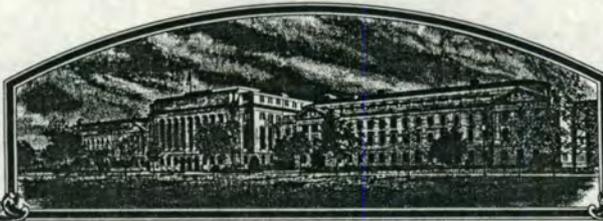


No.

8700059



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**Bruce Church, Inc.**

**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 *eighteen* 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, 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 (T. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Gabilan'

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 30th day of April in the year of our Lord one thousand nine hundred and eighty-seven.



Attest

*Kenneth A. Wiers*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Richard E. Lyng*  
Secretary of Agriculture

1092



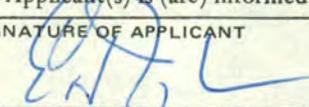
U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

FORM APPROVED: OMB NO. 0581-0055

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**

(Instructions on reverse)

1. NAME OF APPLICANT(S) Bruce Church, Inc.		2. TEMPORARY DESIGNATION EXP. 46E58		3. VARIETY NAME Gabilan	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 1020 Merrill Street Salinas, California 93901		5. PHONE (Include area code) 408-758-4421		<b>FOR OFFICIAL USE ONLY</b> VPVO NUMBER 8700059	
6. GENUS AND SPECIES NAME Lactuca sativa, L.		7. FAMILY NAME (Botanical) Compositae		FILING DATE February 5, 1987 TIME 2:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME Lettuce		9. DATE OF DETERMINATION March 6, 1985		AMOUNT FOR FILING \$ 1800.00 DATE February 5, 1987	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation				FEES RECEIVED AMOUNT FOR CERTIFICATE \$ 200.00 DATE March 24, 1987	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION California				12. DATE OF INCORPORATION Marcy 15, 1949	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS E. H. Taylor, Vice President Bruce Church, Inc. P.O. Box 80599 Salinas, CA 93912-0599 <span style="float: right;">PHONE (Include area code): 408-758-4421</span>					
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.) b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement. c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of Variety (Request form from Plant Variety Protection Office.) d. <input checked="" type="checkbox"/> Exhibit D, Additional Description of Variety. e. <input checked="" type="checkbox"/> Exhibit E, Statement of the Basis of Applicant's Ownership.					
15. 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) of the Plant Variety Protection Act.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <span style="float: right;"><input type="checkbox"/> Yes (If "Yes," answer items 16 and 17 below) <input checked="" type="checkbox"/> No</span>					
16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> Foundation <input type="checkbox"/> Registered <input type="checkbox"/> Certified		
18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.? <input type="checkbox"/> Yes (If "Yes," give date) <input checked="" type="checkbox"/> No					
19. HAS THE VARIETY BEEN RELEASED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable. The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) 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(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT 				DATE	
SIGNATURE OF APPLICANT				DATE	

## INSTRUCTIONS

**General:** Send an original copy of the application and exhibits, at least 2,500 viable seeds (*furnish only untreated seed*), and \$1,800 fee (*\$200 filing fee and \$1,600 examination fee*) to the U. S. Department of Agriculture, Agricultural Marketing Service, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (*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

- 9 Give the date the applicant determined that he had a new variety based on (1) the definition in Section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 14a 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) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 14b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 14e Section 52(4) of the Plant Variety Protection Act requires applicants to furnish a statement of the basis of the applicant's ownership. The applicant may be the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.
- 15 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 his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "No," he may change his choice. (*See Section 180.16 of the Regulations and Rules of Practice.*)
- 19 See Sections 41 (i,j) and 42 of the Plant Variety Protection Act and Section 180.7 of the Regulations and Rules of Practice for eligibility requirements.





