

No.

200200233



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

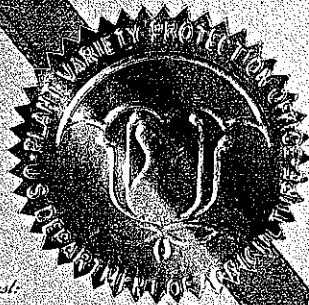
Secretary of Agriculture

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, 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.)

WHEAT, COMMON

'26R58'



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

Ernest

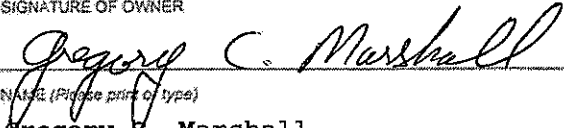
Secretary of Agriculture

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

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 OWNER Pioneer Hi-Bred International, Inc. | | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME | | 3. VARIETY NAME 26R58 | |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Crop Genetics Research & Development Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389 | | 5. TELEPHONE (include area code) (765) 945-7906 | | FOR OFFICIAL USE ONLY PVPO NUMBER 200200233 | |
| | | 6. FAX (include area code) (765) 945-8313 | | FILING DATE August 21, 2002 | |
| 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 Iowa | | 9. DATE OF INCORPORATION May 1926 | |
| 10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Gregory C. Marshall Pioneer Hi-Bred International, Inc. Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389 | | | | FILING AND EXAMINATION FEES: \$ 2705.00 DATE 8/21/2002 CERTIFICATION FEE: \$ 320.00 DATE 12/23/02 | |
| 11. TELEPHONE (Include area code) (765) 945-7906 | | 12. FAX (Include area code) (765) 945-8313 | | 13. E-MAIL Greg.Marshall@Pioneer.com | |
| 14. CROP KIND (Common Name) Wheat | | 15. GENUS AND SPECIES NAME OF CROP Triticum aestivum | | 16. FAMILY NAME (Botanical) gramineae | |
| 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) <ul style="list-style-type: none"> 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 Variety d. <input checked="" 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 checked="" 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 (\$2,705), 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 <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 CLASSES? IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED | | | |
| 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED NUMBER 1,2,3, etc. (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? <input type="checkbox"/> YES <input checked="" 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 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  NAME (Please print or type) Gregory C. Marshall | | SIGNATURE OF OWNER NAME (Please print or type) | | | |
| CAPACITY OR TITLE Coordinator of Wheat Research | | DATE 8/20/02 | | CAPACITY OR TITLE DATE | |

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 \$2,705 (\$320 filing fee and \$2,385 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 unfilled. 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 \$320 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/pvpo/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 55 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

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.)

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 appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center--East, Beltsville, MD 20705. Telephone: (301) 504-8089. <http://www.ams.usda.gov/lsg/seed/lis-sd.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours 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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S&T-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (02-99) which is obsolete.

18A. Exhibit A. Origin and Breeding History of Pioneer Wheat Cultivar 26R58.

Pioneer® cultivar '26R58', a soft red winter wheat (*Triticum aestivum* L.) was developed by Pioneer Hi-Bred Int'l., Inc.. Using a modified pedigree selection breeding method, 26R58 was derived from the cross:

2510 sib./WBA416H2

2510 sib. is a sister to Pioneer cultivar 2510. The cultivar, WBA416H2 was a Pioneer line derived from the cross: Houser/MO9545/W4034D/Augusta. The cultivar, W4034D was a Pioneer line derived from the cross: GA80/MOW7510. The cultivars, MO9545 and MOW7510 were experimental lines from the University of Missouri. The cultivar, GA80, was an experimental line from the University of Georgia. The detailed parentage of 26R58 is:

2510 sib/4/Houser/MO9545/3/GA80/MOW7510//Augusta

During the 1988 fall greenhouse cycle the final cross was made and designated WBK0822. The subsequent breeding history of 26R58 is described below.

