

US00PP27682P3

(12) **United States Plant Patent**  
**Kibbe et al.**

(10) **Patent No.:** **US PP27,682 P3**  
(45) **Date of Patent:** **Feb. 21, 2017**

(54) **STRAWBERRY PLANT NAMED**  
**'DRISSTRAWFORTYNINE'**

(50) Latin Name: *Fragaria*×*ananassa*  
Varietal Denomination: **DrisStrawFortyNine**

(71) Applicant: **Driscoll's, Inc.**, Watsonville, CA (US)

(72) Inventors: **Esther Kibbe**, Tampa, FL (US); **Philip J. Stewart**, Watsonville, CA (US);  
**Arcelia C. Mojica**, Plant City, FL (US)

(73) Assignee: **Driscoll's, Inc.**, Watsonville, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **14/545,991**

(22) Filed: **Jul. 15, 2015**

(65) **Prior Publication Data**  
US 2017/0020045 P1 Jan. 19, 2017

(51) **Int. Cl.**  
**A01H 5/08** (2006.01)

(52) **U.S. Cl.**  
USPC ..... **Plt./209**

(58) **Field of Classification Search**  
USPC ..... **Plt./208, 209**  
See application file for complete search history.

(56) **References Cited**  
U.S. PATENT DOCUMENTS

PP1,745 P	8/1958	Lang
PP3,981 P	11/1976	Bringhurst et al.
PP4,487 P	11/1979	Bringhurst et al.
PP4,538 P	5/1980	Bringhurst et al.
PP5,262 P	7/1984	Voth et al.
PP5,265 P	7/1984	Voth et al.
PP5,266 P	7/1984	Bringhurst et al.
PP5,300 P	10/1984	Johnson Jr.
PP5,480 P	5/1985	Nakagawa
PP5,840 P	12/1986	Johnson, Jr. et al.
PP6,191 P	5/1988	Johnson, Jr. et al.
PP6,231 P	7/1988	Johnson, Jr. et al.
PP6,578 P	1/1989	Voth et al.
PP6,579 P	1/1989	Bringhurst et al.
PP7,024 P	9/1989	Johnson, Jr. et al.
PP7,172 P	2/1990	Voth et al.
PP7,522 P	5/1991	Johnson, Jr. et al.
PP7,614 P	8/1991	Bringhurst et al.
PP7,615 P	8/1991	Bringhurst et al.
PP8,086 P	1/1993	Nelson et al.
PP8,205 P	4/1993	Nelson et al.
PP8,649 P	3/1994	Sjulin et al.
PP8,661 P	3/1994	Bringhurst et al.
PP8,708 P	5/1994	Voth et al.
PP8,745 P	5/1994	Sjulin et al.
PP9,130 P	5/1995	Sjulin et al.
PP9,909 P	6/1997	Ackerman et al.
PP10,221 P	2/1998	Sjulin et al.
PP10,534 P	8/1998	Sjulin et al.
PP10,642 P	10/1998	Amorao et al.
PP11,035 P	8/1999	Mowrey et al.
PP11,277 P	3/2000	Gilford et al.

