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 HERETO 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 REPLACEMENT 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. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN, GARDEN

'Hermince'

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 thirteenth day of December, in the year two thousand two.

Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

1. NAME OF APPLICANT(ES) (as it is to appear on the Certificate)
   SEMINIS VEGETABLE SEEDS, INC.

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)
   37437 State Highway 16
   Woodland, CA 95695
   2700 Camino del Sol
   Oxnard, CA 93030 - 7967

7. GENUS AND SPECIES NAME
   Phaseolus vulgaris

8. FAMILY NAME (Botanical)
   Leguminosae

9. CROP KIND NAME (Common name)
   Snap Bean

10. IF INCORPORATED, GIVE STATE OF INCORPORATION
    California

11. DATE OF INCORPORATION
    1996 - 1992

14. TELEPHONE (Include area code)
   (530)666-0931

15. FAX (Include area code)
   (530)668-0219

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 33(a) of the Plant Variety Protection Act)
   [ ] YES [ ] NO [ ] go to item 20

18. IF "YES" TO ITEM 17, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
   [ ] FOUNDATION [ ] REGISTERED [ ] 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?
   YES [ ] NO [ ]

SIGNATURE OF APPLICANT (Owner(s))

DATE

USA: INITIAL SALES DATE

DEC 22, 1998

(See reverse for instructions and information collection burden statement)
EXHIBIT A

The Origin and Breeding History of “Hercules” (XP B373)

“Hercules” (XP 373) was developed by pedigree selection at Asgrow’s Western Breeding Station (WBS) in Twin Falls, ID and at the Sun Prairie Research Station in Sun Prairie, WI., from a cross between Hystyle (Parent #1) and Benton (Parent #2). Hystyle (Parent #1) was developed and marketed by the Harris Moran Seed Company. Benton (Parent #2) was a variety developed and marketed by the Rogers Brothers Seed Co.

“Hercules” (XP 373) differs from “Hystyle” because “Hercules” is susceptible to the Curly Top virus. “Hercules” differs from “Benton” because “Hercules” has the persistent green gene and Benton has white seed.

06/01/91: Twelve plants were selected from the F2 population R91 4978. A total of 104 grams of an F1 bulk (R904001-2372) were used to plant R91 4978.

05/29/92: Forty-three (43) F3 seeds of R91 4978.03 were used to plant plot R92 13375. Three plants were selected from plot 13375 based upon good horticultural scores and Brown Spot resistance (determined by Brown Spot Nursery Plot N92 1703).

05/25/93: Five Brown Spot Resistant plants were selected from the Brown Spot Nursery Plot 954. R92 13375.03 was used to plant Plot 954.

01/18/94: One pot of a Brown Spot Resistant Plant (N93 954.04) was sown in the Idaho greenhouse and was harvested for planting in the field in 1994.

06/13/94: Seventy-three (73) seeds of R94gh 1403.01 were planted under the stake number R94 27426 and the F6 lines was bulked harvested because it was determined to be uniform and stable.

06/13/95: Bulk seed of R94 27426 was planted under the stake number RWT 410. Crop RWT410 was determined to be uniform and stable.

“Hercules” is uniform and stable within commercially acceptable limits. As is true with other garden beans, a small percentage of variants can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplication. However, no variants were observed during the two years in which B373 was observed to be uniform and stable.

(07/09/99)
EXHIBIT B

Novelty Statement Concerning “Hercules”

“Hercules” is a processing snap bean (cut style) variety developed by pedigree selection. To our knowledge, the variety that most closely resembles “Hercules” is “Hystyle” (marketed and developed by the Harris Moran Seed Co.). The comparative characteristic that most readily distinguishes the two varieties includes but may not be limited to Curly Top Virus Resistance. “Hercules” is 100% susceptible to the Curly Top Virus whereas “Hystyle” is 100% resistant to the Curly Top Virus. No statistical analysis is required for this comparison.

Based upon the attached T-tests:
- Pod length for ‘Hercules’ is significantly longer than ‘Hystyle.’
- Width/thickness ratio: ‘Hercules’ is significantly less round (more Crease-Back) than ‘Hystyle.’

“Hercules” is a variety that has the persistent green gene inherited from the ‘Hystyle’ parent (thus exhibiting a green seed coat) and has a moderate level of brown spot resistance, while “Benton” is a variety that does not have the persistent green gene (and thus has a white seed coat) and is brown spot susceptible. No statistical analysis is required for this comparison.