| <u>Year</u> | <u>Generation</u> | |
|-------------|-------------------|--|
| 1988 | Final cross | |
| 1989 | F ₁ | F ₁ grown in transplant nursery at Windfall IN. |
| 1989-90 | F ₂ | Bulk populations grown at Windfall and Ft. Branch, IN. Individual spike selections made at both locations. |
| 1990-91 | F ₃ | Headrows from F ₂ selections grown at Ft. Branch, IN and Windfall, IN. Selected rows cut and threshed individually. |
| 1991-92 | F ₄ | A 3 row X 3-meter observation plot was planted at Windfall and Ft. Branch, IN. A meter section of the center row was harvested from each selected plot and threshed in bulk. |
| 1992-93 | F ₅ | A seven row X 3-meter plot was planted at Windfall and Ft. Branch, IN. Fifty spikes were harvested from each selected plot and threshed individually. |
| 1993-94 | F ₆ | Twenty headrows of each F ₅ selection were grown at Windfall and Ft. Branch, IN. Selected rows were cut and threshed individually. This selection was made at Ft. Branch. |
| 1994-95 | F ₇ | Preliminary yield testing of an F ₅ selection from an F ₆ headrow. This selection designated WBK0822W3. Single head selections were made due to poor uniformity. |
| 1995-96 | F ₈ | Headrows of F ₇ selections were grown at Windfall and Ft. Branch, IN. Selected rows were cut and threshed individually. This selection was made at Ft. Branch. |

| | | |
|-----------|-----------------|---|
| 1996-97 | F ₉ | Preliminary yield testing of an F ₇ selection from an F ₈ headrow. This selection designated WBK0822W3D. |
| 1997-98 | F ₁₀ | Advanced yield testing of WBK0822W3D. 200 individual spikes were harvested from a small bulk increase. |
| 1998-99 | F ₁₁ | Elite yield testing of WBK0822W3D. 200 purification headrows planted, offtype rows destroyed prior to maturity, 108 of the remaining rows were individually cut and threshed. Two spikes were taken from each harvested row. |
| 1999-2000 | F ₁₂ | Elite yield testing continued of WBK0822W3D. Seed from purification headrows planted in individual progeny plots which surround 200 headrows. Offtype plots and headrows destroyed prior to harvest. Equal number of spikes harvested from remaining progeny plots for a total of 1000 spikes. Progeny plots harvested in bulk which constitutes Breeder Seed. Bulk seed, headrow bulks, and spikes turned over to Pioneer's Parent Wheat Seed Group. |
| 2000-01 | F ₁₃ | Elite yield testing continued, line designated YW00B. Seed increase continues by Pioneer Parent Wheat Seed Group. |
| 2001-02 | F ₁₄ | Elite yield testing continued, line designated XW00B. Seed increase continues by Pioneer Parent Wheat Seed Group. |

Decision to release WBK0822W3D was made in August, 2002 at which time the commercial code, 26R58 was assigned.

The cultivar 26R58 was bred and selected for any and all of the following characteristics in the field environment: disease resistance, plant type, plant height, head type, straw strength, maturity, grain yield, test weight, and milling and baking characteristics.

26R58 has been shown to be uniform and stable since the 9th generation, or for the last 5 generations. Variants are limited to slightly taller plants or awnless plants at a frequency no greater than 1/15,000 in total.

18 B. Exhibit B. Statement of Distinctness

26R58 is most similar to Pioneer variety 25R23 but with the following distinguishing characteristics:

1. The spike shape of 26R58 is oblong, while that of 25R23 is tapering.
2. The glume shoulder shape of 26R58 is wanting, while that of 25R23 is rounded.
3. The heading date of 26R58 is 3 days earlier than 25R23 (Highly significant at 0.01 probability level. See Table 1 for detailed comparison.)

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

Form Approved - OMB No. 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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 2.5 hours 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 of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* spp.)

| | |
|---|---------------------------------------|
| NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc. | FOR OFFICIAL USE ONLY |
| | PVPO NUMBER 200200233 |
| | VARIETY NAME 26R58 |
| ADDRESS (Street and No. or RD No., City, State, and Zip Code) Crop Genetics Research & Development Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389 | TEMPORARY OR EXPERIMENTAL DESIGNATION |

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. Munsell Color Charts for Plant Tissues

Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1=Common 2=Durum 3=Club 4=Other (SPECIFY): _____

2. VERNALIZATION:

1=Spring 2=Winter 3=Other (SPECIFY): _____

3. COLEOPTILE ANTHOCYANIN:

1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (boot stage):