PP11,279 P	3/2000	Gilford et al.
PP11,522 P	9/2000	Amorao et al.
PP11,548 P	10/2000	Amorao et al.
PP11,554 P	10/2000	Sjulin et al.
PP11,639 P	11/2000	Mowrey et al.
PP12,186 P2	11/2001	Gilford et al.
PP12,436 P2	3/2002	Amorao et al.
PP12,577 P2	4/2002	Amorao et al.
PP12,817 P2	7/2002	Gilford et al.
PP12,889 P2	8/2002	Lamb et al.
PP12,899 P2	9/2002	Mowrey et al.
PP13,386 P2	12/2002	Mowrey et al.
PP13,469 P3	1/2003	Larson et al.
PP14,005 P3	7/2003	Amorao et al.
PP14,062 P3	8/2003	Amorao et al.
PP14,109 P3	8/2003	Gilford et al.
PP14,771 P3	5/2004	Amorao et al.
PP15,145 P2	9/2004	Mowrey et al.
PP15,308 P2	11/2004	Sjulin et al.
PP15,375 P2	11/2004	Mowrey et al.
PP15,435 P2	12/2004	Sjulin et al.
PP15,596 P2	3/2005	Amorao et al.
PP15,731 P2	4/2005	Amorao et al.
PP15,752 P2	5/2005	Gilford et al.
PP16,070 P2	10/2005	Gilford et al.
PP16,238 P2	2/2006	Amorao et al.
PP16,241 P2	2/2006	Mowrey et al.
PP16,298 P2	2/2006	Gilford et al.
PP16,299 P2	2/2006	Gilford et al.
PP16,475 P2	4/2006	Gilford et al.
PP16,558 P3	5/2006	Lopez
PP18,000 P2	9/2007	Meulenbroek
PP18,040 P3	9/2007	Mowrey et al.
PP18,041 P3	9/2007	Gilford
PP18,458 P2	1/2008	Ferguson et al.
PP18,575 P3	3/2008	Amorao et al.
PP18,878 P2	6/2008	Mowrey et al.
PP19,240 P2	9/2008	Gilford et al.
PP19,673 P3	2/2009	Ferguson et al.
PP19,767 P2	2/2009	Shaw et al.
PP20,248 P3	9/2009	Rogers et al.
PP20,701 P2	2/2010	Gilford et al.
PP20,731 P2	2/2010	Mowrey et al.
PP20,733 P2	2/2010	Mowrey et al.
PP20,735 P2	2/2010	Ferguson
PP20,775 P2	2/2010	Mowrey et al.
PP20,922 P2	4/2010	Gilford et al.
PP21,538 P2	11/2010	Gilford et al.
PP21,559 P2	12/2010	Ferguson et al.
PP21,762 P2	3/2011	Stewart et al.
PP22,040 P3	7/2011	Stewart et al.
PP22,218 P2	11/2011	Ferguson
PP22,247 P2	11/2011	Ferguson
PP23,107 P2	10/2012	Ferguson et al.
PP23,148 P2	10/2012	Gilford et al.
PP23,377 P2	2/2013	Ferguson et al.
PP23,378 P2	2/2013	Pullen et al.
PP23,382 P2	2/2013	Ferguson et al.
PP23,383 P2	2/2013	Ferguson et al.
PP23,400 P2	2/2013	Ferguson et al.
PP23,401 P2	2/2013	Pullen et al.
PP23,459 P2	3/2013	Stewart et al.
PP23,506 P3	4/2013	Ferguson et al.
PP23,517 P3	4/2013	Ferguson et al.
PP24,096 P3	12/2013	Fear et al.
PP24,317 P3	3/2014	Ferguson et al.
PP24,333 P3	3/2014	Vitten et al.
PP24,395 P3	4/2014	Vitten et al.
PP24,533 P3	6/2014	Ferguson et al.
PP24,745 P2	8/2014	Vitten et al.
PP25,408 P3	4/2015	Vitten et al.
PP25,437 P3	4/2015	Vitten et al.
PP25,698 P3	7/2015	Ferguson et al.
PP25,699 P3	7/2015	Stewart et al.
PP25,747 P3	7/2015	Kibbe et al.
PP25,866 P3	9/2015	Ferguson et al.

# US PP27,682 P3

Page 2

---

PP26,800 P3 6/2016 Stewart et al.  
PP26,801 P3 6/2016 Stewart et al.  
PP26,802 P3 6/2016 Rodriguez Alcazar et al.  
2003/0079263 P1 4/2003 Gilford et al.  
2013/0276182 P1 10/2013 Fear et al.  
2016/0270276 P1 9/2016 Vitten et al.  
2016/0302339 P1 10/2016 Vitten et al.

## OTHER PUBLICATIONS

Ferguson et al, U.S. Appl. No. 14/545,992, filed Jul. 15, 2015, titled "Strawberry Plant Named Drisstrawfortyseven".  
Kibbe et al, U.S. Appl. No. 14/756,125, filed Aug. 4, 2015, titled "Strawberry Plant Named Drisstrawfortyeight".

Vitten et al, U.S. Appl. No. 14/999,062, filed Mar. 25, 2016 titled "Strawberry Plant Named Drisstrawfifty".

*Primary Examiner* — Susan McCormick Ewoldt  
(74) *Attorney, Agent, or Firm* — Morrison & Foerster  
LLP

(57)

## ABSTRACT

A new and distinct variety of strawberry plant named 'DrisStrawFortyNine' particularly characterized by having medium-sized, medium red fruit, a flat globose plant habit, and early harvest maturity, is disclosed.

**3 Drawing Sheets**

Genus and species: *Fragaria×ananassa*.  
Variety denomination: 'DrisStrawFortyNine'.

