 2 - ANGULAR 3 - OVAL 4 - ROUNDED  
 3 Surface: 1 - SMOOTH 2 - DIMPLED  2 Surface: 1 - SHINY 2 - DULL  
 3 Surface: 3 - WRINKLED  
 1 Color Pattern: 1 - MONOCOLOR 2 - MOTTLED 3 - STRIPED 4 - DOTTED  
 4 Primary Color: 1 - CREAMY-WHITE 2 - CREAM & GREEN 3 - LIGHT GREEN 4 - MEDIUM GREEN  
 4 Primary Color: 5 - DARK GREEN 6 - BLUE-GREEN 7 - YELLOW 8 - BROWN 9 - RED  
 - Secondary Color: 10 - GRAY 11 - BLACK  
 2 Hilum Floor Color: 1 - WHITE 2 - TAN  1 Cotyledon Color: 1 - GREEN 2 - YELLOW 3 - ORANGE  
 1  9 GRAMS PER 100 SEEDS

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

2 FUSARIUM WILT  0 NEAR-WILT  0 DOWNY MILDEW  
 0 ASCOCHYTA BLIGHT  2 POWDERY MILDEW  0 BACTERIAL BLIGHT  
 0 MOSAIC  0 PEA ENATION MOSAIC  0 YELLOW BEAN MOSAIC  
 OTHER (Specify) \_\_\_\_\_

11. INSECT: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

0 APHIDS  0 OTHER (Specify) \_\_\_\_\_

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness		Fresh Seed Color	
Leaf Color		Mature Seed Color	
Pod Color		Seed Shape	
Pod Shape		Plant Habit	

COMMENTS:

## SOMERSET

EXHIBIT D

## BOTANICAL DESCRIPTION OF THE VARIETY

Somerset is a mid-season maturity, freezing type vining pea variety. Somerset produces mostly two pods per fruiting node and the pods are slightly curved, pointed and are approximately 9.5 cm (3.7 inches) long. The vine is a conventional leaf type, determinate, and of medium height. The vigorous growth of Somerset makes it well suited to regions where moderate moisture stress may occur. the 3.6 average sieve size and medium dark green berry color makes Somerset well suited to the freezing industry.

9100074

SOMERSET

EXHIBIT E

STATEMENT OF THE BASIS OF APPLICANT OWNERSHIP

Somerset was developed by plant breeders employed by Rogers Brothers Seed Company and is owned by Rogers Brothers Seed Company.