1 = Yellow-Green 2 = Green 3 = Blue-Green

6. FLAG LEAF (boot stage):

1 = Erect 2 = Recurved 1 = Not Twisted 2 = Twisted

7. EAR EMERGENCE:

Number of Days Earlier Than _____ *

Number of Days Later Than **25R57** _____ *

8. ANTHOR COLOR:

 1

1 = Yellow

2 = Purple

9. PLANT HEIGHT (from soil to top of head, excluding awns):

cm Taller Than _____ *

 3cm Shorter Than 25R57 _____ *

* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

10. STEM:

A. ANTHOCYANIN

 1

1 = Absent

2 = Present

D. INTERNODE (SPECIFY NUMBER)

 1

1 = Hollow

2 = Semi-solid

3 = Solid

B. WAXY BLOOM

 1

1 = Absent

2 = Present

E. PEDUNCLE

 2

1 = Absent

2 = Present

C. HAIRINESS (last internode of rachis)

 2

1 = Absent

2 = Present

 31

cm Length

11. HEAD (at Maturity):

A. DENSITY

 2

1 = Lax

2 = Middense

3 = Dense

C. CURVATURE

 3

1 = Erect

2 = Inclined

3 = Recurved

B. SHAPE

 2

1 = Tapering

2 = Strap

3 = Clavate 4 = Other (SPECIFY): _____

D. AWNEDNESS

 4

1 = Awnless

2 = Apically Awnletted

3 = Awnletted 4 = Awned

12. GLUMES (at Maturity):

A. COLOR

 2

1 = White

2 = Tan

3 = Other (SPECIFY): _____

C. BEAK

 3

1 = Obtuse

2 = Acute

3 = Acuminate

B. SHOULDER

 1

1 = Wanting

2 = Oblique

3 = Rounded

4 = Square

5 = Elevated

6 = Apiculate

D. LENGTH

 2

1 = Short

2 = Medium

(ca. 7mm)

(ca. 8mm)

3 = Long (ca. 9mm)

12. GLUMES (at Maturity) *Continued*:

E. WIDTH

- 2 1 = Narrow (ca. 3mm) 2 = Medium (ca. 3.5mm)
3 = Wide (ca. 4mm)

13. SEED:

A. SHAPE

- 1 1 = Ovate 2 = Oval 3 = Elliptical

C. BRUSH

- 1 1=Short 2=Medium 3=Long
 1 1 = Not Collared 2 = Collared

B. CHEEK

- 1 1=Rounded 2=Angular

D. CREASE

- 1 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel
 3 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

E. Color

- 3 1=White 2= Amber 3= Red
4= OTHER (Specify)

G. PHENOL REACTION (*see instructions*):

- 4 1 = Ivory 2 = Fawn
3 = Light Brown 4 = Dark Brown
5 = Black

F. TEXTURE

- 2 1=Hard 2=Soft

14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- | | |
|--|--|
| <input type="checkbox"/> 0 Stem Rust (<i>Puccinia graminis</i> f. sp. <i>tritici</i>) | <input type="checkbox"/> 3 Leaf Rust (<i>Puccinia recondita</i> f. sp. <i>tritici</i>) Field races |
| <input type="checkbox"/> 0 Stripe Rust (<i>Puccinia striiformis</i>) | <input type="checkbox"/> 0 Loose Smut (<i>Ustilago tritici</i>) |
| <input type="checkbox"/> 3 Tan Spot (<i>Pyrenophora tritici-repentis</i>) Field races | <input type="checkbox"/> 0 Flag Smut (<i>Urocystis agropyri</i>) |
| <input type="checkbox"/> 0 Halo Spot (<i>Selenophoma donacis</i>) | <input type="checkbox"/> 0 Common Bunt (<i>Tilletia tritici</i> or <i>T. laevis</i>) |
| <input type="checkbox"/> 3 <i>Septoria nodorum</i> (Glume Blotch) Field races | <input type="checkbox"/> 0 Dwarf Bunt (<i>Tilletia controversa</i>) |
| <input type="checkbox"/> 0 <i>Septoria avenae</i> (Speckled Leaf Disease) | <input type="checkbox"/> 0 Karnal Bunt (<i>Tilletia indica</i>) |
| <input type="checkbox"/> 3 <i>Septoria tritici</i> (Speckled Leaf Blotch) Field races | <input checked="" type="checkbox"/> 3 Powdery Mildew (<i>Erysiphe graminis</i> f. sp. <i>tritici</i>) Field races (rev. 10/9/02 gm) |
| <input type="checkbox"/> 1 Scab (<i>Fusarium</i> spp.) | <input type="checkbox"/> 0 "Snow Molds" |

