No. 7600072

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.)

WATERMELON

'Sugarbush'

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* 26th *day of* July *in the year of our Lord one thousand nine hundred and* seventy-seven

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

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 OR TEMPORARY DESIGNATION SUGARBUSH	2. KIND NAME WATERMELON	FOR OFFICIAL USE ONLY PV NUMBER 7600072
3. GENUS AND SPECIES NAME CITRULLUS LANATUS	4. FAMILY NAME *(Botanical)* CUCURBITACEAE	FILING DATE 4.29.76 / TIME 10:00 A.M.
	5. DATE OF DETERMINATION 1973	FEE RECEIVED $250.00 / $250.00 / $250.00 / BALANCE DUE $ 4-29-76 / $ 11-18-76 / $ 6-20-77
6. NAME OF APPLICANT(S) W. ATLEE BURPEE CO.	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)* 300 PARK AVENUE WARMINSTER, PENNSYLVANIA 18974	8. TELEPHONE AREA CODE AND NUMBER

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, ASSISTANT TO THE PRESIDENT

W. ATLEE BURPEE COMPANY
300 PARK AVENUE
WARMINSTER, PENNSYLVANIA 18974

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
- [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.

April 19, 1976
(DATE)

Jerome H Kantor
(SIGNATURE OF APPLICANT)
Jerome H. Kantor, Assistant to President
W. Atlee Burpee Co.

(DATE)

(SIGNATURE OF APPLICANT)

00001

FORM GR-470 (REVERSE)

U. S. DEPARTMENT
APR 29 1976
PVPO

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.

7600072

W. Atlee Burpee Co.
335 S. Briggs Road
Santa Paula, California 93060

WATERMELON

SUGAR BUSH

13 A. Exhibit A - Origin and Breeding History of the Variety

Result of selection and inbreeding from original cross of short internode Bush Desert King and unknown parentage segregating for bush and vine types received from Dr. M. Fugua at Texas A & M University in 1965.

Selections for short internode red fleshed segregates were inbred for eight generations before a true breeding line was established.

An increase was made in 1974 and no deviates were found in a ¼ acre increase block. This seed was again planted in a 2 acre increase in 1975 and no off types were removed from this population. We therefore consider this to be a stable true breeding line.

7600072

W. Atlee Burpee Co.
335 S. Briggs Road
Santa Paula, California 93060

WATERMELON

SUGAR BUSH

13 B. Exhibit B - Botanical Description of the Variety

Seed is medium in size, slightly smaller than New Hampshire Midget with a slightly curved tip with shallow cracks in seed coat toward the point of attachment. They are dark brown in color.

Seedlings are thick stemmed and with very short internodes compared to any commercial vining types of watermelons. There are, to our knowledge, presently no short internode types with red flesh commercially in the trade but this is similar in vine type to the Bush Desert King, a yellow fleshed variety described by H. C. Mohr in 1958.

Plants usually show from 2 to 4 branches very close to base of plant that at fruit maturity measure 36 to 42 inches in length.

Fruits are oval in shape measuring from 9-12 inches long and 8-11 inches in equatorial diameter. They are comparable in size to Early Canada. Maturity is in approximately 80 days, 5 days earlier than Charleston Gray.

Rind is medium green in color with darker green veining but not striped. They resemble Early Canada in external color.

Flesh is bright scarlet, firm, sweet and moderately juicy with firm texture.

Continued

W. Atlee Burpee Co.
335 S. Briggs Road
Santa Paula, California 93060

We believe this to be a unique cultivar unlike any in present commerce having short internode or bush type plants with medium ice-box sized fruits with red flesh color.

FORM GR-470-19
(1-15-73)

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

EXHIBIT C
(Watermelon)

OBJECTIVE DESCRIPTION OF VARIETY
WATERMELON *(CITRULLUS LANATUS)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
W. ATLEE BURPEE COMPANY

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
300 PARK AVENUE
WARMINSTER, PENNSYLVANIA 18974

FOR OFFICIAL USE ONLY
PVPO NUMBER: 7600072
VARIETY NAME OR TEMPORARY DESIGNATION: SUGAR BUSH

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. TYPE:

[3] 1 = OBLONG 2 = ROUND LARGE 3 = ROUND SMALL *(icebox)*

2. AREA OF BEST ADAPTATION:

[4] 1 = SOUTH 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST 4 = MOST AREAS

