No. 7400033

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## W. Atlee Burpee Company

Whereas, THERE HAS BEEN PRESENTED TO THE

**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED 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 seventeen 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 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.)

ZINNIA

'Ruffled Jumbo Scarlet'

PLANT VARIETY PROTECTION OFFICE · U.S. DEPARTMENT OF AGRICULTURE

*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 *this* twelfth *day of* December *in the year of our Lord one thousand nine hundred and* seventy-five

*Attest:*

*Commissioner*
*Plant Variety Protection Office*
*Grain Division*
*Agricultural Marketing Service*

*Secretary of Agriculture*

FORM GR—470-21 (REVERSE) # 7400033

**8. COLOR OF RAYS:** (Colors listed below apply to Monocolor and Color Patterns.)

[1 | 2] MONOCOLOR Nearest Red Group 44A on RHS 1966 Color Chart.

**Color Patterns for Bicolor or Multicolor:**

Dorsal Side: [ | ] Ventral Side: [ | ] APEX HALF

[ | ] BASE HALF

[ | ] BACK-GROUND COLOR

[ | ] STREAKS

[ | ] STRIPES

Dorsal Side: [ | ] Ventral Side: [ | ] SPOTS

[ | ] BLOTCHES

[ | ] OTHER *(Specify)* _____

01 = WHITE 02 = CREAM 03 = PINK 04 = ROSE 05 = RED 06 = ORANGE 07 = GOLD 08 = BRONZE
09 = YELLOW 10 = GREEN 11 = LAVENDER 12 = SCARLET 13 = SALMON 14 = OTHER *(Specify)* _____

**9. DISK FLORETS:**

[2] 1 = ABSENT 2 = PRESENT, COVERED 3 = PRESENT, CONSPICUOUS

[2] 1 = NOT QUILLED 2 = QUILLED

[1 | 2] Color: *(Choose from colors in No. 9 above)*

**10. ANTHOCYANIN:** (1 = Absent, 2 = Present)

[2] SEEDLINGS [2] STEMS [2] LEAVES [2] FLOWERS

**11. SEEDS:**

[2] Yield: 1 = NONE 2 = POOR 3 = FAIR 4 = GOOD

[1 | 4] MM. LONG [0 | 4½] MM. WIDE

[2] Color: 1 = TAN 2 = Greyish LIGHT BROWN 3 = DARK BROWN

[1 | 1 | 8 | 3] MG. PER 100 SEEDS

**12. DRIED RECEPTACLE** *(After seed removal):*

[4] Shape: 1 = FLAT 2 = DOME 3 = GLOBE 4 = CONE

[5½] CM. LENGTH [4½] CM. DIAMETER AT BASE

**13. DISEASE:** (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[1] POWDERY MILDEW [0] MOSAIC [1] FUSARIUM WILT [1] ALTERNARIA LEAF SPOT

**14. INDICATE VARIETIES MOST CLOSELY RESEMBLING THAT SUBMITTED:**

| CHARACTER | NAME OF VARIETY | CHARACTER | NAME OF VARIETY |
|---|---|---|---|
| Flower size | Ruffled Jumbo Mixed | Plant size | Ruffled Jumbo Mixed |
| Flower type | Ruffled Jumbo Mixed | Foliage size | Ruffled Jumbo Mixed |
| Flower color | Burpeeana Giant Red Man | Maturity | Ruffled Jumbo Mixed |
| Plant Habit | Ruffled Jumbo Mixed | | |

**REFERENCES:**


1. Bodger Seed Company , LTD. The Zinnia and Its Uses. Bul. No. 1 19 pp. 1935.
2. Honeywell, E. R., 1970. The Zinnia. Purdue University Ext Service HO-104.
3. Metcalf, H. N. and J. N. Sharma. Germplasm Resources of the Genus Zinnia L. Econ. Bot. 25:169-181. 1971.
4. Weddle, Charles. The Elegant Zinnia. Nat. Hort. Mag. 24(2): 83-91. 1945.
5. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.


