

FMC CORP. v. SHARDA USA, LLC., Appeal No. 2024-2335 (Fed. Cir. August 1, 2025).
Before Chen, Moore, and Barnett. Appealed from E.D. Penn. (Judge Perez).

Background:

FMC sued Sharda for infringement of two patents covering insecticides, and obtained a temporary restraining order (TRO). The TRO converted into a preliminary injunction after 14 days.

During prosecution, FMC first filed a provisional application which contained several teachings about the disclosed compositions being stable. However, in one of the subsequent non-provisional applications that gave rise to the two patents at issue, FMC deleted all of the references to stability in the specification.

The district court construed “composition” as claimed in the patents to mean stable compositions only. With this claim construction, the district court held that FMC’s patents were not anticipated by, or obvious in view of, a reference called “McKenzie” that only disclosed relevant but unstable compositions.

Issues/Holdings:

Is the district court’s claim construction proper? Did the district court properly hold that FMC’s patents are not anticipated and not obvious? No and no, vacated and remanded.

Discussion:

The Federal Circuit held that the meaning of “composition” was altered by FMC deleting references to stability in the specification. Specifically, the court held that, due to deletion of references to stability, “every textual reference in the provisional application that a skilled artisan might reasonably have relied upon for interpreting ‘composition’ as covering only stable compounds was removed from the asserted patents. A skilled artisan, in light of such deletions in the prosecution history, would not understand ‘composition’ as claimed in the asserted patents to cover only stable formulations.” Accordingly, the district court erred in construing “composition” as requiring stability. The plain and ordinary meaning should have been used.

Since the district court’s anticipation and obviousness rulings were based on the incorrect claim construction and erroneous factual findings, the Federal Circuit held that the court abused its discretion and vacated those rulings. Furthermore, Sharda raised a substantial question of invalidity with the McKenzie reference, which is sufficient to challenge a preliminary injunction.