

## Haynes Boone Secures Federal Circuit Win for Safe Foods in Patent Dispute

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**PRACTICES** Appellate, Federal Circuit Practice, Patents, Litigation

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Haynes Boone successfully represented Safe Foods Corp., a chemical solutions division of Fortrex, in a major patent litigation win, as the U.S. Court of Appeals for the Federal Circuit upheld a ruling invalidating patent claims asserted by Enviro Tech Chemical Services, Inc.

In *Enviro Tech Chemical Services, Inc. v. Safe Foods Corp.*, the Federal Circuit unanimously affirmed a decision from the U.S. District Court for the Eastern District of Arkansas holding that the asserted claims of Enviro Tech's U.S. Patent No. 10,912,321 were invalid for indefiniteness.

Enviro Tech had accused Safe Foods of infringing a patent covering methods for treating poultry using peracetic acid solutions within certain pH ranges. The court sided with Haynes Boone, finding that the patent's repeated use of the term "about," including claims requiring a pH of "about 7.6 to about 10," failed to clearly define the boundaries of the invention. Because the claims did not provide sufficient clarity, they were deemed invalid.

Federal Circuit Chair [Debbie McComas](#) led the Haynes Boone team arguing the appeal on behalf of Safe Foods, with support from Appellate Partner [Angela Oliver](#). Safe Foods was also represented by Alavi Anaipakos PLLC.

"The Federal Circuit's decision reinforces the fundamental requirement that patent claims must clearly define their scope," said McComas. "We are pleased to have secured a complete affirmance for Safe Foods in a case with important implications for food safety technologies and patent drafting."

Oliver added, "This outcome validates the district court's careful analysis and underscores the importance of rigorous claim construction in highly technical patent disputes."

The Federal Circuit concluded that neither the patent's claims, specification or prosecution history provided sufficient guidance to define the scope of the disputed pH ranges, particularly where the patent relied on a term of approximation without consistent or objective boundaries.

Haynes Boone's [Federal Circuit Practice](#) has handled more than 200 appeals handled before the U.S. Court of Appeals for the Federal Circuit. The group combines deep appellate experience with strong technical fluency, drawing on former Federal Circuit clerks and attorneys with decades of experience to deliver strategic, results-driven advocacy from issue preservation through post-trial motions and appeal, helping clients achieve successful outcomes in complex, high-stakes matters.