COMMENTS:


U. S. DEPARTMENT OF AGRICULTURE
RECEIVED NOV 5 1974
AMS, GRAIN DIV. PVPO

FORM APPROVED. OMB NO. 40-R3712

FORM GR-470-21
(3-15-73)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
*(Zinnia)*

# OBJECTIVE DESCRIPTION OF VARIETY
## ZINNIA *(ZINNIA SPP.)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
W. Atlee Burpee Co.

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
300 Park Avenue
Warminster, Pa. 18974

FOR OFFICIAL USE ONLY
PVPO NUMBER
7400033
VARIETY NAME
Ruffled Jumbo Scarlet

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. [0][8][9] or [0][9] ) when number is either 99 or less or 9 or less.

**1. SPECIES:**

[1] 1 = ELEGANS 2 = LINEARIS 3 = HAGGEANA *(angustifolia)* 4 = SPECIES CROSS _____

**2. PLOIDY:**

[2] 1 = DIPLOID (24) 2 = TETRAPLOID (48) 3 = OTHER *(Specify)* _____

**3. FLOWER TYPE:**

[5] 1 = BUTTON *(Cherry Buttons, Thumbelina)* 2 = POMPON *(Scarlet Gem, White Gem)* 3 = DAHLIA *(Dream, Exquisite)*
4 = CRESTED, SCABIOSA *(Wind Witch)* 5 = CACTUS *(Blaze, Sunny Boy)* 6 = MEXICAN *(Old Mexico)*

**4. PLANT:**

[5][6] DAYS FROM EMERGENCE TO FIRST FLOWER

[2] Season: 1 = SHORT, CONCENTRATED FLOWERING 2 = LONG, CONTINUOUS FLOWERING

[0][7] NO. OF PRIMARY BRANCHES

[2][1] NO. OF SECONDARY BRANCHES

[0][0] NO. OF TERTIARY BRANCHES very variable number arise late in season.

**Main Stalk:**

[0][4] NO. OF INTERNODES

[0][2½] CM. LENGTH OF INTERNODE BETWEEN FIRST & SECOND NODES

[2][0] MM. DIAMETER BETWEEN FIRST & SECOND NODE

[2] Habit: 1 = COMPACT 2 = SPREADING

[6][9] Habit: CM. WIDE

[6][9] Habit: CM. HIGH

[2] 1 = GLABROUS 2 = SPARSELY PUBESCENT 3 = PUBESCENT

**5. LEAF:**

[2] Shape: 1 = LANCEOLATE 2 = OVATE 3 = ELLIPTIC

[8][0] MM. WIDE [1][1][0] MM. LONG

[2] Dorsal Surface: 1 = GLABROUS 2 = PUBESCENT

[2] Ventral Surface: 1 = GLABROUS 2 = PUBESCENT

**6. FLOWERS:**

[1][1] CM. LENGTH OF CUT FLOWER *(from head to first branch)*

[1][0] AVERAGE NO. PER PLANT of good quality

up to [1][7½] CM. DIAMETER OF HEAD

[1] Stems: 1 = RIGID 2 = FLEXIBLE

[1] Stems: 1 = BRITTLE 2 = WIREY

[4] Doubleness: 1 = SINGLE *(one row of rays)* 2 = SEMI-SINGLE *(several rows of rays)*
3 = SEMI-DOUBLE *(many rows of rays)* 4 = DOUBLE *(all rays)*

**7. RAY PETALS:**

[4] 1 = FLAT 2 = TWISTED 3 = CURLED 4 = SHAGGY 5 = QUILLED
6 = COMBINATION OR OTHER *(Specify)* _____

[2] Dorsal Surface: [2] Ventral Surface: } 1 = GLABROUS 2 = PUBESCENT

[1] Dorsal Surface: [2] Ventral Surface: } 1 = DULL 2 = SHINY

**APICES:**

[1] 1 = ACUTE 2 = OBTUSE

[2] 1 = ENTIRE 2 = NOTCHED 3 = SPINED

NOV 9 73

## INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and $250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

5 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.