3. EMERGENCE TO ANTHESIS:

[0][5] NO. OF DAYS *EARLIER* THAN ..... [1] } 1 = CHARLESTON GREY
[ ][ ] NO. OF DAYS *LATER* THAN ..... [ ] } 2 = OTHER *(Specify)* _____

4. POLLINATION TO MATURITY:

[0][8] NO. OF DAYS *EARLIER* THAN ..... [1] } 1 = CHARLESTON GREY
[ ][ ] NO. OF DAYS *LATER* THAN ..... [ ] } 2 = OTHER *(Specify)* _____

5. PLOIDY:

[1] 1 = DIPLOID 2 = TETRAPLOID 3 = TRIPLOID

6. PLANT

[1] Cotyledon: 1 = FLAT 2 = FOLDED [1] 1 = MONOECIOUS 2 = ANDROMONOECIOUS

Number of flowers per plant at first fruit set:

[2][3] STAMINATE [0][4] PISTILLATE [ ][0] PERFECT [4] NO. OF MAIN STEMS AT CROWN

7. STEM:

[2] 1 = ROUND 2 = ANGULAR [0][7] MM. DIAMETER AT SECOND NODE

[3] 1 = GLABROUS 2 = SCABROUS 3 = PUBESCENT 4 = BRISTLED

[3.4] CM. VINE LENGTH ÷ NO. OF INTERNODES *(At last harvest)*

8. LEAF:

[1] 1 = OVATE 2 = OBOVATE 3 = ROUND [1] 1 = LONGER THAN WIDE 2 = LENGTH-WIDTH EQUAL 3 = WIDER THAN LONG

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

[3] Color: 1 = LIGHT GREEN 2 = GRAY GREEN 3 = MEDIUM GREEN 4 = DARK GREEN

9. FLOWER *(At first fruit set):*

[2.8] Staminate: CM. ACROSS [3.3] Pistallate ~~Perfect~~: CM. ACROSS [1] Color: 1 = LEMON YELLOW 2 = YELLOW 3 = ORANGE

00005

 7600072

10. MATURE FRUIT:

[2] 1 = ROUND 2 = OVAL 3 = CYLINDRICAL [21] CM. LONG [20] CM. DIAMETER AT MIDSECTION

[3.8] KG. AVERAGE WEIGHT 1[05] INDEX = LENGTH ÷ DIAMETER X 10

[1] 1 = SMOOTH 2 = SLIGHTLY GROOVED 3 = DEEPLY GROOVED

[3] Color: 1 = SOLID *(One color)* 2 = STRIPE 3 = MOTTLE/NET

[2] Primary Color: [3] Secondary Color: } 1 = YELLOW GREEN *(Desert King)* 2 = LIGHT GREEN *(Charleston Grey)* 3 = MEDIUM GREEN *(Sugar Baby)* 4 = DARK GREEN *(Florida Giant)* 5 = OTHER *(Specify)* _____

11. RIND:

[2] 1 = TENDER 2 = BRITTLE 3 = TOUGH [04] THICKNESS MM. BLOSSOM END [09] THICKNESS MM. SIDES

12. FLESH:

[1] 1 = CRISP 2 = SOFT [2] 1 = COARSE-FIBROUS 2 = FINE-LITTLE FIBER

[4] Color: 1 = YELLOW 2 = ORANGE 3 = PINK 4 = RED 5 = DARK RED

9.[6] REFRACTOMETER % SOLUBLE SOLIDS OF JUICE *(Center of fruit)* [10] % CHECK VARIETY *(Specify)* Charleston Gray

[001] % HOLLOW HEART [001] % PLACENTAL SEPARATION [004] % TRANSVERSE CRACK

13. SEED:

7/8 [1 1~~8~~] MM. LONG [06] MM. WIDE [2.2] MM. THICK

7/7/77 [1~~8~~ 8~~0~~] INDEX ~~=~~ LENGTH ÷ WIDTH X 10 [76] GM. PER 1000 SEED [338] NO. SEED PER FRUIT

[07] Color: 1 = WHITE 2 = WHITE-TAN TIPPED 3 = WHITE-PINK TIPPED 4 = TAN 5 = GREEN 6 = RED 7 = DARK BROWN 8 = DARK BROWN MOTTLED 9 = BLACK 10 = MOTTLED BLACK

