

# U.S. Supreme Court

## **American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1 (1931)**

### **American Fruit Growers, Inc. v. Brogdex Co.**

**No. 48**

**Argued January 9, 12, 1931**

**Decided March 2, 1931**

**283 U.S. 1**

1. Patent 1,529,461, to Brogden and Trowbridge, claiming a new and improved process of preparing fresh fruit for market by subjecting it to the action of a solution of borax, and thus, through the fungicidal properties of that chemical, rendering it resistant to the decay caused by blue mold, and also claiming, as a product, fresh citrus fruit of which the rind carries borax of small amount, but sufficient to render the fruit resistant to such decay, is invalid because the process was anticipated and the product is not within the patent law. Pp. 283 U. S. 11, 283 U. S. 13.

2. The claim of a patent must be explained by and read in connection with the specification. P. 283 U. S. 6.

3. An orange, the rind of which has become impregnated with borax through immersion in a solution, and thereby rendered resistant to blue mold decay, is not a "manufacture" or manufactured article within the meaning of the patent law, U.S.C. Title 35, § 31. P. 283 U. S. 11.

4. A patent claim is not novel if it would be infringed by following a process described in an earlier patent or if the substance of the thing claimed by the later patent was disclosed by the earlier one. P. 283 U. S. 14.

35 F.2d 106, reversed.

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Certiorari, 281 U.S. 709, to review a decree which affirmed the district court, 21 F.2d 110, in adjudging that the patent of the present respondent was valid and was infringed by the petitioner.

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