THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

X&L Technology Holding Corporation

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 HEREBIT 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, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT, 84 STAT. 1342, AS AMENDED, 7 U.S.C. 2311 ET SEQ.

SOYBEAN

‘DP 5767RR’

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 twentieth day of September, in the year two thousand two.

[Signature]

Commissioner

[Title]

[Title]

[Title]
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

1. NAME OF OWNER
D&P Technology Holding Corp.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
DPX 5757 RR

3. VARIETY NAME
DP 5757 RR

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)
PO Box 157
100 Main Street
Scott, Mississippi 38772
USA

5. TELEPHONE (include area code)
(662) 742-4141

6. FAX (include area code)
(662) 742-3182

7. IF THE OWNER IS NOT A "PERSON" GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)
Corporation

8. IF INCORPORATED, GIVE STATE OF INCORPORATION
Delaware

9. DATE OF INCORPORATION
February 29, 1996

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)
Delta and Pine Land Company
Kelly Casavechia
P.O. Box 157
Scott, MS 38772

11. TELEPHONE (include area code)
(662) 742-4141

12. FAX (include area code)
(662) 742-3182

13. E_MAIL
kelly.h.casavechia@deltaandpine.com

14. CROP KIND (Common Name)
Soybean

15. GENUS AND SPECIES NAME OF CROP
Glycine Max

16. FAMILY NAME (botanical)
Leguminosae

17. IS THE VARIETY A FIRST GENERATION HYBRID?
X NO

18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse).

a. X Exhibit A. Origin and Breeding History of the Variety
b. X Exhibit B. Statement of Distinctness
c. X Exhibit C. Objective Description of the Variety
d. X Exhibit D. Additional Description of the Variety (Optional)
e. X Exhibit E. Statement of the Basis of the Owner's Ownership
f. X Voucher Sample (2,536 viable unreplanted seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)
X NO (If "yes", answer Items 20 and 21 below)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

22. HAS THE VARIETY INCLUDING ANY HARVESTED MATERIAL OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES?
X NO - As of the original date of the application 3/27/97

23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHTS OR PATENT)?
X NO

24. The owners declare that a visible 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.

25. The undersigned owner(s) is(are) the owner 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.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER

NAME (Please print or type)

William V. Hugie

CAPACITY OR TITLE
Vice President/Dir. of Research

DATE

SIGNATURE OF OWNER

NAME (Please print or type)

William V. Hugie

CAPACITY OR TITLE
Vice President/Dir. of Research

DATE
ORIGIN AND BREEDING HISTORY

Summer 1992  Original cross and first backcross made between DPX 2384, an experimental breeding line, and Roundup resistant experimental line 40-2-3.

Fall 1992  DP 415 crossed to 2384 BC₁F₁ Roundup resistant plants

Winter 1993  P9592 crossed to Roundup resistant F₁ plants from DP415 x 2384 BC₁F₁

Summer 1993  Cross 93261 made - H5088 crossed to Roundup resistant F₁ plants from P9592 x (DP 415 x 2384 BC₁F₁)

Winter 1993-94  Roundup tolerant F₁ plants advanced to F₂ in Costa Rica from cross 93261

Summer 1994  Roundup resistant F₂ plants from cross 93261 advanced to F₃ in Costa Rica by modified single seed descent

Fall 1994  Roundup resistant F₃ plants space planted and Roundup resistant plants selected and threshed individually.

Winter 1994-95  Roundup resistant F₄ plant rows from cross 93261 grown in Costa Rica. Row 93261-01 was selected.

Summer 1995  932601-01 yield tested at Scott, MS.

Fall 1995-

Spring 1996  Border rows harvested and sent to Costa Rica for a double increase. 932601-01 was rouged and plants with ovate leaves were removed from the breeder seed increase. Plants with ovate leaves were removed from the breeder seed increase about 50% of plants were removed. After rouging, 100 units of breeder seed of 93261-01 was composited and determined to be stable and breeding true for characteristics described in Exhibit C of this application. No other variants were observed or known at this time and up to the present.