EXHIBIT A

Origin and Breeding History of the Variety

1. Gabilan originated from a hand pollinated cross between the varieties Red Coach 82 and Fairton. This cross was made by Bruce Church, Inc. personnel in April of 1982. F<sub>2</sub> seed was harvested from the greenhouse grown F<sub>1</sub> plant in the fall of 1982.
2. In the fall of 1982, the F<sub>2</sub> seed was planted in several observation trials in Huron, California and near Yuma, Arizona. Selections were made based on Vanguard leaf character, large frame size, large head size, and low core height relative to Vancrisp and Vanmax.
3. Standard pedigree selection from the cross produced an F<sub>4</sub> line designated 46E58.

In 1985, a composite of several promising selections were massed for field testing in Huron, California and in Yuma, Arizona. Trial results indicated that Gabilan is adapted to the late fall harvest period in Yuma, Arizona (12/30 to 1/15), the late spring harvest period in Yuma, Arizona (2/25 to 3/20), spring harvest period in Huron, California (4/10 to 4/30), the early spring harvest period in the Salinas Valley (4/20 to 5/20) and the late fall harvest period in the Salinas Valley (10/1 to 11/15).

4. Gabilan is uniform and distinct from other varieties grown in the same cropping periods.
5. Seed color of Gabilan is white, the same seed color of the pollen parent Fairton.
6. Gabilan is genetically stable and has been observed in two years of multiplication to be free of any distinct genetic variations.





EXHIBIT B

Novelty Statement

1. Gabilan is a crisphead lettuce cultivar belonging to the Vanguard varietal group.
2. The seed color of Gabilan is white (silver), whereas the seed color of the following varieties is black:

Vanguard	Vanmor	El Toro
Valley Queen	Yuma	Seagreen
Vancrisp	Red Coach 74	Pacific
Vanmax	Moranguard	Grande
Domingos 42	Winterhaven	Climax
Domingos 43	Salinas	Winter Supreme
Red Coach 82		
3. Gabilan is best suited for late fall and spring harvest in the desert southwest, spring harvest in the San Joaquin Valley, and early spring and late fall harvest in the coastal production areas of Salinas and Santa Maria.
4. Gabilan has a darker green leaf color than the variety Winterset. Gabilan has a larger frame and larger head size than Winterset.
5. Winterset is resistant to Lettuce Mosaic Virus whereas Gabilan is susceptible to Lettuce Mosaic Virus.
6. Gabilan most closely resembles the variety Red Coach 82, however Gabilan is not suited for mid-winter lettuce production. Gabilan head size would be considered small grown in the mid-winter slot.
7. Gabilan produces a large, slightly flattened head from a slightly whorled leaf configuration. Head protection is excellent. Butt appearance is very smooth, and not prone to pointed butts or raised ribs as found in the variety Vancrisp under warmer spring growing conditions. The leaf surface of Gabilan is not as savoyed as Vancrisp. Leaf margins along the petioles are slightly feathered. Core diameter is large.
8. Gabilan has a high level of tolerance to tipburn in the late spring harvest period in the desert southwest. Red Coach 82 and Vancrisp are susceptible to tipburn in the late harvest periods.
9. Gabilan exhibits a slower bolting characteristic than





**Bruce Church, Inc.**

Plant Variety Protection #  
Gabilan  
Bruce Church, Inc.

8700059

EXHIBIT B

Novelty Statement  
Continued

Vancrisp as noted by seed stalk elongation in summer seed production.

10. Gabilan is adapted to the coastal spring and fall harvest periods whereas Winterset is not recommended for planting at any time in the California coastal districts.

Gabilan is two to three days later maturing than Winterset, and Vancrisp is two to three days later maturing than Gabilan when planted for harvest in late December in Yuma, Arizona.

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Office of the  
Director

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Office of the Director  
Plant Variety Protection  
Act  
Washington, D.C. 20250





**Bruce Church, Inc.**

Plant Variety Protection # 8700059  
Gabilan  
Bruce Church, Inc.

