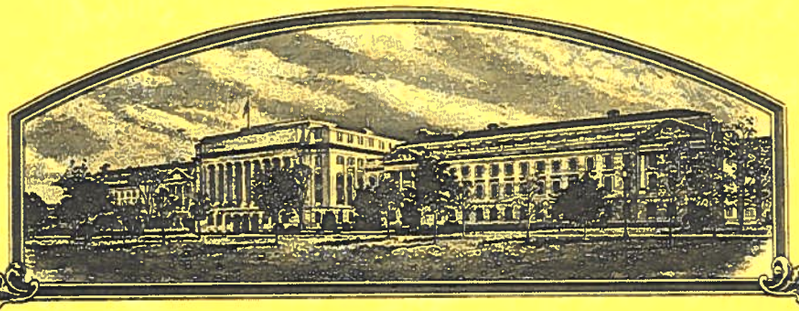

No. 202000302

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Julie Apple Pty LTD

Whereas, THERE HAS BEEN PRESENTED TO THE

Administrator of the Agricultural Marketing Service

An application requesting a certificate of protection for an alleged novel variety of sexually reproduced, asexually 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 FIVE years from the date of this grant, subject to the payment of the required fees and periodic replenishment of viable germplasm material 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.)

APPLE

'BPN02'

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 thirteenth day of May, in the year* ***two thousand twenty two.***

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Administrator
Agricultural Marketing Service

ST470 - Application for Plant Variety Protection Certificate
Application #: 202000302

Owner / Applicant / Organization

Julie Apple Pty LTD

2298 Bells Line of Rd

Bilpin, NSW 2758

Australia

Tel:

Fax:

Email:

Owner Representative / Agent

Sheree Rybak

121 SW Salmon Street

Portland, OR 97204

United States

Tel: (503) 330-2565

Fax:

Email: Sheree.rybak@klarquist.com

Experimental Name: Filing Date 7/22/2020

Variety Name: BPN02

Crop Kind: Apple Fruit Varieties

ST470 Main

1. Genus and Species name of crop

Malus domestica

2. Family name (Botanical)

Rosaceae

3.Is the variety a first generation hybrid?

No

4. Does the variety contain any Transgenes?

No

5. 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)

No

6. 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

Date of first sale, disposition, transfer, or use for each country and the circumstances:

On July 25, 2014 840 trees were sold to a nursery in Australia.

7. Is the variety or any component of the variety protected by intellectual property right? (plant breeder's right or patent)

Yes

Country, date of filing or issuance and assigned reference number:

Australia Plant Breeders Rights, filed August 2, 2011, granted February 28, 2012, Application No. 2011/181
CPVO filed December 17, 2019, Application No. 20193381

Exhibit A - Origin and Breeding History

1. Genealogy (back to and including public and commercial varieties, lines, or clones used) and the breeding method(s).

‘BPN02’ is a chance seedling discovered in 1993 with the first propagation for trialling completed in 1995. A second generation of trees was created in 2005 and a third generation in 2008. Fruiting of the 2008 trial was assessed in 2011
and it was true to type.

'BPN02' resulted from an open pollination of an unnamed apple seedling as the seed parent with an unknown apple tree as the pollen parent. The resulting tree was selected when growing in a cultivated apple orchard in Bilpin, NSW, Australia

2. Give the details of subsequent stages of selection and multiplication.

‘BPN02’ was grown in different trial locations in Australia as part of the Australian Fruit Improvement Program. The variety was observed and evaluated using a number of standard tests and observations . The trial period was up to 7 years.
Mother trees were established at Tangara Nursery, Grove Tasmania at the site of the Australian PBR comparator trial.

3. Is the variety uniform?

Yes

How did you test for uniformity?

Observation and measurement at all of the trial sites

4. Is the variety stable?

Yes

How did you test for stability? Over how many generations?

