

No.

9100176



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

PEA

'Mariner'

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

Attest:

Kenneth F. ...
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Edward Madigan
Secretary of Agriculture



Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Office, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #9581-0055), Washington, 20250.

FORM APPROVED: OMB 0581-0055, Expires 1/31/91

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. 2428).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO.	3. VARIETY NAME															
Rogers NK Seed Co.		HP344-9-2-1	Mariner															
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP)		5. PHONE (include area code)	<table border="1"> <tr><th colspan="2">FOR OFFICIAL USE ONLY</th></tr> <tr><td colspan="2">PVPO NUMBER</td></tr> <tr><td colspan="2">9100176</td></tr> <tr><td rowspan="2">F I L I N G</td><td>Date May 13, 1991</td></tr> <tr><td>Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.</td></tr> <tr><td rowspan="3">F E E S</td><td>Filing and Examination Fee: \$ 2150.-</td></tr> <tr><td>Date Apr. 18, 1991</td></tr> <tr><td>Certificate Fee: \$ 250.-</td></tr> <tr><td rowspan="2">R E C E I V E D</td><td>Date Aug. 10, 1992</td></tr> </table>	FOR OFFICIAL USE ONLY		PVPO NUMBER		9100176		F I L I N G	Date May 13, 1991	Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	F E E S	Filing and Examination Fee: \$ 2150.-	Date Apr. 18, 1991	Certificate Fee: \$ 250.-	R E C E I V E D	Date Aug. 10, 1992
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	6. GENUS AND SPECIES NAME		7. FAMILY NAME (Botanical)															
Pisum sativum		Leguminosae																
8. CROP KIND NAME (Common Name)	9. DATE OF DETERMINATION																	
Freezer Pea	July 1, 1983																	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)																		
Corporation																		
11. IF INCORPORATED, GIVE STATE OF INCORPORATION		12. DATE OF INCORPORATION																
Delaware		2-25-75																
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS																		
Jim McConnell		PHONE (include area code): 208-322-7272																
1755 Westgate Dr., #100																		
Boise, ID 83704																		

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 April 15, 1991
- 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) Australia 5-6-90 NO

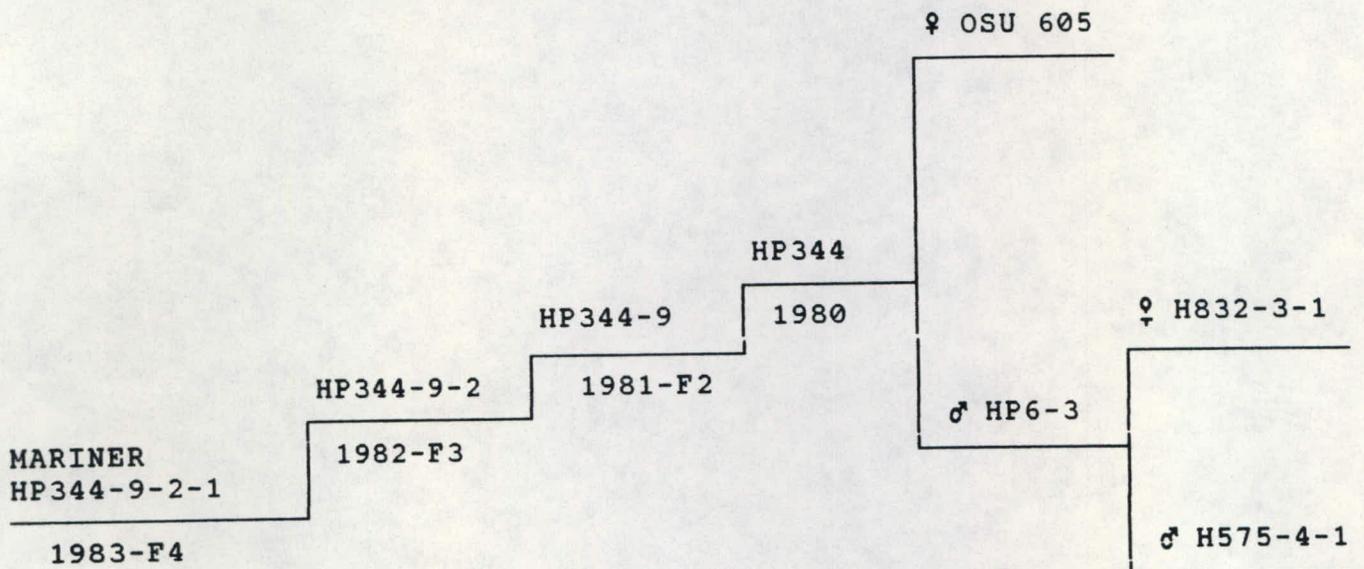
20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