(04/26/02)
Bacterial Brown Spot (Comparison for PVP)

<table>
<thead>
<tr>
<th>Hercules</th>
<th>Gold Mine</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td><strong>AVERAGE</strong></td>
<td><strong>2</strong></td>
</tr>
</tbody>
</table>

HERCULES versus HYSTYLE

<table>
<thead>
<tr>
<th>Pod Length (cm)</th>
<th>HYSTYLE</th>
<th>HERCULES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>14</td>
<td>14.7</td>
</tr>
<tr>
<td>1997</td>
<td>14</td>
<td>14.5</td>
</tr>
<tr>
<td>1998</td>
<td>13.5</td>
<td>14.2</td>
</tr>
<tr>
<td>1999</td>
<td>13.5</td>
<td>14</td>
</tr>
<tr>
<td>2000</td>
<td>13.5</td>
<td>13.7</td>
</tr>
<tr>
<td>2001</td>
<td>13.7</td>
<td>15</td>
</tr>
<tr>
<td><strong>Average:</strong></td>
<td><strong>13.7</strong></td>
<td><strong>14.35</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Width/Thickness Ratio</th>
<th>HYSTYLE</th>
<th>HERCULES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>0.91</td>
<td>0.86</td>
</tr>
<tr>
<td>1997</td>
<td>0.86</td>
<td>0.85</td>
</tr>
<tr>
<td>1998</td>
<td>0.91</td>
<td>0.88</td>
</tr>
<tr>
<td>1999</td>
<td>0.92</td>
<td>0.88</td>
</tr>
<tr>
<td>2000</td>
<td>0.94</td>
<td>0.9</td>
</tr>
<tr>
<td>2001</td>
<td>0.92</td>
<td>0.88</td>
</tr>
<tr>
<td><strong>Average:</strong></td>
<td><strong>0.91</strong></td>
<td><strong>0.875</strong></td>
</tr>
</tbody>
</table>

T-Test: 0.0075 0.0016
**OBJECTIVE DESCRIPTION OF VARIETY**  
**GARDEN BEAN (Phaseolus vulgaris L.)**

<table>
<thead>
<tr>
<th>NAME OF APPLICANT(S)</th>
<th>FOR OFFICIAL USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEMINIS VEGETABLE SEEDS, INC.</td>
<td>PVPO NUMBER 9900434</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code)</th>
</tr>
</thead>
</table>
| 37437 State Highway 16  
Woodland, CA 95695 |

<table>
<thead>
<tr>
<th>VARIETY NAME</th>
<th>TEMPORARY OR EXPERIMENTAL DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hercules</td>
<td>XP 373</td>
</tr>
</tbody>
</table>

**PLEASE READ ALL INSTRUCTIONS CAREFULLY:** Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., 0 4 or 0 5) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Measured data should be for SPACED PLANTS. Ranges should also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: Royal Horticultural Society. Please answer all questions for your variety; lack of response may delay progress of your application.

1. **TYPE:**

   2

   1 = Garden  2 = Snap  3 = Flageolet  4 = Romano

2. **MARKET MATURITY:**

<table>
<thead>
<tr>
<th>Days to edible pods</th>
<th>Comparison varieties</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 0</td>
<td>1 = 'Tendercrop'</td>
</tr>
<tr>
<td></td>
<td>2 = 'Kentucky Wonder'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Heat units to edible pods</th>
<th>3 = 'Goldrush'</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 3 4 3</td>
<td>4 = 'Slenderette'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of days earlier than</th>
<th>5 = 'Gitana'</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>6 = 'Provider'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>...... Same number of days as</th>
<th>7 = 'Bush Blue Lake 290'</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 2</td>
<td>8 = Other (specify below)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of days later than</th>
<th>Hystyle</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

3. **PLANT:**

   cm Spacing between plants in a row

   0 8

   Habit

   1 = Determinate
   2 = Indeterminate, erect stem and branches
   3 = Indeterminate with weak and prostrate stem and branches
   4 = Indeterminate climbing habit with weak, long and twisted stem and branches

   cm Height

   0 3 7

   cm Shorter than

   ...... Same height as

   cm Taller than

   cm Spread

   cm Narrower than

   ...... Same width as

   cm Wider than

   Use Comparison Varieties from Section 2.