EXHIBIT B

Novelty Statement - Photographs

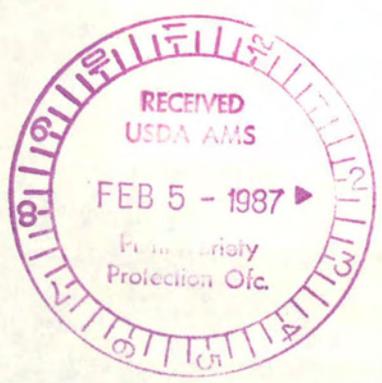


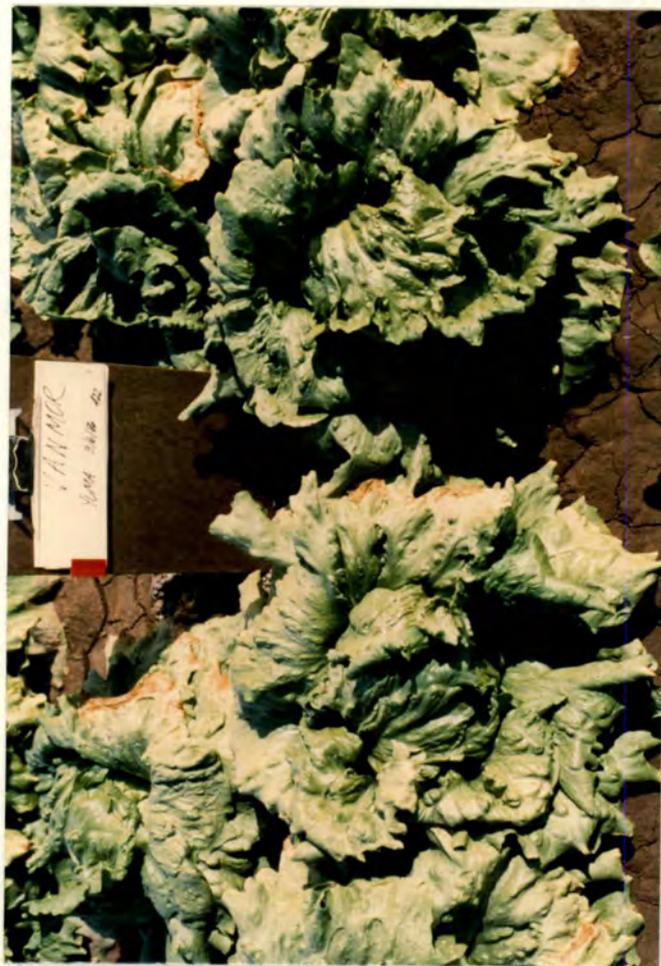
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U.S. Department of Agriculture  
Agricultural Marketing Service

EXHIBIT A

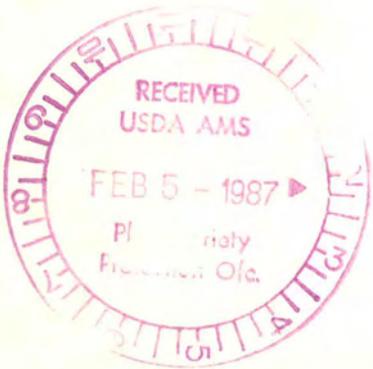
Permit to Market - Phosphorus





"GABILAN" YUMA, ARIZONA MARCH 1986





OBJECTIVE DESCRIPTION OF VARIETY  
 LETTUCE *Lactuca sativa*

NAME OF APPLICANT (S) Bruce Church, Inc.  ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 1020 Merrill Street Salinas, California 93901	FOR OFFICIAL USE ONLY
	PVPO NUMBER 8700059
	VARIETY NAME Gabilan
	EXPERIMENTAL DESIGNATION EXP. 46E58

Place numbers in the boxes for the characters which best describe this variety. Measured data should be the mean of an appropriate number (at least 10) of well spaced plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The location of the test area is: Yuma, Arizona	Color System Used: Royal Horticultural Society Colour Chart
--	--

