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Mendoza et al.

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- (54) **STRAWBERRY PLANT VARIETY NAMED ‘DRISSTRAWEIGHTYTWO’**
- (50) Latin Name: *Fragaria x ananassa*
Varietal Denomination: **DrisStrawEightyTwo**
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- (52) **U.S. Cl.**
USPC **Plt./209**
- (58) **Field of Classification Search**
USPC **Plt./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. et al.
 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 Sjulín et al.
 PP8,661 P 3/1994 Bringhurst et al.
 PP8,708 P 5/1994 Voth et al.
 PP8,745 P 5/1994 Sjulín et al.
 PP9,130 P 5/1995 Sjulín et al.
 PP9,909 P 6/1997 Ackerman et al.
 PP10,221 P 2/1998 Sjulín et al.
 PP10,534 P 8/1998 Sjulín 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 Sjulín 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.
 PP12,899 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 Sjulín et al.
 PP15,375 P2 11/2004 Mowrey et al.
 PP15,435 P2 12/2004 Sjulín 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.
 PP20,363 P2 9/2009 Chandler
 PP20,701 P2 2/2010 Gilford et al.
 PP20,731 P2 2/2010 Mowrey et al.
 PP20,733 P2 2/2010 Mowrey et al.

(Continued)

OTHER PUBLICATIONS

Stewart, et al., “Unpublished U.S. Appl. No. 16/873,276, filed Mar. 10, 2020, titled”Strawberry Plant Variety Named ‘DrisStrawEighty’.
 Stewart, et al., “Unpublished U.S. Appl. No. 16/873,277, filed Mar. 10, 2020, titled”Strawberry Plant Variety Named ‘DrisStrawEightyOne’.
 Mendoza, et al., “Unpublished U.S. Appl. No. 16/912,629, filed Jun. 25, 2020, titled”Strawberry Plant Variety Named ‘DrisStrawEightyThree’.
 Ferguson et al., “Unpublished U.S. Appl. No. 16/501,428, filed Apr. 12, 2019, titled “Strawberry Plant Variety Named ‘DrisStrawSeventyFive’”.”.
 Ferguson et al., “Unpublished U.S. Appl. No. 16/501,759, filed Jun. 4, 2019, titled “Strawberry Plant Variety Named ‘DrisStrawSeventySeven’”.”.

(Continued)

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(57) **ABSTRACT**

A new and distinct variety of strawberry plant named ‘DrisStrawEightyTwo’, particularly selected for its high early season and total yield when grown at high elevation, the size, flavor, and shelf-life of its fruit, as well as its tolerance to mites and easy-to-harvest plant architecture, is disclosed.

(56)

