

Kluwer Patent Blog

USA: Nestle USA, Inc. v. Steuben Foods, Inc, United States Court of Appeals, Federal Circuit, No. 2016-1750, 09 May 2017

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Thursday, May 18th, 2017

The Patent Trial and Appeal Board erroneously construed the term “aseptic” in an inter partes review (IPR) of a patent for a method of aseptically bottling sterilized food, the U.S. Court of Appeals for the Federal Circuit has held. The Board erred in construing the term as incorporating “any applicable United States FDA standard” rather than only FDA regulations governing “aseptic packaging.” The court vacated and remanded a Board decision finding that three claims of the patent were not obvious in light of prior art (Nestle USA, Inc. v. Steuben Foods, Inc., May 9, 2017, Hughes, T.).

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

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