No. 7500053

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Mrs. Eunice M. Layton

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED 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 seventeen 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 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.)

WATERMELON

'Calsweet'

PLANT VARIETY PROTECTION OFFICE · U.S. DEPARTMENT OF AGRICULTURE

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 *this* 14th *day of* May *in the year of our Lord one thousand nine hundred and* seventy-six

Attest:

S. Rollin

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Earl L. Butz

Secretary of Agriculture

FORM GR-470
(12-15-72)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1. VARIETY NAME OR TEMPORARY DESIGNATION CALSWEET	2. KIND NAME Watermelon	FOR OFFICIAL USE ONLY PV NUMBER 7500053
3. GENUS AND SPECIES NAME Citrullus Lanatus	4. FAMILY NAME *(Botanical)* Cuccurbitaceae	FILING DATE 2.4.75 / TIME 1 ~~A.M.~~ P.M.
	5. DATE OF DETERMINATION 1968	FEE RECEIVED $ 250 / $ 250 / $ 250 — BALANCE DUE $ — / $ — / $ —
6. NAME OF APPLICANT(S) Duke V. Layton	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)* 455 No. Santa Fe St. Hemet, California 92343	8. TELEPHONE AREA CODE AND NUMBER 714-658-3355
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)*	10. STATE OF INCORPORATION	11. DATE OF INCORPORATION

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

Vincent G. Gioia, Esq.
105 Griffwood Drive
McMurray, Penna. 15317

412-941-7411

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- [X] 13A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52 of the Plant Variety Protection Act.)*
- [X] 13B. Exhibit B, Botanical Description of the Variety
- [X] 13C. Exhibit C, Objective Description of the Variety
- [X] 13D. Exhibit D, Data Indicative of Novelty
- [X] 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? *(See Section 83(a). (If "Yes," answer 14B and 14C below.)* [ ] YES [X] NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? [ ] YES [ ] NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? [ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

January 31 1975
(DATE)

Vincent G. Gioia
(SIGNATURE OF APPLICANT)
for Applicant, Mr. Duke V. Layton

(DATE)

(SIGNATURE OF APPLICANT)

EXHIBIT A

Origin and Breeding History of the Variety

1. Calsweet originated in California from a hand-pollinated cross between "Crimson Sweet" and "Wilt Resistant Peacock 24". The breeding technique used for making the original crosses and subsequent self pollinations is that described by D. R. Porter, 1933, in Hilgardia, a Journal of Agricultural Science published by the California Agricultural Experimental Station.

2. Intensive self pollination of the most promising families during the years of 1969, 1970, 1971 and 1972 with the elimination of all "off types" has resulted in homozygous lines of Calsweet. At the present, Calsweet plantings are free of segregates or any aberent types, except for the normal and usual insignificant number of variants.

EXHIBIT B

Botanical Description of the Variety

"Calsweet" is a striped watermellon with a rind color and flesh texture similar to Crimson Sweet. A distinguishing feature is the brilliant peacock-red flesh color. The exterior of Calsweet resembles the variety "Alsweet" but differs from the latter in that Calsweet's shape is more cylindrical with straighter sides and does not become narrow at the stem end.

Calsweet is highly resistant to Fusarium Wilt. This has been clearly established by the fact that all of its growing has been done on heavily infested soils where watermelons have been grown continuously for 15 and 20 years. The resistance is comparable to the resistant variety "Calhoun Grey".

FORM GR-470-19
(1-15-73)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Watermelon)

OBJECTIVE DESCRIPTION OF VARIETY
WATERMELON *(CITRULLUS LANATUS)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
Duke V. Layton

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
455 N. Santa Fe St.
Hemet, California 92343

FOR OFFICIAL USE ONLY
PVPO NUMBER
7500053
VARIETY NAME OR TEMPORARY DESIGNATION
CALSWEET

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. [0][8][9] or [0][9]) when number is either 99 or less or 9 or less.

1. TYPE:

[1] 1 = OBLONG 2 = ROUND LARGE 3 = ROUND SMALL *(icebox)*

2. AREA OF BEST ADAPTATION:

[3] 1 = SOUTH 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST 4 = MOST AREAS

3. EMERGENCE TO ANTHESIS:

[ ][ ] NO. OF DAYS *EARLIER* THAN ..... [ ] } 1 = CHARLESTON GREY
[0][6] NO. OF DAYS *LATER* THAN ..... [1] } 2 = OTHER *(Specify)* _____

4. POLLINATION TO MATURITY:

[ ][ ] NO. OF DAYS *EARLIER* THAN ..... [ ] } 1 = CHARLESTON GREY
[0][6] NO. OF DAYS *LATER* THAN ..... [1] } 2 = OTHER *(Specify)* _____

5. PLOIDY:

[1] 1 = DIPLOID 2 = TETRAPLOID 3 = TRIPLOID

6. PLANT

[1] Cotyledon: 1 = FLAT 2 = FOLDED [2] 1 = MONOECIOUS 2 = ANDROMONOECIOUS

Number of flowers per plant at first fruit set:

[2][0] STAMINATE [0][3] PISTILLATE [0][0] PERFECT [5] NO. OF MAIN STEMS AT CROWN

7. STEM:

[1] 1 = ROUND 2 = ANGULAR [0][8] MM. DIAMETER AT SECOND NODE

[3] 1 = GLABROUS 2 = SCABROUS 3 = PUBESCENT 4 = BRISTLED

[7][.8] CM. VINE LENGTH ÷ NO. OF INTERNODES *(At last harvest)*

8. LEAF:

[1] 1 = OVATE 2 = OBOVATE 3 = ROUND [1] 1 = LONGER THAN WIDE 2 = LENGTH-WIDTH EQUAL 3 = WIDER THAN LONG

[1] Dorsal Surface: } 1 = SMOOTH 2 = PUBESCENT
[2] Ventral Surface: }

[3] Color: 1 = LIGHT GREEN 2 = GRAY GREEN 3 = MEDIUM GREEN 4 = DARK GREEN

9. FLOWER *(At first fruit set):*

[0][3] Staminate: CM. ACROSS [ ][ ] Perfect: CM. ACROSS [2] Color: 1 = LEMON YELLOW 2 = YELLOW 3 = ORANGE

EXHIBIT D

Data Indicative of Novelty

Novelty is based on the unique combination of the following characteristics:

"Calsweet" most closely resembles "Peacock WR60" except that its fruit is striped light and dark green, cylindrical (untapered) in shape and matures 10 days later.

"Calsweet" also resembes "Crimson Sweet" and "Alsweet" except (1) it has brilliant peacock-red flesh color, (2) exterior configuration and shape which is generally cylindrical (untapered), and (3) it is highly resistant to Fusarium Wilt and ranks in the same high resistance class as "Calhoun Grey".

EXHIBIT E

Statement of Applicant's Ownership

Mr. Duke V. Layton believes he is the sole original and first breeder of the "Calsweet" variety of watermelon for which he solicits a certificate of protection.

FORM GR-470 (REVERSE)

RECEIVED FEB 4 1975 U.S. DEPARTMENT OF AGRICULTURE AMS, GRAIN DIV. PVPO

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and $250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

5 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.

13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.

13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.

13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

FORM GR-470-19
(1-15-73)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Watermelon)

OBJECTIVE DESCRIPTION OF VARIETY
WATERMELON *(CITRULLUS LANATUS)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
Duke V. Layton

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
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Hemet, California 92343

FOR OFFICIAL USE ONLY
PVPO NUMBER
7500053
VARIETY NAME OR TEMPORARY DESIGNATION
CALSWEET

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[ ][ ] NO. OF DAYS *EARLIER* THAN ..... [ ] } 1 = CHARLESTON GREY
[0][6] NO. OF DAYS *LATER* THAN ..... [1] } 2 = OTHER *(Specify)* _____

4. POLLINATION TO MATURITY:

[ ][ ] NO. OF DAYS *EARLIER* THAN ..... [ ] } 1 = CHARLESTON GREY
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[0][3] Staminate: CM. ACROSS [ ][ ] Perfect: CM. ACROSS [2] Color: 1 = LEMON YELLOW 2 = YELLOW 3 = ORANGE

VARIETY: Calsweet

KIND: Watermelon

EXP. DESIG: 7500053

YEAR:

TYPE:

CALL NO.:

CITATION: Duke V. Taylor
Hemet, CA 92343

PARENT.:

DESCRIPT.: 'Calsweet' most closely resembles 'Peacock WR60' except that its fruit is striped light and dark green, cylindrical (untapered) in shape and matures 10 days later

Issued

ORIGINATOR:

Seed Regulatory and Testing Branch
Livestock and Seed Division
Room 209, Building 306, BARC-East
Beltsville, Maryland 20705-2325
301-504-9430, FAX 301-504-5454

January 14, 1997

In reply refer to:
FSA 97-0113

Otis S. Twilley Seed Company, Inc.
Post Office Box 65
Trevose, Pennsylvania 19053-0065

Dear Seed Advertiser:

7500053

Your 1997 seed catalog has a listing on page 41 for Decora[pvp] parsley, on page 42 for Table King[pvp] squash and on page 64 for Calsweet[pvp] watermelon. "Pvp" is commonly recognized as an abbreviation for "Plant Variety Protection" and implies the variety is protected under the Plant Variety Protection Act. It is our understanding from the PVP Office that your company withdrew the applications for PVP protection of these varieties. Since that is the case, it is a misrepresentation to show the "pvp" superscripts.

This warning is issued under Section 412 of the Federal Seed Act which provides that in certain circumstances a suitable warning may be issued instead of other action.

Sincerely,

L.D. Dreyer
Seed Marketing Specialist

bcc: J. Garvey (PA)
✓M. Stanton (PVPO)