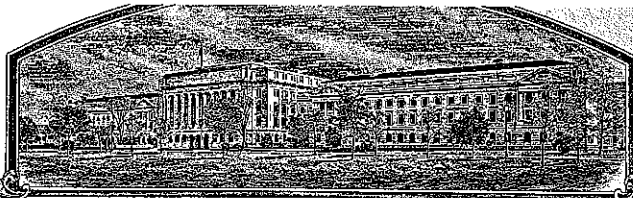


No.

200200239



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 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: (64 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

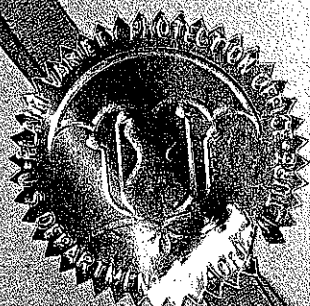
'Summit'

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 tenth day of March, in the year two thousand three.

Attest

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

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 96WV52305	3. VARIETY NAME Summit
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 PVPS NUMBER 200200239
		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	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION (First person listed will receive all papers) Dr. George Fohner Resource Seeds, Inc. P.O. Box 1319 Gilroy, CA 95021			FILING AND EXAMINATION FEES: \$ 2705.00 DATE 8/29/02 CERTIFICATION FEE: \$ 3200.00 DATE 2/3/03
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) common wheat

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. 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) sent separately g. <input checked="" type="checkbox"/> 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 <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 THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> 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? <input checked="" type="checkbox"/> YES <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, 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	CAPACITY OR TITLE
DATE 8/26/02	DATE

INSTRUCTIONS

200200239

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 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 \$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) of a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

USA, October, 2000 first commercial seed sale; previous use only for seed multiplication under the supervision and contractual control of Resource Seeds, Inc. and its licensee.

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 cover. 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.

SUMMIT WHEAT

Exhibit A. Breeding History

Summit wheat is the result of hybridization, individual plant and bulk selection from the cross Express//Tadorna/PB775. Express is a variety from Western Plant Breeders; Tadorna is a Septoria leaf blotch resistant line obtained from the University of California, Davis; and Probrand 775 is a wheat variety from the once existant Northrup, King, Co. breeding program.

The cross of Express with Tadorna/PB775 was made in 1992 at Woodland, Ca. The F1 bulk was grown in Gonzales, Ca., as was the F3 plant selection generation. F2 single plant selections were grown at Woodland. The F4 plant seed was bulk harvested to begin yield testing in the F5 generation in 1995. After testing for two years a seed purification program was begun to identify uniform types. On the completion of two years of head row selections, one single head row was selected to represent this line. Breeder seed was produced at Gonzales in 1999 from a seed bulk of F9 generation plants. Foundation seed was produced in crop year 2000. The criteria for selection for each generation in the development of Summit are outlined in Table A1.

On the basis of our experience of producing pre-breeder, breeder and foundation seed, the variety Summit appears to be uniform and stable except it has been noted during seed multiplication that taller variants can be found in this variety at a frequency of no more than 0.5%. Additionally, a white-seeded variant is present at a frequency of no more than 15 seeds per pound.

SUMMIT WHEAT

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:</p> <ul style="list-style-type: none"> Septoria leaf blotch Stripe rust Barley yellow dwarf virus Powdery mildew Leaf rust <p>Select for:</p> <ul style="list-style-type: none"> High tiller number Seed color (red) Seed plumpness <p>Select against:</p> <ul style="list-style-type: none"> Lodging
F6 & F7	<p>Select for:</p> <ul style="list-style-type: none"> High grain yield Reduced lodging Little or no disease High protein <p>High yield stability was first noted in the F6 generation and confirmed in all subsequent generations.</p>

SUMMIT WHEAT

Exhibit B. Statement of Distinctness

Summit is most similar to the variety RSI 5. Summit differs from RSI 5 in being shorter (Table B1), and having tolerance to the race of stripe rust disease to which RSI 5 is susceptible (Table B2). Compared to the other varieties of wheat grown in Summit's primary area of adaptation, Summit is shorter than Express (Table B1), and later to head than Stander and Bonus (Table B3).

