

No.



2017000014

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ball Horticultural Company

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, or tuber propagated 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 TWENTY 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 conditioning it for propagation, or stocking it for any of the above purposes or using it in producing a hybrid or different variety there from, to the extent provided by the PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)



COREOPSIS

'M8867P'

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, D.C. this twenty-eighth day of March, in the year two thousand and nineteen.

Attest:

Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE <i>(Instructions and information collection burden statement on reverse)</i>		The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995. Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).	
1. NAME OF OWNER Ball Horticultural Company		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 622 Town Road West Chicago, IL 60185 USA		5. TELEPHONE (include area code) 630 588-3118	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION IL	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Audrey Charles 622 Town Road West Chicago, IL 60185 USA		11. TELEPHONE (Include area code) 630 588-3118	
13. E-MAIL acharles@ballhort.com		12. FAX (Include area code) 630 562-7671	
14. CROP KIND (Common Name) coreopsis		15. GENUS AND SPECIES NAME OF CROP Coreopsis grandiflora	
17. IS THE VARIETY A FIRST GENERATION HYBRID? ☐ YES ☒ NO		16. FAMILY NAME (Botanical) Asteraceae	
18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) ☐ YES ☒ NO IF YES, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) ☐ YES (If "yes", answer items 21 and 22 below) ☒ NO (If "no", go to item 23) ☐ UNDECIDED	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. ☒ Exhibit A. Origin and Breeding History of the Variety b. ☒ Exhibit B. Statement of Distinctness c. ☒ Exhibit C. Objective Description of Variety d. ☐ Exhibit D. Additional Description of the Variety (Optional) e. ☒ Exhibit E. Statement of the Basis of the Owner's Ownership f. ☒ Filing and Examination Fee (\$4,382), mDNH FKHFNV payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office) RWKHU PHWKRGV RI SD/PHQW H/\$ODLQHG LQ WKH LQVWUXFWLRQV		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? ☐ YES ☐ NO IF YES, WHICH CLASSES? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? ☒ YES ☐ NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ YES ☐ NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. ___ FOUNDATION ___ REGISTERED ___ CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
25. The owners declare that a viable sample of basic seed will be furnished directly to an acceptable depository in support of the variety within three months of filing. Seed will be replenished upon request in accordance with such regulations as may be applicable. For a tuber propagated variety or vegetative propagated parent of the variety, a tissue culture or vegetative sample will be deposited in a public repository within three months of the date of the certificate fee request letter. These will be maintained for the duration of the certificate. The undersigned owner(s) is (are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? ☒ YES ☐ NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
SIGNATURE OF OWNER Audrey Charles Digitally signed by Audrey Charles DN: cn=Audrey Charles, o=Ball Horticultural Company, ou,email=acharles@ballhort.com, c=US Date: 2016.12.01 14:51:26 -06'00'		SIGNATURE OF OWNER	
NAME (Please print or type) Audrey Charles		NAME (Please print or type)	
CAPACITY OR TITLE Patent Agent		CAPACITY OR TITLE	
DATE		DATE	

22. CONTINUED FROM FRONT *(Please provide a statement as to the limitation and sequence of generations that may be certified.)*