14. DISEASE RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

[0] ANTHRACNOSE *(Race_____)* [0] DOWNY MILDEW [0] FUSARIUM WILT [0] GUMMY STEM BLIGHT

[0] SQUASH MOSAIC [0] WATERMELON MOSAIC [0] POWDERY MILDEW [0] CUCUMBER MOSAIC

[ ] OTHER *(Specify)* _____

15. OTHER RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

[2] SUNBURN [0] ROOT KNOT [ ] OTHER *(Specify)* _____

16. NAME A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

Days maturity	Crimson Sweet	Fruit shape	Sugar Baby
Plant vigor	Bush Desert King	Rind color	Charleston Gray
Fruit Size	Sugar Baby	Flesh quality	Sugar Baby

REFERENCES:

1. Frey, K. J. 1966. Plant Breeding - Symposium. 1 ed. Iowa State University Press.
2. Ware, G. W. and McCollum, J. P. 1968. Producing Vegetable Crops. Interstate Printers & Publishers, Inc. Danville, Illinois.
3. Whitaker, T. W. and Davis, G. N. 1962. Cucurbits. Interscience Publishers, Inc. New York.
4. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.

7600072

Watermelon - Citrullus lanatus - Sugarbush

Exhibit D: Data Indicative of Novelty

"Sugarbush" is unique and useful in that the plants spread only about 36"; it is a short internode "bush" type. Fruit exterior medium green with dark veins; thin rind; short oval fruits 10" - 12" long. Medium dark red flesh; matures early, even before most vine types.

Sugarbush qualifies as being novel and distinct as, to our knowledge, there are no short internode types with red flesh available commercially in the trade.

Addendum attached.

JHK:mf

4/19/76

7600072

W. ATLEE BURPEE COMPANY
300 PARK AVENUE, WARMINSTER, PENNSYLVANIA 18974 • 215-674-4900 • TWX 510-665-6956

SEED BREEDERS AND GROWERS . SINCE 1876

HEADQUARTERS
WARMINSTER, PA. 18974

MIDWESTERN HEADQUARTERS
CLINTON, IOWA 52732

WESTERN HEADQUARTERS
RIVERSIDE, CALIF. 92502

FORDHOOK FARMS
DOYLESTOWN, PA. 18901

FLORADALE FARMS
LOMPOC, CALIF. 93436

SANTA PAULA RANCH
SANTA PAULA, CALIF. 93060

February 25, 1977

U. S. Department of Agriculture
Agricultural Marketing Service
National Agriculture Library
Room 301
Beltsville, MD 20705

ATTN: Mr. H. H. Fisher
Plant Variety Protection Office

Dear Mr. Fisher:

REF: 7600072, WATERMELON, SUGARBUSH

The following is in further support of the above referenced application, to show how Sugarbush differs from Kengarden—

Sugar Bush has lobed leaves while Kengarden is described as having unlobed leaves. The stem internodes of Sugar Bush are approximately 1.5 to 3.0 centimeters longer than Kengarden. The seed weight of Sugar Bush is 76 grams per 1,000 seeds while Kengarden seeds weigh 21 grams per 1,000 seeds. This is by actual count.

See Kengarden description in Vol. 4, No. 2 of Official Journal of the Plant Variety Protection Office.

Sincerely,
W. ATLEE BURPEE CO.

Jerome H. Kantor

Jerome H. Kantor

JHK:us

rec'd
3/2/77

00008

7600072

WATERMELON APPLICATION NO. 7600072

"SUGAR BUSH"

REVISED EXHIBIT D

Burpee's Sugar Bush is distinctly different from Kengarden in that it has lobed leaves while Kengarden is described as having unlobed leaves. The stem internodes of Sugar Bush are 1.5 to 3.0 centimeters longer than Kengarden thus making an overall larger plant than Kengarden. The flesh of Kengarden is described as being dark pink while Sugar Bush has bright scarlet flesh. The seed of Sugar Bush are larger than Kengarden and the weight of 1,000 seeds is 76 grams while 1,000 seeds of Kengarden weigh 21 grams.

7600072

W. Atlee Burpee Co.

STATEMENT OF APPLICANT

Exhibit E:

The W. Atlee Burpee Co. believes that it is the original and first breeder of the attached described variety, Watermelon-Citrullus lanatus-"Sugarbush" 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 one 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 one 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 twelve 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.

JHK:mf

4/19/76

00010

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

RECEIVED
U... AMS
JAN 30 1987
...ty
... 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	1993
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 'Sweet Treat'	12/16/86
8600139	Basil 'Purple Ruffles'	7/7/86
8600149	Cucumber 'Picklebush'	7/9/86
8600158	Zinnia 'Pinwheel Rose'	9/8/86