## BACKGROUND OF THE NEW PLANT

The present invention relates to a new and distinct strawberry variety designated 'DrisStrawFortyNine' and botanically known as *Fragaria×ananassa*. This new strawberry variety was discovered in Hillsborough County, Fla. in December 2009 and originated from a cross between the proprietary female parent '18Q361' (unpatented) and the proprietary male parent '68N66' (unpatented). A single plant was selected and asexually propagated via tissue culture and vegetative cuttings in Shasta County, Calif. in 2009.

'DrisStrawFortyNine' underwent further testing in Hillsborough County, Fla. from 2009-2014. The present invention has been found to retain its distinctive characteristics through successive asexual propagations via stolons and tissue culture.

## SUMMARY OF THE INVENTION

The following are the most outstanding and distinguishing characteristics of this new cultivar when grown under normal horticultural practices in Hillsborough County, Fla.

1. Medium-sized, medium red fruit;
2. Flat globose plant habit; and
3. Early harvest maturity.

## DESCRIPTION OF THE PHOTOGRAPHS

The accompanying color photographs show typical specimens of the new variety at various stages of development. The colors shown are as true as can be reasonably obtained by conventional photographic procedures. The photographs were taken from three-month-old plants.

FIG. 1 shows upper and lower surfaces of the leaves of the plant with three leaflets.

FIG. 2 shows both upper and lower surfaces of the flowers.

FIG. 3 shows the whole fruit.

FIG. 4 shows the fruit in longitudinal cross-section.

FIG. 5 shows the entire plant habit.

## DESCRIPTION OF THE NEW VARIETY

The following detailed descriptions set forth the distinctive characteristics of 'DrisStrawFortyNine'. The data which define these characteristics is based on observations taken in Hillsborough County, Fla. from 2009 to 2014. This description is in accordance with UPOV terminology. Color designations, color descriptions, and other phenotypical descriptions may deviate from the stated values and descriptions depending upon variation in environmental, seasonal, climatic, and cultural conditions. 'DrisStrawFortyNine' has not been observed under all possible environmental conditions. The botanical description of 'DrisStrawFortyNine' was taken from three-month-old plants. Color references are primarily to The R.H.S. Colour Chart of The Royal Horticultural Society of London (R.H.S.) (2007 edition). Descriptive terminology follows the *Plant Identification Terminology, An Illustrated Glossary, 2<sup>nd</sup> edition* by James G. Harris and Melinda Woolf Harris, unless where otherwise defined.

## DETAILED BOTANICAL DESCRIPTION OF THE PLANT

## Classification:

*Species*.—*Fragaria×ananassa*.  
*Common name*.—Strawberry.  
*Denomination*.—'DrisStrawFortyNine'.

## Parentage:

*Female parent*.—The proprietary variety '18Q361' (unpatented).

*Male parent*.—The proprietary variety '68N66' (unpatented).

## Plant:

*Height*.—10.6 cm.

*Diameter*.—29.8 cm.

*Number of crowns/plant*.—3.

*Habit*.—Flat globose.

*Density of individual plant*.—Open — sparse.

*Vigor (health and hardiness of plant)*.—Weak to medium.

## Terminal leaflets:

*Size*.—Medium. Length: 7.7 cm. Width: 8.4 cm.

Length/width ratio: 0.9 (Broader than long).

*Number of teeth/terminal leaflet*.—25.

*Shape of teeth*.—Obtuse — serrate to crenate.

*Color*.—Upper surface: RHS 137A (Medium green).

Lower surface: RHS 143D (Light green).

*Shape in cross section*.—Slightly concave.

*Blistering*.—Weak.

*Glossiness*.—Absent or weak.

*Number of leaflets*.—Three only.

*Shape*.—Orbicular.

*Base shape*.—Rounded.

*Apex descriptor*.—Rounded.

*Margin*.—Crenate.

*Margin profile*.—Revolute (margins rolled backwards).

*Variation*.—Absent.

## Petiole:

*Length*.—Short; 10.5 cm.

*Diameter*.—2.45 mm.

*Pubescence*.—Dense.

*Pose of hairs*.—Outwards — horizontal.

*Color*.—RHS 141D (Green).

*Bract frequency*.—0.

## Petiolule:

*Length*.—6.16 mm.

*Diameter*.—1.26 mm.

*Color*.—RHS 141D (Green).