References Cited

U.S. PATENT DOCUMENTS

- | | | | | | |
|-------------|---------|--------------------------|-----------------|---------|-------------------------|
| PP20,735 P2 | 2/2010 | Ferguson | PP29,730 P2 | 10/2018 | Kibbe et al. |
| PP20,775 P2 | 2/2010 | Mowrey et al. | PP29,731 P2 | 10/2018 | Ferguson et al. |
| PP20,922 P2 | 4/2010 | Gilford et al. | PP29,747 P2 | 10/2018 | Vitten et al. |
| PP21,538 P2 | 11/2010 | Gilford et al. | PP29,748 P2 | 10/2018 | Vitten et al. |
| PP21,559 P2 | 12/2010 | Ferguson et al. | PP29,749 P2 | 10/2018 | Stewart et al. |
| PP21,762 P2 | 3/2011 | Stewart et al. | PP30,775 P2 | 8/2019 | Carrillo Mendoza et al. |
| PP22,040 P3 | 7/2011 | Stewart et al. | PP30,789 P2 | 8/2019 | Ferguson et al. |
| PP22,218 P2 | 11/2011 | Ferguson et al. | PP30,818 P2 | 8/2019 | Pakozdi et al. |
| PP22,247 P2 | 11/2011 | Ferguson | PP30,851 P2 | 8/2019 | Fear et al. |
| PP23,107 P2 | 10/2012 | Ferguson et al. | PP30,936 P2 | 10/2019 | Stewart et al. |
| PP23,148 P2 | 10/2012 | Gilford et al. | PP31,083 P2 | 11/2019 | Carrillo Mendoza et al. |
| PP23,377 P2 | 2/2013 | Ferguson et al. | PP31,233 P2 | 12/2019 | Pakozdi et al. |
| PP23,378 P2 | 2/2013 | Pullen et al. | PP31,527 P3 | 3/2020 | Carrillo Mendoza et al. |
| PP23,382 P2 | 2/2013 | Ferguson et al. | PP31,655 P2 | 4/2020 | Carrillo Mendoza et al. |
| PP23,383 P2 | 2/2013 | Ferguson et al. | PP31,703 P2 | 4/2020 | Stewart et al. |
| PP23,400 P2 | 2/2013 | Ferguson et al. | PP31,827 P2 | 6/2020 | Ferguson et al. |
| PP23,401 P2 | 2/2013 | Pullen et al. | PP31,896 P2 | 6/2020 | Pakozdi et al. |
| PP23,459 P2 | 3/2013 | Stewart et al. | 2003/0079263 P1 | 4/2003 | Gilford et al. |
| PP23,506 P3 | 4/2013 | Ferguson et al. | 2013/0276182 P1 | 10/2013 | Fear 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. | | | |
| 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. | | | |
| PP27,442 P2 | 12/2016 | Kibbe et al. | | | |
| PP27,645 P3 | 2/2017 | Vitten et al. | | | |
| PP27,682 P3 | 2/2017 | Kibbe et al. | | | |
| PP27,711 P3 | 2/2017 | Vitten et al. | | | |
| PP27,813 P3 | 3/2017 | Ferguson et al. | | | |
| PP29,289 P3 | 5/2018 | Vitten et al. | | | |
| PP29,728 P2 | 10/2018 | Stewart et al. | | | |
| PP29,729 P2 | 10/2018 | Kibbe et al. | | | |

OTHER PUBLICATIONS

- Ferguson et al., Unpublished U.S. Appl. No. 16/602,701, filed Nov. 22, 2019, titled "Strawberry Plant Variety Named Dris-StrawSixtyNine".
- Jacobs et al., "Unpublished U.S. Appl. No. 16/501,501, filed Apr. 18, 2019, titled "Strawberry Plant Variety Named 'Dris-StrawSeventy'"".
- Mendoza et al., "Unpublished U.S. Appl. No. 16/350,139, filed Oct. 2, 2018, titled "Strawberry Plant Variety Named 'Dris-StrawSixtySeven'"".
- Mendoza, "U.S. Unpublished U.S. Appl. No. 16/501,602, filed May 7, 2019, titled "Strawberry Plant Variety Named 'Dris-StrawSixtyEight'"".
- Mendoza et al., "Unpublished U.S. Appl. No. 16/501,849, filed Jun. 18, 2019, titled "Strawberry Plant Variety Named 'Dris-StrawSeventyEight'"".
- Mendoza et al., Unpublished U.S. Appl. No. 16/602,476, filed Oct. 15, 2019, titled "Strawberry Plant Variety Named Dris-StrawSeventyNine".
- Pakozdi et al., "Unpublished U.S. Appl. No. 16/501,198, filed Mar. 5, 2019, titled "Strawberry Plant Variety Named 'Dris-StrawSeventyThree'"".
- Stewart et al., "Unpublished U.S. Appl. No. 16/501,449, filed Apr. 17, 2019, titled "Strawberry Plant Variety Named 'Dris-StrawSeventyOne'"".

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**STRAWBERRY PLANT VARIETY NAMED
'DRISSTRAWEIGHTYTWO'**

Latin name:

Botanical classification: *Fragaria x ananassa*.

Varietal denomination: The varietal denomination of the claimed variety of strawberry plant is 'DrisStrawEightyTwo'.

BACKGROUND OF THE INVENTION

Cultivated strawberry is a hybrid species of the genus *Fragaria* that is grown worldwide for its fruit. Modern strawberry was first bred in Brittany, France, in the 18th century by crossing *Fragaria virginiana* with *Fragaria chiloensis*. Strawberry fruit is an aggregate accessory fruit, with the fleshy part of the fruit being derived from the receptacle that holds the ovaries.