1. PLANT TYPE: (See list of suggested check varieties page 4.)

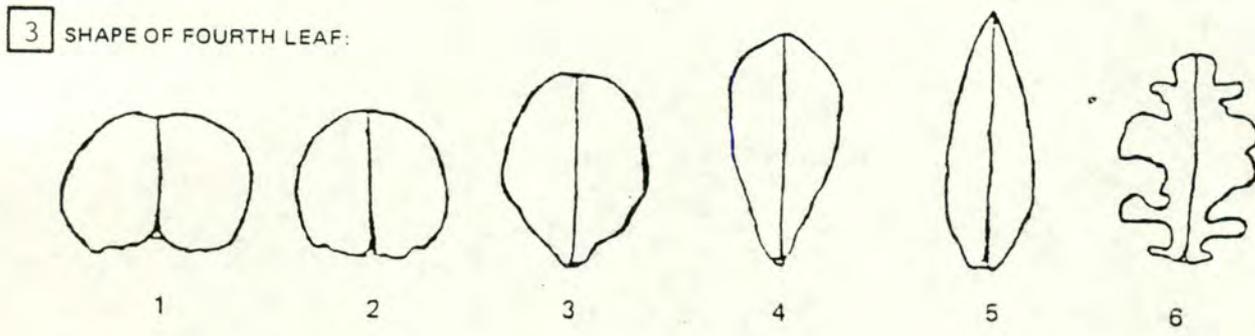
06	01=Cutting/Leaf 02=Butterhead 03=Bibb 04=Cos or Romaine	05=Great Lakes Group 06=Vanguard Group 07=Imperial Group 08=Eastern (Ithaca) Group	09=Stem 10=Latin 11=OTHER
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2. SEED:

COLOR 1=White (Silver Gray) 2=Black (Gray Brown) 3=Brown (Amber)	LIGHT DORMANCY 1=Light Required 2=Light Not Required	HEAT DORMANCY 1=Susceptible 2=Not Susceptible
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3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day old seedling grown under optimal conditions.

3 SHAPE OF COTYLEDONS: 1=Broad 2=Intermediate 3=Spatulate



13 LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

1	APICAL MARGIN:	1=Entire	4=Moderately Dentate	7=Lobed
		2=Crenate/Griawed	5=Coarsely Dentate	8=OTHER (specify)
5	BASAL MARGIN:	3=Finely Dentate	6=Incised	

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2	UNDULATION:	1=Flat	2=Slight	3=Medium	4=Marked
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4	GREEN COLOR:	1=Yellow Green	3=Medium Green	5=Blue Green	7=Gray Green
		2=Light Green	4=Dark Green	6=Silver Green	

ANTHOCYANIN:

1	DISTRIBUTION:	1=Absent	3=Spotted	5=OTHER (specify)
		2=Margin Only	4=Throughout	

---

1	CONCENTRATION:	1=Light	2=Moderate	3=Intense
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1	ROLLING:	1=Absent	2=Present	
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2	CUPPING:	1=Uncupped	2=Slight	3=Markedly
---	----------	------------	----------	------------

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1	REFLEXING:	1=None	2=Apical Margin	3=Lateral Margins
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8700059



## 4. MATURE LEAVES (observe harvest-mature outer leaves):

NOTE: Provide color photo of harvest-mature leaves which accurately shows color and margin characteristics.