14. Disease (*Continued*) (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- | | | | |
|---------------------------------------|---|---------------------------------------|--|
| <input checked="" type="checkbox"/> 0 | "Black Point" (Kernel Smudge) | <input checked="" type="checkbox"/> 0 | Common Root Rot (<i>Fusarium, Cochliobolus and Bipolaris spp.</i>) |
| <input checked="" type="checkbox"/> 0 | Barley Yellow Dwarf Virus (BYDV) | <input checked="" type="checkbox"/> 0 | Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input checked="" type="checkbox"/> 4 | Soilborne Mosaic Virus (SBMV) Field races | <input checked="" type="checkbox"/> 0 | Black Chaff (<i>Xanthomonas campestris pv. translucens</i>) |
| <input checked="" type="checkbox"/> 4 | Wheat Yellow (Spindle Streak) Mosaic Virus Field races | <input checked="" type="checkbox"/> 0 | Bacterial Leaf Blight (<i>Pseudomonas syringae pv. syringae</i>) |
| <input checked="" type="checkbox"/> 0 | Wheat Streak Mosaic Virus (WSMV) | <input type="checkbox"/> | Other (SPECIFY) |
| <input type="checkbox"/> | Other (SPECIFY) | <input type="checkbox"/> | Other (SPECIFY) |
| <input type="checkbox"/> | Other (SPECIFY) | <input type="checkbox"/> | Other (SPECIFY) |
| <input type="checkbox"/> | Other (SPECIFY) | <input type="checkbox"/> | Other (SPECIFY) |

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)





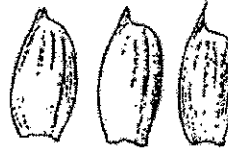


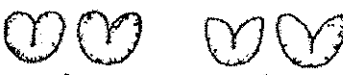
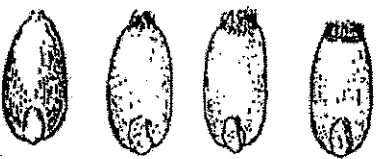




PLEASE SPECIFY BIOTYPE (where needed)

- | | | | |
|---------------------------------------|--|--------------------------|-----------------|
| <input checked="" type="checkbox"/> 1 | Hessian Fly (<i>Mayetiola destructor</i>) Biotype E & L | <input type="checkbox"/> | Other (SPECIFY) |
| <input checked="" type="checkbox"/> 0 | Stem Sawfly (<i>Cephus spp.</i>) | <input type="checkbox"/> | Other (SPECIFY) |
| <input checked="" type="checkbox"/> 0 | Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> | Other (SPECIFY) |
| <input checked="" type="checkbox"/> 0 | Russian Aphid (<i>Diuraphis noxia</i>) | <input type="checkbox"/> | Other (SPECIFY) |
| <input checked="" type="checkbox"/> 0 | Greenbug (<i>Schizaphis graminum</i>) | <input type="checkbox"/> | Other (SPECIFY) |
| <input checked="" type="checkbox"/> 0 | Aphids | <input type="checkbox"/> | Other (SPECIFY) |

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS

WHEAT DESCRIPTOR ILLUSTRATIONS

Section numbers correspond to the numbers of the sections on the form.

