

No.



9300130

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Del Monte Corporation

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

'DMC 50-05'



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-three.

Attest:

Kenneth H. Evans

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Mike Egan
Secretary of Agriculture

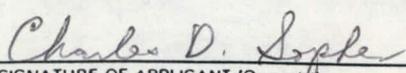
U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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. 2426). Information is held confidential if a certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate) DEL MONTE CORPORATION		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO. DMX 50-05	3. VARIETY NAME DMC 50-05 AAA-16 Ave. 1993
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP) One Market Plaza San Francisco, CA 94105		5. PHONE (Include area code) 415-442-4000	FOR OFFICIAL USE ONLY PVPO NUMBER 9300130
6. GENUS AND SPECIES NAME Pisum sativum L.	7. FAMILY NAME (Botanical) Leguminosae		FILING INFORMATION Date: Feb. 26, 1993 Time: <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
8. CROP KIND NAME (Common Name) Garden Pea		9. DATE OF DETERMINATION 3/8/91	FILING AND EXAMINATION FEE: \$ 2150 + 175 Date: Feb. 25, 1993
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation			CERTIFICATE FEE: \$ 275.00 Date: Aug. 11, 1993
11. IF INCORPORATED, GIVE STATE OF INCORPORATION New York	12. DATE OF INCORPORATION 1978		
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS David J. Brezner, Esq. Flehr, Hohbach, Test, Albritton and Herbert Four Embarcadero Center #3400 San Francisco, CA 94111 - 4187			
			PHONE (Include area code): 415-781-1989
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)			
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 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>2/22/93</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 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)] 	CAPACITY OR TITLE Director, Agricultural Research and Seed Operations	DATE Dec 18, 1992
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: 301/504-5518

