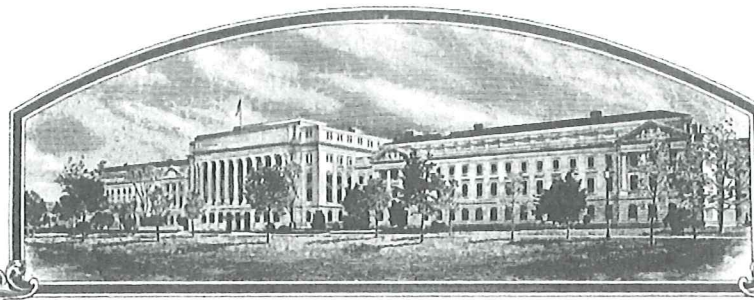


No.



201200468

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Dr. Peter Franck

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

An application requesting a certificate of protection for an alleged distinct variety of sexually reproduced, or tuber propagated plant, the name and description of which are contained in the application and exhibits, a copy of which is hereunto annexed and made a part hereof, and the various requirements of LAW in such cases made and provided have been complied with, and the title thereto is, from the records of the PLANT VARIETY PROTECTION OFFICE, in the applicant(s) indicated in the said copy, and Whereas, upon due examination made, the said applicant(s) is (are) adjudged to be entitled to a certificate of plant variety protection under the LAW.

Now, therefore, this certificate of plant variety protection is to grant unto the said applicant(s) and the successors, heirs or assigns of the said applicant(s) for the term of TWENTY years from the date of this grant, subject to the payment of the required fees and periodic 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 conditioning it for propagation, or stocking it for any of the above purposes, 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.)

TRITICALE

'HyOctane'



Attest:

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 twenty-fifth day of June, in the year *two thousand and fourteen.*

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

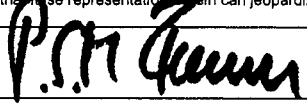
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

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).

1. NAME OF OWNER Dr. Peter Franck		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME ACS 57401		3. VARIETY NAME HyOctane	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Pflanzenzucht Oberlimpurg Dr. Franck Oberlimpurg 2 D-74523 Schwaebisch Hall GERMANY		5. TELEPHONE (include area code) 011-49-791-93118-0		FOR OFFICIAL USE ONLY PVPO NUMBER 201200468 FILING DATE 8/24/12	
		6. FAX (include area code) 011-49-791-93118-99			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)		8. IF INCORPORATED, GIVE STATE OF INCORPORATION		9. DATE OF INCORPORATION	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Peter E. Bonis Seed-link Inc. P.O. Box 217, 208 St. David Street Lindsay, Ontario K9V 5Z4 CANADA				FILING AND EXAMINATION FEES: \$ 4382- DATE 8/24/12 CERTIFICATION FEE: \$ DATE	
11. TELEPHONE (include area code) 705-324-0544		12. FAX (include area code) 705-324-2550		13. E-MAIL sloffice@seed-link.ca	
14. CROP KIND (Common Name) Winter Triticale		16. FAMILY NAME (Botanical) POACEAE		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
15. GENUS AND SPECIES NAME OF CROP x Triticosecale		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="radio"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="radio"/> NO (If "no", go to item 23) <input type="radio"/> UNDECIDED	
				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 		SIGNATURE OF OWNER			
NAME (Please print or type) Dr. Peter Franck		NAME (Please print or type)			
CAPACITY OR TITLE Breeder		DATE August 15, 2012		CAPACITY OR TITLE DATE	

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GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the *Regulations and Rules of Practice*). **NEW:** With the application for a seed reproduced variety or by **direct deposit soon after filing**, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to **reproduce** the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the *Regulations and Rules of Practice*.)