13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.

13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.

13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

FORM GR-470
(12-15-72)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

FORM APPROVED
OMB NO. 40-R3712

# APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

**INSTRUCTIONS:** *See Reverse.*

| 1. VARIETY NAME | 2. KIND NAME | FOR OFFICIAL USE ONLY |
|---|---|---|
| Ruffled Jumbo Scarlet | Zinnia | PV NUMBER 7400033 |
| 3. GENUS AND SPECIES NAME: Zinnia elegans | 4. FAMILY NAME *(Botanical)*: Compositae | FILING DATE 11.9.73 / TIME 10 A.M. / P.M. |
| | 5. DATE OF DETERMINATION: 1971 | FEE RECEIVED $250.00 / $250.00 / $250.00 / BALANCE DUE $ — / $ — / $ — |

| 6. NAME OF APPLICANT(S) | 7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)* | 8. TELEPHONE AREA CODE AND NUMBER |
|---|---|---|
| W. Atlee Burpee Co. | Hunting Park Avenue and18th St.<br>Philadelphia, Pa. 19132 | 215-228-8800 |

| 9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)* | 10. STATE OF INCORPORATION | 11. DATE OF INCORPORATION |
|---|---|---|
| Corporation | Pennsylvania | 1915 |

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

Jerome H. Kantor, at above address

13. **CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:**

[X] 13A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52 of the Plant Variety Protection Act.)*

[X] 13B. Exhibit B, Botanical Description of the Variety

[X] 13C. Exhibit C, Objective Description of the Variety

AJS

[X] 13D. Exhibit D, Data Indicative of Novelty

[X] 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? *(See Section 83(a). (If "Yes," answer 14B and 14C below.)* [ ] YES [X] NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? [ ] YES [X] NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? [ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

*The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.*

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

November 1, 1973
(DATE)

William MacDowell
(SIGNATURE OF APPLICANT)
William D. MacDowell, President

(DATE)

(SIGNATURE OF APPLICANT)

W. Atlee Burpee Co.

# 7400033

ZINNIA RUFFLED JUMBO SCARLET

13A. Exhibit A:

The result of colchicine treatment in 1961 of Zinnia Burpeeana Giant Red Man. Resulting tetraploids repeatedly reselected. Came completely true in Doylestown, Pennsylvania trials in 1971, in Santa Paula, California trials in 1972 and in Doylestown, Pennsylvania trials in 1973. No variants.

W. Atlee Burpee Co.

# 7400033

ZINNIA RUFFLED JUMBO SCARLET

13B. Exhibit B:

Annual. No special characteristics of seed, seedling or fruiting stage (that is, seed head) just typical of Zinnia elegans. Leaves opposite and entire sessile stem clasping ovate heart-shaped. Involucral bracts ovate, peduncles round, solitary. Flower heads 6 inches and more in diameter, cactus-flowered type, ray florets ligulate fully concealing the tubular disc florets. Color rich scarlet-red. Most closely resembles Burpeeana Giant Red Man but taller and larger-flowered. Height 27 inches.

W. Atlee Burpee Co.

# 7400033

ZINNIA RUFFLED JUMBO SCARLET

13D. Exhibit D:

Giant cactus-flowered type, flower heads 6 in. and more in diameter, very fully double. Color rich scarlet-red. Has large extra vigorous foliage and stems characteristic of a tetraploid. Height 27 inches. Most closely resembles, but quite distinct from, Burpeeana Giant Red Man.

Red Man has smaller, typically diploid stems and foliage with flowers at least 1 inch smaller diameter. Similar color to Ruffled Jumbo Scarlet, about as well doubled but dwarfer, height 24 inches.