| | | | |
|--|--|---|---|
| <p>4 EARLY PLANT GROWTH HABIT:</p>  <p>1 2 3 Prostrate Intermediate Erect</p> | <p>10 STEM INTERNODE X-SECTION</p>  <p>1 2 3 Hollow Semi-Solid Solid</p> | <p>11 SPIKE SHAPE</p>  <p>1 2 3 4 Tapering Oblong Clavate Elliptical</p> | |
| <p>11 AWNEDNESS:</p>  <p>1 2 3 4 Awnless Apically Awnleted Awnleted Awned</p> | <p>12 BEAK SHAPE:</p>  <p>1 2 3 Obtuse Acute Acuminata</p> | <p>12 SHOULDER SHAPE:</p>  <p>1 2 3 4 5 6 Wanting Oblique Rounded Square Elevated Apiculate</p> | |
| <p>13 SEED SHAPE:</p>  <p>1 2 3 Ovate Oval Elliptical</p> | <p>13 CHEEK SHAPE:</p>  <p>1 2 Rounded Angular</p> | <p>13 BRUSH SIZE:</p>  <p>1 2 3 4 Small Midsized Large Collared</p> | <p>13 BRUSH HAIR LENGTH</p>  <p>1 2 3 Short Medium Long</p> |
| <p>GERM (EMBRYO) SIZE:</p>  <p>1 2 3 Small Midsized Large</p> | <p>13 SEED CREASE WIDTH:</p>  <p>1 2 3 Narrow Mid-Wide Wide</p> | <p>13 SEED CREASE DEPTH:</p>  <p>1 2 3 Shallow Mid-Deep Deep</p> | |

REFERENCE

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

Application No. 200200233, Common Wheat, '26R58' – REVISION 10/9/02

18D. Exhibit D. Additional Description of the Variety

1. Yield and Agronomic information.

Preliminary yield testing of 26R58 began in the 1996-97 growing season and wide scale testing has been conducted from the 1997-98 growing season to the present. It has shown adaptation to the northern soft wheat regions based on tests conducted in Missouri, Illinois, Indiana, Ohio, and Michigan, as well as the midsouth region of Kentucky, Arkansas and the bootheel of Missouri. (Tables 1 & 2).

2. Information on reaction to major diseases.

Leaf rust – intermediate resistance to prevalent races in the northern soft wheat region.

Powdery mildew – Intermediate resistance to the prevalent isolates of powdery mildew present in the soft wheat region.

Soilborne and wheat spindle streak mosaic virus – Intermediate resistance to both viruses.

Leaf blights – Intermediate tolerance to the complex of most common organisms that cause leaf blights including: *Septoria tritici* blotch, *Stagnospora nodorum* blotch, and tan spot.

Fusarium head blight – average susceptibility.

3. Information on reaction to major insects.

Hessian fly – susceptible to the predominant biotypes of Hessian fly in the northern soft wheat region. Has screened susceptible to biotypes E, and L in tests conducted by the Dept. of Entomology, Purdue University, in conjunction with the USDA-ARS Insect and Weed Control unit.

4. Information on Milling and Baking Qualities.

26R58 has demonstrated above average milling and baking qualities (Table 3).

Table 1. Paired comparisons of 26R58 during the period 1997-2001.

| Variety | Grain Yield | Test Weight | Plant Height | Heading Date | Scab | Leaf Rust | Leaf Blight | Powdery Mildew | SSMV | SBMV |
|--------------|--------------|-------------|--------------|--------------|------------|------------|-------------|----------------|------------|------------|
| | bu/ac | lb/bu | cm | Jan 1 | 1-9@ | 1-9@ | 1-9@ | 1-9@ | 1-9@ | 1-9@ |
| 26R58 | 101.3 | 57.9 | 93.5 | 132.0 | 4.7 | 7.8 | 4.7 | 6.7 | 8.0 | 6.5 |
| 25R23 | 100.7 | 58.6 | 97.8 | 134.9 | 4.8 | 7.2 | 7.5 | 5.7 | 8.3 | 7.0 |
| Years | 3 | 3 | 3 | 3 | 2 | 2 | 1 | 1 | 1 | 2 |
| Reps. | 135 | 133 | 34 | 46 | 12 | 11 | 6 | 3 | 10 | 4 |
| Prob. | 0.595 | 0.004 | 0.002 | 0.000 | 0.880 | 0.284 | 0.060 | | 0.374 | 0.500 |