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

SPECIFIC INSTRUCTIONS:

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

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 (2) the details of subsequent stages of selection and multiplication;
 (3) evidence of uniformity and stability; and
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
 (1) identify these varieties and state all differences objectively;
 (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice*, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

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

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A
ORIGIN AND BREEDING HISTORY

Name of Applicant: Dr. Peter Franck

Experimental Number: ACS 57401

Variety Name: **HyOctane**

HyOctane is a Winter Triticale bred by:

Dr. Peter Franck
Pflanzenzucht Oberlimpurg Dr. Franck
Oberlimpurg 2
04523 Schwaebisch Hall
Germany

This variety is a result of the following cross:

Pedigree: Disco x LT2

Disco is a Svalofvariety registered in Scandinavia originally known as Sval 250
LT2 is a Lasko line from Poland

Year of Final Cross: 1997

F1	1998 single rows
F2	2000 population
F3	2001 300 headrows harvested
F4	2002 headrows, head selection awnletted ears harvested from headrows showing taller straw and good disease resistance.
F5	2003 headrows, head selection awnletted ears harvested from headrows with good standing power, resistant to leaf diseases.
F6	2004 headrows under isolation selection of plants with good seed set under isolation, increase.
F7	2005 maintained selected plants from 2004
F8	2006 continued as F7, maintenance, yield trials
F9	2007 lines bulked, Breeder seed increase
F10	2008 multi-location yield trials and maintenance

Maintenance breeding: HyOctane continues to be maintained at Oberlimpurg/Germany using isolated single plants.

The variety has been observed over 5 generations of increase and is stable and uniform. Variants appear at a frequency of approximately 1 in 100. The variants are commercially acceptable and predictable, as follows: Ear glaucosity - 0.2%, Stem density of hairiness of neck - 0.15%, Plant height 3-5 cm taller - 0.3%, Awns above tip of ear - 0.25%, Stem glaucosity of blade - 0.15%

ACS – PZO

EXHIBIT B STATEMENT OF DISTINCTNESS

Name of applicant: Dr. Peter Franck

Experimental Number: ACS 57401 **HyOctane**

Most similar variety: “Fridge”

Denomination of most similar variety	Characteristics, in which the similar variety is different	State of expression of most similar variety	State of expression of ACS 57401 HyOctane
Fridge	6. Stem anthocyanin	1. Absent	2. Present
Fridge	6. Neck hairiness	3. Moderate	4. Heavy
Fridge	9. Glumes at maturity	2. Slightly pubescent	3. Pubescent

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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

EXHIBIT C

OBJECTIVE DESCRIPTION OF VARIETY
TRITICALE (X *Triticosecale* Wittm.)

NAME OF APPLICANT (S) DR. PETER FRANCK	TEMPORARY OR EXPERIMENTAL DESIGNATION ACS 57401	VARIETY NAME HyOctane
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) Pflanzenzucht Oberlimpurg Dr. Franck Oberlimpurg 2 D-74523 Schwaebisch Hall, GERMANY		PVPO NUMBER

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the spaces below. Place a zero in the first space (e.g. 0 9 or 0 0 9) when number is either 99 or less or 9 or less respectively.

1. GROWTH HABIT

3 1 = Spring 2 = Intermediate 3 = Winter
 ___ Juvenile Plant Growth: 1 = Prostrate 2 = Semi-Prostrate 3 = Erect
 ___ Photoperiod: 1 = Insensitive 2 = Sensitive

2. PLOIDY

1 1 = Hexaploid 2 = Octoploid 3 = Other (Specify) _____
 ___ 2n Chromosome Number

3. MATURITY

3 1 = Very Early 2 = Early 3 = Mid-Season 4 = Late 5 = Very Late
2 Days Earlier Than Fridge *
 Same as Check _____ *
 ___ Days Later Than _____ *

4. HEIGHT

4 1 = Dwarf 2 = Semi-Dwarf 3 = Short 4 = Mid-Tall 5 = Tall
117 cm High
25 cm. Shorter Than Fridge *
 Same as Check _____ *
 ___ cm. Taller Than _____ *

