

No.

200000132



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 EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE 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.)

PEA

'Volare'

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 ninth day of February, in the year of our Lord two thousand one.



Alank Post

Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[Signature]

Secretary of Agriculture

REPRODUCE LOCALLY. Include form number and date on all reproductions

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

The following state parts 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).

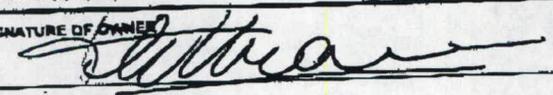
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
 (Instructions and information collection burden statement on reverse)

1. NAME OF OWNER Seminis Vegetable Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME XP 383	3. VARIETY NAME Volare
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		5. TELEPHONE (include area code) (805) 647-1572	FOR OFFICIAL USE ONLY PVP NUMBER 200000132 FILING DATE 1/28/00
		6. FAX (include area code) (805) 918-2545	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION California	9. DATE OF INCORPORATION 1962	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Thomas Kramer Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen The Netherlands			BREEDER'S VARIETY FILING AND EXAMINATION FEES: \$ 2450 DATE 1/24/00 CERTIFICATION FEE: \$ 300 DATE 10/11/00

11. TELEPHONE (include area code) 31 317 450218	12. FAX (include area code) 31 317450217	13. E-MAIL tkramer@svseeds.nl	14. CROP KIND (Common Name) Garden Pea
15. GENUS AND SPECIES NAME OF CROP Pisum sativum		16. FAMILY NAME (Botanical) Leguminosae	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

18. 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. Statements of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of 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 Owner's Ownership f. <input type="checkbox"/> Voucher Samples (2,300 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" (list to the Plant Variety Protection Office))	19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 42(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (if "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (if "no," go to item 22)
	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED
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? <input checked="" type="checkbox"/> YES U.S. Sept. 21, 1999 <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)	23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be repositarized 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 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 	SIGNATURE OF OWNER
NAME (Please print or type) Thomas Kramer	NAME (Please print or type)
CAPACITY OR TITLE Director, IRP&RA Dept.	CAPACITY OR TITLE
DATE 14-Jul-00	DATE

247D (6-98) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces 247D (03-98) which is obsolete. (See reverse for instructions and information collection burden statement)

EXHIBIT A

Origin and Breeding History of XP383 Garden Pea

XP383 was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho, as follows:

- 12-86 Planted the variety Stampede and a breeding line derived from a cross of Rally-R2 and Plus, all from Asgrow, in the greenhouse at WBS; crosses made. Rally-R2 is a Fusarium wilt, race 2, resistant selection from the variety Rally.
- 4-87 Planted F1 in the field at WBS; allowed to self.
- 4-9-88 Planted F2 population in the field at WBS. Selected individual plants.
- 4-10-89 Planted F3 line in the field at WBS; selected individual plants.
- 4-3-90 Planted F4 line in the field at WBS; selected individual plants.
- 4-2-91 Planted F5 line in the field at WBS; selected individual plants.
- 3-31-92 Planted F6 line in the field at WBS; Selected individual plants.
- 4-12-93 Planted F7 line in the field at WBS under the number R93 1351. Observations in the field indicated the line was uniform and stable. All subsequent increases of XP 383 trace to the bulk of R93 1351.
- 3-30-94 Planted F7+2 in the field at WBS under the number RWA393. Harvested as individual plants.
- 3-30-95 Planted ~200 progenies in the field at WBS under the number RWT 755. Observations during the growing season confirmed the line was uniform and stable.

Selection criteria at each generation represent a balance of characteristics related to productivity and quality and to goodness to fit of market needs such as mid early maturity, sieve size distribution, and dark green processed color.

Observations in 1993 and 1995 confirm XP 383 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.

