

No.

9700032



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, 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 TWENTY 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, ON CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Prism'

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 thirty-first day of May, in the year of our Lord two thousand.

Attest:

Ann D. ...

John ...

Com

of Agriculture

Plant Variety Protection Office
Cultural Marketing Service

REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0581-005

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

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) SEMINIS VEGETABLE SEEDS, INC.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP F328		3. VARIETY NAME Prism	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 37437 STATE HIGHWAY 16 WOODLAND, CA 95695		5. TELEPHONE (include area code) 916-666-0931		FOR OFFICIAL USE ONLY PVPO NUMBER 9700032	
7. GENUS AND SPECIES NAME Pisum sativum		8. FAMILY NAME (Botanical) Leguminosae		FILING DATE Nov. 18, 1996	
9. CROP KIND NAME (Common name) Garden Pea		10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name) CORPORATION		FILING AND EXAMINATION FEE: \$ 2,450.00	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION ILLINOIS		12. DATE OF INCORPORATION 1996		RECEIVED DATE Nov. 14, 1996	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS KATHY WARD Thomas Kramer, Director IRP + RA DEPT Seminis Vegetable Seeds Nude 54D 6702 DN Wageningen The Netherlands		14. TELEPHONE (include area code) 916-666-0931 31(6) 317 450218		CERTIFICATION FEE: \$ 300.00	
16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		15. FAX (include area code) 916-668-0219		DATE June 1, 2000	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety					
b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness					
c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of the Variety					
d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional)					
e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Applicant's Ownership					
f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)					
g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO)					
17. DOES THE APPLICANT 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 #1 "yes," answer items 18 and 19 below		<input checked="" type="checkbox"/> NO #1 "no," go to item 20			
18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?			19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?		
<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?					
<input checked="" type="checkbox"/> YES #1 "yes," give names of countries and dates		<input type="checkbox"/> NO			
OFFERED FOR SALE IN THE UNITED STATES JANUARY 12, 1996					
21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.					
The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, 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)) Kathy Ward			SIGNATURE OF APPLICANT (Owner(s))		
NAME (Please print or type) KATHY WARD			NAME (Please print or type)		
CAPACITY OR TITLE VEGETABLE ADMINISTRATION RESEARCH MANAGER		DATE		CAPACITY OR TITLE	

7/14/2000

EXHIBIT A

Origin and Breeding History of Prism (F328) Garden Pea

Prism was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho, by backcrossing the "er" gene for resistance to powdery mildew into the variety Karisma:

- 1-4-88 Karisma and C209, a powdery mildew resistant breeding line later named "Shield", planted in the greenhouse at WBS; crosses made.
- 4-21-88 BC0 planted in the field at WBS; allowed to self.
- 7-26-88 BC0 F1 and Karisma planted in the greenhouse at WBS; selected resistant plants from BC0 and crossed them to Karisma.
- 11-8-88 BC1 and Karisma planted in the greenhouse at WBS; crosses made.
- 3-29-89 BC2 planted in the greenhouse at WBS; allowed to self.
- 7-14-89 BC2 F2 and Karisma planted in the greenhouse at WBS; selected resistant plants and crossed them to Karisma.
- 11-28-89 BC3 and Karisma planted in the greenhouse at WBS; crosses made.
- 4-19-90 BC4 planted in the greenhouse at WBS; allowed to self.
- 8-2-90 BC4 F2 planted in the greenhouse at WBS; selected resistant plants and allowed them to self.
- 4-2-91 BC4 F3 planted in the field at WBS under the number R91 1645. Observations during the growing season indicated the line was uniform and breeding true. All subsequent increases of Prism trace to the bulk of this line.
- 3-24-92 Planted BC4 F3+1 at WBS under the number RWX 760. Observations during the growing season indicated the line was uniform and breeding true.
- 3-30-95 Planted approximately 400 individual progenies of Prism at WBS under the number RWT739. Observations during the growing season confirmed the variety was uniform and breeding true.

Observations on increases in 1991, 1992, and 1995 confirm Prism is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants are known to occur.

EXHIBIT B

Novelty Statement Concerning Prism (XP-F328) Garden Pea

Prism is a full season, medium-sieve freezer variety. To our knowledge the variety most similar to Prism is Karisma. The comparative characteristic that best distinguishes the two includes, but may not be limited to, resistance to powdery mildew: Karisma is susceptible whereas Prism has "er" gene resistance.

OBJECTIVE DESCRIPTION OF VARIETY

PEA (PISUM SATIVUM)

NAME OF APPLICANT(S)	VARIETY NAME OR TEMPORARY DESIGNATION
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)	Prism
	FOR OFFICIAL USE ONLY
	PVPO NUMBER 9700032

Place the appropriate number that describes the varietal character in the boxes below.
Place a zero in first box (0-0-0000 or 000) when number is either 99 or less or 9 or less.

1. TYPE:

1 1 - GARDEN 2 - FIELD 3 - EDIBLE-PODDED

2. MATURITY:

1 5 Node number of first bloom: 7 0 No. of days to processing 1 5 0 0 Heat Units

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

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

3. PLANT HEIGHT:

6 2 CM. HIGH

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

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

4. VINE:

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

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

2 Internodes: 1 - STRAIGHT 2 - ZIG ZAG 2 0 NUMBER OF NODES

5. LEAFLETS:

Absent

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:

2 1 - LACKING 2 - PRESENT 2 1 - NOT CLASPING 2 - CLASPING

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

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

7. FLOWER COLOR:

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

APPENDIX

OBJECTIVE DESCRIPTION OF VARIETY

PEA (*Pisum sativum*)

Variety Name or Temporary Designation: Prism

PVPO# 9700032

LEAFLET CHARACTERISTICS:

Leaflet Type: 1=Leafless 2=Semi 3=Normal

STIPULE CHARACTERISTICS:

Color: 1=Light-Green 2=Medium-Green 3=Dark-Green 4=Blue-Green 5=Yellow-Green 6=Other _____

Please provide example varieties of similar specified color or check varieties and stipule color.

Variety Name	Stipule Color
Karisma	med. green

Variety Name	Stipule Color
Dual	med. green

Variety Name	Stipule Color

Size: 1=Small 2=Medium 3=Large

Please provide example varieties of similar specified size or check varieties and stipule size.

Variety Name	Stipule Size
Karisma	medium

Variety Name	Stipule Size
Dual	medium

Variety Name	Stipule Size

OTHER CHARACTERISTICS: Describe other characteristics that may aid in identification.

**EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP**

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

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1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER F328	3. VARIETY NAME Prism
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 37437 State Highway 16 Woodland, CA 95695	5. TELEPHONE (include area code) (916)666-0931	6. FAX (include area code) (916)668-0219
7. PVPO NUMBER 9700032		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. YES NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country YES NO

10. Is the applicant the original owner? YES NO *If no, please answer the following:*

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)? YES NO *If no, give name of country* _____

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company? YES NO *If no, give name of country* _____

11. Additional explanation on ownership (If needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD). To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.