23. CONTINUED FROM FRONT *(Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)*

Netherlands sale to Florensis B.V. for resale no earlier than January 11, 2016

U.S. sale no earlier than April 25, 2016

24. CONTINUED FROM FRONT *(Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)*

EU Plant Breeder's Right application 2015/2408 filed October 16, 2015

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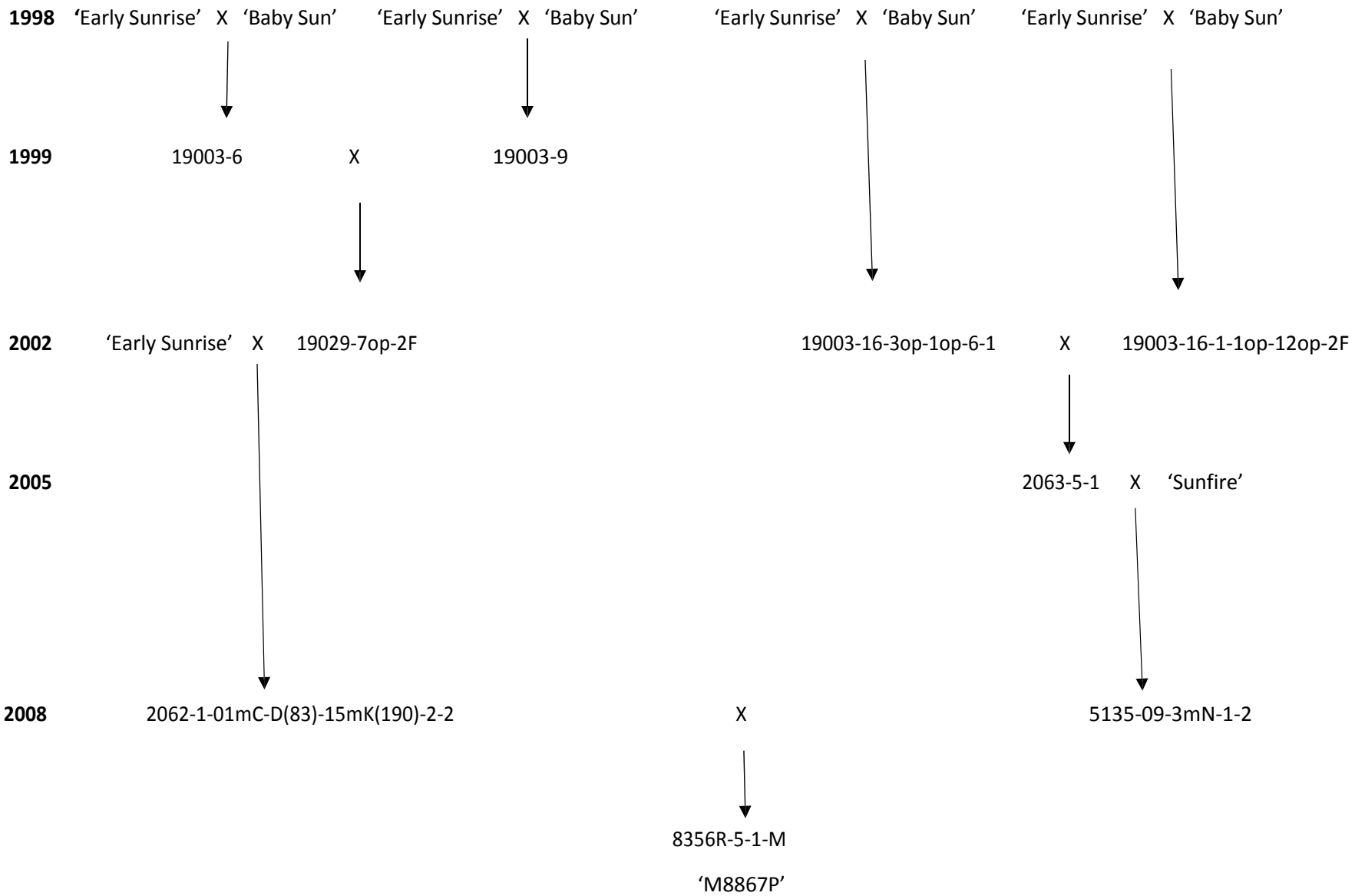
201700014