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	DATE
<i>James F. McConnell</i>	Director of Marketing	4-11-91
SIGNATURE OF APPLICANT (Owner(s))	CAPACITY OR TITLE	DATE

March 27, 1991

EXHIBIT 14A
ORIGIN AND BREEDING HISTORY OF MARINER
PEDIGREE CHART FOR: MARINER



1st Increase: 1984 at 30#

March 27, 1991

EXHIBIT 14A (Continued)

ORIGIN AND BREEDING HISTORY OF MARINER

Mariner (HP344-9-2-1) is the result of a hand - pollinated cross between OSU 605 (♀) and HP6-3 (♂), one of Rogers NK's varieties. Mariner was selected as a single plant selection in 1983 in the F₁ generation. It has been observed since 1984 and has proven to be stable and free from off-types. The first increase was in 1984 with a harvest of 30 pounds. Mariner has shown to be resistant to Race 1 (Fusarium Wilt), Powdery Mildew, Pea Leafroll and tolerant to Pea Enation Mosaic and Red Clover Vein Mosaic.

Trialing of Mariner has been for testing only. All trial seed was indicated:

PVP Contemplated
Unauthorized Propagation Prohibited
"For Testing Only"

March 27, 1991

EXHIBIT 14B

NOVELTY STATEMENT

Mariner is most similar to Bounty in that both are Powdery Mildew resistant, double podded freezers with a compact, determinate set. Mariner differs from Bounty in that Bounty is susceptible to Pea Enation Mosaic and Red Clover Vein Mosaic, whereas Mariner is highly tolerant to both.

Mariner is resistant to race 1 (Fusarium Wilt), Powdery Mildew, Pea Leafroll, and highly tolerant to Pea Enation Mosaic and Red Clover Vein Mosaic.

9100176

March 27, 1991

EXHIBIT 14D

ADDITIONAL DESCRIPTION OF MARINER

Mariner is a determinate, 15-16 node, double podded, freezer variety with an average sieve size of 4.43. The variety has conventional leaves. Mariner has excellent multiple disease resistance with resistance to race 1 (Fusarium Wilt), Powdery Mildew, Pea Leafroll, and high tolerance to Pea Enation Mosaic and Red Clover Vein Mosaic.

9100176

March 27, 1991

EXHIBIT 14E

STATEMENT OF THE BASIS OF APPLICANTS OWNERSHIP

The variety Mariner, is the result of a hand - pollinated cross between OSU 605 (♀) and Bounty (HP6-3, ♂). This variety was selected as a single plant selection in 1983, with excellent multiple disease resistance. All selections and increases have been made by Rogers NK Seed Co., and are owned by said company.

8

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

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944080001

AUTHENTICATION: 7120759

DATE: 05-16-94

9

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

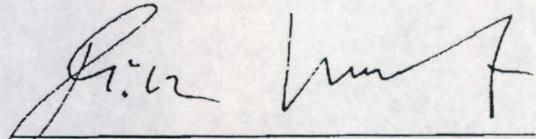
ROGERS NK SEED CO.

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

8661



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:

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