Table B1. Plant Height (inches)
University of California Regional Performance Tests

		Express	RSI 5	Summit	LSD (0.05)
(inches)					
1998	Colusa	40	41	36	3
1999	Butte	41	38	36	2
	Sutter	42	42	37	2
2000	Butte	38	40	35	3
	Colusa	34	35	31	2
	Davis	36	37	34	3
2001	Butte	42	44	37	3
	Colusa	39	41	37	3
	Davis	43	43	38	5

Table B2. Stripe Rust Severity Rating
University of California Regional Performance Tests

		RSI 5	Summit	LSD (0.05)
1999	Colusa	4.3	2.0	0.5
	Sutter	4.8	1.8	0.8
	Davis	4.3	1.5	1.0
2000	Butte	2.8	1.0	0.4
	Colusa	5.0	1.0	1.2
	Davis	6.5	1.8	0.8

Rating scale (area of leaf below flag leaf affected at soft dough stage): 1=0-3%, 2=4-14%, 3=15-29%, 4=30-49%, 5=50-69%, 6=70-84%, 7=85-95%, 8=96-100%

Table B3. Heading Date
University of California Regional Performance Tests

		Bonus	Stander	Summit	LSD (0.05)
Number of Days after March 1					
1998	Davis	32	36	39	3
1999	Davis	43	44	46	1
2000	Davis	25	30	32	2

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 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family 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's TARGET Center at 202-720-2600 (voice and TDD).

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) RESOURCE SEEDS, INC. ADDRESS (Street and No. or RD No., City, State, and Zip Code) P.O. BOX 1319 GILROY, CA 95021	FOR OFFICIAL USE ONLY
	PVPO NUMBER 200200239
	VARIETY NAME SUMMIT
	TEMPORARY OR EXPERIMENTAL DESIGNATION 96WV52305

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. or) 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. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:
 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 _____ STANDER _____ *

6

8. ANTHOR COLOR:

 1

1 = Yellow

2 = Purple

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

cm Taller Than _____

 1 1

cm Shorter Than RSI 5 _____

* 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

 3

cm Length

11. HEAD (at Maturity):

A. DENSITY

 2

1 = Lax

2 = Middense

3 = Dense

C. CURVATURE

 2

1 = Erect

2 = Inclined

3 = Recurved

B. SHAPE

 1

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

 5

1 = Wanting

2 = Oblique

3 = Rounded

4 = Square

5 = Elevated

6 = Apiculate

D. LENGTH

 3

1 = Short

2 = Medium

(ca. 7mm)

(ca. 8mm)

3 = Long (ca. 9mm)

12. GLUMES (at Maturity) *Continued*:

200200239

E. WIDTH

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

13. SEED:

A. SHAPE

- 1 = Ovate 2 = Oval 3 = Elliptical

B. CHEEK

- 1 = Rounded 2 = Angular

E. Color

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

F. TEXTURE

- 1 = Hard 2 = Soft

C. BRUSH

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

D. CREASE

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

G. PHENOL REACTION (*see instructions*):

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

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> L. sp. <i>tritici</i>) | <input type="checkbox"/> 4 Leaf Rust (<i>Puccinia recondita</i> f. sp. <i>tritici</i>) |
| <input type="checkbox"/> 4 Stripe Rust (<i>Puccinia striiformis</i>) | <input type="checkbox"/> 0 Loose Smut (<i>Ustilago tritici</i>) |
| <input type="checkbox"/> 0 Tan Spot (<i>Pyrenophora tritici-repentis</i>) | <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"/> 0 <i>Septoria nodorum</i> (Glume Blotch) | <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"/> 4 <i>Septoria tritici</i> (Speckled Leaf Blotch) | <input type="checkbox"/> 0 Powdery Mildew (<i>Erysiphe graminis</i> f. sp. <i>tritici</i>) |
| <input type="checkbox"/> 0 Scab (<i>Fusarium</i> spp.) | <input type="checkbox"/> 0 "Snow Molds" |

8

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

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- | | |
|--|---|
| <input type="checkbox"/> "Black Point" (Kernel Smudge) | <input type="checkbox"/> Common Root Rot (<i>Fusarium, Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input checked="" type="checkbox"/> Barley Yellow Dwarf Virus (BYDV) | <input type="checkbox"/> Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input type="checkbox"/> Soilborne Mosaic Virus (SBMV) | <input type="checkbox"/> Black Chaff (<i>Xanthomonas campestris</i> pv. <i>translucens</i>) |
| <input type="checkbox"/> Wheat Yellow (Spindle Streak) Mosaic Virus | <input type="checkbox"/> Bacterial Leaf Blight (<i>Pseudomonas syringae</i> pv. <i>syringae</i>) |
| <input type="checkbox"/> 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 type="checkbox"/> Hessian Fly (<i>Mayetiola destructor</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Stem Sawfly (<i>Cephus</i> spp.) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Russian Aphid (<i>Diuraphis noxia</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Greenbug (<i>Schizaphis graminum</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Aphids | <input type="checkbox"/> Other (SPECIFY) |