W. Atlee Burpee Co.

# 7400033

STATEMENT OF APPLICANT

13E. Exhibit E:

The W. Atlee Burpee Co. believes that it is the original and first breeder of the attached described variety, Zinnia Ruffled Jumbo Scarlet for which it solicits a certificate; that it has sexually reproduced the variety; that it does not know and does not believe that the same was ever a public variety before the W. Atlee Burpee Co.'s development thereof; the W. Atlee Burpee Co is the sole breeder of this novel variety; this variety has not been in public use or on sale in the United States more than 1 year prior to the filing date of this application, or described in any printed publication in any country before W. Atlee Burpee Co.'s development for more than 1 year prior to this application; and the variety has not been granted rights in any foreign country prior to the date of this application, or an application filed by W. Atlee Burpee Co., or its legal representatives, or assigns, more than 12 months prior to W. Atlee Burpee Co.'s application in the United States.

Jerome H Kantor

Jerome H. Kantor
Assistant to the President
W. Atlee Burpee Co.

EXECUTION COPY

# GRANT OF SECURITY INTEREST

## (PLANT VARIETY CERTIFICATES)

WHEREAS, W. ATLEE BURPEE COMPANY, a Pennsylvania corporation (herein referred to as "Grantor"), has been issued the Plant Variety Certificates listed on Schedule 1 annexed hereto;

WHEREAS, Grantor is a wholly owned Subsidiary of CDS Holding Corp.;

WHEREAS, Grantor has agreed to grant a first priority security interest in substantially all the assets of Grantor to secure the payment of all amounts owing under the Revolving Credit Agreement, dated as of December 30, 1986 (as amended, supplemented or modified from time to time, the "Credit Agreement"), among CDS Holding Corp., the O.M. Scott & Sons Company and Manufacturers Hanover Trust Company (the "Bank" and "Grantee"); and

WHEREAS, pursuant to the terms of a Subsidiary Security Agreement dated as of December 30, 1986 (the "Subsidiary Security Agreement") made by Grantor in favor of Grantee, its successors transferees and assigns Grantor has mortgaged, pledged and granted to Grantee a security interest in all right, title and interest of Grantor in, to and under all Certificates of Plant Variety Protection now or hereafter issued to the Grantee by the Plant Variety Protection Office of the United States Department of Agriculture (or any successor agency thereto) (all such Certificates being herein collectively referred to as "Plant Variety Certificates"), together with any reissues, extensions or renewals thereof whether presently existing or hereafter arising or acquired in connection with the tangible and intangible assets of the Grantor's business, including the goodwill of the business symbolized by the Plant Variety Certificates issued to and the applications therefor and the registrations thereof, and all products and proceeds thereof, including, without limitation, any and all causes of action which may exist by reason of infringement or dilution thereof or injury to the associated goodwill, to secure the payment of all amounts owing under the Credit Agreement and any and all other amounts from time to time directly owing by the Grantor to the Bank;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby mortgage, pledge and grant to Grantee, its successors, indorses, transfees and assigns, a security interest in all of Grantor's right, title and interest in, to and under the following whether presently existing or hereafter arising or acquired:

(i) each Plant Variety Certificate and Plant Variety Certificate application, including, without limitation, each Plant Variety Certificate and Plant Variety Certificate application referred to in Schedule 1 hereto, and all of the goodwill of the business connected with the use of, and symbolized by, each Plant Variety Certificate and Plant Variety Certificate application;

(v) all products and proceeds of the foregoing, including, without limitation, any claim by Grantor against third parties for past, present or future infringement or dilution of any Plant Variety Certificate registration including, without limitation, any registration referred to in Schedule 1, or for injury to the goodwill associated with any Plant Variety Certificate or Plant Variety Certificate application.

This security interest is granted in conjunction with the security interest granted to the Grantee, its successors, indorses, transfees and assigns, in substantially all of the assets of the Grantor, as set forth in the Security Agreement, of which this Agreement is a part.

Grantor does hereby further acknowledge and affirm that the rights and remedies of Grantee with respect to the security interest in the Plant Variety Certificates, Plant Variety Certificates applications, made and granted hereby are more fully set forth in the Security Agreement, the

terms and provisions of which are incorporated by reference herein as if fully set forth herein. Terms defined in the Security Agreement shall have their defined meanings when used in this Grant of Security Interest.