Strawberry varieties vary widely in color, size, shape, flavor, season of ripening, degree of fertility, and susceptibility to disease. Certain varieties vary in foliage, and some vary in the relative development of their reproductive organs. Typically, strawberry flowers appear hermaphroditic in structure, but function as either male or female. Generally, commercial production of strawberry plants involves propagation from runners and distribution as either plugs or bare root plants. Cultivation is either perennial or annual plasticulture. During the off season, strawberries can also be produced in greenhouses.

Strawberry fruit is widely appreciated for its characteristic bright red color, aroma, juicy texture, and sweetness. Strawberry fruit is a popular fruit that is generally consumed either fresh or in prepared foods, such as preserves and baked goods.

Strawberry is an important and valuable fruit crop. Accordingly, there is a need for new varieties of strawberry plants. In particular, there is a need for improved varieties of strawberry plant that are stable, high yielding, and agronomically sound.

SUMMARY OF THE INVENTION

In order to meet these needs, the present invention is directed to an improved variety of strawberry plant. In particular, the invention relates to a new and distinct variety of strawberry plant (*Fragaria x ananassa*), which has been denominated as 'DrisStrawEightyTwo'.

Strawberry plant variety 'DrisStrawEightyTwo' originated from a cross between the proprietary female parent '920AA240' (unpatented) and the proprietary male parent '914U 19' (unpatented). Progeny plants from this cross of '920AA240' x '914U 19', including 'DrisStrawEightyTwo', were asexually propagated via stolons in Zapotlan, Jalisco, Mexico in March of 2014. Strawberry plant variety 'DrisStrawEightyTwo' was later specifically identified and selected in Tangancicuaro, Michoacan, Mexico in December of 2014.

'DrisStrawEightyTwo' was subsequently asexually propagated via stolons, and underwent further testing at test plots in Tapalpa, Jalisco, Mexico and Purepero, Michoacan, Mexico for five years (2014 to 2019). The present variety has been found to be stable and reproduce true to type through successive asexual propagations via stolons and tissue culture.

'DrisStrawEightyTwo' exhibits the following distinguishing characteristics when grown under normal horticultural practices in Tapalpa, Jalisco, Mexico and Purepero, Michoacan, Mexico:

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1. Obtuse shape of base of terminal leaflet;
2. Medium glossiness of fruit;
3. Absent or small fruit cavity; and
4. Position of achenes level with surface on fruit.

'DrisStrawEightyTwo' was particularly selected for its high early season and total yield when grown at high elevation, the size, flavor, and shelf-life of its fruit, as well as its tolerance to mites and easy-to-harvest plant architecture.

DESCRIPTION OF THE DRAWINGS

This new strawberry plant is illustrated by the accompanying photographs which show fruit of the plant, flowers, leaves, and the plants. The colors shown are as true as can be reasonably obtained by conventional photographic procedures. The photographs are of plants that are six months old.

FIG. 1 illustrates whole fruit of variety 'DrisStrawEightyTwo'.

FIG. 2 illustrates longitudinal sections of fruit of variety 'DrisStrawEightyTwo'.

FIG. 3 illustrates the upper and lower surfaces of flowers of variety 'DrisStrawEightyTwo'.

FIG. 4 illustrates leaves of variety 'DrisStrawEightyTwo'.

FIG. 5 illustrates whole plants of variety 'DrisStrawEightyTwo'.

DETAILED BOTANICAL DESCRIPTION

The following detailed descriptions set forth the distinctive characteristics of 'DrisStrawEightyTwo'. The data which define these characteristics is based on observations taken in Tapalpa, Jalisco, Mexico and Purepero, Michoacan, Mexico from 2014 to 2019. 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. 'DrisStrawEightyTwo' has not been observed under all possible environmental conditions. The botanical description of 'DrisStrawEightyTwo' was taken from plants that were six months old. The indicated values represent averages calculated from measurements of several plants. Color references are primarily to The R.H.S. Colour Chart of The Royal Horticultural Society of London (R.H.S.) (2015 edition). Descriptive terminology follows the *Plant Identification Terminology, An Illustrated Glossary*, 2nd edition by James G. Harris and Melinda Woolf Harris, unless where otherwise defined.

Classification:

Species.—*Fragaria x ananassa*.

Common name.—Strawberry.

Denomination.—'DrisStrawEightyTwo'.

