

# Federal Circuit Affirms Jury Verdict for F'real Foods After Multiyear Patent Litigation Dispute

## Firm News

07.21.2021

On July 21, 2021, Morris Nichols clients F'real Foods, LLC and Rich Products Corporation obtained an affirmance from the US Court of Appeals for the Federal Circuit, upholding a jury verdict and pre- and post-trial rulings on patent infringement and damages against Hamilton Beach Brands and Hershey Creamery.

Morris Nichols represents F'real Foods, LLC in multiple patent infringement cases. The company manufactures self-serve blenders and prepared milkshakes, smoothies, and protein shakes that are sold at over 19,000 locations across the United States and Canada, including convenience stores, colleges, universities, theaters, and military bases.

In July 2020, US District Judge Colm Connolly permanently enjoined Hamilton Beach Brands and Hershey Creamery from manufacturing, selling, or using a line of milkshake mixing machines that infringed several F'real patents. The Court also required Hershey Creamery to recall the infringing blenders from all retail locations within 30 days.

This followed a 2019 jury trial that found Defendants infringed three F'real patents, none of the asserted patents were invalid, and awarded F'real lost profits and royalty damages.

Morris Nichols partners Rodger Smith, who argued the appeal before the CAFC, and Michael Flynn worked together with co-counsel Sideman & Bancroft LLP to assert the F'real patents.

## PROFESSIONALS

Michael J. Flynn

Rodger D. Smith II

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