| | | | | | | | | | | |
|--------------|-------------|-------------|-------------|--------------|------------|------------|------------|------------|------------|------------|
| 26R58 | 97.4 | 57.1 | 95.8 | 134.1 | 4.8 | 7.5 | 4.5 | 7.6 | 7.9 | 6.5 |
| 2540 | 92.9 | 57.3 | 99.3 | 136.5 | 4.2 | 4.6 | 4.3 | 4.6 | 7.7 | 6.5 |
| Years | 5 | 5 | 5 | 4 | 3 | 3 | 2 | 2 | 3 | 2 |
| Reps. | 138 | 133 | 28 | 40 | 13 | 12 | 8 | 7 | 14 | 4 |
| Prob. | 0.000 | 0.334 | 0.016 | 0.000 | 0.369 | 0.000 | 0.495 | 0.208 | 0.486 | 1.000 |

| | | | | | | | | | | |
|--------------|-------------|-------------|-------------|--------------|------------|------------|------------|------------|------------|------------|
| 26R58 | 98.3 | 57.2 | 94.0 | 125.3 | 5.5 | 7.6 | 4.5 | 8.0 | 7.9 | 6.5 |
| 25R57 | 92.5 | 57.0 | 97.5 | 125.0 | 5.0 | 6.1 | 4.5 | 8.3 | 5.1 | 3.0 |
| Years | 5 | 5 | 5 | 4 | 3 | 3 | 2 | 1 | 3 | 2 |
| Reps. | 121 | 115 | 26 | 30 | 7 | 8 | 8 | 4 | 16 | 4 |
| Prob. | 0.000 | 0.197 | 0.016 | 0.146 | 0.353 | 0.052 | 1.000 | 0.500 | 0.000 | 0.000 |

@ Scale of 1 – 9 where 9 = excellent or resistant, 1 = poor or susceptible.

Data in above table collected at locations in Arkansas, Kentucky, Missouri, Illinois, Indiana, Ohio, Michigan, Maryland and Ontario, Canada.

Table 2. Paired comparison of 26R58 by testing region during the period 1997-2001.

| Variety | East | North | Central | Southwest | Midsouth | Total |
|--------------|-------------|-------------|--------------|-------------|--------------|-------------|
| | bu/ac | bu/ac | bu/ac | bu/ac | bu/ac | bu/ac |
| 26R58 | 87.2 | 94.5 | 104.0 | 95.2 | 113.8 | 98.3 |
| 25R57 | 85.6 | 93.9 | 98.0 | 87.6 | 100.6 | 92.5 |
| Reps. | 6 | 24 | 34 | 49 | 8 | 121 |
| Prob. | 0.798 | 0.797 | 0.012 | 0.000 | 0.105 | 0.000 |

East = Maryland; North = Michigan, northern Ohio and northern Indiana; Central = central Indiana and central Ohio; Southwest = southern Indiana, southern Illinois, and Missouri; Midsouth = bootheel of Missouri, Kentucky and Arkansas.

Table 3. Average Soft wheat quality data from the Pioneer Quality Lab in Johnston, IA, 1997-2000.

| Variety | Flour Yield | Break Flour Yield | Flour Protein | AWRC | Cookie Diameter | Milling Score | Baking Score |
|--------------|-------------|-------------------|---------------|-------------|-----------------|---------------|--------------|
| | % | % | % | % | Cm | 1-9 | 1-9 |
| 26R58 | 71.0 | 38.7 | 8.7 | 55.6 | 18.9 | 6 | 6 |
| 25R23 | 72.9 | 40.1 | 8.0 | 58.2 | 18.4 | 8 | 3 |
| 2540 | 69.9 | 38.6 | 9.0 | 56.0 | 19.0 | 5 | 6 |
| 25R57 | 70.5 | 39.0 | 8.7 | 54.0 | 19.1 | 6 | 7 |

AWRC = Alkaline Water Retention Capacity.

Milling Score = a 1 – 9 rating which weights 60% flour yield and 40% break flour yield (9 = excellent, 1 = poor).

Baking Score = a 1 – 9 rating which weights 60% cookie diameter and 40% AWRC (9 = excellent, 1 = poor)

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE

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. 2426).

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

| | | |
|--|---|---|
| 1. NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc. | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER | 3. VARIETY NAME 26R58 |
| 4. ADDRESS (Street and no., or R.F.D. No., City, State, and ZIP, and Country) Crop Genetics Research & Development Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389 | 5. TELEPHONE (include area code) (765) 945-7906 | 6. FAX (include area code) (765) 945-8313 |
| 7. PVPO NUMBER | | 200200233 |

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

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

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

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.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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 6 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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