Summer 1996  93261-01 was yield tested at 9 southern locations in Delta Pine Seed tests and increased to 1871 bushels of foundation seed. It was designated as DPX9757RR.

Summer 1997  Increased further and designated DP 5767RR.
NOVELTY STATEMENT

To our knowledge, DP 5767RR most resembles H5088RR. DP 5767RR differs from H5088RR but are not restricted to the following:

1) DP 5767RR has shiny seed coats and H5088RR has dull seed coats.
2) DP 5767RR has normal pubescence and H5088RR has appressed pubescence.
OBJECTIVE DESCRIPTION OF VARIETY
SOYBEAN (Glycine max L.)

NAME OF APPLICANT(s):
Delta and Pine Land Company d/b/a
Deltapine Seed & SL Technology Holding Corporation

ADDRESS  Street and No., or R.O.D. No., City, State, and Zip Code
100 MAIN STREET
SCOTT, MS 38772

TEMPORARY DESIGNATION: DPX9757RR

VARIETY NAME: DP 5767RR

FOR OFFICIAL USE ONLY
P.V.T. NUMBER: 9700259

Choose the appropriate response which characterizes the variety in the features described below. When the number of significant digits in your answer is fewer than the number of boxes provided, place a zero in the first box when number is 9 or less (e.g., 0.6). Starred characters * are considered fundamental to an adequate soybean variety description. Other characters should be described when information is available.

1. SEED SHAPE:
   ![Diagram]
   2
   1 - Spherical (L/W, L/T, and T/A ratio < 1.2)
   2 - Spherical Flattened (L/W ratio > 1.2; L/T ratio < 1.2)
   3 - Elongate (L/T ratio > 1.2; T/A < 1.2)
   4 - Elongate Flattened (L/W ratio > 1.2; T/A > 1.2)

2. SEED COAT COLOR: (Mature Seed)
   ![Diagram]
   1 - Yellow
   2 - Green
   3 - Brown
   4 - Black
   5 - Other (Specify)

3. SEED COAT LUSTER: (Mature Hand Shelled Seed)
   ![Diagram]
   2
   1 - Dull ('Corsoy 79'; 'Braxton')
   2 - Shiny ('Nelson'; 'Gesooy 171')

4. SEED SIZE: (Mature Seed)
   ![Diagram]
   1 4
   Grams per 100 seeds

5. HILUM COLOR: (Mature Seed)
   ![Diagram]
   6
   1 - Buff
   2 - Yellow
   3 - Brown
   4 - Grey
   5 - imperfect Black
   6 - Black
   7* Other (Specify)

6. COTYLEDON COLOR: (Mature Seed)
   ![Diagram]
   1
   1 - Yellow
   2 - Green

7. SEED PROTEIN PEROXIDASE ACTIVITY:
   ![Diagram]
   1 - Low
   2 - High

8. SEED PROTEIN ELECTROPHORETIC BAND:
   ![Diagram]
   1 - Type A (SP1)
   2 - Type B (SP2)

9. HYPOCOTYL COLOR:
   ![Diagram]
   3
   1 - Green only ('Evans'; 'Davis')
   2 - Green with bronze band below cotyledons ('Woodworth'; 'Tracy')
   3 - Light Purple below cotyledons ('Beeson'; 'Tickeys 71')
   4 - Dark Purple extending to uninfoliate leaves ('Hodgson'; 'Coker Hampton 266A')

10. LEAFLET SHAPE:
    ![Diagram]
    1
    1 - Lanceolate
    2 - Ovate
    3 - Ovate
    4 - Other (Specify)
11. LEAFLET SIZE:
2
1. Small ('Amsony 71'; 'AS312')
2. Medium ('Coryor 78'; 'Coryor 17')
3. Large ('Crawford'; 'Tracy')

12. LEAF COLOR:
3
1. Light Green ('Weber'; 'York')
2. Medium Green ('Coryor 78'; 'Brae')
3. Dark Green ('Gnome'; 'Tracy')