Observation and measurement at all of the trial sites

5. Are genetic variants observed or expected during reproduction and multiplication?

No

Exhibit A Attached Files List

File Name	Last Modified On

Exhibit B - Statement of Distinctness

1. Based on overall morphology. Applicant's new variety ‘BPN02’

is most similar to Comparison Variety Fiero Fuji , Gala ,

2. Application Variety Traits

intensity and percentage of over color (80% for ‘BPN02’ (RHS46B), 60-70% for Fiero Fuji (RHS53A), 60-70% for Gala); the pattern of over color (stripes and flush for ‘BPN02’, only flush for Fiero Fuji, only stripes for Gala); the length of the sepal (0.3 inches for ‘BPN02’, 0.15 inches for Fiero Fuji and Gala); and depth of stalk cavity (0.8 inches for ‘BPN02’, 0.4 inches for Fiero Fuji and Gala).

3. Comparison Variety1 Additional Comments?

4. Comparison Variety2 Additional Comments?

5. Comparison Variety3 Additional Comments

Exhibit B Attached Files List

File Name	Last Modified On

Exhibit C

Apple Fruit Varieties

A . Morphology

I. Location

1 . Field Trial Location Name One

Grove, Tasmania, Australia

2 . Field Trial Location One in Decimal Degrees (DD) Latitude

3 . Field Trial Location One in Decimal Degrees (DD) Longitude

4 . Field Trial Location Name Two

5 . Field Trial Location Two in Decimal Degrees (DD) Latitude

6 . Field Trial Location Two in Decimal Degrees (DD) Longitude

II. Tree

1 . Tree Vigor

Weak to Medium

2 . Tree Type

Ramified

3 . Tree Habit Only Varieties with Ramified Tree Type

Weeping

4 . Tree Type of Bearing

On Spurs Only

III. One Year Old Shoot

1 . One Year Old Shoot Thickness

Medium

2 . One Year Old Shoot Length of Internode

Medium

3 . One Year Old Shoot Length of Internode (cm)

2.5

4 . One Year Old Shoot Color on Sunny Day

Medium Brown

5 . One Year Old Shoot Pubescence on Distal Half of Shoot

Absent or Very Weak

6 . One Year Old Shoot Number of Lenticels

Medium

7 . One Year Old Shoot Number of Lenticels (Count)

IV. Leaf Blade

1 . Leaf Blade Attitude in Relation to Shoot

Upwards

2 . Leaf Blade Length

Medium

3 . Leaf Blade Length (cm)

7.6

4 . Leaf Blade Width

Narrow to Medium

5 . Leaf Blade Width (cm)

4.1

6 . Leaf Blade Ratio (Length/Width)

Small to Medium

7 . Leaf Blade Ratio (Length/Width)

1.8

8 . Leaf Blade Intensity of Green Color

Very Light to Light

9 . Leaf Blade Incisions of Margin (Upper Half)

Serrate Type 1

10 . Leaf Blade Pubescence on Lower Side

Absent or Very Weak

V. Petiole

1 . Petiole Length

Medium to Long

2 . Petiole Length (cm)

3.5

3 . Petiole Extent of Anthocyanin Coloration from Base

Small to Medium

VI. Flower

1 . Flower Predominant Color at Balloon Stage

Dark Pink

2 . Flower Diameter with Petals Pressed into Horizontal Position

Small

3 . Flower Diameter with Petals Pressed into Horizontal Position (cm)

2.5

4 . Flower Arrangement of Petals

Intermediate

5 . Flower Position of Stigmas Relative to Anthers

Below

VII. Fruit

1 . Fruit Young Fruit Extent of Anthocyanin Overcolor

Medium to Large

2 . Fruit Size

Medium to Large

3 . Fruit Size (cm)

4 . Fruit Height

Medium

5 . Fruit Height (cm)

7.2

6 . Fruit Diameter

Medium to Large

7 . Fruit Diamenter (cm)

7.2

8 . Fruit Ratio (Height/Diameter)