IN WITNESS WHEREOF, Grantor has caused this Grant of Security Interest to be duly executed by its officers thereunto duly authorized as of the 30th day of December, 1986.

W. ATLEE BURPEE COMPANY

By: W. N. Engelhart
Title: President

RECEIVED
USDA AMS
JAN 30 1987
Plant Variety
Protection Ofc

STATE OF NEW YORK )
) ss.:
COUNTY OF NEW YORK )

On the 30th day December, 1986, before me personally came William N. Englehart, to me personally known and known to me to be the person described in and who executed the foregoing instrument as President of W. Atlee Burpee Company, who being by me duly sworn, did depose and say that he resides at 5572 Long Lane, Doylestown, PA; that he is President of W. Atlee Burpee Company, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that the said instrument was signed and sealed on behalf of said corporation by order of its Board of Directors; that he signed his name thereto by like order; and that he acknowledged said instrument to be the free act and deed of said corporation.

Loretta D. Brenner
Notary Public

LORETTA D. BRENNER
Notary Public, State of New York
No. 60-4794803
Qualified in Westchester County
Certificate filed in New York County
Commission Expires March 30, 1987

[Seal]

My commission expires:

3/30/87

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JAN 30 1987
...ely
... Ofc

OWNER: W. ATLEE BURPEE COMPANY

PLANT VARIETY PROTECTION CERTIFICATES

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATIO |
|---|---|---|---|
| 7100001 | LETTUCE 'Green Ice' | 4/25/73 | 1990 |
| 7100002 | CHINA ASTER 'Totem Pole White' | 3/28/74 | 1991 |
| 7100003 | CHINA ASTER 'Totem Pole Rose-Pink' | 3/28/74 | 1991 |
| 7100004 | CHINA ASTER 'Totem Pole Scarlet-Cerise' | 3/28/74 | 1991 |
| 7100005 | CHINA ASTER 'Totem Pole Azure Blue' | 3/28/74 | 1991 |
| 7100006 | CHINA ASTER 'Totem Pole Dark Blue' | 3/28/74 | 1991 |
| 7100009 | VERBENA 'Ruffled White' | 4/8/75 | 1992 |
| 7100010 | MARIGOLD 'Redcoat' | 12/12/75 | 1992 |
| 7100053 | CHINA ASTER 'Ideal Dark Blue' | 3/14/75 | 1991 |
| 7100054 | CHINA ASTER 'Ideal Rose' | 3/14/74 | 1991 |
| 7100059 | ZINNIA 'Emperor' | 12/12/75 | 1992 |
| 7100077 | CHINA ASTER 'Burpeeana Extra Early Rose' | 3/28/74 | 1991 |
| 7100078 | CHINA ASTER 'Burpeeana Extra Early Scarlet Morn' | 3/28/74 | 1991 |
| 7100079 | CALENDULA 'Golden Gem' | 6/27/75 | 1992 |
| 7100081 | MARIGOLD 'Golden Fantastic' | 5/14/76 | 1993 |
| 7100085 | SWEETPEA 'Salmonette' | 12/12/75 | 1992 |
| 7100086 | SWEETPEA 'Lavender Delight' | 12/12/75 | 1992 |