13. FLOWER COLOR:
1
1. White
2. Purple
3. White with purple throat

14. POD COLOR:
3
1. Tan
2. Brown
3. Black

15. PLANT PUBESCENCE COLOR:
2
1. Gray
2. Brown (Tawny)

16. PLANT TYPES:
2
1. Slender ('Essex'; 'Amsony 71')
2. Intermediate ('Amcor'; 'Brae')
3. Bushy ('Gnome'; 'Govan')

17. PLANT HABIT:
1
1. Determinate ('Gnome'; 'Brae')
2. Semi-Determinate (Walf)
3. Indeterminate ('Nelson'; 'Improved Pelican')

18. MATURITY GROUP:
0 8
1. 1 - 000
2. 2 - 00
3. 3 - 00
4. 4 - 1
5. 5 - II
6. 6 - III
7. 7 - IV
8. 8 - V

19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BACTERIAL DISEASES:
2
1. Bacterial Puncture (Xanthomonas phaseoli var. sojae)

FUNGAL DISEASES:
1
1. Brown Spot (Septoria glycine)

EFFECTIVE LEAF SPOT (Cercospora sojae)

0
1. Race 1
0. Race 2
0. Race 3
0. Race 4
0. Race 5
2. Other (Specify)

Target Spot (Corynespora cassiciola)

Downy Mildew (Peronospora trifoliorum var. maculatrix)

Powdery Mildew (Microsphaera diffusa)

Brown Stem Rot (Cephalosporium gratusum)

Stem Canker (Diaporthe phaseolorum var. caulivora)

RACE UNKNOWN
18. Fungal Diseases: (Continued)

- Pod and Stem Blight (Diaporthe phaseolorum var. rajeci)
- Purple Seed Stain (Cercospora kikuchii)
- Rhizoctonia Root Rot (Rhizoctonia solani)

Phytophthora Rot (Phytophthora megasperma var. rajeci)

- Race 1
- Race 2
- Race 3
- Race 4
- Race 5
- Race 6
- Race 7
- Race 8
- Race 9

19. Viral Diseases:

- Bud Blight (Tobacco Ringspot Virus)
- Yellow Mosaic (Bean Yellow Mosaic Virus)

Cowpea Mosaic (Cowpea Chlorotic Virus)

- Pod Mottle (Bean Pod Mottle Virus)

20. Nematode Diseases:

- Soybean Cyst Nematode (Heterodera glycines)

Lance Nematode (Hoplolaimus colombus)

- Southern Root Knot Nematode (Meloidogyne incognita)

Northern Root Knot Nematode (Meloidogyne hapla)

- Peanut Root Knot Nematode (Meloidogyne arenaria)

Reniform Nematode (Rotylenchulus reniformis)

21. Other Disease Not On Form (Specify):

20. Physiological Responses: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- Iron Chlorosis on Calcareous Soil DP 5767RR

2' Other [Specify] DPX9757RR is sensitive to high chloride soils

(Note: DPX9757RR = DP 5767RR (67: 2/27/2002))

21. Insect Reaction: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- Mexican Bean Beetle (Epilachna varivestis)

Potato Leaf Hopper (Empoasca fabae)

- Other (Specify)

22. Indicate Which Variety Most Closely Resembles That Submitted:

<table>
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<th>Character</th>
<th>Name of Variety</th>
<th>Character</th>
<th>Name of Variety</th>
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<td>Seed Coat Luster</td>
<td>H5566RR</td>
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<td>H5088RR</td>
<td>Seed Site</td>
<td>H5566RR</td>
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<td>Leaf Color</td>
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<td>Seedling Pigmentation</td>
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<td>NO. OF DAYS HATURITY</td>
<td>PLANT LODGING SCORE</td>
<td>CM PLANT HEIGHT</td>
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PUBLICATIONS USEFUL AS REFERENCE AIDS FOR COMPLETING THIS FORM:

ADDITIONAL DESCRIPTION OF VARIETY

DP 5767RR is an F₂ Roundup tolerant selection composited in the F₃ generation from the cross of H5088 x [P9592 x (DP 415 x 2384 BC₁F₁)] with Roundup tolerance derived from line 40-3-2. DP 5767RR has white flowers, tawny pubescence, and tan pods. Seeds are shiny yellow with black hila averaging 3200 seeds per pound. Leaves are narrow or lanceolate in shape. DP 5767RR is resistant to race 3 soybean cyst nematode, stem canker, frogeye leafspot and soybean mosaic virus. It is susceptible to aerial web blight and root knot nematodes. It is sensitive to high chloride soils. Yields of DP 5767RR are very competitive with other varieties of similar maturity and appear to be superior to Roundup tolerant cultivars H5088RR, H5566RR and AG5601.
SOYBEAN VARIETY DESCRIPTION

Suggested Nominee Number: DPX9757RR

Experimental Designations: 93261-01 Key #5877 DPX1RR

Submitted by: Grover Shannon

Date Submitted: January 1, 1997

Parentage: H5088 x [P9592 x (DP415 x 2384 BC1F1)] Cross 93-261

2384 - Selection from DP 415/DP 105

Maturity: Mid-group V - RM = 5.7

Data Collected from 9 Replicated Yield Tests.

I. Plant & Seed Characteristics:

    Flower Color: White
    Pubescence Color: Tawny
    Hilum Color: Black
    Pod Wall Color: Tan
    Seed Coat Luster: Shiny
    Leaf Shape: Lanceolate
    Plant Type: Determinate
II. Agronomic Characteristics: 1996

<table>
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<tr>
<th>Line</th>
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<th>Ldg.</th>
<th>Shat.</th>
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III. Yield Data:

1996 Yield & Agronomic Data Summary

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Yield Summary in Bu/A

By Region: 1996

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### By States: 1996

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### By Soil Type Planting and Disease Situation: 1996

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<td>22.8</td>
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**YIELD IN BU/A**

**BY TESTS AND LOCATIONS**

**1996 - 655M**

<table>
<thead>
<tr>
<th>LINE</th>
<th>TN</th>
<th>AR</th>
<th>AR</th>
<th>AR</th>
<th>MS</th>
<th>MS</th>
<th>LA</th>
<th>LA</th>
<th>NC</th>
<th>Mean</th>
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<td>45.9</td>
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<td>61.9</td>
<td>44.5</td>
<td>29.5</td>
<td>39.1</td>
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<tr>
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<td>31.3</td>
<td>49.4</td>
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<td>22.8</td>
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<td>6.1</td>
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<td>4.2</td>
<td>4.7</td>
<td>3.9</td>
<td></td>
</tr>
</tbody>
</table>
IV. DISEASE REACTION AND OTHER INFORMATION:

Cyst Nematode
DPX 9757RR is resistant to race 3 of soybean cyst nematode, but is susceptible to race 14.

<table>
<thead>
<tr>
<th>Race 3</th>
<th>1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>DPX 9757RR</td>
<td>2 4 0 0 0</td>
</tr>
<tr>
<td>Res. Chk.</td>
<td>9 0 0 0 0</td>
</tr>
<tr>
<td>Sus. Chk.</td>
<td>0 0 3 8 2</td>
</tr>
</tbody>
</table>

Location: Jackson, TN
Conducted by: Dr. Lawrence Young
USDA, Nematologist

<table>
<thead>
<tr>
<th>Race 14</th>
<th>1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score</td>
<td>1 2 3 4 5</td>
</tr>
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<td>DPX 9757RR</td>
<td>0 0 1 0 6</td>
</tr>
<tr>
<td>Res. Chk.</td>
<td>3 4 0 0 0</td>
</tr>
<tr>
<td>Sus. Chk.</td>
<td>0 0 0 0 6</td>
</tr>
</tbody>
</table>

Location: Jackson, TN
Conducted by: Dr. Lawrence Young
USDA, Nematologist

Root Knot Nematode 1 = No galling 5 = Very severe galling
DPX 9757RR is susceptible to both common and peanut root knot nematode.