## Stipule:

*Length*.—3.1 cm.

*Width*.—8.73 mm.

*Pubescence*.—Sparse.

*Stipule anthocyanin coloration*.—Absent or very weak; RHS 145C (Yellow-green).

## Stolon:

*Number*.—Medium.

*Average number of daughter plants per square foot*.—13.

*Anthocyanin coloration*.—Strong; RHS 53D (Red).

*Diameter at bract*.—1.08 mm.

*Density of pubescence*.—Absent or very sparse.

## Inflorescence:

*Position relative to foliage*.—Above.

*Number of flowers per plant*.—Medium; 2.50.

*Time of flowering (50% of plants at first flower)*.—Early; Mid-November to late March.

*Flower size*.—Medium.

*Flower diameter*.—25.74 mm.

*Petals*.—Shape: Orbicular. Apex: Rounded. Base: Concavo-convex. Margin: Entire. Spacing: Overlapping. Length: 10.82 mm. Width: 11.23 mm. Length/width

## 3

ratio: 1.0 (As long as broad). Petal number per flower: 6. Color (upper surface): RHS NN155B (White).

*Calyx*.—Diameter: 50.86 mm. Diameter relative to corolla: Much larger. Inner calyx diameter relative to outer: Smaller. Insertion of calyx: In a basin — inserted. Pose of calyx segments: Spreading — outwards. Size of calyx in relation to fruit: Slightly larger. Adherence of calyx: Strong.

*Sepal*.—Shape: Oblong. Apex: Convex. Margin: Entire. Length: 19.44 mm. Width: 11.41 mm. Sepal number: 13.

*Receptacle color*.—RHS 149B (Yellow-green).

*Stamen*.—Present. Anther color: RHS 13A (Yellow).

*Pedice*.—Attitude of hairs: Upwards.

## Fruiting truss:

*Length*.—Short; 18.2 cm.

*Diameter at base of truss*.—3.38 mm.

*Number of berries per fruiting truss*.—2.

*Attitude at first picking*.—Prostrate.

*Color at base of truss*.—RHS 143C (Green).

## Fruit:

*Relative fruit size*.—Medium.

*Length*.—46.49 mm.

*Width*.—40.20 mm.

*Length/width ratio*.—1.2 (Longer than broad).

*Fruit hollow length*.—13.45 mm.

*Fruit hollow width*.—3.54 mm.

*Fruit hollow length/width ratio*.—3.8 (Longer than broad).

*Fruit hollow center (cavity)*.—Small.

*Fruit weight*.—27.0 g.

*Predominant fruit shape*.—Conical.

*Difference in shape between primary and secondary fruits*.—Slight.

*Evenness of fruit surface*.—Even or very slightly uneven.

*Fruit skin color*.—RHS 45B (Medium red).

*Evenness of fruit color*.—Even or very slightly uneven.

*Fruit glossiness*.—Medium.

*Achenes*.—Insertion of achenes: Level with surface.

Coloration (sunward side of berry): RHS 59C (Red-purple). Coloration (shaded side of berry): RHS 151B (Yellow-green). Number per berry: 378.

Weight (weight of achenes divided by total # seed):

0.000528 g. Width of band without achenes:

Medium.

*Firmness of flesh (when fully ripe)*.—Firm.

*Color of flesh (excluding core)*.—RHS 42B (Dark red).

*Color of core*.—RHS 39A (Medium red).

*Evenness of flesh color*.—Slightly uneven.

*Distribution of flesh color*.—Marginal and central.

*Sweetness*.—Medium.

## 4

*Acidity*.—Medium.

*Texture when tasted*.—Fine.

*Type of bearing*.—Partially everbearing — partially remontant.

*Harvest interval*.—Early December to late March.

*Harvest maturity*.—Early.

*Production*.—385.28 grams per plant.

## Disease and pest resistance:

*Tetranychus urticae*.—Susceptible.

*Botrytis fruit rot*.—Susceptible.

*Xanthomonas fragariae*.—Moderately susceptible.

*Colletotrichum gloeosporioides*.—Susceptible.

## Stress resistance:

*High temperatures*.—Moderately resistant.

*Wind*.—Moderately susceptible.

*High pH*.—Resistant.

COMPARISON WITH PARENTAL AND  
COMMERCIAL VARIETIES

When ‘DrisStrawFortyNine’ is compared to the female parent ‘18Q361’ (unpatented), ‘DrisStrawFortyNine’ is later to come into production and has less yield per plant than ‘18Q361’. Additionally, ‘DrisStrawFortyNine’ plants are larger and healthier than those of ‘18Q361’.