   Please make all 3 comparisons for Height and Spread.
3. PLANT: (continued)

- Pod position: 1=Low, 2=High, 3=Scattered
- Bush form (illustrated below):
  - 1=Spherical bush form
  - 2=Stem bush form
  - 3=Wide bush form
  - 4=High bush form
  - 5=Other (SPECIFY)

4. LEAVES:

- Surface: 1=Dull, 2=Glossy, 3=Intermediate
- Size: 1=Small ('Gitana'), 2=Medium, 3=Large ('Tendercrop')
- Color: 1=Light green (as light or lighter than 'Goldrush')
  2=MEDIUM green
  3=Dark green (as dark or darker than 'Bush Blue Lake 290')

5. ANTHOCYANIN PIGMENT:

- 1=Absent, 2=Present
  - Flowers
  - Stems
  - Pods
  - Seeds
  - Leaves
  - Petioles
  - Peduncles
  - Nodes

6. FLOWER COLOR AND DAYS TO BLOOM:

- Color of standard
- Color of wings
- Color of Keel
- Flower Color Choices:
  - 1=White
  - 2=Cream
  - 3=Pink
  - 4=Lilac
  - 5=Purple
  - 6=Blue
  - 7=Other (SPECIFY)
- Days to 50% bloom

7. PODS (edible maturity):

- Exterior color (fresh):
  - 1=Light green (as light or lighter than 'Provider')
  - 2=Medium green
  - 3=Dark green (as dark or darker than 'Bush Blue Lake 290')
  - 4=Yellow ('Goldrush')
  - 5=Green-red variegated (horticultural)
  - 6=Other (SPECIFY)
- Processed pods (exterior color):
  - 1=Light ('Tendercrop')
  - 2=Dark ('Bush Blue Lake 290')
- Dry pod color:
  - 1=Buckskin ('Sprite')
  - 2=Green, persistent chlorophyll ('Hystyle')
7. PODS: (edible maturity): (continued)

Cross section pod shape
1 = Flat 2 = Heart (Pear) 3 = Round 4 = Figure eight

Creaseback
1 = Present 2 = Absent

Pubescence
1 = None ('Slenderette') 2 = Sparse 3 = Considerable ('Provider' or 'Sprite')

Constriction (Interlocular cavitation)
1 = None 2 = Slight 3 = Deep

mm Spur length

Fiber
1 = None ('Bush Blue Lake 290') 2 = Sparse 3 = Considerable ('Sprite')

Number of seeds per pod

Suture string
1 = Present 2 = Absent

Seed development
1 = Slow ('Bush Blue Lake 290') 2 = Medium 3 = Fast ('Provider')

Machine harvest
1 = Adapted 2 = Not adapted

Percent sieve size distribution at optimum maturity for non-flat pods

<table>
<thead>
<tr>
<th>4.76 to 5.76mm</th>
<th>5.76 to 7.34mm</th>
<th>7.34 to 8.34mm</th>
<th>8.34 to 9.53mm</th>
<th>9.53 to 10.72mm</th>
<th>≥ 10.72mm</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
</tbody>
</table>

3 Sieve
- cm length
- mm width
- total mm thickness

4 Sieve
- cm length
- mm width
- total mm thickness

5 Sieve
- cm length
- mm width
- total mm thickness

6 Sieve
- cm length
- mm width
- total mm thickness

8. SEED COLOR:

Seedcoat luster
1 = Shiny 2 = Dull 3 = Semishiny 4 = Variable

Seedcoat
1 = Monochrome 2 = Polychrome

Primary color
1 = White 2 = Yellow 3 = Buff 4 = Tan 5 = Brown 6 = Pink 7 = Red 8 = Purple
9 = Blue 10 = Black 11 = Other (SPECIFY)_Green

Secondary color
1 = White 2 = Yellow 3 = Buff 4 = Tan 5 = Brown 6 = Pink 7 = Red 8 = Purple
9 = Blue 10 = Black 11 = Other (SPECIFY)

Seedcoat pattern
1 = Solid 2 = Splashed 3 = Mottled 4 = Striped 5 = Flecked 6 = Dotted

Hilar ring
1 = Absent 2 = Present

Hilar Ring Color
1 = White 2 = Yellow 3 = Buff 4 = Tan 5 = Brown 6 = Pink 7 = Red 8 = Purple
9 = Blue 10 = Black 11 = Other (SPECIFY)_Green
9. SEED SHAPE AND SIZE:

<table>
<thead>
<tr>
<th>2</th>
<th>Hilum view</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Elliptical</td>
<td>2 = Oval</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4</th>
<th>Cross section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Elliptical</td>
<td>2 = Oval</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1</th>
<th>Side view</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Oval to Oblong</td>
<td>2 = Round</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>29</th>
<th>gm/100 Seed</th>
</tr>
</thead>
<tbody>
<tr>
<td>gm/100 Seed lighter than ...........</td>
<td>1</td>
</tr>
<tr>
<td>gm/100 Seed same as ...............</td>
<td>8</td>
</tr>
<tr>
<td>gm/100 Seed heavier than ...........</td>
<td>4</td>
</tr>
</tbody>
</table>

Use Comparison Varieties from Section 2. Please make all 3 comparisons.