EXHIBIT A – ORIGIN AND BREEDING HISTORY

** Use additional pages as needed

1. Name of Owner Ball Horticultural Company	2. Temporary Designation or Experimental Name	3. Variety Name 'M8867P'						
4. Describe the genealogy (back to and including public and commercial varieties, lines, or clones used) and the breeding method(s). ** Coreopsis grandiflora 'Early Sunrise' a commercial variety of Ball Horticultural Company and subject of PVP Certificate 8800196 Coreopsis grandiflora 'Baby Sun' also called 'Sonnenkind' a commercial variety available from multiple sources Coreopsis grandiflora 'Sunfire' a commercial variety of Ball Horticultural Company Breeding methods include hybrid crossing, open pollination, selfing, mass pollination, and single plant selections								
5. Give the details of subsequent stages of selection and multiplication. ** <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Year</th> <th style="width: 45%;">Detail of Stage</th> <th style="width: 40%;">Selection Criteria</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">1998</td> <td style="vertical-align: top;">'Early Sunrise' was used as a female in a cross with 'Baby Sun', two selections (19003-6 and 19003-9) were used for development of the final female parent, concurrently a third selection (19003-16) was advanced through open pollination, self crossing, and mass pollination to yield two selections used for development of the final male parent</td> <td style="vertical-align: top;"> plants in 19003 family were selected for early to flower trait and deep burgundy eye coloration plants from 19003-16 were advanced through four generations of single plant selections from self crossing and open pollination and were selected for having single-type gold-colored inflorescences with large deep burgundy colored eyes </td> </tr> </tbody> </table>			Year	Detail of Stage	Selection Criteria	1998	'Early Sunrise' was used as a female in a cross with 'Baby Sun', two selections (19003-6 and 19003-9) were used for development of the final female parent, concurrently a third selection (19003-16) was advanced through open pollination, self crossing, and mass pollination to yield two selections used for development of the final male parent	plants in 19003 family were selected for early to flower trait and deep burgundy eye coloration plants from 19003-16 were advanced through four generations of single plant selections from self crossing and open pollination and were selected for having single-type gold-colored inflorescences with large deep burgundy colored eyes
Year	Detail of Stage	Selection Criteria						
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6. Is the variety uniform? ☒ Yes No How did you test for uniformity? 'M8867P' was observed in trials with two replications of 30 plants each in 3 locations in 2012, 2013, 2014, and 2015. In all trials at all locations variety 'M8867P' was judged to have uniformly single, yellow with burgundy-colored eye flowers, and a uniform habit.								
7. Is the variety stable? ☒ Yes No How did you test for stability? Over how many generations? After the initial production of breeder's seed by open pollination of 12 plants in 2008 as shown in item 5 above, variety 'M8867P' was reproduced by open pollination of 805 plants in 2013 and 14,000 plants in 2014. It was judged to be uniform and stable for all characteristics (e.g. early to flower trait, yellow-colored inflorescences with a burgundy-colored eye, round-shaped inflorescences with broad overlapping ray florets, compact growth habit, and good garden performance) across these 2 generations.								
8. Are genetic variants observed or expected during reproduction and multiplication? Yes ☒ No If yes, state how these variants may be identified, their type and frequency.								

Year	Detail of Stage	Selection Criteria
1998	'Early Sunrise' was used as a female in a cross with 'Baby Sun', two selections (19003-6 and 19003-9) were used for development of the final female parent, concurrently a third selection (19003-16) was advanced through open pollination, self crossing, and mass pollination to yield two selections used for development of the final male parent	plants in 19003 family were selected for early to flower trait and deep burgundy eye coloration plants from 19003-16 were advanced through four generations of single plant selections from self crossing and open pollination and were selected for having single-type gold-colored inflorescences with large deep burgundy colored eyes
1999	Selection 19003-6 was used as a female in a cross with selection 19003-9 to yield 19029-7 that was advanced through two generations of open pollination and self crossing	single plant selection for large, semi-double, deep gold colored ray florets
2002	Two 19003-16 progeny were crossed to yield 2063-5 that was then self crossed 19029-7 progeny selection was used as a male in a cross with 'Early Sunrise' as the female, from this cross 2062-1 was selected and advanced through five generations of massing and self crossing	single plant selection for large diameter inflorescences having a large diameter eye progeny was selected for yellow-colored ray florets and good garden performance
2005	2063-5 progeny plant was used as a female in a cross with 'Sunfire' as the male from which 5135-09 was selected and advanced through self crossing and mass crossing for three generations	progeny was selected for gold-colored inflorescences with a burgundy-colored eye, round-shaped inflorescences with broad overlapping ray florets, and compact growth habit
2008	2062-1 progeny plant was used as a female in a cross with 5135-09 progeny plant as the male from which 8356R-5 was selected and advanced through a self cross and massing to yield variety 'M8867P'	selected for early to flower trait, yellow-colored inflorescences with a burgundy-colored eye, round-shaped inflorescences with broad overlapping ray florets, compact growth habit, and good garden performance



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EXHIBIT B – STATEMENT OF DISTINCTNESS

