

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ferry-Morse Seed 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 (STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Petite'

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 20th day of November in
the year of our Lord one thousand nine
hundred and seventy-four*

Attest:

S. J. Rollin

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Earl L. Buttz

Secretary of Agriculture

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION Petite		2. KIND NAME Snap Bean		FOR OFFICIAL USE ONLY	
3. GENUS AND SPECIES NAME <u>Phaseolus vulgaris</u> L.		4. FAMILY NAME (Botanical) Leguminosae		PV NUMBER 7400059	
6. NAME OF APPLICANT(S) Ferry-Morse Seed Company Dr. George C. Emery, Breeder		5. DATE OF DETERMINATION 11 September 1970		FILING DATE 2.6.74 TIME 3 P.M.	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 100 111 Ferry-Morse Way Mountain View, California		FEE RECEIVED \$ 250 \$ 250 \$ 250	
10. STATE OF INCORPORATION California		8. TELEPHONE AREA CODE AND NUMBER (415) 967-6973		BALANCE DUE \$ = \$ = \$ =	
11. DATE OF INCORPORATION 7 April 1969		12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:			

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- 13B. Exhibit B, Botanical Description of the Variety
- 13C. Exhibit C, Objective Description of the Variety
- 13D. Exhibit D, Data Indicative of Novelty
- 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 NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? YES 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.

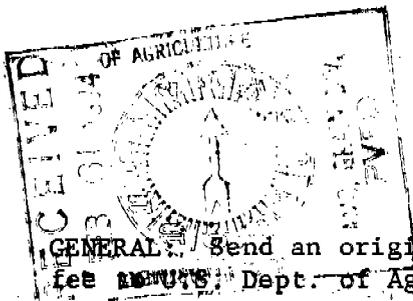
Applicant is informed that false representation herein can jeopardize protection and result in penalties.

January 21, 1974
(DATE)

January 31, 1974
(DATE)

George C. Emery 1
(SIGNATURE OF APPLICANT)
FERRY-MORSE SEED COMPANY

[Signature]
(SIGNATURE OF APPLICANT) Executive Vice Pr.



INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to the 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.

Vertical text on the left margin, possibly a stamp or reference code.

Horizontal text on the left margin, possibly a stamp or reference code.

Horizontal text on the left margin, possibly a stamp or reference code.

Horizontal text in the middle margin, possibly a stamp or reference code.

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VARIETY: Petite (formerly designated as E1208)

EXHIBIT A: Origin and Breeding History of the Variety

Selected as a single plant selection, involving the pedigree method of breeding, from a cross made in 1960 of two pedigreed lines of the following parentage:

seed parent: /((Stringless Blue Lake FM-1 x Processor F3 x
((Tendergreen x Stringless Blue Lake)F2 x Wade)
F2/F4

pollen parent: U.S.D.A. 5494-2-B

Successive single plant selections were made in the F₂ and in the F₃ generations in 1963 and 1964. The F₄ progeny row was inoculated and found resistant to Common Bean Mosaic Virus (BV-1); seed from the row was bulk-massed as were the F₅, F₆, and F₇ generations. F₇ plants were inoculated and found resistant to the New York strain of Common Bean Mosaic Virus (BV-1A). The F₈ generation still segregated a high frequency of pod-type variants and several single plant selections were made. The F₉ progeny row of one selection exhibited the desired degree of uniformity and improvement and the row was bulk-massed. The F₁₀ and F₁₁ generations maintained the desired type and the decision was made to increase the line as a possible new variety on September 11, 1970.

In the first generation of increase (F₁₂) no variants were noted in a population of 800 plants. Three oval-flat podded plants were removed from a population of 3500 plants in the second generation of increase (F₁₃).

VARIETY: Petite (formerly designated as E1208)

EXHIBIT B: Botanical Description of the Variety

Seed germination and emergence are rapid; early seedling growth is vigorous. Flowering begins 2 to 3 days earlier than Tendercrop. The pods attain their mature diameter earlier, but their mature diameter is less than Tendercrop pods. Rate of seed and fiber development is medium slow, slightly more rapid than with Tendercrop.

The determinate bush plants are erect, medium in height (13 to 18 inches) with a medium narrow spread. The plants are short but similar in spread to Tendercrop. The foliage is medium green in color, the leaflets are deltoid ovate, acuminate, with rounded or truncate bases. The foliage is quite similar to Tendercrop in color, coarseness, and pubescence, but the leaflets are slightly smaller in size. Inflorescences arise from the apex and leaf axils and contain 4 to 8 white flower buds. Pods are borne medium to high in the plant and only rarely touch the soil.

