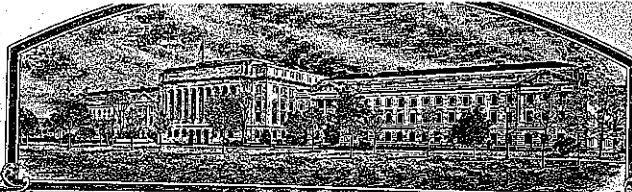


No.

200200216



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Resource 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 SEEDS 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 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.)

TRITICALE

'336'

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 thirtieth day of January, in the year two thousand three.

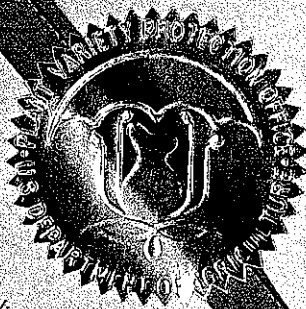
Attest:

Paul M. Jahn

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[Signature]

Secretary of Agriculture



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

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).

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

1. NAME OF OWNER Resource Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME RSI 336	3. VARIETY NAME 336
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2280 Hecker Pass Highway Gilroy, California 95020		5. TELEPHONE (include area code) 408/847-1051	FOR OFFICIAL USE ONLY 200200210
		6. FAX (include area code) 408/847-0604	
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 October 1, 1990	FILING DATE August 8, 2002
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)			FILING AND EXAMINATION FEES: \$ 2705.00 DATE 8/8/2002 CERTIFICATION FEE: 1/21/2003 DATE 3204
Dr. George Fohner Resource Seeds, Inc. P.O. Box 1319 Gilroy, CA 95021			
11. TELEPHONE (Include area code) 408/847-1051	12. FAX (Include area code) 408/847-0604	13. E-MAIL george@resourceseeds.com	14. CROP KIND (Common Name) Triticale

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

- a. Exhibit A. Origin and Breeding History of the Variety
- b. Exhibit B. Statement of Distinctness
- c. Exhibit C. Objective Description of Variety
- d. Exhibit D. Additional Description of the Variety (Optional)
- e. Exhibit E. Statement of the Basis of the Owner's Ownership
- f. 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) **separate \$2705**
- g. Filing and Examination Fee (~~\$2,450~~) made payable to "Treasurer of the United States" (Mail 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 83(a) of the Plant Variety Protection Act
 YES (If "yes", answer items 20 and 21 below) NO (If "no," go to item 22)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?
 IF YES, WHICH CLASSES? FOUNDATION REGISTERED CERTIFIED

21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS?
 IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOUNDATION REGISTERED CERTIFIED
 (If additional explanation is necessary, please use the space indicated on the reverse.)

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?
 YES 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)?
 YES NO
 IF YES, 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 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 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) George Fohner		NAME (Please print or type)	
CAPACITY OR TITLE President	DATE 8/10/02	CAPACITY OR TITLE	DATE 1

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) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an-entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$300 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, 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 \$300 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvp.htm>

ITEM

- 18a. 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) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety 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 (prints) of seed and plant comparisons which clearly indicate distinctness
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. 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.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. 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 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 Regulations and Rules of Practice, Section 97.103).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

USA, September 2001. Prior to September 2001, only used for demonstration trials and seed multiplication under the supervision and control of Resource Seeds, Inc.

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative 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 or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center--East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

STD-470 (6-98) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (03-96) which is obsolete.

'336' TRITICALE

Exhibit A. Origin and breeding history of the variety.

Triticale "336" originated from a cross between LKOMutM5NMU and SWT832. Triticale LKOMutM5NMU is a short stature mutant that originated as a single plant selection from a population of plants resulting from treatment of seeds of the variety, Lasko, by chemical mutagen. Height of the selected mutant was approximately 25 cm shorter than Lasko, a height differential that was maintained in subsequent generations. SWT832 was a line identified as row 832 in a nursery of spring by winter triticale breeding material from the International Center for the Improvement of Maize and Wheat (Spanish acronym, CIMMYT) to breeders around the world.

"336" was developed using a combination of bulk and pedigree breeding methods. The F2 and F3 populations were grown in plots and harvested in bulk. Single plant selections were made from the F4 and F5 nursery and grow in plots of five square meters in Gilroy, CA during the summers of 1996 and 1997. In 1998, 180 heads were were grown in the Gilroy nursery and 38 rows were selected and bulked to form breeder seed.

