

## Patent case: Henny Penny Corporation v. Frymaster LLC, USA

Kluwer Patent Blog  
September 27, 2019

Cheryl Beise (Wolters Kluwer Legal & Regulatory US)

Please refer to this post as: Cheryl Beise, "Patent case: Henny Penny Corporation v. Frymaster LLC, USA"; Kluwer Patent Blog, September 27, 2019, <http://patentblog.kluweriplaw.com/2019/09/27/patent-case-henny-penny-corporation-v-frymaster-llc-usa/>

---

The Board properly found that a person skilled in the art would not be motivated to combine two prior art references and that industry praise supported a finding of nonobviousness. Substantial evidence supported the Patent Trial and Appeal Board's determination following inter partes review that a patent owned by Frymaster LLC for measuring cooking oil degradation in a deep fryer using a total polar materials (TPMs) sensor was not unpatentable as obvious, the U.S. Court of Appeals for the Federal Circuit has held. The Board did not err in finding that additional complexity and decreased efficiency would have dissuaded a skilled artisan from integrating a prior art TPM sensor into a prior art apparatus for analyzing oil quality. Nonobviousness was also supported by evidence of industry praise highlighting the integrated innovative oil quality sensor in Frymaster's electric fryers. Finally, the Board did not abuse its discretion by declining to consider an untimely argument made by the petitioner (Henny Penny Corporation v. Frymaster LLC, September 12, 2019, Lourie, A.).

Case date: 12 September 2019  
Case number: No. 2108-1596  
Court: United States Court of Appeals, Federal Circuit

A full summary of this case has been published on [Kluwer IP Law](#).