

No.

200300003



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

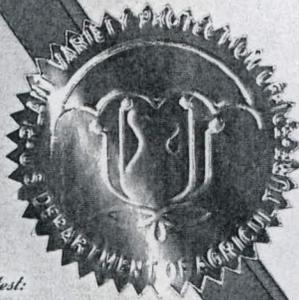
NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, 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 U.S.C. 2422, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Ashton'

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 twenty-eighth day of January, in the year two thousand and four.

Attest:



Robert M. Juhn

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Andrew Freeman

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 <p style="font-size: 1.2em; margin-left: 20px;">Seminis Vegetable Seeds, Inc.</p>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <p style="font-size: 1.2em; margin-left: 20px;">XP 08500566</p>	3. VARIETY NAME <p style="font-size: 1.5em; margin-left: 20px;">Ashton MAH 8/16/03</p>		
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <p style="margin-left: 20px;">2700 Camino del Sol Oxnard, CA 93030-7967</p>		5. TELEPHONE (include area code) <p style="margin-left: 20px;">805 647 1572</p>	FOR OFFICIAL USE ONLY PVPO NUMBER <p style="font-size: 1.5em; margin-left: 20px;">200300003</p>		
6. FAX (include area code) <p style="margin-left: 20px;">805 918 2545</p>		FILING DATE <p style="font-size: 1.5em; margin-left: 20px;">10/04/2002</p>			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <p style="margin-left: 20px;">Corporation</p>	8. IF INCORPORATED, GIVE STATE OF INCORPORATION <p style="margin-left: 20px;">California</p>	9. DATE OF INCORPORATION <p style="margin-left: 20px;">04-Jun-1962</p>			
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"> Sharen Chaffin Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland CA 95616 </td> <td style="width:50%; border: none;"> Marcel Bruins Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen The Netherlands mbruins@svseeds.nl Ph: 31 317 450218 Fax: 31 317 450217 </td> </tr> </table>			Sharen Chaffin Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland CA 95616	Marcel Bruins Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen The Netherlands mbruins@svseeds.nl Ph: 31 317 450218 Fax: 31 317 450217	FILING AND EXAMINATION FEES: <p style="font-size: 1.2em; margin-left: 20px;">\$ 2705.00</p> DATE <u>9/26/02</u> CERTIFICATION FEE: \$ DATE
Sharen Chaffin Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland CA 95616	Marcel Bruins Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen The Netherlands mbruins@svseeds.nl Ph: 31 317 450218 Fax: 31 317 450217				
11. TELEPHONE (include area code) <p style="margin-left: 20px;">530 669 6172</p>	12. FAX (include area code) <p style="margin-left: 20px;">530 666 4426</p>	13. E-MAIL <p style="margin-left: 20px;">sharen.chaffin@seminis.com</p>	14. CROP KIND (Common Name) <p style="margin-left: 20px;">Garden Pea</p>		
15. GENUS AND SPECIES NAME OF CROP <p style="margin-left: 20px;">Pisum sativum</p>		16. FAMILY NAME (Botanical) <p style="margin-left: 20px;">Leguminosae</p>			
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)			
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> Voucher 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 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 checked="" type="checkbox"/> YES <input 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 		SIGNATURE OF OWNER _____			
NAME (Please print or type) Sharen Chaffin		NAME (Please print or type) _____			
CAPACITY OR TITLE Specialist	DATE 25 Sept 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.)

Italy: Sold Aug, 2002; New Zealand: Sold Aug 2002; Australia: Sold Aug. 2002

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).)

NZ: 25 July 01 Status: Pending Reference No. PEA057
EU: 11 Oct. 01 Status: Pending Reference No. 2001/1601

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/lsg-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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact 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.

S&T-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (02-99) which is obsolete.