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

NEW YORK
MARCH 2002

MILLING AND BAKING QUALITY DATA
UNIVERSITY OF CALIFORNIA REGIONAL PERFORMANCE TRIAL

TABLE 30. 2001 KINGS COMMON WHEAT TEST, QUALITY EVALUATION

Entry Name	Wheat				Flour				Farrinograph				Bread				
	Pro	Ash	Hard (NIR)	Test Wt	1000 Kwt	Yield	Pro	Ash	Fall No.	Wet Glut.	Absp	Arr	Mix	MT M.T.I.	Vol	Text Score	
CULTIVARS																	
20 ANZA	12.68	1.36	71	64.2	36.5	75.5	11.1	0.39	339	29.7	62.6	2.25	3.00	2.25	100	775	U
112 YECORA ROJO	13.75	1.33	71	64.0	46.7	74.1	12.2	0.37	417	30.0	60.7	5.95	11.00	15.00	10	855	S
353 YOLO	13.12	1.49	74	63.6	32.7	75.6	11.2	0.41	366	31.0	59.2	2.25	3.25	7.75	60	920	S
415 KLASIC	13.21	1.32	60	64.5	47.0	75.6	12.1	0.37	368	29.5	59.0	8.00	14.25	13.00	20	940	S
638 SERRA	13.18	1.31	63	64.4	41.6	75.5	11.5	0.43	333	25.7	56.2	1.50	10.00	26.00	20	895	S
788 EXPRESS	14.16	1.30	76	63.8	40.9	72.7	12.8	0.39	421	34.4	65.2	4.25	6.75	8.75	40	990	S
827 CAVALIER	12.70	1.38	68	63.1	48.6	72.5	11.5	0.31	378	28.8	58.8	1.50	10.50	10.00	10	920	S
901 BROOKS	14.34	1.30	72	63.3	43.1	73.2	12.7	0.3	367	32.8	61.2	5.00	10.50	14.00	40	890	S
970 CUYAMA	12.33	1.39	76	63.9	41.5	73.0	10.7	0.36	558	26.6	60.6	2.00	11.50	21.00	10	860	S
976 RSI 5	11.56	1.33	64	63.0	45.9	72.5	9.9	0.38	392	25.2	59.2	1.00	2.00	10.00	20	685	U
1020 BONUS	13.37	1.26	67	63.4	47.3	70.2	11.9	0.41	367	39.1	62.0	4.25	10.50	14.50	20	875	S
1036 KERN	12.92	1.30	62	64.8	41.4	74.5	11.4	0.37	361	27.3	59.0	3.25	6.50	7.25	60	885	S
1124 ELDON	13.42	1.37	73	63.7	41.3	72.8	12.4	0.46	395	30.5	65.2	5.00	14.00	14.75	35	980	S
1130 STANDER	13.04	1.40	61	63.6	44.6	74.7	11.5	0.39	369	27.5	59.2	2.75	7.00	15.75	10	810	U
1155 SUMMIT	13.47	1.17	75	62.7	39.9	71.8	12.2	0.41	429	31.2	62.2	3.00	8.00	10.50	50	925	S
1156 BLANCA GRANDE	13.34	1.19	63	65.2	47.0	73.9	11.9	0.34	389	31.2	64.4	7.25	11.00	10.00	30	990	S
1193 SUNSTAR KING	13.97	1.36	73	64.0	40.0	70.9	12.5	0.37	370	31.5	62.0	5.50	12.50	17.50	20	930	S
1202 BRIM	13.05	1.23	76	64.4	36.6	76.4	11.7	0.37	412	31.3	62.9	4.00	7.00	7.75	50	940	S
1255 PLATA	13.42	1.28	67	65.0	42.7	71.7	11.6	0.33	370	29.6	60.2	3.50	8.00	10.00	40	955	S

Analysis provided by the California Wheat Commission Quality Laboratory, Woodland, CA
 Pro = Protein% (12% moisture basis); Hard = NIR Hardness; Test Wt = Test weight (lb/bu); 1000 Kwt = Thousand kernel weight (grams);
 Yield = Flour yield (%); Fall No = Falling number (seconds); Wet Glut = Wet gluten (%; 14% moisture basis); Absp = Absorption (%);
 Arr = Arrival (min); Mix Pk = Mixing peak (min); MT = Stability of farrinograph curve, departure - arrival (min);
 M.T.I. = Mixing tolerance index (B.U.); Vol = Bread volume (c.c.); Text = Grain and texture (e = Excellent, s = Satisfactory, q = Questionable,
 u = Unsatisfactory); Score: 5 = Excellent, 4 = Satisfactory, 3 = Satisfactory to questionable, 2 = Questionable, 1 = Unsatisfactory

200200239

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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 96WV52305	3. VARIETY NAME SUMMIT
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 200200239		

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.

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, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and 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.