Parentage:

Female parent.—Proprietary strawberry plant '920AA240' (unpatented).

Male parent.—Proprietary strawberry plant '914U 19' (unpatented).

Plant:

Height.—19.8 cm.

Diameter.—35.1 cm.

Number of crowns per plant.—2.4.

Growth habit.—Semi-upright.

Stolon:

Average number of daughter plants per square foot.—10.

Diameter at bract.—3.5 mm.

Anthocyanin coloration.—Medium.

Stolon color with anthocyanin coloration.—RHS 44C
(Vivid reddish-orange).

Leaf:

Number of leaflets.—Three only.

Color of upper surface.—RHS NN137A (Greyish olive green).

Variation.—Absent.

Terminal leaflet.—Length: 11 cm. Width: 15.2 cm.
Length/width ratio: 0.7. Number of teeth/terminal
leaflet: 21. Shape of base: Obtuse. Margin: Serrate to
crenate. Shape in cross section: Straight.

Petiole.—Length: 12.8 cm. Diameter: 3.3 mm. Attitude
of hairs: Slightly outwards. Bract frequency (number
present on each petiole): 2.

Petiolule.—Length: 12 mm. Diameter: 1.6 mm.

Stipule.—Length: 3.0 cm. Width: 10.8 mm. Anthocya-
nin coloration: Medium. Anthocyanin color: RHS
42C (Strong reddish orange).

Inflorescence:

Position in relation to foliage.—Above.

Pedice.—Attitude of hairs: Slightly outwards.

Flower.—Flower diameter (petal tip to petal tip on
non-flattened flower): 27.9 mm. Arrangement of
petals: Touching. Stamen: Present. Typical and
observed number of flowers per plant: 12.3.

Petal.—Length: 13.6 mm. Width: 13.6 mm. Length/
width ratio: 1.0. Typical and observed petal number:
5.8. Color of upper side: RHS NN155C (White).

Calyx.—Diameter (sepal tip to sepal tip, measured on
back of flower): 47.6 mm.

Sepal.—Length (sepal tip to point of attachment to
receptacle): 22.1 mm. Width: 10.5 mm. Typical and
observed sepal number: 13.

Fruit:

Length.—47 mm.

Width.—41 mm.

Length/width ratio.—1.1.

Fruit hollow length.—2.6 mm.

Fruit hollow width.—1.0 mm.

Fruit hollow length/width ratio.—2.6.

Shape.—Conical.

Glossiness.—Medium.

Firmness.—Medium.

Color.—RHS 45A (Vivid red).

Position of achenes.—Level with surface.

Position of calyx attachment.—Level with fruit.

Attitude of sepals.—Outwards.

Color of flesh (excluding core).—RHS 34C (Strong
reddish orange).

Color of core.—RHS 31A (Strong reddish orange).

Production:

Flowering interval.—September to May.

Harvest interval.—October to May.

Type of bearing.—Fully remontant.

Productivity.—39,911 kg to 52,552 kg of fruit per
hectare per season from six-month-old plants when
grown in Tapalpa, Jalisco, Mexico.

Resistance to abiotic stress, pests, and diseases:

Heat.—Moderately resistant.

Two-spotted spider mite (tetranychus urticae).—Mod-
erately resistant.

Botrytis fruit rot (botrytis cinerea).—Moderately resis-
tant.

Powdery mildew (podosphaera macularis): Moder-
ately resistant.

Xanthomonas (xanthomonas fragariae): Moderately
susceptible.

COMPARISON WITH PARENTAL AND
COMMERCIAL VARIETIES

‘DrisStrawEightyTwo’ differs from the proprietary female
parent ‘920AA240’ (unpatented) in that ‘DrisStrawEight-
yTwo’ has earlier fruit production and a more compact plant
than ‘920AA240’.

‘DrisStrawEightyTwo’ differs from the proprietary male
parent ‘914U 19’ (unpatented) in that fruit of ‘DrisStra-
wEightyTwo’ are softer, more conic in shape, and larger in
size than fruit of ‘914U 19’.

