



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Wilbur-Ellis Company  
Seed Division**

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 *eighteen* 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. THE SAID UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

GARDEN BEAN

'Ebony'

*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 10th day of December in the year of our Lord one thousand nine hundred and eighty-one.*

Attest:

*Sumner B. Lusk*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*John R. Block*  
Secretary of Agriculture



1981





**WILBUR-ELLIS COMPANY**  
S E E D D I V I S I O N

EBONY

(13 A Exhibit A)

Ebony was devrived from the following cross: (Cal Proof #38 x University of Idaho #35.)

Cal Proof #38 is a California Small Flat White. This cultivar is reported to have Bean Common Mosaic virus (BCMV) resistance, but susceptible to Curly Top virus. This cultivar has good processed quality and small seeded characteristics. Cal Proof #38 was furnished by the University of California, Agricultural Experiment Station at Davis.

University of Idaho #35 is a widely grown, commercially acceptable, excellent quality, widely adapted Red Mexican cultivar. UI #35 has resistance to Bean Comman Mosaic virus (BCMV), Curly Top virus and highly tolerant to root rot (*Fursarium solani* f. *phaseoli*).

Cal Proof #38 was crossed with UI #35. The resulting progeny was advanced to the F<sub>3</sub> generation. Single plant progenies were then selected for plant, pod and canopy characteristics, heat and moisture tolerance, disease resistance, seed size, seed uniformity, seed color and production potential. These single plant progenies were further advanced to the F<sub>5</sub> generation with further critical evaluations of the above mentioned factors. In the F<sub>6</sub> generation, Ebony continued to be genetically stable. An increase program was initiated, along with further critical evaluations regarding yield and adaptability. The seed increase program was continued to present quantities. To date, we have found no variants in Ebony and feel it is stable for genotype and phenotype.

DEC 18 1980



**WILBUR-ELLIS COMPANY**

SEED DIVISION

12001 Empire Way, Spokane, WA 99206  
Cable Address: WILBURELL-SPOKANE  
Phone 509-922-1774

Ebony

13B Exhibit B

Wilbur-Ellis Company believes that they are the original and only breeder of the black, dry bean cultivar. Ebony, and base novelty upon the following:

Ebony is most similar to Black Beauty in plant architecture. Both cultivars are Black Turtle Soup types.

Immature pods of Ebony have green sides with a blackish red #21 suture, whereas the entire pod of Black Beauty is blackish-red #21.

Mature pods of Ebony are completely light gray #264, whereas the entire pod of Black Beauty is deep, purplish-blue #201.

Seeds of Ebony are very smooth, black #267, glossy, uniform and near pea bean shape; whereas Black Beauty seeds are semi-glossy, black #267, lack uniformity and most nearly Black Turtle Soup shape. Ebony seeds average 1.3 grams per 100 seeds smaller than Black Beauty.

Ebony pods have not dehisced seeds, whereas Black Beauty will do so very significantly.

The above color designations are based as closely as possible to those exhibited in the current "ISCC-NBS Color Named Charts, Illustrated with Centroid Colors", a supplement to NBS Circular #553.

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OCT 29 1981  
U. S. DEPARTMENT OF AGRICULTURE  
AMS, LPG&S DIV  
RVED

6. FRESH PODS: (Cont'd)

- 4 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart
- 2 Creaseback: 1 = present 2 = absent
- 1 Pubescence: 1 = none 2 = sparse 3 = considerable
- 2 Spur: 1 = straight 2 = slightly curved 3 = curved
- 2 Constrictions: 1 = none 2 = slight 3 = deep
- 2 Pod flesh: 1 = light 2 = medium 3 = dark
- 1  5 mm spur length
- 4 Fiber: 1 = none 2 = sparse 3 = considerable 4 = Great
- 7 Number of seeds per pod
- 1 Surface: 1 = smooth 2 = rough
- 1 Suture string: 1 = present 2 = absent
- N/A Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast
- N/A Machine harvest: 1 = adapted 2 = not adapted
- N/A Pod flavor: (1) Standard (Tendercrop)  
 (2) Mild Blue Lake (BBL 274)  
 (3) Strong Blue Lake (Pole FM1)  
 (4) Mild Romano (Roma)  
 (5) Strong Romano (Pole Romano)  
 (6) Other (specify) \_\_\_\_\_