**** Use additional tables to present clear differences for additional comparison varieties.
Use additional pages to present supporting evidence.**

1. Name of Owner Ball Horticultural Company	2. Temporary Designation or Experimental Name	3. Variety Name 'M8867P'
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Based on overall morphology, 'M8867P' is most similar to 'Sunfire' 'M8867P' most clearly
Applicant's new variety *Most similar comparison variety(ies)* *Applicant's new variety*

differs from 'Sunfire' in the following traits Name the specific trait. Then list the value of that trait for each variety in the comparison. Submit
Most similar comparison variety(ies)

appropriate supporting evidence (see the [Guidelines for Presenting Evidence in Support of Variety Distinctness in the instructions](#)):

	<i>Eg. Leaf Pubescence</i> <i>Eg. Leaf Color</i> <i>Eg. Plant Height</i>	<i>heavy pubescence</i> <i>Dark Green (5GY 3/4)</i> <i>200 cm +/- 10 cm (N=25)</i>	<i>glabrous</i> <i>Light Green (2.5GY 8/10)</i> <i>250 cm +/- 15 cm (N=25)</i>	<i>photograph attached</i> <i>Munsell Color Chart</i> <i>statistics attached</i>
	1. Qualitative traits:	2. Color traits:	3. Quantitative traits:	4. Other traits:
Application Variety	'M8867P'	ray floret color yellow and burgundy Pantone Color Bridge 116C and 7421CP image attached	Inflorescence diameter (mm) 63.8 +/- 4.0 (N=13) 59.8 +/- 2.4 (N=15) statistics attached	
Comparison Variety 1	'Sunfire'	ray floret color light orange and burgundy Pantone Color Bridge 116C and 7421CP image attached	Inflorescence diameter (mm) 53.4 +/- 1.8 (N=13) 49.0 +/- 2.8 (N=15) statistics attached	
Comparison Variety 2				
Comparison Variety 3				

130C

**** Use additional tables to present clear differences for additional comparison varieties. Use additional pages to present supporting evidence.**

EXHIBIT B*Statement of Distinctness of the Variety 'M8867P'*

'M8867P' is most readily distinguished from 'Sunfire', which is the most similar commercial variety available, based on inflorescence diameter and ray floret color.

The analysis of the inflorescence diameter of 'M8867P' compared to 'Sunfire' is shown in Table 1 below. Trials were conducted in the summer of 2016 in Santa Paula, California using plants grown in one-gallon containers or planted in the field. For analysis, fully-expanded inflorescences were measured. For both trials inflorescence diameter of 'M8867P' was significantly greater than that of the comparison variety 'Sunfire'. This difference is further illustrated in Figure 1.

The ray floret color differences of 'M8867P' and 'Sunfire' are illustrated as reasonably possible to make the same in color illustrations of this type in the photos of Figure 1.

Table 1. Difference in inflorescence diameter between 'M8867P' and 'Sunfire'

Trial	'M8867P' Inflorescence Diameter (mm)	'Sunfire' Inflorescence Diameter (mm)	Sample Size Each Variety	t Critical $\alpha=.05$	t Statistic	P Value
Pot Trial	63.8 +/- 4.0	53.4 +/- 1.8	13	2.0	8.5	1.0E-08
Field Trial	59.8 +/- 2.4	49.0 +/- 2.8	15	2.0	11.4	5.3E-12

Figure 1. Comparison of ray floret color and inflorescence diameter of Coreopsis 'M8867P' (left) with Coreopsis 'Sunfire' (right).

The image of the inflorescence on the left illustrates the yellow and burgundy (Pantone 116C and 7421CP) ray floret color of 'M8867P' and the image of the inflorescence on the right illustrates the light orange and burgundy (Pantone 130C and 7421CP) ray floret color of the comparison 'Sunfire'.