Novelty Statement Concerning XP 383 Garden Pea

XP 383 is a mid season, large sieve, freezer variety with afila foliage. To our knowledge the variety most similar to XP 383 is XP 357. Comparative characteristics that distinguish XP 383 from XP 357 include, but may not be limited to, foliage type. XP 357 has normal foliage, whereas XP 383 exhibits the afila foliage mutation in which leaflets are modified and borne as tendrils.

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

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

OBJECTIVE DESCRIPTION OF VARIETY PEA (PISUM SATIVUM)

Name of Applicant: Seminis Vegetable Seeds, Inc. Address: 37437 State Highway 16, Woodland, CA 95695. Variety Name or Temporary Designation: (XP 383) Volare. PVPO Number: 20000132

Place the appropriate number that describes the varietal character in the boxes below. Place a zero in first box (0-0, 00-09 or 0-9) when number is either 99 or less or 9 or less.

1. TYPE:

1 1 - GARDEN 2 - FIELD 3 - EDIBLE-PODED

2. MATURITY:

1 2 Node number of first bloom: 6 8 No. of days to processing 1 3 7 5 Heat Units. No. of days Earlier than: 1 - ALASKA WR 2 - THOMAS LAXTON WR 3 - LITTLE MARVEL. No. of days Later than: 3 4 - WANDO 5 - ALDERMAN WR 6 - AUSTRIAN WINTER

3. PLANT HEIGHT:

5 3 CM. HIGH. Cm. Shorter than: 1 - ALASKA WR 2 - THOMAS LAXTON WR 3 - LITTLE MARVEL. Cm. Taller than: 1 2 12 3 3 4 - WANDO 5 - ALDERMAN WR 6 - AUSTRIAN WINTER

4. VINE:

1 Habit: 1 - DETERMINATE 2 - INDETERMINATE 2 Stockiness: 1 - SLIM (Alaska) 2 - MEDIUM (Thomas Laxton WR) 3 - HEAVY (Alderman). 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 1 7 NUMBER OF NODES

5. LEAFLETS:

Afila. 1 - LIGHT GREEN (Alaska WR) 2 - MED. GREEN (Thomas Laxton WR) 3 - DARK GREEN (Alderman). Color: 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 Size (Compared with leaflets): 1 - SMALLER 2 - SAME 3 - LARGER. 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)

8. PODS:

1 Shape: 1 - STRAIGHT 2 - SLIGHTLY CURVED 3 - CURVED 2 End: 1 - POINTED (Alderman) 2 - BLUNT (Alaska)

3 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

4 Borne: 1 - SINGLE 2 - DOUBLE 3 - SINGLE AND DOUBLE 4 - SINGLE, DOUBLE, & TRIPEE 5 - DOUBLE & TRIPLE 6 - TRIPLE 7 - OTHER (Specify) _____

7 CM. LENGTH 11 MM. WIDTH (Between sutures) 8 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

3 Color: 1 - LIGHT GREEN 2 - GREEN 3 - DARK GREEN 4 - OTHER (Specify) _____

Seive: % 1 2 3 4 5 6 7 8 AVERAGE

6 17 36 33 8 3.2

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

2 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 3 - BLACK 1 Cotyledon Color: 1 - GREEN 2 - YELLOW 3 - ORANGE

20 GRAMS PER 100 SEEDS

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

2 FUSARIUM WILT 1 NEAR-WILT 1 DOWNY MILDEW

0 ASCOCHYTA BLIGHT 1 POWDERY MILDEW 1 BACTERIAL BLIGHT

0 MOSAIC 1 PEA ENATION MOSAIC 2 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		Fresh Seed Color	XP 357
Leaf Color		Mature Seed Color	XP 357
Pod Color	XP 357	Seed Shape	XP 357
Pod Shape	XP 357	Plant Habit	XP 357

COMMENTS:



U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE

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

1. NAME OF APPLICANT(S) SEMINIS VEGETABLE SEEDS, INC.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP 383	3. VARIETY NAME Volare
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)668-0219
		7. PVPO NUMBER 200000132

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:

- 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.
- 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.
- 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.