When ‘DrisStrawFortyNine’ is compared to the male parent ‘68N66’ (unpatented), ‘DrisStrawFortyNine’ produces earlier and has higher overall season yields than ‘68N66’. Additionally, ‘DrisStrawFortyNine’ has smaller fruit size than ‘68N66’.

‘DrisStrawFortyNine’ differs from the commercial variety ‘DrisStrawTwentyFour’ (U.S. Plant Pat. No. 23,378), in that ‘DrisStrawFortyNine’ has medium-sized fruit that is medium red color with medium glossiness, whereas ‘DrisStrawTwentyFour’ has very large fruit that is dark red color with strong glossiness. Additionally, ‘DrisStrawFortyNine’ has inflorescence positioned above the foliage, whereas ‘DrisStrawTwentyFour’ has inflorescence positioned beneath the foliage.

‘DrisStrawFortyNine’ differs from the commercial variety ‘DrisStrawTwelve’ (U.S. Plant Pat. No. 21,538), in that ‘DrisStrawFortyNine’ has an open-sparse plant density and inflorescence positioned above the foliage, whereas ‘DrisStrawTwelve’ has a medium plant density and inflorescence that is positioned beneath the foliage. Additionally, ‘DrisStrawFortyNine’ has medium-sized fruit with medium red color, whereas ‘DrisStrawTwelve’ has large fruit with dark purple-red color.

We claim:

1. A new and distinct variety of strawberry plant named ‘DrisStrawFortyNine’, substantially as illustrated and described herein.