## MARGIN:

2	INCISION DEPTH: (deepest penetration of the margin)	1=Absent/Shallow (Dark Green Boston)	2=Moderate (Vanguard)	3=Deep (Great Lakes 659)
4	INDENTATION: (finest divisions of the margin)	1=Entire (Dark Green Boston)	2=Shallowly Dentate (Great Lakes 65)	3=Deeply Dentate (Great Lakes 659) 4=Crenate (Vanguard) 5=OTHER (specify)
2	UNDULATION OF THE APICAL MARGIN:	1=Absent/Slight (Dark Green Boston)	2=Moderate (Vanguard)	3=Strong (Great Lakes 659)
4	GREEN COLOR:	1=Very Light Green (Bibb) 2=Light Green (Minetto)	3=Medium Green (Great Lakes) 4=Dark Green (Vanguard)	5=Very Dark Green 6=OTHER
ANTHOCYANIN (grown at or below 10 C):				
1	DISTRIBUTION:	1=Absent 2=Margin Only (Big Boston)	3=Spotted (Calif. Cream Butter) 4=Throughout (Prize Head)	5=OTHER (specify)
1	CONCENTRATION:	1=Light (Iceberg)	2=Moderate (Prize Head)	3=Intense (Ruby)
3	SIZE:	1=Small	2=Medium	3=Large
1	GLOSSINESS:	1=Dull (Vanguard)	2=Moderate (Salinas)	3=Glossy (Great Lakes)
2	BLISTERING:	1=Absent/Slight (Salinas)	2=Moderate (Vanguard)	3=Strong (Prize Head)
3	LEAF THICKNESS:	1=Thin	2=Intermediate	3=Thick
1	TRICHOMES:	1=Absent (smooth)	2=Present (spiny)	

## 5. PLANT (at market stage. Choose a comparison variety appropriate for this type.):

## SPREAD OF FRAME LEAVES:

5	3	cm This Variety	4	9	cm Winterset	(specify comparison variety)				
1	6	cm This Variety	1	3	cm Winterset	(specify comparison variety)				
2	HEAD SHAPE:		1=Flattened 2=Slightly Flattened	3=Spherical 4=Elongate	5=Non-Heading 6=OTHER					
3	HEAD SIZE CLASS:		1=Small	2=Medium	3=Large					
2	4	HEAD COUNT PER CARTON								
0	7	4	0	g This Variety	0	8	2	0	g Vancrisp	(specify comparison variety)
3	HEAD FIRMNESS:		1=Loose 2=Moderate	3=Firm 4=Very Firm						

## 6. BUTT (bottom of market-trimmed head):

2	SHAPE:	1=Slightly Concave	2=Flat	3=Rounded
1	MIDRIB:	1=Flattened (Salinas)	2=Moderately Raised	3=Prominently Raised (Great Lakes 659)

## 7. CORE (stem of market-trimmed head):

3	5	mm Diameter at base of head				
0	4	2	Ratio of head diameter/core diameter			
2	5	mm This Variety	2	5	mm Winterset	(specify comparison variety)

8. BOLTING (Give First Water Date 04/30/86):

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

0	6	6	This Variety	0	6	3	Vancrisp	(specify comparison variety)
2	BOLTING CLASS:		1=Very Slow 2=Slow	3=Medium 4=Rapid	5=Very Rapid			
0	8	5	cm This Variety	0	9	0	cm Vancrisp	(specify comparison variety)

8200028



8. BOLTING cont'd.

Spread of Bolter Plant (at widest point):  
  cm This Variety   cm Vancrisp (specify comparison variety)

BOLTER LEAVES: 1=Straight 2=Curved

MARGIN: 1=Entire 2=Dentate

COLOR: 1=Light Green 2=Medium Green 3=Dark Green

BOLTER HABIT:

TERMINAL INFLORESCENCE: 1=Absent 2=Present

LATERAL SHOOTS: (above head) 1=Absent 2=Present

BASAL SIDE SHOOTS: 1=Absent 2=Present

9. MATURITY (earliness of harvest-mature head formation):

NOTE: Complete this section for at least one season.

