

BROCONORA

December 1, 2022

Dear Applicant

Thank you for writing to the U.S. Patent and Trade Office (USPTO) re your application for a plant patent under the provisions of 35 U.S.C. 161 for your “Broconora,” a species of the *Brassica oleracea* cultivar whose flower heads branch into precisely eight stalks of equal thickness and dark green color to mimic a Jewish candelabrum.

Congratulations!

However, we have a few questions about your application:

1. Your detailed botanical description and the accompanying drawing show a depression in the center of each flowering head to the depth of a quarter inch to, as you put it, “accommodate the candles.” However, will this naturally occurring excision in each head not reduce the level of glucosinolates that concentrate there? Our chemists have raised questions. Please clarify.
2. We are concerned you have not provided sufficient evidence of the asexual reproduction method you have used to create the “broconora.” As noted in the pamphlet provided under U.S.C. 161 asexual reproduction methods

include but may not be limited to grafting and budding, rhizomes, slips, and corms. However, your reference to apomictic seeds that you have grown into plantlets by meiosis may not qualify. Has this process come through your recognition of an off-type plant in a monoculture? That you found the initial seeds on your recent holiday while picnicking beside a foundation of an ancient synagogue in Northern Israel has no bearing on your patent request, unless the area in question was under cultivation, in which case you must aver same in a separate notarized document.

3. As a patent is limited to one claim expressible in a single sentence, yours being, “The broconora is the world’s first naturally occurring Hanukah menorah each of whose branches when consumed, after saying the proper blessing, provide a 100 gram serving equal to 34 calories and 20 percent of the daily value requirement for vitamin C.” – and then you go on to state that the “gene TAS2R38, which research indicates may be responsible for the bitter taste perception in normal broccoli, is completely absent in the generally light and sweet taste of ‘broconora’”, especially if used as the main ingredient in a stir fry.” This range of claims and reference to the value of the flower, as opposed to the stalk, runs counter to section J. (Claim), which states “The claim may make reference to one or

more of the unusual characteristics of the plant, but may not claim parts or products of the plant.” Please review.

4. Finally, in the section Oath or Declaration, you aver that, should your patent be approved, you require that no producer can package “broconoras” without the tag line “Eat A Light Every Night.’ This request is beyond our jurisdiction and should be sent to the Tag and Slogan Division of the USPTO.