



200700363

No.

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 FURNISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE SAID APPLICANT(S) TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Romance'

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 twentieth day of September, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



GENERAL INSTRUCTIONS: 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, F; (3) for a tuber reproduced variety, 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; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety per se, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, 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 payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

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. The fees for filing a change of address; owner's representative; 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.)

Plant Variety Protection Office
Telephone: (301) 504-5518 FAX: (301) 504-5291
General E-mail: PVP@mail.usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPIndex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. 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
- 19b. 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 replicated 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.
- 19c. 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.
- 19d. 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.
- 19e. 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.
- 20. 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).
- 23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
- 24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

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

23. 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.)

First date of sale: Belgium 1-Jan-06; France and Germany 01-Feb-06; Great Britain 1-Apr-06; Denmark 1-Feb-07

24. 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).)

EU PVP # 2005/0835 filed on 9-May-05

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 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, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (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 USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A
Origin and Breeding History of Garden Pea, 'Romance'

'Romance' is a second-early maturity variety with resistance to downy mildew that was developed at the Seminis Western Breeding Station (WBS), Filer, Idaho, by pedigree selection from a cross between R93 162, a second early afile breeding line, and R93 2547, an second early breeding line with resistance to downy mildew. R93 162 was selected by pedigree breeding from a cross of Stampede with a line developed by pedigree selection from a cross of Rally R2 and Plus (Stampede//RallyR2/Plus). Stampede, Rally, and Plus are all Seminis varieties. Rally R2 was developed by backcrossing resistance to *Fusarium oxysporum* fsp *pisi*, race 2, from the University of Wisconsin release New Season, into Rally. R93 2547 was developed by pedigree selection from a cross of Bijou with a breeding line: Bolero//Rally R2/Dinos. Bijou, Bolero, Rally, and Dinos are all Seminis varieties. Rally R2 was derived as above. Bijou was developed by backcrossing an allele for downy mildew resistance from JI85, a wild pea accession from the John Innes collection, into Spring, also a Seminis variety. The crossing and selections that led directly to 'Romance' were made as follows:

- | | |
|----------|--|
| 12-13-93 | Planted R93 162 and R93 2547 in the greenhouse at WBS. Crosses made. |
| 4-94 | Planted F1 in the field at WBS, allowed to self |
| 4-5-95 | Planted F2 population in the field at WBS, selected individual plants in the field. |
| 4-5-96 | Planted F3 in the field at WBS, selected individual plants. |
| 8-12-96 | Planted F4 in the greenhouse at WBS. Allowed to self. |
| 4-8-97 | Planted F5 in the field at WBS, selected individual plants. |
| 4-11-98 | Planted F6 in the field at WBS, selected individual plants. |
| 4-5-99 | Planted F7 line in the field at WBS under the number R99 1233. Observations during the growing season indicated the line was uniform and stable. Subsequent increases of 'Romance' trace to the bulk of R99 1233. |
| 4-6-01 | Space planted a stock of 'Romance' in the field at WBS under the number RWG118. Harvested as 200 individual plant selections. |
| 4-3-02 | Planted 'Romance' as an increase of 200 progenies in the field at WBS under the number RWR 2069. Observations during the growing season confirmed 'Romance' is uniform and stable, and all the progenies were harvested as one bulk. |

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: earliness; vigorous, afile foliage plants with good standing ability; dark green processed color; good yield potential; and with uniform resistance to downy mildew.

Observations during the (2) years of 1999 and 2002 confirm that 'Romance' 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 Garden Pea, 'Romance'

'Romance' is an second early, intermediate sieve size, freezer pea with afile foliage and intermediate resistance to downy mildew. To our knowledge the variety most similar to 'Romance' is 'Style' from Pureline Seeds. The comparative characteristic that best distinguishes the two includes, but may not be limited to, cotyledon color: 'Romance' carries the recessive *i* allele for green cotyledons, whereas 'Style' carries the *I* allele and has yellow cotyledons.

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

Form Approved OMB NO 0581-0055

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

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Pea (*Pisum sativum* L.)