336 has been phenotypically stable through four generations of seed multiplication. On the basis of our experience of producing pre-breeder, breeder and foundation seed, the variety 336 appears to be stable and uniform, except that it has been noted during seed multiplication that a taller variant (approximately 20 to 25 cm taller) can be found at a frequency of up to 1%. Other variants include trace amounts awnless, and spikes with inverted or curled awns.

'336' TRITICALE

Exhibit A. Origin and breeding history of the variety. (continued)

Table A1. Selection Criteria

Generation	Criteria for Selection
P1 x P2	None
F1	None
F2 through F5	<p>Select for resistance or tolerance to diseases: Leaf rust Barley yellow dwarf virus</p> <p>Select for: High tiller number Seed plumpness Early maturity Leafiness for forage use Strong early growth Intermediate height at maturity</p> <p>Select against: Lodging</p>
F6 & F7	<p>Select for: High grain yield High forage yield Fall forage growth Reduced lodging Little or no disease</p> <p>High yield stability was first noted in the F6 generation and confirmed in all subsequent generations.</p>

'336' TRITICALE**Exhibit B. Statement of Distinctness**

336 triticale is most similar to the triticale variety, Presto. It differs from Presto by being shorter (Table B1), and having a narrower leaf (Table B2).

Table B1. Plant Height (cm)

	336	Presto	Significance Level
Tulia, TX	94	99	p = 0.03
Vega, TX	97	99	p = 0.04
Gilroy, CA	132	148	p < 0.01

Table B1. Leaf Width (mm)

	336	Presto	Significance Level
Tulia, TX	12.3	13.0	p = 0.13
Vega, TX	14.5	15.4	p = 0.02
Gilroy, CA	16.1	19.4	p < 0.01

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 LIVESTOCK, MEAT, GRAIN AND SEED DIVISION
 BELTSVILLE, MARYLAND 20705
OBJECTIVE DESCRIPTION OF VARIETY

EXHIBIT C
 (Triticale)

TRITICALE

NAME OF APPLICANT(S) RESOURCE SEEDS, INC.	VARIETY NAME OR TEMPORARY DESIGNATION 336
ADDRESS (Street and No., or F.F.D. No., City, State, and ZIP Code) P.O. BOX 1319, GILROY, CA 95021	FOR OFFICIAL USE ONLY PVPO NUMBER 200200216

Place the appropriate number that describes the varietal character of this variety in the boxes below.
 Place a zero in first box (e.g. or) when number is either 99 or less or 9 or less.

1. GROWTH HABIT:

1 = SPRING 2 = INTERMEDIATE 3 = WINTER

Juvenile Plant Growth: 1 = PROSTRATE 2 = SEMIPROSTRATE 3 = ERECT

Photoperiod: 1 = INSENSITIVE 2 = SENSITIVE

2. PLOIDY:

1 = HEXAPLOID 2 = OCTOPLOID 3 = OTHER (Specify) _____

2n CHROMOSOME NUMBER

3. MATURITY (50% Flowering):

1 = VERY EARLY 2 = EARLY 3 = MIDSEASON 4 = LATE 5 = VERY LATE

		DAYS EARLIER THAN		}	1 = CARMACK	2 = ROSNER	3 = PATHFINDER
0	1	DAYS LATER THAN .. Presto		}	4 = 6TA 204	5 = ARMADILLA	

4. HEIGHT:

CM. HIGH 1 = DWARF 2 = SEMIDWARF 3 = SHORT
 4 = MIDTALL 5 = TALL

0	4	CM. SHORTER THAN .. Presto		}	1 = CARMACK	2 = ROSNER	3 = PATHFINDER
		CM. TALLER THAN		}	4 = 6TA 204	5 = ARAMADILLA	

5. PLANT COLOR AT BOOT STAGE:

1 = YELLOW GREEN 2 = GREEN 3 = BLUE GREEN

6. STEM:

Anthocyanin: 1 = ABSENT 2 = PRESENT

Neck Hairiness: 1 = NONE 2 = SLIGHT 3 = MODERATE 4 = HEAVY

Shape Of Neck: 1 = STRAIGHT 2 = WAVY 3 = OTHER (Specify) _____

7. LEAVES:

Flag Leaf: 1 = NOT TWISTED 2 = TWISTED CM. LEAF LENGTH: 1st Leaf Below Flag Leaf

Waxy Bloom On Leaf At Boot: 1 = ABSENT 2 = PRESENT MM. LEAF WIDTH: 1st Leaf Below Flag Leaf