SEASON	Applc. 1/ #of days	Check 1/ #of days	CHECK VARIETY 2/
Spring	<input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="2"/>	<input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="5"/>	Vancrisp Yuma, Arizona
Summer	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	not adapted to Coastal Areas - summer production
Fall	<input type="text" value="0"/> <input type="text" value="9"/> <input type="text" value="6"/>	<input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="2"/>	Vancrisp Yuma, Arizona
Winter	<input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="0"/>	<input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="0"/>	Not adapted to winter production

Give planting date(s), and location(s):

Spring Yuma, Arizona Water 11/14/85 Harvest 03/06/86  
Huron, California Water 12/27/85 Harvest 04/15/86  
 Summer Gabilan tends towards puffy heads in warmer weather, however will form marketable heads; however better varieties available.

Fall Yuma, Arizona Water 10/01/85 Harvest 01/06/86

Winter Not adapted - head size too small

1/ First water date to harvest. 2/ Fill in check variety name on the appropriate line.

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTION (tested and proven adapted): (0=Not tested 1=Not Adapted 2=Adapted)

Southwest (Calif., Ariz. desert)  West Coast  Northeast

Northcentral  Southeast  OTHER \_\_\_\_\_

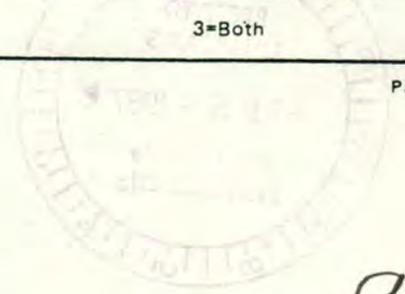
SEASON: Salinas, Yuma, Huron

Spring (area \_\_\_\_\_)  Fall (area Yuma, Huron)

Summer (area \_\_\_\_\_)  Winter (area \_\_\_\_\_)

GREENHOUSE: 0=Not tested 1=Not Adapted 2=Adapted

SOIL TYPE: 1=Mineral 2=Organic 3=Both



8700052



11. DISEASES AND STRESS REACTIONS (0=Not tested; 1=Susceptible; 2=Intermediate; 3=Resistant; 4=Highly resistant; 5=Tolerant):

VIRUS

- 1 Big Vein
- 1 Lettuce Mosaic
- 0 Cucumber Mosaic
- 0 Broad Bean Wilt
- 0 Turnip Mosaic
- 1 Beet Western Yellows
- 1 Lett. Infectious Yellows
- 0 Other Virus \_\_\_\_\_

FUNGAL/BACTERIAL

- 1 Corky Root Rot (Pythium Root Rot)
- 0 Downy Mildew (Races \_\_\_\_\_ )
- 1 Powdery Mildew
- 1 Sclerotinia Rot
- 1 Bacterial Soft Rot (Pseudomonas spp. & others)
- 1 Botrytis (Gray Mold)
- 0 OTHER \_\_\_\_\_

INSECTS

- 0 Cabbage Loopers
- 1 Root Aphids
- 1 Green Peach Aphid
- 0 Other Insect \_\_\_\_\_

PHYSIOLOGICAL/STRESS

- 3 Tipburn
- 2 Heat
- 0 Drought
- 0 Cold
- 0 Salt
- 0 Brown Rib (Rib Discoloration, Rib Blight)
- 0 OTHER \_\_\_\_\_

POST HARVEST

- 1 Pink Rib
- 1 Russet Spotting
- 0 Rusty Brown Discoloration
- 0 Internal Rib Necrosis (Blackheart, Gray Rib, Gray Streak)
- 0 Brown Stain

12. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

13. COMMENTS:

SUGGESTED CHECK VARIETIES

<u>TYPE</u>	<u>CHECK VARIETY</u>
1) CUTTING/LEAF	SALAD BOWL
2) BUTTERHEAD	DARK GREEN BOSTON
3) BIBB	BIBB
4) COS, OR ROMAINE	PARRIS ISLAND
5) GREAT LAKES GROUP	GREAT LAKES 659-700
6) VANGUARD GROUP	VANGUARD
7) IMPERIAL GROUP	VIVA
8) EASTERN GROUP	ITHACA
9) STEM	CELTUCE
10) LATIN	MATCHLESS

10

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8700059

Plant Variety Protection # \_\_\_\_\_  
Gabilan  
Bruce Church, Inc.



