

Ed's Blue Dragon

I think that everyone of a certain age knows that inventions can be patented, a process and legal definition that gives an inventor the right and protection to profit from an invention. But did you know that plants can also be patented? It's true, and you can tell if you're buying a patented plant by looking carefully at the label. If you see the letters *PP* or *PPAF* followed by numbers, then you've got a patented plant. What does that mean to you? Well, it means that you cannot legally propagate that plant for sale. What does it mean to the nursery/grower? It usually means that 3-10 years of breeding and selection followed by 6-8 months of patent application (a \$2 to \$3,000 process) has culminated in a new plant offering. A new plant that will produce royalties for each sale during the 20 years a patent lasts.

So, why am I telling you all of this? Well, back in the 1980's, my dad, Ed Carman (in California) and his good friend, nurseryman Trevor Davies (in New Zealand) were each (cooperatively) collecting named wisteria cultivars in an effort to gather the true examples of each. This effort included letters traveling all over the world following rumors of the fabled red wisteria, and the elusive true (super dark, double purple) 'Black Dragon'.

One of Ed's nurseryman friends was Toichi Domoto (Domoto Nursery, Hayward) known for many plant introductions, especially peonies, and responsible for supplying many of the plants originally purchased by the Roth family for Filoli in Woodside.

In 1988, Toichi gave Ed some wisteria seed. According to Ed's oral history, he "planted a bunch of seedlings, and in three years some of them started to bloom, and one of the first ones to bloom was a double one, which I thought was very unusual. ...Since then I've had three or four more doubles bloom out of that same seed batch."

Well, I was in charge of watering these plants in the 15 gallon cans, and Dad told me to watch out for them. I did, and in 1996 one looked different when it started blooming, I told Dad he'd better take a look, because it was double, and looked really blue rather than the typical purple of *Wisteria floribunda* 'Violacea Plena'. He agreed, and sent starts to Trevor who had begun working with Paul Turner of NZ Liners. They grew them on, and both agreed when they saw the flowers that the double blue was indeed unique. So Paul started the l-o-n-g process of building up stock and applying for a plant patent. And all during that time we could not sell this double blue wisteria. Once a plant has been

sold or even advertised for sale, a clock starts ticking, and you have only one year to apply and be granted a patent, or you have forever lost the opportunity.

Time passed. Years. Ed consulted with Pete Sugawara (Montebello Nursery, Los Altos) about a possible name, and asked Toichi for his opinion. No one came up with any great ideas. In 2008 I met Paul when he visited Carman's Nursery in Gilroy. He asked what I thought of 'Ed's Blue Dragon'? Of course I liked it!

More time passed. Years. Fast forward to February 2011, when I went to the NORCAL trade show, and picked up the Ball Ornamentals plant catalog. As usual, it took several weeks for me to look through all the catalogs, but one evening as I paged through the Ball catalog, as I neared the end, I noticed the word "Wisteria" followed by "New 'Ed's Blue' ". I have to admit I was thrilled. When I emailed Paul about the name, he replied that yes, this is Dad's selection, making its first appearance in the United States. Paul still intends that the name be 'Ed's Blue Dragon', but it keeps getting shortened.

So, that is the story of only one of the hundreds of new plants that are patented each year. I knew the plant story, but I must thank Ryan Hall, New Product Development & Marketing at Pacific Plug and Liner (Corralitos) for explaining the patent process. He knows all about it, since PP & L's Buddleja Buzz TM, a cool dwarf buddleja, took ten years of breeding and testing before it was ready for release. Ryan believes that the ability to patent a legitimately new plant (not one that has simply been renamed) is truly a good thing. It encourages innovation and rewards the observant. Ryan also mentioned that plants patented in Europe have been trialed with its cousins, to demonstrate actual difference. England, Australia, & New Zealand all require that plants have been trialed long enough to prove stable. Difference and stability, two characteristics I think the U.S. patent office should require, too!

~Nancy Schramm

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