‘DrisStrawEightyTwo’ differs from the commercial vari-
ety ‘Driscoll El Dorado’ (U.S. Plant Pat. No. 16,238) in that
‘DrisStrawEightyTwo’ has an obtuse shape of base of ter-
minal leaflet, a medium glossiness of fruit, an absent or
small fruit cavity, and a level with surface position of
achenes on fruit, whereas ‘Driscoll El Dorado’ has a rounded
shape of base of terminal leaflet, a strong glossiness of fruit,
a medium fruit cavity, and a below surface position of
achenes on fruit. Further, ‘DrisStrawEightyTwo’ is fully
remontant, while ‘Driscoll El Dorado’ is partially remontant.

‘DrisStrawEightyTwo’ differs from the commercial vari-
ety ‘DrisStrawThirtySix’ (U.S. Plant Pat. No. 25,698) in that
‘DrisStrawEightyTwo’ has an obtuse shape of base of ter-
minal leaflet, a medium glossiness of fruit, an absent or
small fruit cavity, and a level with surface position of
achenes on fruit, whereas ‘DrisStrawThirtySix’ has an acute
shape of base of terminal leaflet, a strong glossiness of fruit,
a medium fruit cavity, and a below surface position of
achenes on fruit. Further, ‘DrisStrawEightyTwo’ is fully
remontant, while ‘DrisStrawThirtySix’ is not remontant.

We claim:

1. A new and distinct variety of strawberry plant named
‘DrisStrawEightyTwo’ as shown and described herein.

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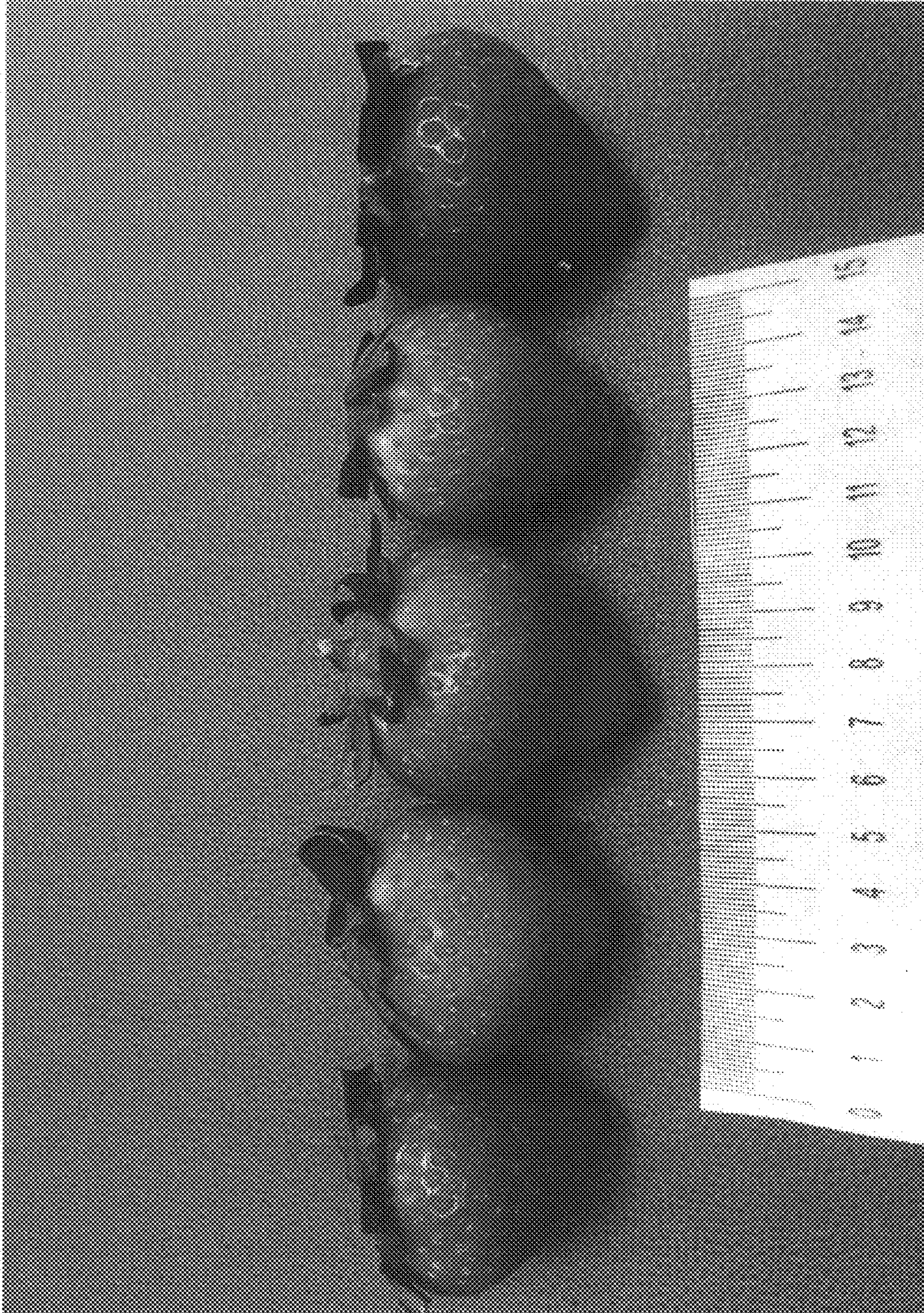