NAME OF APPLICANT (S) Seminis Vegetable Seeds	TEMPORARY OR EXPERIMENTAL DESIGNATION 08510616	VARIETY NAME Romance
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) 2700 Camino del Sol Oxnard, CA 93030		PVPO NUMBER #200700363

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., 0 9 9 or 0 9) when the 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. TYPE:

1 = Garden 2 = Field 3 = Edible-podded 4 = Other (Specify) _____

2. MATURITY:

Node Number of First Bloom: No. of Days Processing Heat Units

<input type="text"/>	No. of Days Earlier Than	}	1 = Alaska	2 = Thomas Laxton WR	3 = Little Marvel
<input type="text"/>	Days Same As		4 = Wando	5 = Alderman WR	6 = Australian Winter
<input type="text" value="03"/>	No. of Days Later Than		<input type="text" value="3"/>	7 = Other (Specify) _____	

3. PLANT HEIGHT:

cm High

cm Shorter Than Name of Check Cultivar _____

Same As Same as Check Cultivar _____

cm Taller Than Name of Check Cultivar Little Marvel

4. VINE:

Habit: 1 = Determinate 2 = Indeterminate

Branching: 1 = None (Alaska) 2 = 1-2 Branches (Little Marvel) 3 = More than 2 Branches (Dwarf Gray Sugar)

Internodes: 1 = Straight 2 = Zig Zag Number of Nodes

Stockiness: 1 = Slim (Alaska) 2 = Medium (Thomas Laxton WR) 3 = Heavy (Alderman)

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9. SEEDS: (cont.) (Dry-Mature) (PA4221)

- 1 Shape: 1 = Flattened 2 = Angular 3 = Oval 4 = Rounded
- 3 Surface: 1 = Smooth 2 = Dimpled 3 = Wrinkled 2 Luster: 1 = Shiny 2 = Dull
- 1 Color Pattern: 1 = Monocolor 2 = Mottled 3 = Striped 4 = Dotted
- 2 Primary Color: } 1 = Creamy White 2 = Cream & Green 3 = Light Green 4 = Medium Green
- Secondary Color: } 5 = Dark Green 6 = Blue Green 7 = Yellow 8 = Brown
- 9 = Red 10 = Gray 11 = Black 12 = Salmon
- 13 = Purple 14 = Tan 15 = White 16 = Pink
- 17 = Yellow Green
- 2 Hilum Color: 1 = White 2 = Tan 3 = Black
- 1 Cotyledon Color: 1 = Green 2 = Yellow 3 = Orange 4 = Cream
- 1 8 Grams per 100 Seeds

10. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

- 2 Fusarium Wilt - Race 1 1 Fusarium Wilt (Near Wilt) - Race 2
- 0 Ascochyta Blight 0 Common Mosaic
- 0 Bacterial Blight 0 Pea Enation Mosaic Virus
- 3 Downy Mildew 0 Seaborn Mosaic Virus
- 1 Powdery Mildew 1 Yellow Bean Mosaic Virus
- Other (Specify) _____ Leaf Roll Virus
- Other (Specify) _____ Other (Specify) _____

11. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

- 0 Aphids 0 Other (Specify) _____

12. Additional information on any item above, or general comments that may aid in identification:

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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 08510616	3. VARIETY NAME ROMANCE
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, California 93030	5. TELEPHONE (Include area code) (805) 647-1572	6. FAX (Include area code) (805) 918-2545
	7. PVPO NUMBER #200700363	

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

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 (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) identified below. By agreement between the 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 an invention, discovery, or development are retained by the employee.

Employee (Breeder): David Webster

Site Location: Filer, 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.

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AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) Seminis Vegetable Seeds, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2700 Camino del Sol Oxnard, CA 93030	TEMPORARY OR EXPERIMENTAL DESIGNATION XP 08510616
NAME OF OWNER REPRESENTATIVE (S) Carol L. Miller	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2700 Camino del Sol 37437 State Highway 16 Oxnard, CA 93030 Woodland, CA 95695	VARIETY NAME ROMANCE FOR OFFICIAL USE ONLY PVPO NUMBER #200700563

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Carol L. Miller
Signature

22-Jun-07
Date

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