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: 301/504-8089

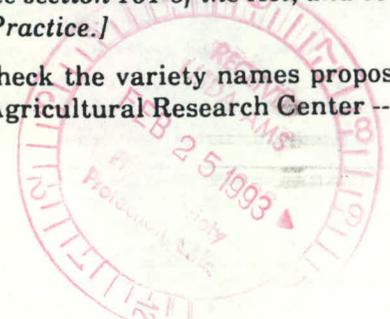


EXHIBIT AORIGIN AND BREEDING HISTORY

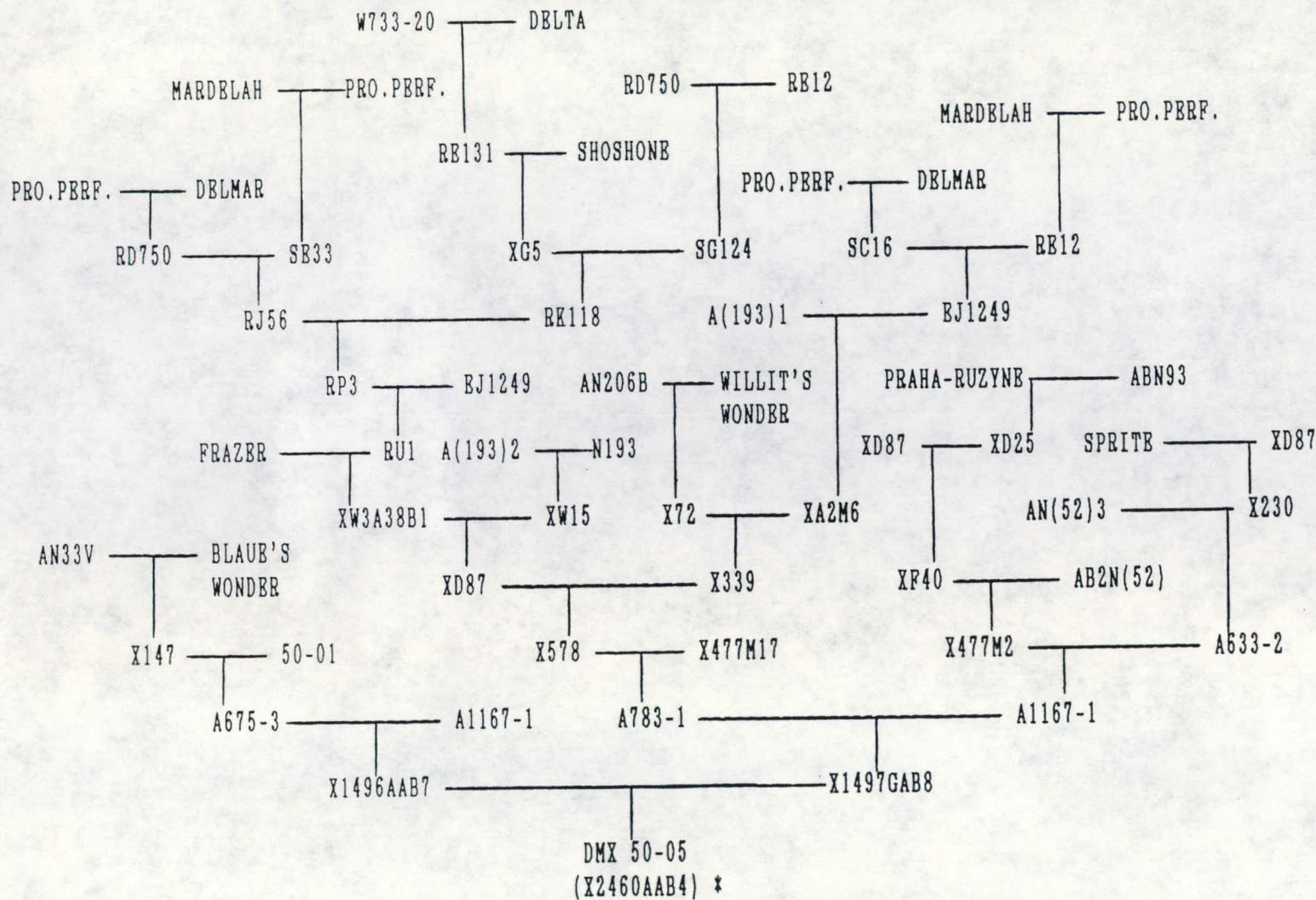
DMC 50-05 AAA 16 Aug. 1993

The pedigree trace of '~~DMX 50-05~~' is shown in Figure 1. The breeding method used to develop this variety was a modified single pod descent. A single plant selection was made in the F₅. All lots of 'DMX 50-05' can be traced to 85SL5292F₆.

'DMX 50-05' has been observed to be uniform and stable within commercially acceptable limits. As is true with other garden pea varieties, a small percentage of variants or off types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications.

DMC 50-05 AKA 16 Aug 1993

Figure 1. The pedigree trace of 'DMX 50-05'.



* Experimental number.

9300130

EXHIBIT BNOVELTY STATEMENT

DMC 50-05 AAA 16 Aug. 1993

'~~DMX 50-05~~' is a very early maturing canner type garden pea. It is most similar to the varieties 'Payload' and 'DMC 50-02'. The following characteristics distinguish the varieties.

- 'DMX 50-05' is resistant to powdery mildew, while 'Payload' and 'DMC 50-02' are susceptible.
- 'DMX 50-05' is resistant to bacterial blight race 2, while 'Payload' is susceptible.
- 'DMX 50-05' is harvested in 46 days, while 'DMC 50-02' is harvested in 49 days.

8. PODS:

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

9. SEEDS (95-100 Tenderometer):

1 Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____
 Seive: % 0 1 1 3 1 6 3 4 3 1 0 5 AVERAGE 4 0 0

SEEDS (Dry, Mature):

1 Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED
 3 Surface: 1 = SMOOTH 2 = DIMPLED 3 = WRINKLED 2 Surface: 1 = SHINY 2 = DULL
 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
 0 Secondary Color: 10 = GRAY 11 = BLACK
 1 Hilum Floor Color: 1 = WHITE 2 = TAN 3 = BLACK 1 Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE
 2 2 GRAMS PER 100 SEEDS

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

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

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	Payload	Fresh Seed Color	DMC 50-02
Leaf Color	Payload	Mature Seed Color	DMC 50-02
Pod Color	DMC 50-02	Seed Shape	DMC 50-02
Pod Shape	DMC 50-02	Plant Habit	DMC 50-02

COMMENTS:

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EXHIBIT ESTATEMENT OF OWNERSHIP

DMC 50-05 AAA 16 Aug 1993

'DMX 50-05' was developed in the Del Monte pea breeding program. The following Del Monte employees were contributors to the development of this variety:
Vicki J. Pierce and Roger A. Schmitt.

By agreement between employee and Del Monte Corporation, all rights to any invention, discovery, or development made by an employee while employed by Del Monte Corporation are assigned to Del Monte. No rights to such invention, discovery, or development are retained by the employee.