

Strawberry scientist is sued over the fruits of his research

May 6 2017, by Scott Smith



In this April 20, 2007 file photo, strawberries are seen growing on Andrus Island near Rio Vista, Calif. Plant scientist Douglas Shaw spent his career toiling in the fields in California to grow the perfect strawberry, one that was plump and bright red yet remained sweet even after the long trip to grocery stores across the country. When the professor retired from the University of California at Davis and set up his own strawberry-breeding business, though, he found himself in a legal jam. In a case set for trial in federal court later this month, the university is suing Shaw and his scientific partner, saying they stole the school's intellectual property by taking some of the fruits of their research with them. (AP Photo/Rich Pedroncelli, file)

Plant scientist Douglas Shaw spent his career toiling in the fields in California to grow the perfect strawberry, one that was plump and bright red yet remained sweet even after the long trip to grocery stores across the country.

When the professor retired from the University of California at Davis and set up his own strawberry-breeding business, though, he found himself in a legal jam.

In a case set for trial in federal court later this month, the university is suing Shaw and his scientific partner, saying they stole the school's [intellectual property](#) by taking some of the fruits of their research with them.

The two scientists claim in a \$45 million lawsuit of their own that the university has unfairly kept some of their work locked in a freezer and is depriving the world of a better strawberry.

Some farmers in the No. 1 strawberry-growing state are worried the battle is going to stymie research and cause them to lose their competitive edge. California last year produced 1.6 million tons of strawberries valued at roughly \$2 billion, according to the U.S. Department of Agriculture.

"It doesn't do anybody any good for the university to keep these strawberry [plants](#) in a box," said Rick McKnight, an attorney for the two former professors. "This is hurting the California strawberry industry in a major way."

Shaw, 63, is a giant in the strawberry world, heading the university's lucrative breeding program for more than two decades alongside fellow plant biologist Kirk Larson. Most of California's strawberry farmers grow plants developed by Shaw and Larson.

The two men developed 24 new varieties, allowing growers to double the amount of strawberries produced while retaining the fruit's succulence. They created strawberries that were more pest- and disease-resistant, more durable during long-distance travel, or capable of growing during the shorter days of spring and fall.



This Aug. 12, 2005 file photo shows organically grown strawberries for sale at a roadside stand in Watsonville, Calif. Plant scientist Douglas Shaw spent his career toiling in the fields in California to grow the perfect strawberry, one that was plump and bright red yet remained sweet even after the long trip to grocery stores across the country. When the professor retired from the University of California at Davis and set up his own strawberry-breeding business, though, he found himself in a legal jam. In a case set for trial in federal court later this month, the university is suing Shaw and his scientific partner, saying they stole the school's intellectual property by taking some of the fruits of their research with them. (AP Photo/Rita Beamish, file)

The partners say their work netted the university \$100 million in royalties. How much they themselves made at UC Davis is unclear, but they say they contributed more than \$9 million of their own royalties toward the university's breeding program.

They retired from the university in 2014 because, they say, the school was winding down the program. Working in partnership with growers and nurseries, they launched a business called California Berry Cultivars, based in Watsonville, to develop new strawberry varieties.

The university accuses the researchers of patent infringement and violating an oath they signed not to enrich themselves by taking or acquiring plants, seeds and other biological material and continuing their research using descendants of plants they developed at UC Davis.

The scientists say they own the intellectual property at issue, and they accuse the university of locking up some of their plants and destroying hundreds of others, wiping out years of research.

Heading into trial, a federal judge recently scolded both the researchers and the [university](#) for their behavior and said that each side can expect to be held financially liable at trial.

University spokeswoman Dana Topousis said in a statement that the school's strawberry breeding program remains in full swing.

Strawberry growers are urging a quick resolution to the tangle.

"Costly litigation is such a waste when there are avenues for multi-benefit collaboration," said A.G. Kawamura, a strawberry farmer, former California agriculture secretary and part owner of the California Berry Cultivars. "Our future as California [strawberry](#) growers is at stake."

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Citation: Strawberry scientist is sued over the fruits of his research (2017, May 6) retrieved 1 May 2024 from <https://phys.org/news/2017-05-strawberry-scientist-sued-fruits.html>

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