OWNER: W. ATLEE BURPEE COMPANY



| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7100087 | SWEETPEA 'Tangerine' | 3/5/76 | 1993 |
| 7100088 | VERBENA 'Ruffled Pink' | 4/8/75 | 1992 |
| 7200054 | SQUASH 'Burpee Golden Zucchini' | 2/15/75 | 1994 |
| 7200108 | SNAPDRAGON 'Bright Scarlet' | 11/24/75 | 1992 |
| 7400030 | CALIFORNIA POPPY 'Ballerina Yellow' | 4/18/75 | 1992 |
| 7400032 | CALENDULA 'Orange Gem' | 6/27/75 | 1992 |
| 7400033 | ZINNIA 'Ruffled Jumbo Scarlet' | 12/12/75 | 1992 |
| 7400034 | MARIGOLD 'Big Almost White' | 11/15/74 | 1991 |
| 7400040 | BEAN 'Greensleeves' | 6/18/76 | 1993 |
| 7500024 | MARIGOLD 'Golden Hawaii' | 3/5/76 | 1993 |
| 7500025 | CHINA ASTER 'Red Mound' | 6/27/75 | 1992 |
| 7600011 | MARIGOLD 'Red Pygmy' | 2/15/77 | 1994 |
| 7600071 | PUMPKIN 'Triple Treat' | 5/9/77 | 1994 |
| 7600072 | WATERMELON 'Sugarbush' | 7/26/77 | 1994 |
| 7800005 | ZINNIA 'Rose Starlet' | 2/2/78 | 1995 |
| 7800009 | LETTUCE 'Royal Oak Leaf' | 2/2/78 | 1995 |
| 7900060 | MARGOLD 'Happy Red' | 5/1/80 | 1997 |
| 8200017 | MARIGOLD 'Xantho-Orange' | 6/17/82 | 1999 |

OWNER: W. ATLEE BURPEE COMPANY

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 8200028 | TOMATO 'Super Beefsteak' | 8/19/82 | 1999 |
| 8200129 | ASTER 'Pot 'n Patio Blue' | 12/30/83 | 2000 |
| 8400138 | PUMPKIN 'Bushkin' | 8/30/85 | 2002 |
| 8500128 | PEA 'Snappy' | 10/31/85 | 2002 |
| 8600040 | ZINNIA 'Pinwheel Rose' | 8/31/86 | 2003 |

Applications

| APPLICATION NO. | TITLE AND SUBTITLE | APPLICATION DATE |
|---|---|---|
| 8400139 | Watermellon 'Sweet Treat' | 12/16/86 |
| 8600139 | Basil 'Purple Ruffles' | 7/7/86 |
| 8600149 | Cucumber 'Picklebush' | 7/9/86 |
| 8600158 | Zinnia 'Red Lollipop' | 9/3/86 |

# SECURITY AGREEMENT

SECURITY AGREEMENT, dated as of November 23, 1987, made by W. Atlee Burpee Company, a Pennsylvania corporation (the "Debtor") in favor of Bankers Trust Company, a New York banking corporation (the "Secured Party"). Unless otherwise defined herein or in Article XI hereof, all capitalized terms used herein and defined in the Credit Agreement are used herein as therein defined.

W I T N E S S E T H:

WHEREAS, the Secured Party and the Debtor have entered into the Credit Agreement;

WHEREAS, pursuant to the Credit Agreement, the Secured Party has agreed to provide the Debtor, in accordance with the terms and conditions set forth therein, with a working capital line not exceeding the Commitment;

WHEREAS, it is a condition precedent to the incurrence of Advances under the Credit Agreement that the Debtor execute and deliver to the Secured Party this Security Agreement; and

WHEREAS, the Debtor desires to execute this Security Agreement to satisfy the condition described in the preceding paragraph;

NOW, THEREFORE, in consideration of the premises and other benefits to the Debtor, the receipt and sufficiency of which are hereby acknowledged, the Debtor hereby makes the following representations and warranties and hereby covenants and agrees as follows:

Plant Variety Protection Certificates

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7100001 | LETTUCE 'Green Ice' | 4/10/73 | 1990 |
| 7100002 | CHINA ASTER 'Totem Pole White' | 3/28/74 | 1991 |
| 7100003 | CHINA ASTER 'Totem Pole Rose-Pink' | 3/28/74 | 1991 |
| 7100004 | CHINA ASTER 'Totem Pole Scarlet-Cerise' | 3/28/74 | 1991 |
| 7100005 | CHINA ASTER 'Totem Pole Azure Blue' | 3/28/74 | 1991 |
| 7100006 | CHINA ASTER 'Totem Pole Dark Blue' | 3/23/74 | 1991 |
| 7100009 | VERBENA 'Ruffled White' | 4/8/73 | 1992 |
| 7100010 | MARIGOLD 'Redcoat' | 12/12/73 | 1992 |
| 7100053 | CHINA ASTER 'Ideal Dark Blue' | 3/14/74 | 1991 |
| 7100054 | CHINA ASTER 'Ideal Rose' | 3/14/74 | 1991 |
| 7100059 | ZINNIA 'Emperor' | 12/12/75 | 1992 |
| 7100077 | CHINA ASTER 'Burpeeana Extra Early Rose' | 3/28/74 | 1991 |
| 7100078 | CHINA ASTER 'Burpeeana Early Early Scarlet Morn' | 3/28/74 | 1991 |

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7100079 | CALENDULA 'Golden Gem' | 6/27/75 | 1992 |
| 7100081 | MARIGOLD 'Golden Fantastic' | 5/14/76 | 1993 |
| 7100085 | SWEETPEA 'Salmonette' | 12/12/75 | 1992 |
| 7100086 | SWEETPEA 'Lavender Delight' | 12/12/75 | 1992 |
| 7100087 | SWEETPEA 'Tangerine' | 3/5/76 | 1993 |
| 7100088 | VERBENA 'Ruffled Pink' | 4/8/75 | 1992 |
| 7200054 | SQUASH 'Burpee Golden Zucchini' | 2/15/77 | 1994 |
| 7200108 | SNAPDRAGON 'Bright Scarlet' | 11/24/75 | 1992 |
| 7400030 | CALIFORNIA POPPY 'Ballerina Yellow' | 4/18/75 | 1992 |
| 7400032 | CALENDULA 'Orange Gem' | 6/27/75 | 1991 |
| 7400033 | ZINNIA 'Ruffled Jumbo Scarlet' | 12/12/75 | 1991 |
| 7400034 | MARIGOLD 'Big Almost White' | 11/15/74 | 1991 |
| 7400040 | BEAN 'Greensleeves' | 6/18/76 | 1993 |
| 7500024 | MARIGOLD 'Golden Hawaii' | 3/5/76 | 1993 |
| 7500025 | CHINA ASTER 'Red Mound' | 6/27/75 | 1992 |

| CERTIFICATE NO. | TITLE AND SUBTITLE | ISSUE DATE | EXPIRATION |
|---|---|---|---|
| 7600011 | MARIGOLD 'Red Pygmy' | 2/15/77 | 1994 |
| 7600071 | PUMPKIN 'Triple Treat' | 5/9/77 | 1994 |
| 7600072 | WATERMELON 'Sugarbush' | 7/26/77 | 1994 |
| 7800005 | ZINNIA 'Rose Starlet' | 2/2/78 | 1995 |
| 7800009 | LETTUCE 'Royal Oak Leaf' | 2/2/78 | 1995 |
| 7900060 | MARIGOLD 'Happy Red' | 5/1/80 | 1997 |
| 8200017 | MARIGOLD 'Xantho-Orange' | 6/17/82 | 1999 |
| 8200028 | TOMATO 'Super Beefsteak' | 8/19/82 | 1999 |
| 8200129 | ASTER 'Pot 'n Patio Blue' | 12/30/83 | 2000 |
| 8400138 | PUMPKIN 'Bushkin' | 8/30/85 | 2002 |
| 8500128 | PEA 'Snappy' | 10/31/85 | 2002 |
| 8600040 | ZINNIA 'Red Lollipop' | 8/31/86 | 2003 |

## Plant Variety Protection Certificates Applications

| APPLICATION NO. | TITLE AND SUBTITLE | APPLICATION DATE |
|---|---|---|
| 8400139 | Watermellon<br>'Sweet Treat' | 12/16/86 |
| 8600139 | Basil<br>'Purple Ruffles' | 7/7/86 |
| 8600149 | Cucumber<br>'Picklebush' | 7/9/86 |
| 8600158 | Zinnia<br>'Pinwheel Rose' | 9/8/86 |