Leaf Carriage: 1 = UPRIGHT 2 = RECURVED 3 = DROOPING Auricle Color: 1 = COLORLESS OR WHITE 2 = PURPLE
 3 = OTHER (Specify) _____

6

8. HEAD:

Density: 1 = LAX 2 = MIDDENSE 3 = DENSE

Shape: 1 = FUSIFORM 2 = OBLONG 3 = CLAVATE 4 = ELLIPTICAL 5 = OTHER (Specify tapering)

Awedness: 1 = AWNLESS 2 = APICALLY AWNLETED 3 = AWNLETED 4 = AWNED

Awn Color: 1 = WHITE 2 = YELLOW 3 = TAN 4 = BROWN 5 = BLACK

CM. HEAD LENGTH MM. HEAD WIDTH

9. GLUMES AT MATURITY:

Pubescence: 1 = GLABROUS 2 = SLIGHTLY PUBESCENT 3 = PUBESCENT

Color: 1 = WHITE 2 = YELLOW 3 = TAN 4 = BROWN 5 = BLACK

Length: 1 = SHORT 2 = MIDLONG 3 = LONG Width: 1 = NARROW 2 = MIDWIDE 3 = WIDE

Shoulder: 1 = WANTING 2 = OBLIQUE 3 = ROUNDED 4 = SQUARE 5 = ELEVATED 6 = APICULATE Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

10. COLEOPTILE COLOR:

1 = WHITE 2 = GREEN 3 = PURPLE

11. SEED:

Shape: 1 = OVATE 2 = OVAL 3 = ELLIPTICAL

Smoothness: 1 = SMOOTH 2 = SLIGHTLY WRINKLED 3 = WRINKLED

Brush Area: 1 = SMALL 2 = MIDSIZE 3 = LARGE

Brush Length: 1 = SHORT 2 = MIDLONG 3 = LONG

Phenol Reaction: 1 = IVORY 2 = FAWN 3 = LIGHT BROWN 4 = BROWN 5 = BROWN BLACK

Color: 1 = WHITE 2 = AMBER 3 = RED 4 = PURPLE 5 = BLACK 6 = OTHER (Specify) brownish

GMS. PER 1,000 SEEDS CA irrigated production (33 gms if stressed, e.g. Texas dryland)

12. DISEASE (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Tolerant):

<input type="checkbox"/> STEM RUST (Races) _____	<input type="checkbox"/> LEAF RUST (Races) _____
<input type="checkbox"/> STRIPE RUST (Race) _____	<input type="checkbox"/> ERGOT _____
<input type="checkbox"/> POWDERY MILDEW _____	<input type="checkbox"/> BACTERIAL STRIPE _____
<input type="checkbox"/> SEPTORIA _____	<input type="checkbox"/> YELLOW DWARF _____
<input type="checkbox"/> OTHER (Specify) _____	<input type="checkbox"/> OTHER (Specify) _____

13. INSECT (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Tolerant):

<input type="checkbox"/> GREENBUG	HESSIAN FLY RACE:			
<input type="checkbox"/> CEREAL LEAF BEETLE	<input type="checkbox"/> GP	<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C
<input type="checkbox"/> OTHER (Specify) _____	<input type="checkbox"/> D	<input type="checkbox"/> E	<input type="checkbox"/> F	<input type="checkbox"/> G

14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

200200216

CHARACTER	VARIETY
PLANT TILLERING	Presto
WINTER HARDINESS	Presto
AREA OF ADAPTATION	815
SEED SHAPE	Presto

REFERENCES:

L. W. Briggie and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, USDA.

W. E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, Contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts.

COMMENTS:

8

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE

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.

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

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) Resource Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER RSI 336	3. VARIETY NAME 336
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) P.O. Box 1319, Gilroy, CA 95021	5. TELEPHONE (include area code) 408/847-1051	6. FAX (include area code) 408/847-0604
7. PVPO NUMBER 200200216		

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? YES NO
 If no, give name of country

10. Is the applicant the original owner? YES NO If no, please answer one of 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(ies), is(are) 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.

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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.