

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

J.R. SIMPLOT CO.,
Plaintiff-Appellee

v.

MCCAIN FOODS USA, INC.,
Defendant-Appellant

MCCAIN FOODS LTD.,
Plaintiff-Appellant

v.

J.R. SIMPLOT CO.,
Defendant-Appellee

J.R. SIMPLOT CO.,
Third-Party Plaintiff

v.

**ELEA VERTRIEBS-
UNDVERMARKTUNGSGESELLSCHAFT,
MBH; FOOD PHYSICS LLC,**
Third-Party Defendants-Appellees

2024-1845

Appeal from the United States District Court for the District of Idaho in Nos. 1:16-cv-00449-DCN, 1:17-cv-00350-DCN, Judge David C. Nye.

Decided: February 6, 2026

BRIAN M. BUROKER, Gibson Dunn & Crutcher, LLP, Washington, DC, argued for J.R. Simplot Co. Also represented by ANTHONY DAVID BRZOZOWSKI, II; DANA M. HERBERHOLZ, JORDAN STOTT, Dorsey & Whitney LLP, Boise, ID.

JENNIFER L. SWIZE, Jones Day, Washington, DC, argued for McCain Foods Ltd. and McCain Foods USA, Inc. Also represented by BRENDAN D. DUFFY; DAVID B. COCHRAN, JOHN CHARLES EVANS, MEREDITH WILKES, Cleveland, OH.

LESLEY MCCALL GROSSBERG, Ice Miller LLP, Philadelphia, PA, argued for Elea Vertriebs-und-Vermarktungs-gesellschaft, mbH and Food Physics LLC. Also represented by T. EARL LEVERE, Columbus, OH; KENNETH JON SHEEHAN, Washington, DC.

Before DYK, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

The judgment is *affirmed* on the ground that the asserted claims (claims 1 and 6 of United States Patent

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No. 6,821,540) are invalid as indefinite under 35 U.S.C.
§ 112.

AFFIRMED