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(12) **United States Plant Patent**  
**Hermans**

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(54) **BUXUS PLANT NAMED ‘HER2009B03’**

CPC ..... A01H 5/00  
See application file for complete search history.

(50) Latin Name: ***Buxus* hybrid**  
Varietal Denomination: **HER2009B03**

(56) **References Cited**

(71) Applicant: **Herplant BVBA**, Beerse (BE)

PUBLICATIONS

(72) Inventor: **Didier Hermans**, Beerse (BE)

PLUTO Plant Variety Database Apr. 23, 2020. p. 1.\*

(73) Assignee: **HERPLANT BVBA**, Beerse (NL)

\* cited by examiner

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

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(21) Appl. No.: **16/602,568**

(57) **ABSTRACT**

(22) Filed: **Oct. 31, 2019**

A new cultivar of *Buxus* plant named ‘HER2009B03’ that is characterized by its upright plant habit, its fast growth habit, its leaves that are obovate in shape and medium light green in color, its suitability for use as tall hedges and for shearing into topiary towers, and its resistance to *Calonectria pseudonaviculata* (box blight).

(51) **Int. Cl.**  
**A01H 5/00** (2018.01)

(52) **U.S. Cl.**  
USPC ..... **Plt./226**

(58) **Field of Classification Search**  
USPC ..... **Plt./226**

**2 Drawing Sheets**

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Botanical classification: *Buxus* hybrid.  
Variety denomination: ‘HER2009B03’.

**CROSS REFERENCE TO A RELATED APPLICATIONS**

This application is co-pending with a U.S. Plant Patent Application filed for plants derived from the same breeding program that are entitled *Buxus* Plant Named ‘HER2009B01’ (U.S. Plant patent application Ser. No. 16/602,565)\*, *Buxus* Plant Named ‘HER2010B02’ (U.S. Plant patent application Ser. No. 16/602,567)\*, and *Buxus* Plant Named ‘HER2010B04’ (U.S. Plant patent application Ser. No. 16/602,566)\*. This application is related to a European plant breeders’ rights application filed on Apr. 23, 2018, application No. 2018/1121. There have been no offers for sale anywhere in the world prior to the effective filing date of this Application and no accessibility to one of ordinary skill in the art could have been derived from the printed plant breeder’s rights documents.

\*(Applicant gives the examiner the authority to replace U.S. Plant Patent pending with an Application No. or Patent No. if applicable and delete this statement.)

**BACKGROUND OF THE INVENTION**

The present invention relates to a new and distinct cultivar of *Buxus* of hybrid origin and will be referred to hereafter by its cultivar name, ‘HER2009B03’. ‘HER2009B03’ is a new cultivar of boxwood grown for use as an ornamental landscape plant and particularly useful as a tall hedge and for shearing into topiary towers.

The new cultivar was developed from an ongoing breeding program conducted under the direction of the Inventor at his nursery in Lilsedijk, Beerse, Belgium. ‘HER2009B03’

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arose from crosses made between un named and unpatented proprietary seedlings for *Buxus* from the Inventor’s breeding program in 2009 and 2010. The seeds from various crosses were pooled and the exact parentage is unknown. The resulting seedlings underwent bio assay tests followed by field examinations to initially make selections that showed good resistance against *Calonectria pseudonaviculata* (box blight). The Inventor selected the new cultivar as a single unique plant from amongst the seedlings of the above crosses in 2015.

Asexual propagation of the new cultivar was first accomplished under the direction of the Inventor by stem cuttings in 2015 in Lilsedijk, Beerse, Belgium. Asexual propagation of the new cultivar by stem cuttings has determined that the characteristics are stable and are reproduced true to type in successive generations.

**SUMMARY OF THE INVENTION**

The following traits have been repeatedly observed and represent the characteristics of the new cultivar. These attributes in combination distinguish ‘HER2009B03’ as a unique cultivar of *Buxus*.

1. ‘HER2009B03’ exhibits an upright plant habit.
2. ‘HER2009B03’ exhibits a fast growth habit.
3. ‘HER2009B03’ exhibits leaves that are obovate in shape and medium light green in color.
4. ‘HER2009B03’ exhibits suitability for use as tall hedges and for shearing into topiary towers.
5. ‘HER2009B03’ exhibits resistance to *Calonectria pseudonaviculata* (box blight).

‘HER2009B03’ can be most closely compared to *Buxus sempervirens* cultivar ‘Rotundifolia’ (not patented) and *Buxus* cultivars derived from the same breeding; ‘HER2010B02’, ‘HER2009B01’, and ‘HER2010B04’.



'Rotundifolia' is similar to 'HER2009B03' in having a tall and upright plant habit. 'Rotundifolia' differs from 'HER2009B03' in being susceptible to box blight. 'HER2010B02', 'HER2009B01', and 'HER2010B04' are all similar to 'HER2009B03' in having resistance to box blight. 'HER2010B02' differs from 'HER2009B03' in having a less upright plant habit. 'HER2009B01' differs from 'HER2009B03' in having a low growing plant habit and a slower growth rate. 'HER2010B04' differs from 'HER2009B03' in having a spreading growth habit and stems that are slightly twisted and leaves that are moderately to strongly undulate.