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7. SEED COAT COLOR:

- 1 1 = Monochrome 2 = Polychrome  1 1 = shiny 2 = dull
- 10 Primary color: } 1 = white 2 = yellow 3 = buff 4 = tan
- N/A Secondary color: } 5 = brown 6 = pink 7 = red 8 = purple  
 9 = blue 10 = black 11 = other (specify) \_\_\_\_\_
- 1 Color Pattern: 1 = none 2 = splashed 3 = mottled 4 = striped 5 = flecked 6 = dotted
- N/A Secondary color location: 1 = hilar ring 2 = ventral surface  
 3 = sides 4 = dorsal surface  
 5 = not restricted to any area 6 = combination of location (specify below)
- 1 Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

8. SEED SHAPE AND SIZE:

- 2 Hilum view: 1 = elliptical 2 = oval 3 = round  2 Cross section: 1 = elliptical 2 = oval 3 = cordate 4 = round
- 2 Side view: 
  - 1 = oval to oblong
  - 2 = round
  - 3 = reniform

8. SEED SHAPE AND SIZE: (Cont'd)

2 1 = truncate ends 2 = rounded ends

1  9  .3 gm/100 seed

1  .2 gm/100 seed lighter than .....  1 }  
 gm/100 seed same as ....  0 }  
 1  .3 gm/100 seed heavier than .....  3 }

- 1. Black Beauty
  - 2. Black Turtle
  - 3. Aurora
- comparison variety from page one

9. ANTHOCYANIN: (1 = absent 2 = present)

2 Flowers       2 Stems       1 Pods       2 Seeds       1 Leaves

10. DISEASE RESISTANCE (0 = not tested 1 = susceptible 2 = resistant):

<input type="checkbox"/> 0 Anthracnose (specify race below) _____	<input type="checkbox"/> 0 Fuscos blight
<input type="checkbox"/> 0 Rust (specify race below) _____	<input type="checkbox"/> 0 Red node virus
<input type="checkbox"/> 0 Powdery mildew	<input type="checkbox"/> 0 Pod mottle virus
<input type="checkbox"/> 2 Fusarium root rot	<input type="checkbox"/> 2 Bean common mosaic virus (specify strain below) BV1 NY15
<input type="checkbox"/> 0 Pythium root rot	<input type="checkbox"/> 0 Mosaic mottle
<input type="checkbox"/> 0 Rhizoctonia root rot	<input type="checkbox"/> 0 Black root
<input type="checkbox"/> 1 Pythium wilt	<input type="checkbox"/> 0 Bean yellow mosaic virus
<input type="checkbox"/> 0 Angular leaf spot	<input type="checkbox"/> 2 Curly top
<input type="checkbox"/> 0 Bacterial wilt	<input type="checkbox"/> 0 Other (specify below) _____
<input type="checkbox"/> 0 Halo blight (specify race below) _____	

11. INSECT RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

<input type="checkbox"/> 0 Aphids	<input type="checkbox"/> 0 Root knot nematode
<input type="checkbox"/> 0 Leaf hopper	<input type="checkbox"/> 0 Seed corn maggot
<input type="checkbox"/> 0 Lygus	<input type="checkbox"/> 0 Thrips
<input type="checkbox"/> 0 Pod borer	<input type="checkbox"/> 0 Weavils
	<input type="checkbox"/> Other (specify below) _____

12. PHYSIOLOGICAL RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

2 Heat       0 Cold       0 Drought       0 Air pollution

13. COMMENTS:

Ebony is more upright than Black Turtle Soup, but same as Black Beauty. Pods light colored, whereas Black Turtle Soup and Black Beauty are dark. Seed shape of Ebony is similar to the pea bean, whereas Black Turtle Soup and Black Beauty are more oval to oblong. Seeds of Ebony are smaller and more uniform in shape than Black Turtle Soup or Black Beauty.

U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Bean)

OBJECTIVE DESCRIPTION OF VARIETY  
 BEAN (*Phaseolus vulgaris* L.)