The stringless pods are 5 to 5½ inches in length, round to slightly creaseback, 3/8 to 7/16 inches in cross-section, and 3/8 inches from suture to suture. The neck is medium short and the spur medium long. The pod surface is smooth, slightly pubescent, and slightly bumpy over the seed cavity. Pod color is medium green. Compared to Tendercrop, the pods are more slender, slightly shorter, slightly lighter green, and slightly more pubescent.

The seed are medium small, oblong, round in cross-section, white with a vein-like under pattern. The seed have a similar shape to, but are smaller than, Tendercrop.

VARIETY: Petite (formerly designated El208)

EXHIBIT D: Data Indicative of Novelty *REVISED EXHIBIT D*

Petite most closely resembles bean variety Slimgreen, ~~in pod type~~.^{R/S} It is distinct from Slimgreen in having a shorter plant and pods that are slightly longer, more creaseback, thicker, with a longer spur, and are darker green in color.

	<u>PETITE</u>	<u>SLIMGREEN</u>	\bar{d}	$\frac{s_d}{\sqrt{d}}$
Plant Height	49.7 cm	56.0 cm	6.3	2.14
Pod Length	13.3 cm	12.4 cm	0.85	0.281
Spur Length	22 mm	15 mm	7	0.2
Pod Thickness	9.2 mm	8.5 mm	0.7	0.15
Pod <u>Width</u> Thickness	X 10 8.0	9.2	1.3	0.34

(Measurements were made in the greenhouse with a minimum night temperature of 55°F at San Juan Bautista, Calif. The seed was planted March 27, 1974 and pods measured on May 17, 1974. Measurements represent 10 paired comparisons.)

$$t = \frac{\bar{d} \text{ (MEAN DIFFERENCE)}}{\frac{s_d}{\sqrt{d}} \text{ (STANDARD ERROR OF THE MEAN DIFF.)}}$$

ALL MEAN DIFFERENCES ARE HIGHLY SIGNIFICANT - R/S.

May 29, 1974

EXHIBIT "E"

Plant Variety Protection
Application

No: _____

ASSIGNMENT

I, Dr. George C. Emery, agree and hereby do
transfer and assign to FERRY-MORSE SEED COMPANY all of
my rights, title, and interest in and to that certain
variety namely, PETITE,
for which application for Plant Variety Protection
Certificate has been filed. This agreement shall be
binding on my administrators, successors and assigns.

In Witness Whereof, I have executed this agreement this
_____ day of January 21, 1974.

BREEDER

George C. Emery

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

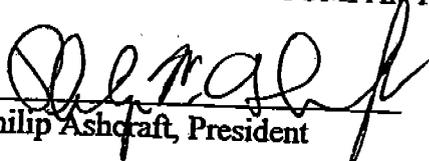
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:


Philip Ashcraft, President

CERTIFICATE OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

1430010

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

JUN 30 1997

Bill Jones
BILL JONES, Secretary of State

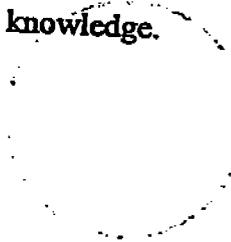
To the Secretary of State
State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
 - One. The name of this Corporation is:
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.



Yves Queste
Yves Queste, President

Helen Andritsakis
Helen Andritsakis, Secretary

State of California

SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

JUN 30 1987



Bill Jones

Secretary of State

6. FLOWERS:

1 Color: 1 = WHITE 2 = CREAM 3 = PINK 4 = LILAC 5 = PURPLE
6 = OTHER (Specify) _____

2 Racemes: 1 = LONG 2 = MEDIUM 3 = SHORT **6** NUMBER FLOWERS PER RACEME

7. FRESH PODS: (Edible maturity, averages for 10 pods)

2 Color: 1 = LIGHT GREEN (Bountiful) 2 = MEDIUM GREEN (Tendergreen) 3 = DARK GREEN (Wade)
4 = LIGHT YELLOW (Brittlewax) 5 = GOLDEN YELLOW (Cherokee Wax) 6 = GREEN-RED VARIAGATED (Horticultural)
7 = OTHER (Specify) _____

1 3 CM. LENGTH **0 9** MM. WIDTH (Between sutures) **1 0** MM. THICKNESS **0 9** $\frac{\text{WIDTH}}{\text{THICKNESS}} \times 10$

3 Cross section pod shape: 1 = FLAT 2 = OVAL 3 = CREASEBACK 4 = ROUND

2 Curvature: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED **2** Pubescence: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE

2 Constrictions: 1 = NONE 2 = SLIGHT 3 = DEEP **2** Spur: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED

2 Surface: 1 = SHINY 2 = DULL **1** Surface: 1 = SMOOTH 2 = BLISTERED

2 Pod flesh: 1 = LIGHT 2 = DARK **1** Pod flesh: 1 = FIRM 2 = WATERY

30 MM. SPUR LENGTH **2** Suture string: 1 = PRESENT 2 = ABSENT

1 Fiber: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE **2** Seed development: 1 = SLOW 2 = MEDIUM 3 = FAST

6 NUMBER OF SEEDS PER POD **18** NUMBER PODS PER PLANT (Once over harvest)

13 NUMBER MARKETABLE PODS PER PLANT (Once over harvest) **1** Machine harvest: 1 = ADAPTED 2 = NOT ADAPTED

8. SEED COAT COLOR:

1 1 = MONOCHROME 2 = POLYCHROME **1** 1 = SHINY 2 = DULL

1 Primary color: 1 = WHITE 2 = YELLOW 3 = BUFF 4 = TAN

0 Secondary color: 5 = BROWN 6 = PINK 7 = RED 8 = PURPLE
9 = BLUE 10 = BLACK 11 = OTHER (Specify) _____

0 Color pattern: 1 = SPLASHED 2 = MOTTLED 3 = STRIPED 4 = FLECKED 5 = DOTTED

0 Secondary color location: 1 = HILAR RING 2 = HILAR SURFACE
3 = STROPHIOLE 4 = MICROPYLE
5 = SIDES 6 = DORSAL SURFACE
7 = NOT RESTRICTED TO ANY AREA 8 = COMBINATION OF LOCATIONS (Specify) _____

1 Hilar ring: 1 = NOT PRESENT 2 = NARROW 3 = BUTTERFLY SHAPED

2 Vein-like under coat pattern: 1 = ABSENT 2 = PRESENT

9. SEED SHAPE AND SIZE:

1 Hilum view: 1 = ELLIPTICAL 2 = OVAL 3 = ROUND **3** Side view: 1 = OVAL 2 = ROUND
3 = KIDNEY 4 = TRUNCATE ENDS

4 Cross section: 1 = ELLIPTICAL 2 = OVAL 3 = CORDATE 4 = ROUND **30** GM. WEIGHT PER 100 SEEDS

0 Classification: 1 = PEA 2 = MEDIUM 3 = MARROW 4 = KIDNEY 5 = PINTO

0 5 MM. WIDTH (Dorsal to ventral) **0 5** MM. THICKNESS (Side to side)

1 2 MM. LENGTH **0 1 0** $\frac{\text{WIDTH}}{\text{THICKNESS}} \times 10$

5

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

FLOWERS STEMS PODS SEEDS LEAVES

11. DISEASE RESISTANCE (0 = Not tested; 1 = Susceptible; 2 = Resistant):

<input type="checkbox"/> RUST (Specify race) _____	<input type="checkbox"/> ANGULAR LEAF SPOT
<input type="checkbox"/> BACTERIAL WILT	<input checked="" type="checkbox"/> COMMON BEAN MOSAIC
<input type="checkbox"/> ANTHRACNOSE	<input type="checkbox"/> YELLOW BEAN MOSAIC
<input type="checkbox"/> SOUTHERN BEAN MOSAIC	<input type="checkbox"/> FUSARIUM ROOT ROT
<input type="checkbox"/> CURLY TOP	<input checked="" type="checkbox"/> N.Y. 15 BEAN MOSAIC
<input type="checkbox"/> POWDERY MILDEW	<input type="checkbox"/> BEAN MOSAIC VIRUS 4
<input type="checkbox"/> HALO BLIGHT	<input type="checkbox"/> FUSCOUS BLIGHT
<input type="checkbox"/> ALFALFA MOSAIC VIRUS	<input type="checkbox"/> ALFALFA MOSAIC VIRUS 2
<input type="checkbox"/> POD MOTTLE VIRUS	<input type="checkbox"/> RED NODE VIRUS
<input type="checkbox"/> ROOT KNOT NEMATODE	<input type="checkbox"/> OTHER (Specify) _____

12. INSECT RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resistant)

<input type="checkbox"/> APHIDS	<input type="checkbox"/> LEAF HOPPERS
<input type="checkbox"/> POD BORER	<input type="checkbox"/> LYGUS
<input type="checkbox"/> THRIPS	<input type="checkbox"/> WEAVILS
<input type="checkbox"/> SEED CORN MAGGOT	<input type="checkbox"/> OTHER (Specify) _____

13. PHYSIOLOGICAL RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resistant)

HEAT COLD DROUGHT OTHER (Specify) _____

REFERENCES: The following publications may be used as a reference in completing this form:

1. Beans of New York. Vol. 1 Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.
2. Yarnell, S. H., Cytogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 - 330. 1965.
3. USDA Yearbook of Agriculture. 1937.

COLOR: Nickerson's or any recognized color fan may be used to determine the colors.