#### STATEMENT REGARDING PRIOR DISCLOSURES BY THE INVENTOR

The Applicant asserts that no publications or advertisements relating to sales, offers for sale, or public distribution occurred more than one year prior to the effective filing date of this application. Any information about the claimed plant would have been obtained from a direct or indirect disclosure from the Inventor. The Applicant claims a prior art exemption under 35 U.S.C. 102(b)(1) for disclosure and/or sales prior to the filing date but less than one year prior to the effective filing date. Disclosure includes but may not be limited to a catalogue listing in 2019 for availability in 2020 by Herplant.

#### BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying colored photographs illustrate the overall appearance and distinct characteristics of the new *Buxus*. The photographs were taken of a plant 8.5 years in age as grown outdoors in a 5-gallon container at a nursery in Beerse, Belgium.

The photograph in FIG. 1 provides a side view of the plant habit of 'HER2009B03'.

The photograph in FIG. 2 provides a close-up view of the foliage of 'HER2009B03'.

The colors in the photographs are as close as possible with the photographic and printing technology utilized and the color values cited in the detailed botanical description accurately describe the colors of the new *Buxus*.

#### DETAILED BOTANICAL DESCRIPTION

The following is a description of 3-year-old plants as grown outdoors in 17-cm containers in Beerse, Belgium. The phenotype of the new cultivar may vary with variations in environmental, climatic, and cultural conditions, as it has not been tested under all possible environmental conditions. The color determination is in accordance with The 2015 Colour Chart of The Royal Horticultural Society, London, England, except where general color terms of ordinary dictionary significance are used.

##### General description:

*Plant type*.—Evergreen shrub.

*Plant habit*.—Bushy and upright with suitability for use as a tall hedge and for shearing into topiary towers.

*Height and spread*.—Reaches an average of 26.3 cm in height and 24 cm in diameter as grown in a 17-cm

container, reaches 70 cm in height and 60 cm in width as an 8.5-year-old plant as grown outdoors in a 5-gallon container.

*Hardiness*.—At least in U.S.D.A. Zones 6 to 10.

*Diseases resistance*.—Resistance observed to *Calonec-tria pseudonaviculata* (box blight).

*Root description*.—Fibrous, 161A in color.

*Propagation*.—Stem cuttings.

*Root development*.—Cutting taken in mid-July initiate roots in 6 to 8 weeks with a young rooted plant produced in 8 to 10 weeks.

*Growth rate*.—Fast.

##### Branch description:

*Branch shape*.—Quadrangular, four narrow wings average of 0.3 mm in width that match branch color.

*Branch color*.—Young stems; 144A, mature stems; 143A to 143B, bark and older stems; 161D.

*Branch aspect*.—Average of 50° to vertical.

*Branch size*.—11 cm in length, 1.5 mm in diameter.

*Branch strength*.—Strong.

*Branch surface*.—Very slightly glossy and moderately covered with very short hairs; an average of 0.2 mm in length, too small to measure color.

*Branch number*.—An average of 1 main stem, average of 16 lateral branches.

*Branching habit*.—Freely branching.

*Internode length*.—Average of 1.7 cm.

##### Foliage description:

*Leaf shape*.—Obovate.

*Leaf division*.—Simple.

*Leaf arrangement*.—Opposite.

*Leaf base*.—Narrow acute.

*Leaf aspect*.—Moderately undulate.

*Leaf apex*.—Un-deeply emarginate.

*Leaf fragrance*.—Light fresh fragrance.

*Leaf venation*.—Pinnate, midrib; upper surface 146B to 146C, lower surface mid rib matches leaf color and is densely covered with small glands NN155B in color.

*Leaf margins*.—Entire, slightly undulate.

*Leaf arrangement*.—Opposite.

*Leaf attachment*.—Petiolate.

*Leaf surface*.—Both surfaces smooth, glabrous, glossy and non-rugose.

*Leaf size*.—An average of 2.2 cm in length and 1.05 cm in width.

*Leaf quantity*.—Average of 14 (7 pairs).

*Leaf color*.—Young upper surface; 144A, young lower surface 144B, mature upper surface; a color between NN137A and 147A, mature lower surface 143C.

*Petioles*.—Average of 1.5 mm in length and width, surface slightly glossy and moderately covered with short hairs; an average of 0.2 mm in length and too small to measure color, strong, upper surface color 143B, lower surface color 143C.

*Inflorescence description*: No flowers have been observed.

It is claimed:

1. A new and distinct cultivar of *Buxus* plant named 'HER2009B03' as herein illustrated and described.

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FIG. 1





FIG. 2