FIG. 1



FIG. 2

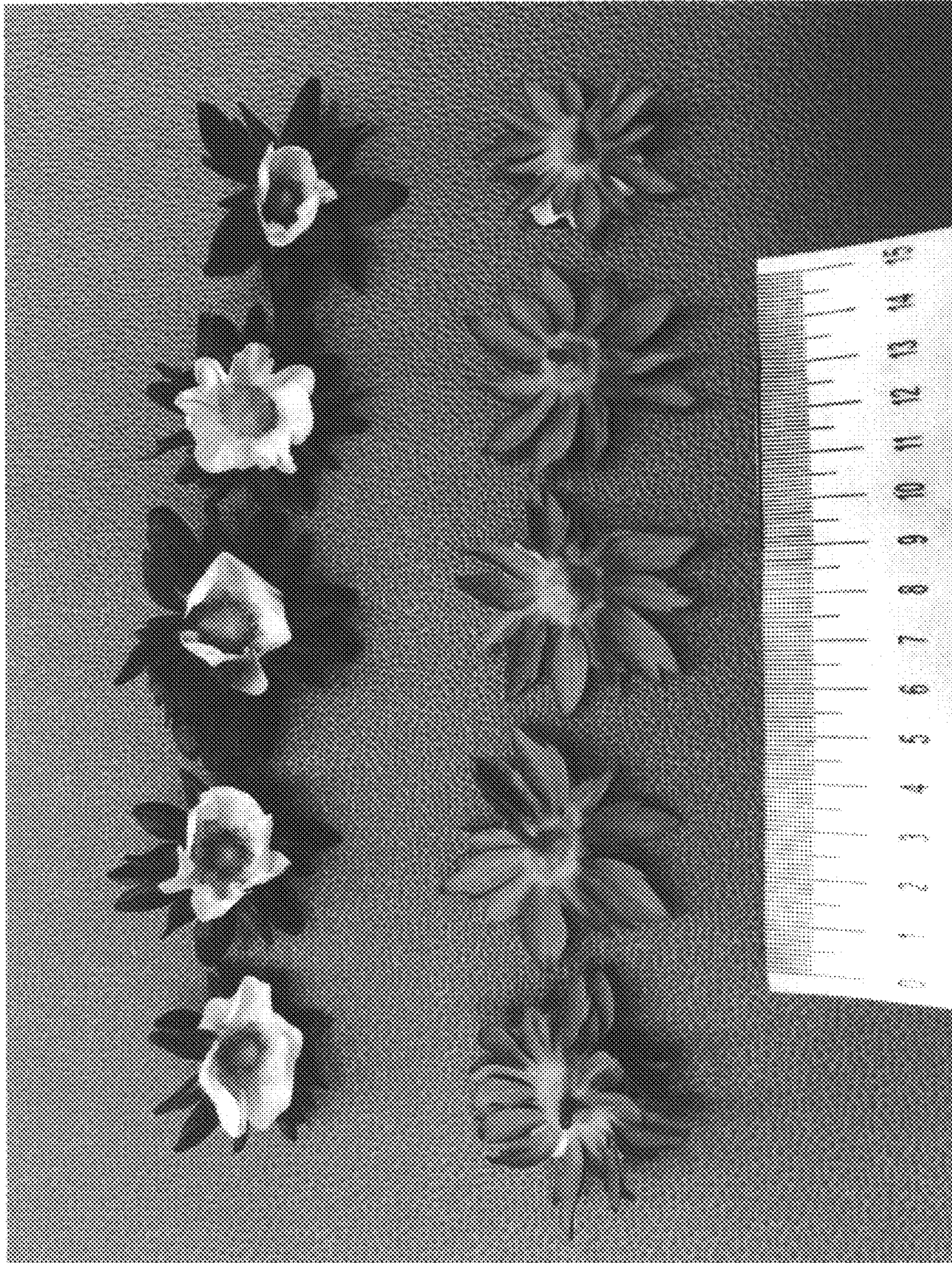