<table>
<thead>
<tr>
<th>Common Root Knot</th>
<th>Peanut Root Knot</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Incognita</td>
<td>M. arenaria</td>
</tr>
<tr>
<td><strong>1996</strong></td>
<td><strong>1996</strong></td>
</tr>
<tr>
<td>DPX 9757RR</td>
<td>2.5</td>
</tr>
<tr>
<td>Res. Check</td>
<td>0.0</td>
</tr>
<tr>
<td>Sus. Check</td>
<td>5.0</td>
</tr>
</tbody>
</table>

Location: Jay, FL
Conducted by: Dr. Robert Kinloch
Professor of Nematology
University of Florida
Stem Canker
1 = No symptoms 5 = Very severe symptoms
DPX9757\textsuperscript{RR} is resistant to stem canker.

1996

<table>
<thead>
<tr>
<th>Variety</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPX9757\textsuperscript{RR}</td>
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<tr>
<td>HARTWIG</td>
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</tr>
<tr>
<td>P9592</td>
<td>0.7</td>
</tr>
<tr>
<td>DP 415</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Location: Scott, MS - Greenhouse
Conducted by: Grover Shannon

Frogeye Leaf Spot
DPX9757\textsuperscript{RR} is untested against frogeye leafspot, but is probably resistant.

Sudden Death Syndrome
DPX9757\textsuperscript{RR} is untested against sudden death syndrome.

Aerial Blight
1 = None 5 = Very Severe
DPX9757\textsuperscript{RR} is moderately susceptible to aerial web blight.

1996

<table>
<thead>
<tr>
<th>Variety</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPX9757\textsuperscript{RR}</td>
<td>2.5</td>
</tr>
<tr>
<td>DP 3588</td>
<td>1.9</td>
</tr>
<tr>
<td>HUTCHESON</td>
<td>2.7</td>
</tr>
<tr>
<td>CLIFFORD</td>
<td>4.0</td>
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<tr>
<td>H5566RR</td>
<td>3.8</td>
</tr>
</tbody>
</table>

Location: Morganza, LA
Conducted by: Grover Shannon

Herbicide Tolerance
DPX9757\textsuperscript{RR} is tolerant to the herbicide Roundup. It has no known sensitivity to other herbicides used according to the herbicide label.

Chloride Tolerance
DPX9757\textsuperscript{RR} is a root includer of chloride and is considered sensitive to high chloride conditions in soils.

<table>
<thead>
<tr>
<th>Variety</th>
<th>Includers</th>
<th>Excluders</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPX9757\textsuperscript{RR}</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

Soybean Mosaic Virus
DPX9757\textsuperscript{RR} is resistant to soybean mosaic virus based on limited observations.

Seed Stock
There are 1871 bushels of DPX 9757\textsuperscript{RR} foundation seed.
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2420).

<table>
<thead>
<tr>
<th>1. NAME OF APPLICANT(S)</th>
<th>2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER</th>
<th>3. VARIETY NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>D&amp;PL TECHNOLOGY HOLDING CORP.</td>
<td>DPX 9757 RR</td>
<td>DP 5767 RR</td>
</tr>
</tbody>
</table>

| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) |
| P.O. BOX 157                   |
| SCOTT, MISSISSIPPI 38772       |

<table>
<thead>
<tr>
<th>5. TELEPHONE (Include area code)</th>
<th>6. FAX (Include area code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>662.742.4141</td>
<td>662.742.3182</td>
</tr>
</tbody>
</table>

| 7. PVPO NUMBER | 9700259 |

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

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

10. Is the applicant the original owner? [x] YES [ ] NO If no, please answer one of the following:

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

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

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

    DP 5767 RR contains a proprietary gene, patented by the Monsanto Company and licensed to D&PL, which encodes a protein which provides tolerance to glyphosate herbicide in cotton cultivars.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet 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 the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.