

No.

9200100



# 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, OR 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

'Epic'

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 A. Egan*  
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) ASGROW SEED COMPANY		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO. XP F237	3. VARIETY NAME <b>EPIC</b> <span style="color:red">AAA</span> <span style="color:red">13 Aug 1992</span>
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP) 7000 Portage Road 9652-190-18 Kalamazoo, MI 49001		5. PHONE (Include area code) 616-384-2353	<b>FOR OFFICIAL USE ONLY</b> PVPO NUMBER 9200100 F I L I N G Date <u>Feb. 3, 1992</u> Time _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. F E E S Filing and Examination Fee. \$ <u>2150-</u> Date <u>Feb 3, 1992</u> R E C E I V E D Certificate Fee. \$ <u>250.-</u> Date <u>Aug. 3, 1992</u>
6. GENUS AND SPECIES NAME Pisum sativum	7. FAMILY NAME (Botanical) Leguminosae		
8. CROP KIND NAME (Common Name) Pea	9. DATE OF DETERMINATION August 1986		
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 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

Kathy L. Ward  
 9652-190-18  
 Kalamazoo, MI 49001

616-384-2353  
 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 January 24, 1992
- 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 1/92  
 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 Asgrow Vegetable Research Administration Manager	DATE <u>1-24-92</u>
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.

## EXHIBIT A

'EPIC' AAA  
13 Aug 1992Origin and Breeding History of ~~XPF237~~ Garden Pea

F237 was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho, by pedigree selection from a cross of Sprite R-5, an Asgrow breeding line, with Trend:

- 12-19-77 Trend and Sprite R-5 planted in the greenhouse at WBS; crosses made.
- 4-13-78 F1 planted in the field at WBS. Harvested as bulk.
- 4-12-79 F2 population planted in the field at WBS; selections made.
- 4-14-80 F3 selection planted in the field at WBS; selections made.
- 4-16-81 F4 selection planted in the field at WBS; selections made.
- 4-22-82 F5 selection planted in the field at WBS; selections made.
- 4-19-83 F6 selection planted in the field at WBS; selections made.
- 4-12-84 F7 selection planted in the field at WBS; selections made.
- 4-13-85 F8 selection planted in the field at WBS; selections made.
- 3-31-86 F9 selection planted in the field at WBS under the number R861088. This line appeared to be uniform and breeding true and was harvested as a bulk. All subsequent increases of F237 trace to this bulk.
- 4-15-87 F9+1 bulk planted as a small increase under the number R873080. Observations during the growing season confirmed the line was uniform and breeding true.
- 3-20-90 Planted ~200 single plant selections as individual progenies in the field at WBS. Observations during the growing season again confirmed the line was uniform and breeding true.

Observations indicate F237 is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties a small percentage of variants or offtypes can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications.

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EXHIBIT B

'EPIC' AMB BANG 1992

Novelty Statement Concerning ~~XP-F237~~ Garden Pea

F237 is a second early, medium sieve freezer pea. To our knowledge the variety most similar to F237 is EF680 (Coral). The comparative characteristic that best distinguishes the two includes, but may not be limited to, resistance to race 2 of the Fusarium wilt fungus, F. oxysporum f sp pisi; F237 is resistant whereas EF680 is susceptible.

FCRM GR-470-14  
(5-15-74)

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
GRAIN DIVISION  
HYATTSVILLE, MARYLAND 20782  
**OBJECTIVE DESCRIPTION OF VARIETY**  
PEA (*PISUM SATIVUM*)

EXHIBIT  
(Pcs)

NAME OF APPLICANT(S)	VARIETY NAME OR TEMPORARY DESIGNATION <del>XP F237</del> 'EPIC' 13 Aug 1992
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)	FOR OFFICIAL USE ONLY PVPO NUMBER 9200100

Place the appropriate number that describes the varietal character in the boxes below.  
Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

1. TYPE:

1 = GARDEN    2 = FIELD    3 = EDIBLE-PODDED

2. MATURITY:

Node number of first bloom:     No. of days to processing     Heat Units

No. of days Earlier than     1 = ALASKA WR    2 = THOMAS LAXTON WR    3 = LITTLE MARVEL

No. of days Later than     4 = WANDO    5 = ALDERMAN WR    6 = AUSTRIAN WINTER

3. PLANT HEIGHT:

CM. HIGH

Cm. Shorter than     } 1 = ALASKA WR    2 = THOMAS LAXTON WR    3 = LITTLE MARVEL

Cm. Taller than     } 4 = WANDO    5 = ALDERMAN WR    6 = AUSTRIAN WINTER

4. VINE:

Habit: 1 = DETERMINATE    2 = INDETERMINATE     Stockiness: 1 = SLIM (Alaska)    2 = MEDIUM (Thomas Laxton WR)    3 = HEAVY (Alderman)