FIG. 3

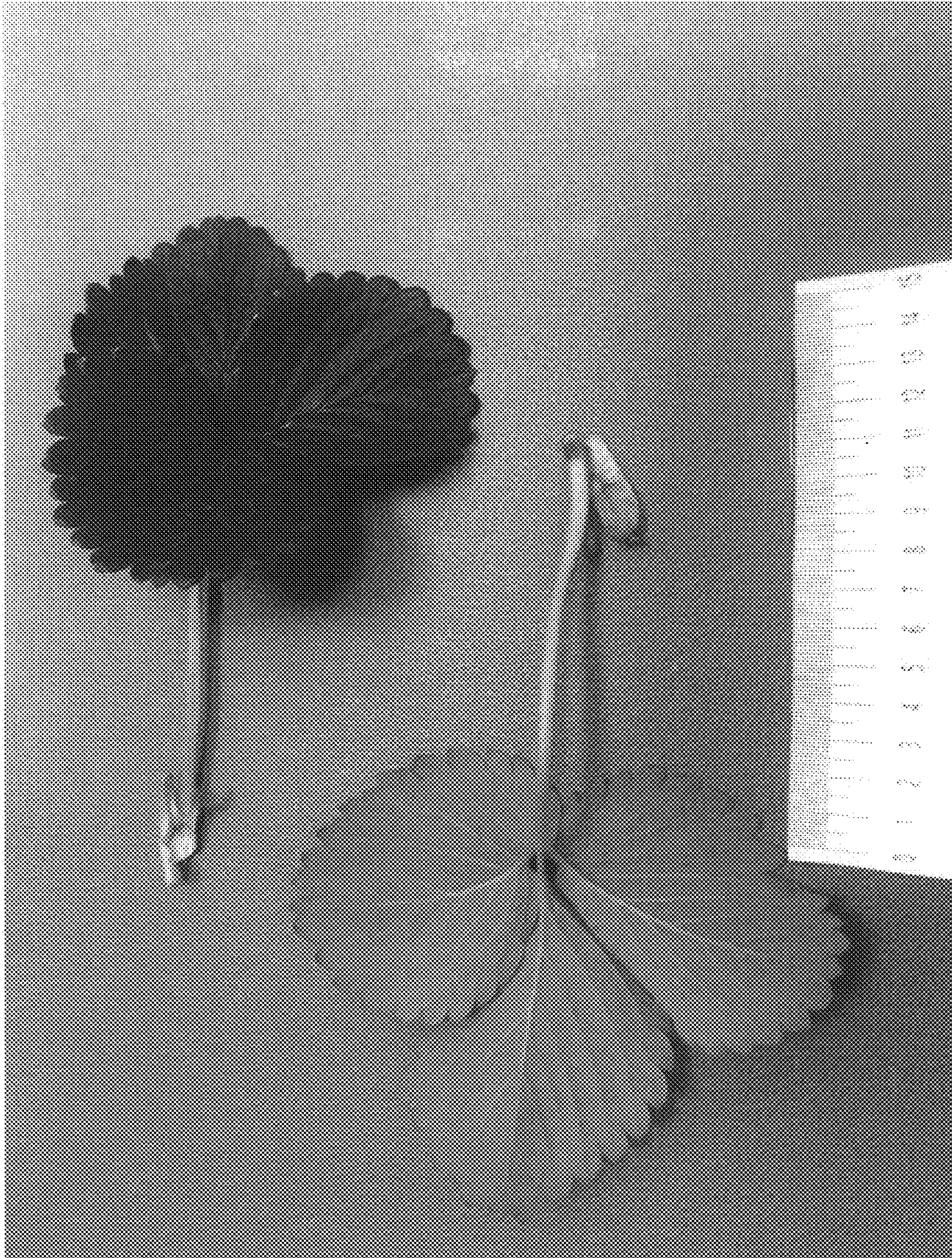