Gabilan



Vancrisp



Winterset

NOTE: Photocoy of fourth leaf from 20 day old seedling grown in a greenhouse under constant lighting.

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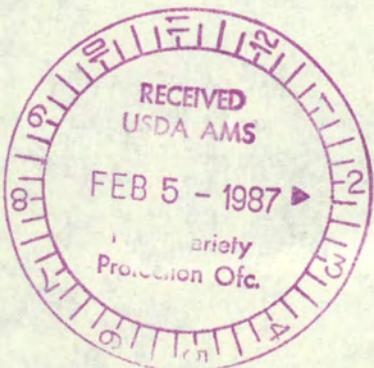
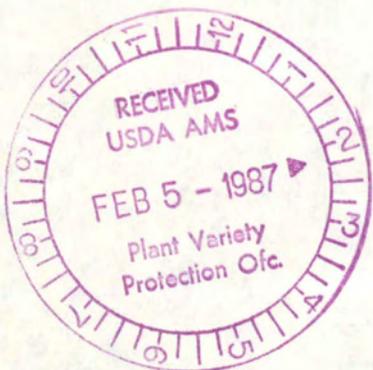




EXHIBIT D

Additional Description of the Variety

1. Annual. Gabilan is a crisphead lettuce variety with Vanguard characteristics.
2. Based on experimental and limited commercial plantings under the EXP. 46E58 designation, Gabilan has performed best when planted early October for early January harvest in Yuma, Arizona, and when planted late October to mid-November for March harvest in Yuma, Arizona. In the San Joaquin Valley, plantings in mid and late December for harvest in April have been commercially acceptable. Gabilan is also adapted to the May harvest period in the Santa Maria and Salinas Coastal areas, planted in January and early February.
3. In the desert production areas, Gabilan produces heads of lettuce that are rounder in shape than varieties such as Vancrisp and Vanguard which tend to form a spiraled or elongated shaped head under warmer growing conditions.
4. The leaf texture of Gabilan is thick and crisp; heads are large and generally well protected.





**Bruce Church, Inc.**

Plant Variety Protection #  
Gabilan  
Bruce Church, Inc.

8700059

EXHIBIT E

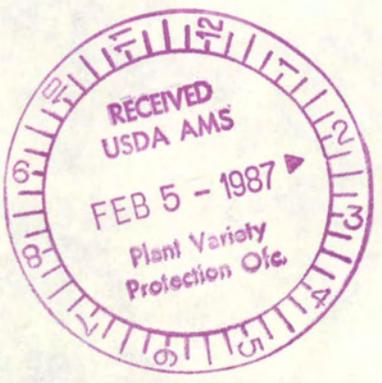
Statement of Applicant's Ownership

Bruce Church, Inc. Salinas, California, believes it is the sole, original and first breeder of the attached described lettuce variety, "Gabilan", for which it solicits a certificate of variety protection; that it has sexually reproduced the variety; that it does not know and does not believe that "Gabilan" was ever a public variety before Bruce Church, Inc. development thereof; that it is the sole owner of the variety; that "Gabilan" was not a public variety more than one year prior to filing of the application; that before the date of determination of the variety by Bruce Church, Inc., or more than one year before the effective filing date of the application, the variety was not effectively available to workers in the United States and adequately described by a publication reasonably deemed a part of the public technical knowledge of this country; and that it has not filed an application for the protection of this variety in a foreign country prior to the date of this application.