\* \* \* \* \*

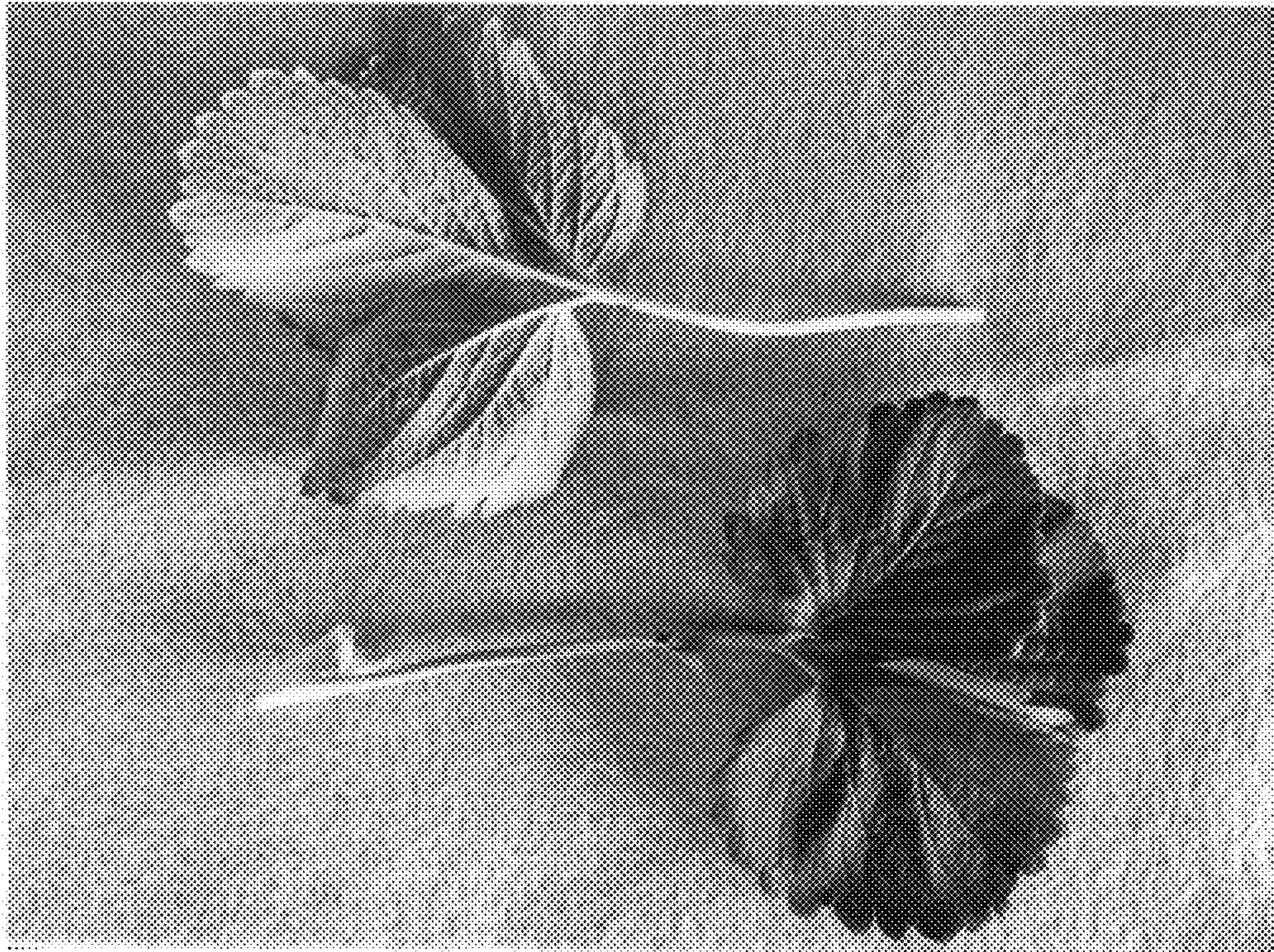


FIG. 1

