

Statement of Non-Infringement And Indemnification

TO OUR CUSTOMER: The advent of patented plant genes, and changes in the Plant Variety Protection Act, increase the potential liability to seed conditioners who knowingly or unknowingly condition protected seed without the permission of the legal holders of the intellectual property. To decrease liability, and to treat our customers fairly, we require all our clients to completely and accurately fill out this form before the conditioning operation can commence.

Please note that:

Patents

Seed produced from seed that is protected by a plant or utility patent, or containing a gene that is protected by a patent, cannot be replanted or sold as seed without the express permission of the owner of the patent i.e. Roundup Ready[®] soybeans. Further restrictions may apply based on the agreement you signed when purchasing the seed.

Plant Variety Protection (PVP)

Seed produced from seed protected by the 1994 Plant Variety Protection Act (PVPA) may be used to replant the grower's holdings but cannot be sold as seed without the variety owner's express permission. For varieties receiving PVP protection prior to April, 1995, the grower may use seed produced from seed covered by the 1970 PVPA to plant back his or her own holdings and if farm plans change, may sell the remaining seed provided the total amount sold plus the amount planted on the grower's holdings does not exceed the original amount required to plant the growers' holdings. Varieties that also carry Title V protection may only be sold as a class of Certified Seed.

NOTE: A variety can be protected by both a patent and Plant Variety Protection.

Description of Conditioned Product:

Grower _____

Variety _____ Crop _____ Year Grown _____

Amount Cleaned _____ bu. or lbs. Cleanout _____ bu. or lbs.

- | | YES | NO | UNKNOWN | |
|----|--------------------------|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is this variety protected by one or more patents? |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is this variety protected by a PVPA certificate? |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | I am conditioning only enough of this variety to plant land that is owned, rented or leased by me. |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | I am a commercial seed producer with legal authorization or license to produce this seed for resale |

I, the undersigned, grower or bonafide agent of the grower, promise to hold harmless and defend, reimburse and indemnify

_____ for any liability damages that this seed conditioner may incur for any violation of a patent or a certificate issued under the Plant Variety Protection Act resulting from cleaning or conditioning the undersigned's seed, including all damages, liability payments, costs, and attorney's fees arising in connection with the violation. I understand that a sample of this seed will be kept by this seed conditioner and used to identify this seed.

Signature of Grower or Grower's Representative

Sample No. _____

Printed Name of Signee

Date _____

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