8700059

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The following information was received from the  
 applicant on 1/28/87. The applicant is a  
 breeder of ornamental plants and has  
 developed a new variety of ornamental  
 plant. The variety is a new color  
 form of the ornamental plant  
 known as 'Candy Corn'. The  
 variety is characterized by  
 its unique color and shape.  
 The applicant claims that the  
 variety is a new and distinct  
 variety of ornamental plant.  
 The applicant has applied for  
 protection of the variety under  
 the Plant Variety Protection  
 Act. The applicant has provided  
 the following information:  
 Name of variety: Candy Corn  
 Name of breeder: [Name]  
 Address: [Address]  
 City: [City]  
 State: [State]  
 Zip: [Zip]  
 Date of application: 1/28/87  
 The applicant has provided  
 the following information:  
 Name of variety: Candy Corn  
 Name of breeder: [Name]  
 Address: [Address]  
 City: [City]  
 State: [State]  
 Zip: [Zip]  
 Date of application: 1/28/87  
 The applicant has provided  
 the following information:  
 Name of variety: Candy Corn  
 Name of breeder: [Name]  
 Address: [Address]  
 City: [City]  
 State: [State]  
 Zip: [Zip]  
 Date of application: 1/28/87





## FERRY-MORSE SEED COMPANY

Box 4938 • Modesto, California 95352-4938 • Telephone 209/579-7333 • International Telex: 184814 FERMOUT • FAX: 209/527-5312  
Cable: MORSEED MODESTO

April 26, 1990

Dr. Kenneth H. Evans  
United States Department of Agriculture  
Agricultural Marketing Service  
Warehouse & Seed Division  
Plant Variety Protection Office  
National Agricultural Library Building, Room 500  
10301 Baltimore Boulevard  
Beltsville, Maryland 20705

Dear Dr. Evans:

SUBJECT: Basis of Ownership, Exhibit E, of Pending Applications

Thank you for your letter of 3/28 on this subject. Please find enclosed revised Exhibit E forms for the pending applications of Ferry-Morse Seed Company. We trust these will suffice for the purposes of establishing ownership and evaluation of eligibility.

Sincerely,

Dr. David J. Thompson

DJT:jct



EXHIBIT "E"

Plant Variety Protection Application

No: 8900043

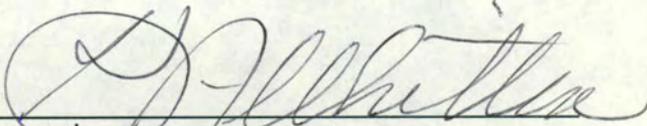
STATEMENT OF OWNERSHIP

I, George R. Allbritten, Secretary of Ferry-Morse Seed Company do hereby certify that Ferry-Morse Seed Company is the breeder and owner of that certain variety namely, Lettuce, Fallgreen

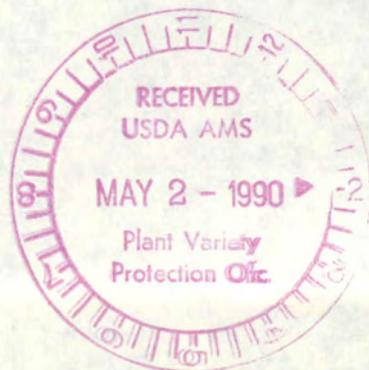
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for which an application for Plant Variety Protection has been filed.

In witness whereof I have executed this statement of ownership and caused the Ferry-Morse Corporate Seal to be affixed this 27 day of April, 1990.

  
Secretary

SEAL



## 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

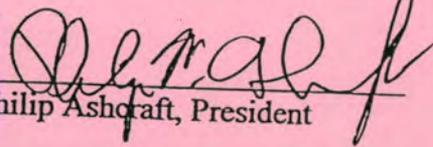
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

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)

1400010

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

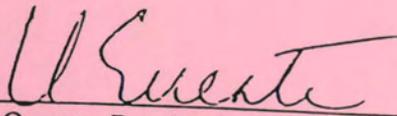
Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

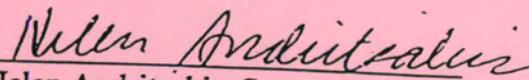
1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
  - One. The name of this Corporation is:  
HARRIS MORAN SEED COMPANY.
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, President

  
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 1997



*Bill Jones*

Secretary of State