NAME OF APPLICANT(S) Wiblor-Ellis Company, Seed Division	FOR OFFICIAL USE ONLY
	PVPO NUMBER 8100036
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) E. 12001 Empire Way Spokane, Washington 99206	VARIETY NAME OR TEMPORARY DESIGNATION Ebony

Place numbers in the boxes (e.g.    ) for the characters that best describe this variety. Measured data should be for SPACED PLANTS. Ranges may also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: \_\_\_\_\_ . The location of test area is Cheney and Quincy, Washington . Please answer questions appropriate for your variety if the information is available.

1. TYPE:

1 = Field (dry-edible)      2 = Garden

2. MARKET MATURITY:

Days to edible pods        Days to green shells

Days to dry seeds

Heat units to edible pods        Heat units to green shells

Heat units to dry seeds

No. days earlier than .....  }  
 ..... Same as ..  }  
  No. days later than .....  }

1 = Tendercrop      2 = Kentucky Wonder  
 3 = Kinghorn Wax      4 = White Kidney  
 5 = Michelite 62      6 = Dwarf Horticultural  
 7 = Bush Blue Lake 290      8 = Other (specify below)

3. PLANT:

1 = Determinate      2 = Indeterminate

cm height

cm shorter than .....  }  
 Same as ..  }  
  cm taller than .....  }

cm spread         Number primary branches near base

cm narrower than .....  }  
 width same as ...  }  
  cm wider than .....  }

Main stalk: 1 = brittle      2 = wirey

Branching habit:  
 1 = compact      2 = open

1 = stout      2 = thin

1. Black Beauty  
 2. Black Turtle Soup  
 3. Aurora

comparison varieties from above

comparison variety from above

3. PLANT: (Cont'd)

3 Pod position: 1 = low    2 = high    3 = scattered

3 Bush form (illustrated below):



1 = spherical bush form

2 = stem bush form

3 = wide bush form

4 = high bush form

5 = other (specify) \_\_\_\_\_

4. LEAVES:

2 1 = smooth    2 = wrinkled

2 1 = dull    2 = glossy

3 Size: 1 = small (Earliwax)    2 = medium    3 = large (~~Tendercrop~~) Black Beauty

2 Color: 1 = light green (as light or lighter than Bountiful)    2 = medium green  
3 = dark green (as dark or darker than Bush Blue Lake 290)

5. FLOWERS:

5 Color: 1 = white    2 = cream    3 = pink    4 = lilac    5 = purple    6 = Other (specify) \_\_\_\_\_

6  5 Days to 50% bloom

6. FRESH PODS: (Edible maturity, average for 20 pods)

2 Exterior color: 1 = light green (as light or lighter than Bountiful)  
2 = medium green  
3 = dark green (as dark or darker than Bush Blue Lake 290)  
4 = light yellow (Brittlewax)  
5 = golden yellow (Cherokee Wax)  
6 = green-red variegated (Horticultural)  
7 = other (specify) \_\_\_\_\_

% Sieve size distribution at optimum maturity for non-flat pods

Note:

1 = 4.76 mm to 5.76 mm    4 = 8.34 mm to 9.53 mm  
2 = 5.76 mm to 7.34 mm    5 = 9.53 mm to 10.72 mm  
3 = 7.34 mm to 8.34 mm    6 = 10.72 mm or larger

N/A

N/A

	1	2	3	4	5	6

3 sieve	<input type="checkbox"/>	<input type="checkbox"/>	cm length	<input type="checkbox"/>	<input type="checkbox"/>	mm width	<input type="checkbox"/>	<input type="checkbox"/>	mm thickness
4 sieve	<input type="checkbox"/>	<input type="checkbox"/>	cm length	<input type="checkbox"/>	<input type="checkbox"/>	mm width	<input type="checkbox"/>	<input type="checkbox"/>	mm thickness
5 sieve	<input type="checkbox"/>	<input type="checkbox"/>	cm length	<input type="checkbox"/>	<input type="checkbox"/>	mm width	<input type="checkbox"/>	<input type="checkbox"/>	mm thickness
6 sieve	<input type="checkbox"/>	<input type="checkbox"/>	cm length	<input type="checkbox"/>	<input type="checkbox"/>	mm width	<input type="checkbox"/>	<input type="checkbox"/>	mm thickness

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