10. DISEASE RESISTANCE:

| 0 = Not Tested | 1 = Susceptible | 2 = Resistant | 3 = Intermediate | 4 = Tolerant |

PLEASE SPECIFY RACE OR STRAIN WHERE APPROPRIATE

**Anthracnose (Colletotrichum lindemuthianum)**

- Race Alpha
- Race Delta
- Race Kappa
- Race Beta
- Race Epsilon
- Race Gamma
- Race Lambda

**Bean Rust (Uromyces appendiculatus)**

- Race 38
- Race 45
- Race 51
- Race 39
- Race 52
- Race 40
- Race 54
- Race 44
- Race 49
- Race 56

**Powdery Mildew (Erysiphe polygoni)**

**Fusarium Root Rot (Fusarium solani f. sp. phaseoli)**

**Pythium Root Rot (Pythium spp.)**

**Aphanomyces Root Rot (Aphanomyces euteiches)**

**Rhizoctonia Root Rot (Rhizoctonia solani)**

**Pythium Blight or Aerial Pythium (Pythium ultimum)**

**Angular Leaf Spot (Isariopsis griseola)**

**Bacterial Wilt (Corynebacterium flaccumfaciens subsp. flaccumfaciens)**
10. DISEASE RESISTANCE: (continued)

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 3 | Bacterial Brown Spot  
   *Pseudomonas syringae pv. syringae* |   |   |   |
| 0 | Common Bacterial Blight  
   *Xanthomonas campestris pv. phaseoli* |   |   |   |
| 1 | Halo blight  
   *Pseudomonas syringae pv. phaseolicola* |   |   |   |
|   |   |   |   |   |
| 1 | Race 1 | Race 2 | Other (SPECIFY) |   |
| 0 | Clover Yellow Vein Virus (CYVV) |   |   |   |
| 2 | Bean Common Mosaic Virus (BCMV) |   |   |   |
|   | BV1 | NY15 | NL2 | NL3 |
|   | NL4 | NL8 | Florida | Idaho |
|   | Mexican | Western | Other (SPECIFY) |   |
|   | NL3=Black Root(I gene) |   |   |   |
| 1 | Yellow Bean Mosaic Virus (BYMV) |   |   |   |
| 1 | Curly Top Virus (BCTV) |   |   |   |
| 1 | Other (Specify Disease and Race or Strain) Summer Death Virus |   |   |   |

11. INSECT RESISTANCE:  
0 = Not Tested  1 = Susceptible  2 = Resistant  3 = Intermediate  4 = Tolerant

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Aphid</td>
<td></td>
<td>Root Knot Nematode</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>Leafhopper</td>
<td></td>
<td>Seed Corn Maggot</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>Lygus</td>
<td></td>
<td>Thrips</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>Pod Borer</td>
<td></td>
<td>Weevils</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other (SPECIFY)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. PHYSIOLOGICAL RESISTANCE:  
0 = Not Tested  1 = Susceptible  2 = Resistant  3 = Intermediate  4 = Tolerant

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Heat 0</td>
<td>Cold</td>
<td></td>
<td>Drought</td>
</tr>
<tr>
<td>0</td>
<td>Air Pollution 0</td>
<td>Ozone</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other (SPECIFY)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13. COMMENTS:
**EXHIBIT E**

**STATEMENT OF THE BASIS OF OWNERSHIP**

1. **NAME OF APPLICANT(S):**
   
   **SEMINIS VEGETABLE SEEDS, INC.**

2. **TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER:**
   
   **XP 373**

3. **VARIETY NAME:**
   
   **Hercules**

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):**
   
   **(530) 666-0931**

6. **FAX (Include area code):**
   
   **(530) 666-0219**

7. **PVPO NUMBER:**
   
   **9900434**

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

9. **Is the applicant (individual or company) a U.S. national or 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 the following:***

   a. **If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?**
      
      [X] 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?**
      
      [X] 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, or mental 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) 720-8808 (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.