Branching: 1 = NONE (Alaska)    2 = 1-2 BRANCHES (Little Marvel)    3 = MORE THAN 2 BRANCHES (Dwarf Gray Sugar)

Internodes: 1 = STRAIGHT    2 = ZIG ZAG     NUMBER OF NODES

5. LEAFLETS:

Color: 1 = LIGHT GREEN (Alaska WR)    2 = MED. GREEN (Thomas Laxton WR)    3 = DARK GREEN (Alderman)  
4 = OTHER (Specify)

Wax: 1 = NONE    2 = LIGHT    3 = MEDIUM    4 = HEAVY     1 = NOT MARBLED    2 = MARBLED (Alaska)

Number of leaflet pairs: 1 = NOT PAIRED    2 = ONE    3 = TWO    4 = THREE OR MORE

6. STIPULES:

1 = LACKING    2 = PRESENT     1 = NOT CLASPING    2 = CLASPING

1 = NOT MARBLED    2 = MARBLED     Size (Compared with leaflets): 1 = SMALLER    2 = SAME    3 = LARGER

Color (Compared with leaflets): 1 = LIGHTER    2 = SAME    3 = DARKER

7. FLOWER COLOR:

VENATION     STANDARD     WING     KEEL } 1 = WHITE    2 = GREENISH    3 = LAVENDER  
4 = PURPLE    5 = RED  
6 = OTHER (Specify) 4

8. PODS:

1 = STRAIGHT     2 = SLIGHTLY CURVED     2 End:  1 = POINTED (Alderman)     2 = BLUNT (Alaska)  
 2 Shape:  3 = CURVED  
 1 = LIGHT GREEN (Alaska WR)     2 = MEDIUM GREEN     3 = DARK GREEN (Alderman)  
 3 Color:  4 = OTHER (Specify) \_\_\_\_\_  
 2 Surface:  1 = SMOOTH     2 = ROUGH     2 Surface:  1 = SHINY     2 = DULL  
 1 = SINGLE     2 = DOUBLE     3 = SINGLE AND DOUBLE     4 = SINGLE, DOUBLE, & TRIPEE  
 3 Borne:  5 = DOUBLE & TRIPLE     6 = TRIPLE     7 = OTHER (Specify) \_\_\_\_\_  
 0  7 CM. LENGTH     1  1 MM. WIDTH (Between sutures)     0  8 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

3 Color:  1 = LIGHT GREEN     2 = GREEN     3 = DARK GREEN     4 = OTHER (Specify) \_\_\_\_\_  
 Sieve: %     1  2     2  1     3  5     2  6     0  6                     0  2  9 AVERAGE

SEEDS (Dry, Mature):

1 Shape:  1 = FLATTENED     2 = ANGULAR     3 = OVAL     4 = ROUNDED  
 3 Surface:  1 = SMOOTH     2 = DIMPLED     2 Surface:  1 = SHINY     2 = DULL  
 3 = WRINKLED  
 1 Color Pattern:  1 = MONOCOLOR     2 = MOTTLED     3 = STRIPED     4 = DOTTED  
 2 Primary Color:  1 = CREAMY-WHITE     2 = CREAM & GREEN     3 = LIGHT GREEN     4 = MEDIUM GREEN  
 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  
 3 = BLACK

2  1 GRAMS PER 100 SEEDS

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

2 FUSARIUM WILT     2 NEAR-WILT     0 DOWNY MILDEW  
 0 ASCOCHYTA BLIGHT     1 POWDERY MILDEW     0 BACTERIAL BLIGHT  
 0 MOSAIC     1 PEA ENATION MOSAIC     0 YELLOW BEAN MOSAIC  
 OTHER (Specify) \_\_\_\_\_

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

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

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	EF680	Fresh Seed Color	Sprite
Leaf Color	EF680	Mature Seed Color	Sprite
Pod Color	EF680	Seed Shape	Sprite
Pod Shape	Sprite	Plant Habit	EF680

COMMENTS:

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Asgrow Seed Company  
PVP Application  
January 24, 1992

EXHIBIT E

STATEMENT OF THE BASIS OF APPLICANT'S OWNERSHIP

*ERIC' AAR 13 Aug 1992*

~~XP F237~~ was developed by Dr. David M. Webster, Asgrow Plant Breeder. 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.



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### Transfer of Plant Variety Protection Act Rights

Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

For good and valuable consideration, receipt of which is hereby acknowledged, Asgrow hereby transfers all of its right, title and interest in and to the Certificates and Applications and to all rights relating thereto under the Plant Variety Protection Act to Seminis Vegetable Seeds, Inc., a California corporation, whose principle place of business is at 1905 Lirio Street, Saticoy, CA 93007-4206.

Dated: January 31, 1997

Asgrow Seed Company

By: Norman A Braksik  
Norman A. Braksik  
President