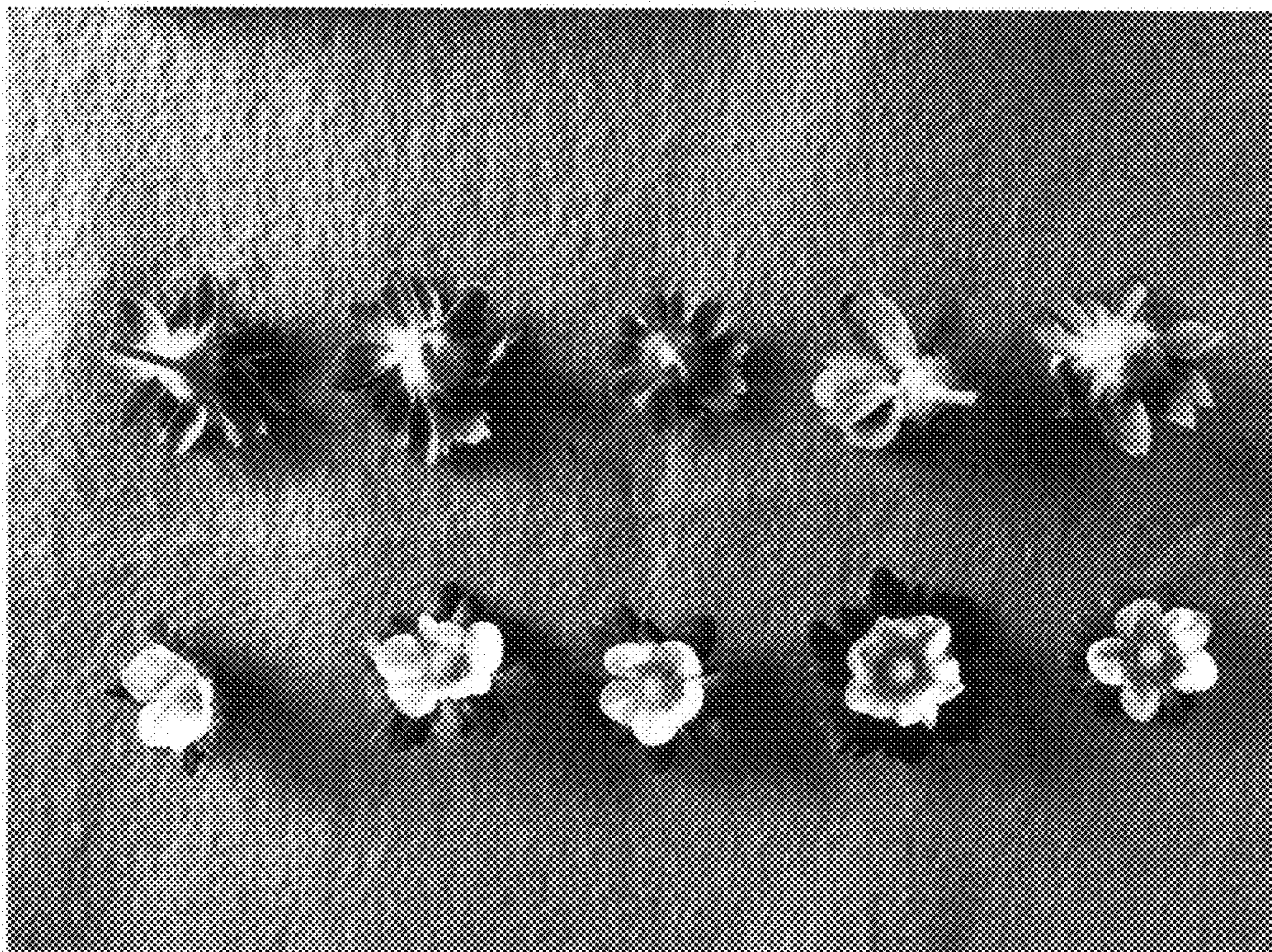


FIG. 2

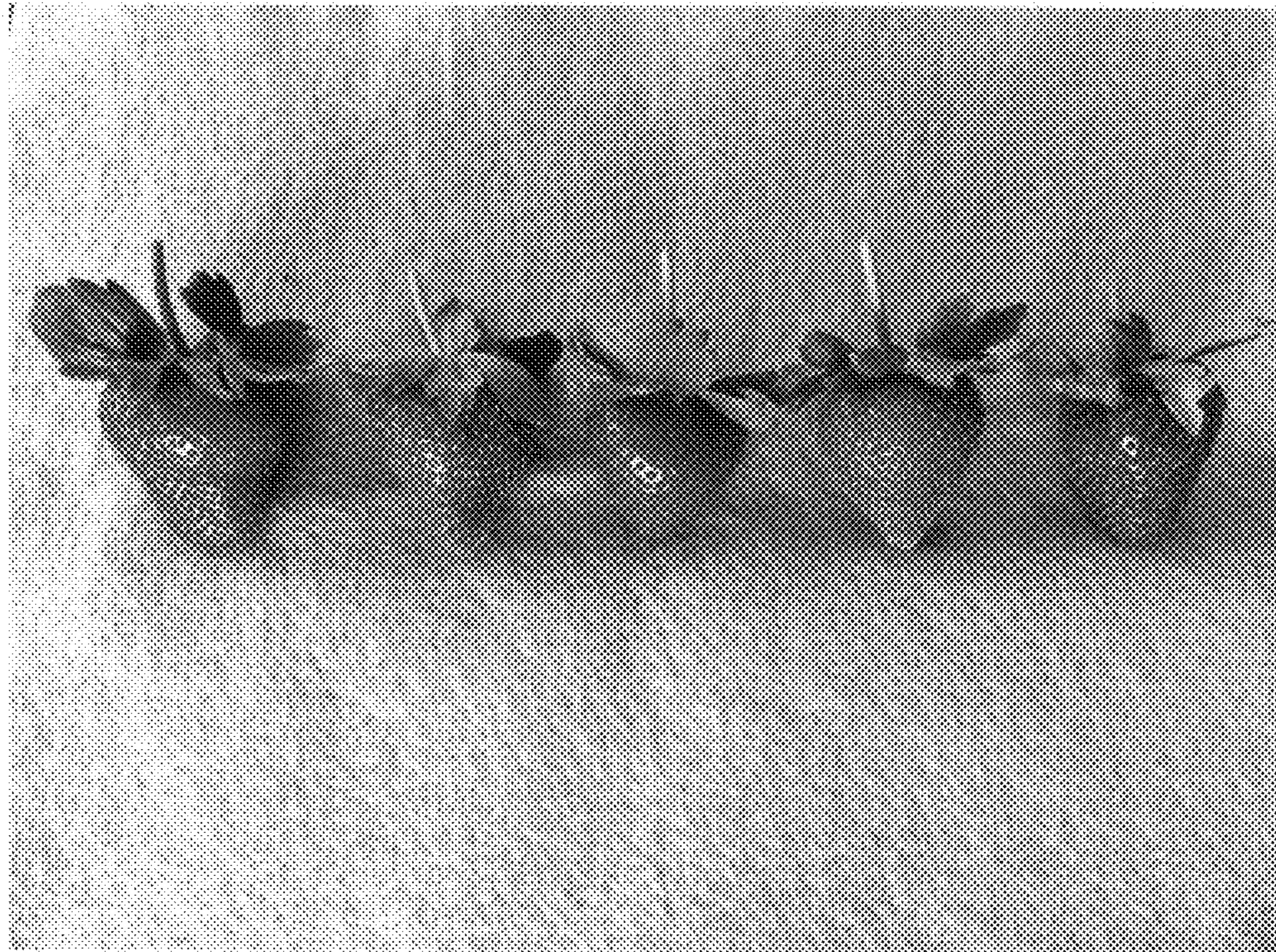