Small to Medium

9 . Fruit Ratio (Height/Diameter) Value

1.2

10 . Fruit General Shape

Globose

11 . Fruit Ribbing

Absent or Weak

12 . Fruit Crowning at Calyx End

Moderate

13 . Fruit Size of Eye

Medium

14 . Fruit Size of Eye (cm)

2.66

15 . Fruit Length of Sepal

Medium

16 . Fruit Length of Sepal (mm)

9.66

17 . Fruit Bloom of Skin

Absent or Weak

18 . Fruit Ground Cover

Yellow Green

19 . Fruit Relative Area of Over Color

Large

20 . Fruit Hue of Over Color with Bloom Removed

Red

21 . Fruit Intensity of Over Color

Medium to Dark

22 . Fruit Pattern of Over Color

Solid Flush with Strongly Defined Stripes

23 . Fruit Width of Stripes

Narrow

24 . Fruit Area of Russet Around Stalk Attachment

Absent or Small

25 . Fruit Area of Russet on Checks

Absent or Small

26 . Fruit Area of Russet Around Eye Basin

Absent or Small

27 . Fruit Number of Lenticels

Few

28 . Fruit Number of Lenticels

29 . Fruit Size of Lenticels

Very Small to Small

30 . Fruit Length of Stalk

Very Short to Short

31 . Fruit Length of Stalk (cm)

1.57

32 . Fruit Thickness of Stalk

Medium to Thick

33 . Fruit Thickness of Stalk (mm)

1.9

34 . Fruit Depth of Stalk Cavity

Deep to Very Deep

35 . Fruit Depth of Stalk Cavity (mm)

14.8

36 . Fruit Width of Stalk Cavity

Narrow

37 . Fruit Depth of Eye Basin

Medium to Deep

38 . Fruit Depth of Eye Basin (mm)

9.5

39 . Fruit Width of Eye Basin

Medium

40 . Fruit Width of Eye Basin (mm)

5

41 . Fruit Firmness of Flesh

Firm

42 . Fruit Color Flesh

White

43 . Fruit Aperture of Locules (in Transverse Section)

Closed or Slightly Open

VIII. Timing

1 . Time of Beginning of Flowering

Medium

2 . Time of Beginning of Flowering (Days)

3 . Time for Harvest

Early

4 . Time for Harvest (Days)

5 . Time of Eating Maturity

Early

B . Disease Resistance

1 . Disease Resistance

Observed resistance to apple scab, powdery mildew & Alternaria

C . Insect Resistance

1 . Insect Resistance

D . Comments

1 . Comments

Disease resistance testing to be carried out In Ithaca, NY when plant material is released form quarantine

Exhibit D - Additional Descriptive Information

Additional descriptive question / text:

Field trial location One

Additional descriptive answer / information in detail:

42º59’16” S 147º04’35”E

Additional descriptive question / text:

Firmness

Additional descriptive answer / information in detail:

About 7.2 to 8.2 kg/cm2 averaging about 7.7 kg/cm2

Additional descriptive question / text:

Fruit weight

Additional descriptive answer / information in detail:

0.40lbs per apple

Additional descriptive question / text:

soluble solids

Additional descriptive answer / information in detail:

About 14 to 15% averaging about 14.5%

Additional descriptive question / text:

Fruit production

Additional descriptive answer / information in detail:

55 lbs. of fruit per tree

Exhibit D Attached Files List

File Name	Last Modified On

Exhibit E - Statement of the Basis of Ownership

1. Does the applicant own all rights to the variety?

Yes

2. Is the applicant a U.S. national or a U.S. based entity?

No

Applicant Country:

Australia

3. Is the applicant the original owner?

Yes

4. Additional explanation on ownership (Trace ownership from original breeder to current owner):

The breeders of 'BPN02' are William Kenneth Shields and Julie Lynette Shields. They have assigned their rights to Julie Apple Pty Ltd.

PLEASE NOTE:

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

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.
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.
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.