FIG. 4

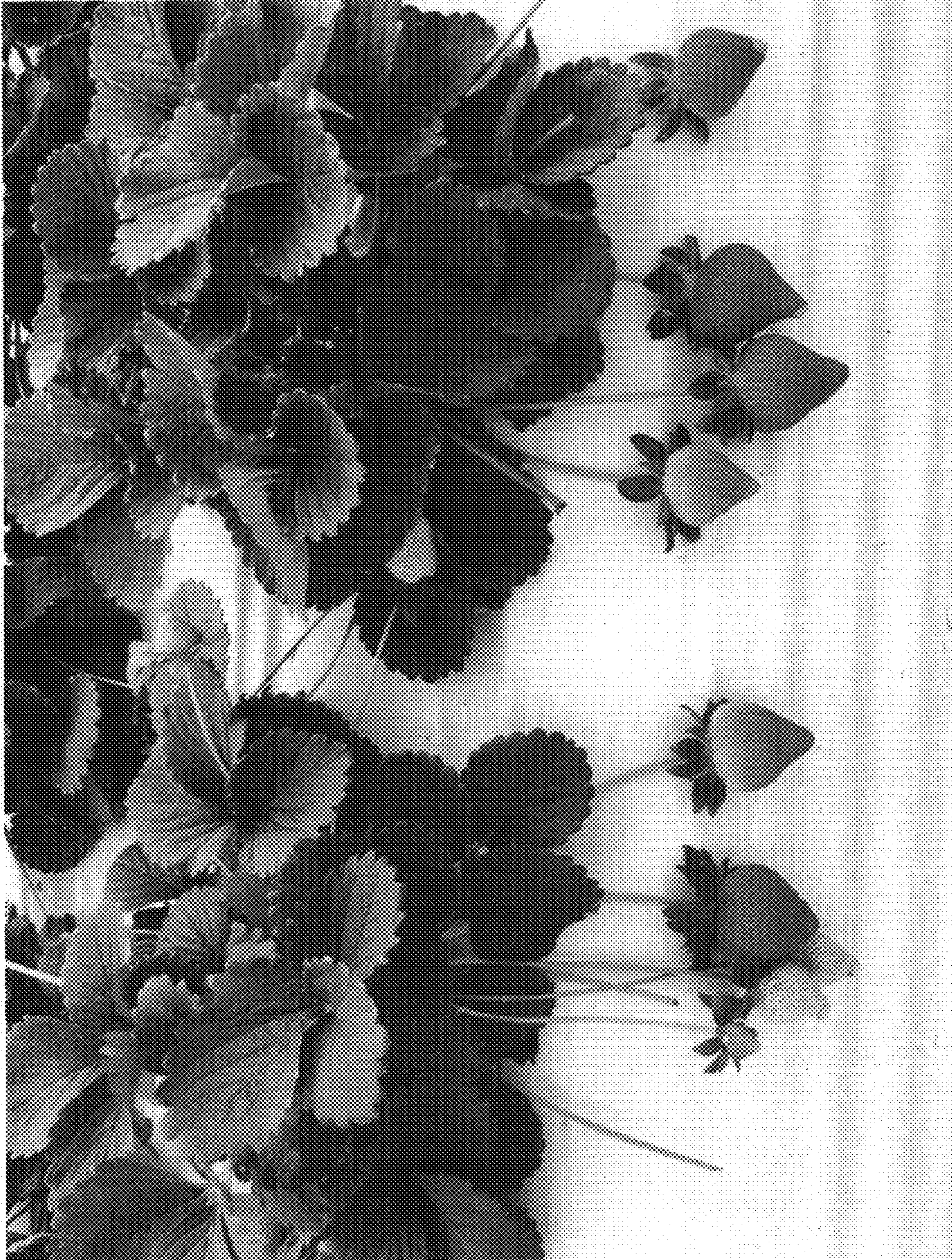


FIG. 5