

No.

9100169



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Wilmorin, S.A.

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

BEAN

'Axel'



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

Attest

Kenneth Howard
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Edward Madison
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) <p style="text-align: center;">Vilmorin S.A.</p>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO.	3. VARIETY NAME <p style="text-align: center;">Axel</p>												
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP) <p style="text-align: center; color: blue; font-weight: bold;">VILMORIN S.A. 49250 LA MÈNITRE Tél. 41.79.41.79 FAX : 41.79.41.80</p> <p style="text-align: center;">49250 Beaufort en Vallee, France</p>		5. PHONE (Include area code)													
6. GENUS AND SPECIES NAME <p><i>Phaseolus vulgaris L.</i></p>		7. FAMILY NAME (Botanical) <p><i>Papilionaceae</i></p>													
8. CROP KIND NAME (Common Name) <p>BEAN</p>		9. DATE OF DETERMINATION <p>1989</p>													
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) <p>Corporation</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">FOR OFFICIAL USE ONLY</th> </tr> <tr> <td colspan="2" style="text-align: center;">PVPO NUMBER</td> </tr> <tr> <td colspan="2" style="text-align: center; font-size: 1.5em;">9100169</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">F I L I N G</td> <td style="padding: 2px;"> Date <p style="text-align: center; font-size: 1.2em;">April 19, 1991</p> Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. </td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">F E E S</td> <td style="padding: 2px;"> Filing and Examination Fee: <p style="text-align: center; font-size: 1.2em;">\$ 2150.-</p> Date <p style="text-align: center; font-size: 1.2em;">Apr. 18, 1991</p> </td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">R E C E I V E D</td> <td style="padding: 2px;"> Certificate Fee: <p style="text-align: center; font-size: 1.2em;">\$ 250.-</p> Date <p style="text-align: center; font-size: 1.2em;">June 22, 1992</p> </td> </tr> </table>		FOR OFFICIAL USE ONLY		PVPO NUMBER		9100169		F I L I N G	Date <p style="text-align: center; font-size: 1.2em;">April 19, 1991</p> Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	F E E S	Filing and Examination Fee: <p style="text-align: center; font-size: 1.2em;">\$ 2150.-</p> Date <p style="text-align: center; font-size: 1.2em;">Apr. 18, 1991</p>	R E C E I V E D	Certificate Fee: <p style="text-align: center; font-size: 1.2em;">\$ 250.-</p> Date <p style="text-align: center; font-size: 1.2em;">June 22, 1992</p>
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11. IF INCORPORATED, GIVE STATE OF INCORPORATION <p>FRANCE</p>		12. DATE OF INCORPORATION <p>1742</p>													
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS <p>Donald D. Jeffery Foley & Lardner P.O. Box 299 Alexandria, Virginia 22313</p> <p style="text-align: right;">PHONE (Include area code): 703-836-9300</p>															

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) *France 19/09/89 Germany 07/11/89 Italy 19/12/89*
Belgium 25/01/90 Netherland 05/02/90

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)] 	CAPACITY OR TITLE <p style="text-align: center; font-size: 1.2em;">Directeur Recherche</p>	DATE <p style="text-align: center; font-size: 1.2em;">11.02.91</p>
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**

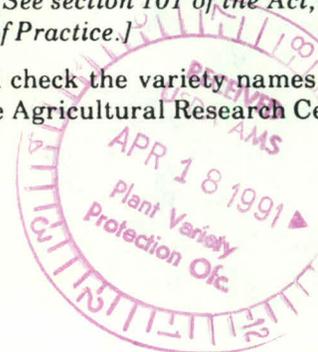
ITEM

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.



9100169

Exhibit A

Origin and Breeding History of the Variety

The new bean variety Axel was bred by Jean Noel Plages and is the result of a cross between the stock line MV1979 and a variety called 'Irvel'. Both 'Irvel' and the stock line are owned by applicant Vilmorin S.A.

From the time of the cross until 1981, accelerated generation took place in the greenhouse, accompanied by genealogical selection. In generation F₆ through F₉ in 1984, the characteristics of Axel when grown in the field were fixed, micropatch testing and yield and quality were analyzed, and pathological testing for anthracnose, pseudomonas, and virus I was conducted. In 1985-1989 (F₁₀-F₁₄), seeds were multiplied, and further pathological testing was carried out.

The morphological characteristics of Axel were fixed by the sixth generation, and no variants have been observed since. The new variety is uniform and stable.

Exhibit B

To applicant's best knowledge the variety most similar to Axel is the variety Pros, an industrial green bean bred by Royal Sluis. Differences include, but are not necessarily restricted to, the following:

1. Axel matures three (3) days later than Pros, for harvesting purposes.
2. The growth habit of Axel is more straight, thinner and taller than Pros. Axel has an average height of 50 cm compared to 34 cm for Pros, under similar growing conditions.
3. The foliage of Axel is finer than the foliage of Pros.
4. The pods of Axel are thinner and shorter than the pods of Pros.
5. The weight of one thousand (1,000) seeds of Axel is 150g, compared to 180g for the same number of seeds of Pros.