According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE**

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Coreopsis ~~Calendula~~-(~~Calendula-officinalis~~)(Coreopsis grandiflora)

NAME OF APPLICANT (S) Ball Horticultural Company	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME 'M8867P'
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) 622 Town Road West Chicago, Illinois 60185		FOR OFFICIAL USE ONLY PVPO NUMBER 201700014

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

In the spaces on the left, enter the appropriate numbers that describe the characteristics of the application variety. On the right, enter the appropriate numbers that describe the characteristics of the most similar comparison variety. Right justify whole numbers by adding leading zeros if necessary. The variety that you choose for comparison should be the most similar one in terms of overall morphology, background and maturity. The comparison variety should be grown in field trials with the application variety for 2-3 location/years (environments) in the region and season of best adaptability. In general, measurements of quantitative traits should be taken from one trial on 15-25 randomly selected plants or plant parts to obtain averages and statistics that describe a typical field of the variety.

1. VARIETY ORIGIN: 3= #2 with additional breeding <u>3</u> 1 = Sport From _____ 2 = Selection From <u>'Early Sunrise' x 'Baby Sun'</u>	Comparison Variety Name <u>'Sunfire'</u> <u>3</u> Variety Origin
2. PLANT: <u>2</u> Height at Anthesis: 1 = Dwarf (< 25 cm) 2 = Medium (25 – 40 cm) 3 = Tall (> 40 cm) <u>1</u> Stem Pubescence: 1 = Glabrous 2 = Sparse 3 = Dense <u>0 3</u> Number of Internodes per Stem – Median of 10 Stems	<u>2</u> Height at Anthesis <u>1</u> Stem Pubescence <u>0 3</u> Number of Internodes per Stem
3. LEAF: (Mid Leaf of Stem) <u>3</u> Shape: 1 = Oblong 2 = Oblong-Obovate <u>1</u> Margin: 1 = Entire 2 = Denticulate 3 = Other (Specify) _____ <u>8.8</u> cm Long <u>10.6</u> mm Width <u>1</u> Pubescence 1 = Glabrous 2 = Dorsal 3 = Ventral 4 = Dorsal & Ventral	<u>3</u> Shape <u>1</u> Margin <u>10.1</u> cm Long <u>12.6</u> mm Width <u>1</u> Pubescence
4. FLOWER HEAD: <u>1</u> Head Type: 1 = Single 2 = Semidouble 3 = Double <u>6.9</u> mm Maximum Diameter <u>15.4</u> mm Depth (to Peduncle) <u>1</u> Head Shape: 1 = Uniform (One Head per Stem) 2 = Teratologic (Branching from Involucre) <u>2</u> Head Color: 1 = Monochrome 2 = Polychrome (Eye of Different Color)	<u>1</u> Head Type <u>5.6</u> mm Maximum Diameter <u>14.4</u> mm Depth (to Peduncle) <u>1</u> Head Shape <u>2</u> Head Color
Application Variety Data	Comparison Variety Data



Comparison of Coreopsis 'M8867P' (left) with Coreopsis 'Sunfire' (right)

Bailey, L.H., 1949. *Manual of Cultivated Plants*, Macmillan, New York
 Synges, P. M., 1965, *Dictionary of Gardening*, The Royal Horticulture Society, Oxford.
 Wyman, D., 1971, *Wyman's Gardening Encyclopedia*, MacMillan.

Color: Munsell Book of Color, Royal Horticultural Society Colour Chart, Nickerson's or any recognized color fan may be used to determine the color of the variety.

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EXHIBIT E - STATEMENT OF THE BASIS OF OWNERSHIP

1. Name of Owner Ball Horticultural Company	2. Temporary Designation or Experimental Name	3. Variety Name 'M8867P'
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4. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. **If no, please explain.** ☒ YES ☐ NO

5. Is the applicant a U.S. national or a U.S. based entity? **If no, give name of country.** ☒ YES ☐ NO

6. Is the applicant the original owner? ☒ YES ☐ NO **If no, please answer one of the following:**

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES☐ NO**If no, give name of country**

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES☐ NO**If no, give name of country**

7. Additional explanation on ownership (*Trace ownership from original breeder to current owner. Use the reverse for extra space if needed*):

The breeding of variety 'M8867P' was conducted in Santa Paula, California at a Ball Horticultural Company research facility. Other than greenhouse technical staff, the breeder, Blair Winner, worked alone to develop this variety. He was and currently is an employee of Ball Horticultural Company. By agreement between the employee and Ball Horticultural Company, all rights and ownership of the variety resides with Ball Horticultural Company.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.