* Relative to a Commercial Variety Grown in the Same Trial

5. PLANT COLOR AT BOOT STAGE2 1 = Yellow-Green 2 = Green 3 = Blue-Green**6. STEM**2 Anthocyanin: 1 = Absent 2 = Present4 Neck Hairiness: 1 = None 2 = Slight 3 = Moderate 4 = Heavy Shape of Neck: 1 = Straight 2 = Wavy 3 = Other (Specify) _____**7. LEAVES**2 Flag Leaf: 1 = Not Twisted 2 = Twisted _____ cm Leaf Length (1st leaf below flag leaf)1 Waxy Bloom On Leaf At Boot: 1 = Absent 2 = Present _____ mm Leaf Width (1st leaf below flag leaf) Leaf Carriage: 1 = Upright 2 = Recurved 3 = Drooping _____ Auricle Color: 1 = Colorless or White 2 = Purple 3 = Other (specify) _____**8. HEAD**2 Density: 1 = Lax 2 = Mid-dense 3 = Dense2 Shape: 1 = Fusiform 2 = Oblong 3 = Clavate 4 = Elliptical 5 = Other (Specify) _____2 Awedness: 1 = Awnless 2 = Apically Awnletted 3 = Awnletted 4 = Awned Awn Color: 1 = White 2 = Yellow 3 = Tan 4 = Brown 5 = Black cm Head Length _____ mm Head Width**9. GLUMES AT MATURITY**3 Pubescence: 1 = Glabrous 2 = Slightly Pubescent 3 = Pubescent Color: 1 = White 2 = Yellow 3 = Tan 4 = Brown 5 = Black1 Length: 1 = Short 2 = Mid-Long 3 = Long Width: 1 = Narrow 2 = Mid-Wide 3 = Wide Shoulder: 1 = Wanting 2 = Oblique 3 = Rounded 4 = Square 4 = Elevated 6 = Apiculate Beak: 1 = Obtuse 2 = Acute 3 = Acuminate**10. COLEOPTILE COLOR**3 1 = White 2 = Green 3 = Purple**11. SEED** Shape: 1 = Ovate 2 = Oval 3 = Elliptical1 Smoothness: 1 = Smooth 2 = Slightly Wrinkled 3 = Wrinkled Brush Area: 1 = Small 2 = Mid-Size 3 = Large Brush Length: 1 = Short 2 = Mid-Long 3 = Long5 Phenol Reaction: 1 = Ivory 2 = Fawn 3 = Light-Brown 4 = Brown 5 = Brown-Black3 Color: 1 = White 2 = Amber 3 = Red 4 = Purple 5 = Black 6 = Other (Specify) _____58 GMS Per 1,000 Seed

12. DISEASE (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant)

☐ Stem Rust (Races) _____ ☐ Leaf Rust (Races) _____
☐ Stripe Rust (Races) _____ ☐ Ergot _____
☐ Powdery Mildew _____ ☐ Bacterial Stripe _____
☐ Septoria _____ ☐ Yellow Dwarf _____
☐ Other (Specify) _____ ☐ Other (Specify) _____

13. DISEASE (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant)

☐ Greenbug _____ Hessian Fly Race:
☐ Cereal Leaf Beetle _____ ☐ GP ☐ A ☐ B ☐ C
☐ Other (Specify) _____ ☐ D ☐ E ☐ F ☐ G

14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

Character	Variety
Plant Tillering	
Winter Hardiness	Fridge
Area Of Adaptation	Fridge
Seed Shape	

REFERENCES

L. W. Briggles and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, USDA.
 W. E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, Contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts.

COMMENTS

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Dr. Peter Franck	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER ACS 57401	3. VARIETY NAME HyOctane
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) Pflanzenzucht Oberlimpurg Dr. Franck Oberlimpurg 2 D-74523 Schwaebisch Hall GERMANY	5. TELEPHONE (Include area code) 011-49-791-93118-0	6. FAX (Include area code) 011-49-791-93118-99
7. PVPO NUMBER		

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

☒

YES

☐

NO

9. Is the applicant a U.S. national or a U.S. based entity? If no, give name of country.

☐

YES

☒

NO

GERMANY

10. Is the applicant the original owner?

☒

YES

☐

NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐

YES

☐

NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐

YES

☐

NO

If no, give name of country

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

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

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ST470-E (07-09) designed by the Plant Variety Protection Office

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) Dr. Peter Franck	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) Pflanzenzucht Oberlimpurg Dr. Franck Oberlimpurg 2, D-74523 Schwaebisch Hall GERMANY	TEMPORARY OR EXPERIMENTAL DESIGNATION ACS 57401
NAME OF OWNER REPRESENTATIVE (S) Peter E. Bonis	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) Seed-link Inc., P.O. Box 217, 208 St. David St., Lindsay, Ontario K9V 5Z4 CANADA	<div data-bbox="1120 755 1570 798">VARIETY NAME HyOctane</div> <div data-bbox="1120 798 1570 900"> <div data-bbox="1120 755 1570 798">FOR OFFICIAL USE ONLY</div> <div data-bbox="1120 798 1570 900">PVPO NUMBER</div> </div>

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

P. E. Bonis

Signature

August 15, 2012

Date