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) VILMORIN	FOR OFFICIAL USE ONLY
	PVPO NUMBER 9100169
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) LA MENITRE 49250 - BEAUFORT EN VALLEE FRANCE	VARIETY NAME OR TEMPORARY DESIGNATION AXEL

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 LA MENITRE FRANCE . Please answer questions appropriate for your variety if the information is available.

1. TYPE:

2 = 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 (Celcius) Heat units to green shells

Heat units to dry seeds

No. days earlier than }
 Same as .. }
 No. days later than }

1 = Tendercrop 2 = Kentucky Wonder
 3 = Kinghorn Wax 4 = White Kidney
 5 = Michelite 62 6 = Dwarf Horticultural
 7 = Bush Blue Lake 290 8 = Other (specify below)

_____ LABEL _____

3. PLANT:

1 = 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 = wirey 1 = stout 2 = thin

Branching habit:
 1 = compact 2 = open

3. PLANT: (Cont'd)

2 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

2 1 = dull 2 = glossy

1 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 8 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) _____

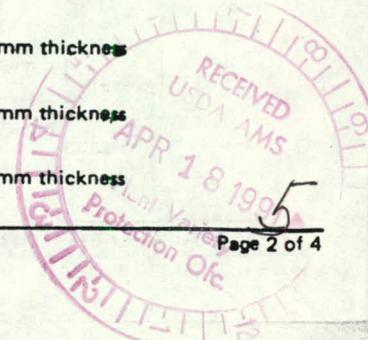
% Sieve size distribution at optimum maturity for non-flat pods

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
		40	50	10	

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



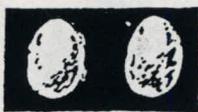
6. FRESH PODS: (Cont'd)

- 3 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart
- 2 Creaseback: 1 = present 2 = absent
- 1 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 6 mm spur length
- 1 Fiber: 1 = none 2 = sparse 3 = considerable
- 7 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) _____
- 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 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)

1 1 = truncate ends 2 = rounded ends

1 7 gm/100 seed

gm/100 seed lighter than }

gm/100 seed same as }

comparison variety from page one

0 2 gm/100 seed heavier than 8 }

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):

2 Anthracnose (specify race below)
ARE gene

1 Fuscouc 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

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)

1 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:

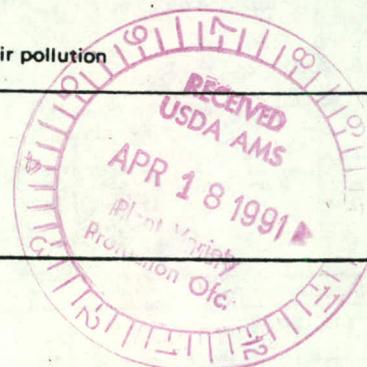


EXHIBIT D

Additional Description of the Variety

The attached photograph illustrates the configuration and color of mature beans of the new variety Axel.

9100169



EXHIBIT E

Statement of the Basis of Applicant's Ownership

Ownership of the new variety Axel by applicant Vilmorin, S.A. is the result of an assignment to it of all rights in the variety by the breeder Jean Noel Plages whose address is 29 Chemin des Airaults, 49250 Beaufort En Vallee, France. The assignment was executed February 4, 1991. A copy of the assignment is attached.

Je soussigné, Jean Noël PLAGES, demurant 29 chemin des Airaults -
49 250 BEAUFORT EN VALLEE, déclare abandonner mes droits d'obtenteur
pour la variété de :

- haricot AXEL

au profit de la Société Anonyme VILMORIN (siège social La Ménitré -
49 250 BEAUFORT EN VALLEE, capital social de 59 185 800 F. - RCS
Saumur B 562 050 864) dans le cadre de l'exécution de mon contrat de
travail.

Fait à La Ménitré,
le 04 février 1991

J.N. PLAGES.



TRANSLATION

I, the undersigned, Jean Noel PLAGES, residing 29 chemin des Airaults - 49 250 BEAUFORT EN VALLEE, declare to assign my breader's rights to the variety of

AXEL bean

in favor of VILMORIN S.A. (head office: La Ménitré - 49 250 BEAUFORT EN VALLEE, capital amounting to 59 195 800 F - RCS Saumur B 562 864) by virtue of my working agreement with this company.

Executed at La Ménitré,
this 04 of February 1991

J.N. PLAGES.

(signature)

TRANSLATOR'S DECLARATION

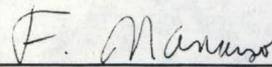
I, **Thierry ORLHAC**, residing at 215 Portland Avenue, Town of Mont-Royal, Quebec, Canada, do hereby declare that I am conversant with the French and English languages and am a competent translator thereof. I also declare to the best of my knowledge and belief, the attached document is a true and correct translation made by me.



Thierry Orlhac

Sworn before me
at Montreal, Quebec, Canada
This 11 day of March

1991



Commissioner for Oaths
Judicial District of Montreal