FIG. 3

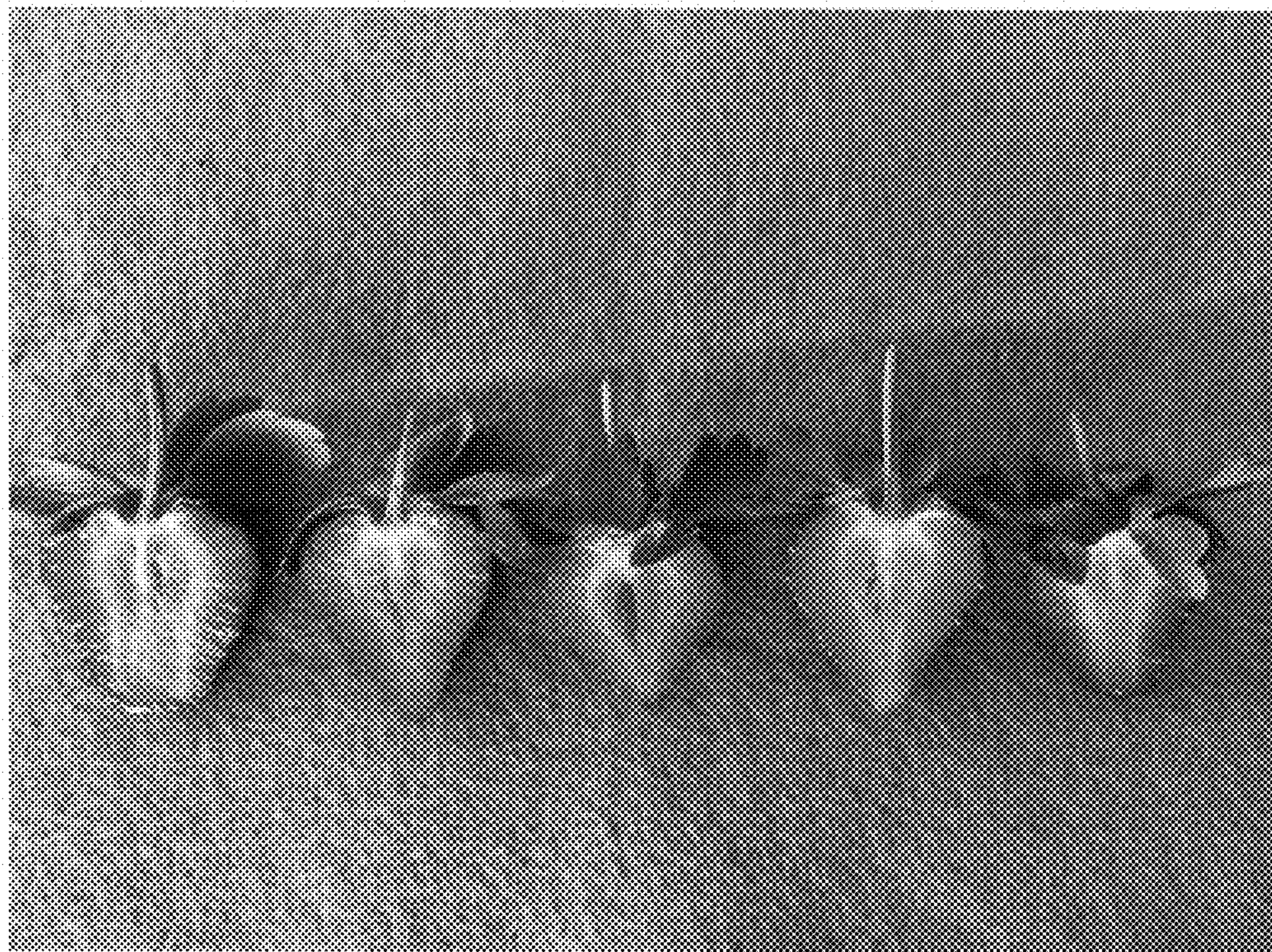


FIG. 4



FIG. 5