EXHIBIT A 'Ashton'
Origin and Breeding History of ~~XP 08500566~~, Garden Pea

MAH
8/16/2003

XP 08500566 was developed at Seminis's Western Breeding Station (WBS), Twin Falls, Idaho, by pedigree selection from a cross between Darien and a downy mildew resistant breeding line of complex parentage: Bolero//Bolero//Mini/JI85. Bolero and Mini are both Seminis varieties. JI 85 is a wild pea from the John Innes collection, originally collected in Afghanistan. The crossing and selections were made as follows:

- 1-1992 Planted Darien and Bolero//Bolero//Mini/JI85 in the greenhouse at WBS. Crosses made
- 4-20-93 Planted F1 in the field at WBS. Allowed to self
- 4-1-94 Planted F2 population in the field at WBS. Selected individual plants.
- 4-4-95 Planted F3 line in the field at WBS. Selected individual plants.
- 4-4-96 Planted F4 line in the field at WBS. Selected individual plants.
- 4-3-97 Planted F5 line in the field at WBS under the number R97 2201. Selected this line for vigorous, productive, normal foliage plants, for dark green berry color, and for resistances to both downy mildew and powdery mildew. Observations during the growing season indicated the line was uniform and stable. Subsequent increases of 08500566 trace to the bulk of R97 2201.
- 4-1-99 Space planted a stock of 08500566 in the field at WBS. Harvested as 200 individual plant selections.
- 4-30-00 Planted 200 individual plant selections in the field at WBS as a progeny increase under the number RWL 230. Observations during the growing season confirmed 08500566 is uniform and stable.

Selection criteria in the field represent a balance of characteristics related to productivity and quality and to goodness to fit for market needs such as vigorous, normal foliage plant with good standing ability, dark green processed color, good yield potential, and resistance to both powdery mildew and downy mildew.

Observations during the two (2) years of 1997 and 2000 confirm XP 08500566 is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties, a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants are known to occur.

EXHIBIT B

Novelty Statement Concerning ~~XP 08500566~~ ^{'Ashton'}, Garden Pea

MAH
8/16/2003

XP 08500566 is a full season, normal foliage, medium-large sieve freezer pea with resistance to both downy mildew and powdery mildew. To our knowledge, the variety most similar to XP 08500566 is Durango. The comparative characteristic that best distinguishes the two includes, but may not be limited to, resistance to downy mildew. 08500566 carries a dominant allele for resistance that traces to JI 85¹, a wild accession from the John Innes collection, whereas Durango does not carry this allele and is susceptible to downy mildew.

Revised 1/14/03

¹ Dixon, G.R. Chapter on peas and beans. The Downy Mildews. Ed. D.M. Spencer. New York: Academic Press, 1981. p. 506.

APPENDIX
OBJECTIVE DESCRIPTION OF VARIETY
PEA (*Pisum sativum*)

Variety Name or Temporary Designation: _____

'Ashton'

MAY 8/16/03

LEAFLET CHARACTERISTICS:

Leaflet Type: 1=Leafless 2=Semi 3=Normal

STIPULE CHARACTERISTICS:

Color: 1=Light-Green 2=Medium-Green 3=Dark-Green 4=Blue-Green 5=Yellow-Green 6=Other _____

Please provide example varieties of similar specified color or check varieties and stipule color.

Variety Name	Stipule Color
Durango	Dark Green

Variety Name	Stipule Color

Variety Name	Stipule Color

Size: 1=Small 2=Medium 3=Large

Please provide example varieties of similar specified size or check varieties and stipule size.

Variety Name	Stipule Size
Durango	Medium

Variety Name	Stipule Size

Variety Name	Stipule Size

OTHER CHARACTERISTICS: Describe other characteristics that may aid in identification.

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) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP 08500566	3. VARIETY NAME 'Ashton' MAY 8/16/03
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967	5. TELEPHONE (Include area code) 805 647 1572	6. FAX (Include area code) 805 918 2545
7. PVPO NUMBER: 200300003		

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):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) named below. By agreement between employee and Seminis Vegetable Seeds, Inc., all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such invention, discovery, or development are retained by the employee.

Employee (Breeder): David Webster Site Location: Twin Falls, ID

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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or 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, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.