Cantor Colburn LLP

Cantor Colburn Client Alert:
Federal Circuit Confirms that Specification Support is Required to Avoid Overly Broad Construction of Functional Claim Language

Summary

On January 14, 2026, the United States Court of Appeals for the Federal Circuit issued a nonprecedential decision entitled *In re Blue Buffalo Enterprises, Inc.* (No. 2024-1611), addressing claim construction of functional language. The Federal Circuit affirmed the rejection of certain claims as obvious in a patent application for a pet food packaging container. The Court held that claim phrases "configured to" and "configured for" should be construed to mean "capable of" performing the recited function, and such construction should be broad, absent clear specification language suggesting a narrow construction. This decision underscores the need for appropriate support in the patent application when using functional language in product claims.

Background

Blue Buffalo Enterprises, Inc. ("Blue Buffalo") appealed a Patent Trial and Appeal Board ("PTAB" or "Board") decision affirming the rejection of claims of U.S. Patent Application No. 17/136,152 as obvious over prior art. The application was directed to a wet pet food packaging container having deformable sidewalls and an integrated tool portion for tenderizing the food.

The claims at issue recited structural elements described as "configured to be readily deformable" and "configured for use in breaking up and/or tenderizing the food product." Blue Buffalo argued that these terms should be interpreted to require that the recited structures were "specifically designed to perform the stated function," which it contended would distinguish over the prior art.

The Board, applying broadest reasonable interpretation principles, construed these phrases to require only that the structures be "capable of" performing the recited functions. Under that construction, the prior art reference was found to disclose structures capable of performing those functions, supporting the obviousness rejection.

Federal Circuit Decision

The Federal Circuit affirmed the decision, agreeing with the Board's construction of the terms "configured to" and "configured for." The Court rejected Blue Buffalo's argument that these phrases should be construed to include structure expressly and specifically designed to perform the described function. The Court found a narrower construction would improperly introduce an "intent" element into the claim, requiring an inquiry into what the designer or manufacturer was thinking when creating the structure.

The Court contrasted its construction here with functional language preceded by the phrase "adapted to," which was narrowly construed in two prior Court opinions. In one of those opinions, the specification indicated the claimed structure was "designed or constructed" to perform the claimed function. In the other one, the specification indicated the claimed structure was "meant to actually" perform the claimed function. In contrast here, the Court found that the pending application "[does] not suggest that the

[claimed structures] are specifically designed or constructed to achieve [the claimed] objective—only that they are capable of doing so." Accordingly, the functional language "capable of" was construed pursuant to its ordinary meaning, i.e., broadly, with the claimed structure being "capable of" performing the claimed function.

Blue Buffalo conceded that it was not challenging the obviousness determination under the broad "capable of" construction, making its argument on appeal solely about claim construction. Because the Court agreed with the Board, the obviousness rejection stood.

What This Means to You

Although *Blue Buffalo* is a nonprecedential decision, it provides useful guidance on the Federal Circuit's treatment of functional claim language, which is commonly used in patent application preparation and prosecution. In particular, the decision reinforces that claim phrases such as "configured to" and "configured for" are generally interpreted to broadly mean that a structure is ***capable of*** performing the recited function. Such claims would read on prior art that merely recites the same structure so long as the structure can perform the claimed function, even if there is no intent for it to do so.

However, by providing clear and unequivocal language in the specification supporting a narrower interpretation, such language can be used advantageously. For example, rather than merely describing an action a component can take, clearly explain the importance and objective of such action including any structural characteristics.

From a preparation and prosecution standpoint, practitioners should carefully consider whether functional phrases such as "configured to" or "configured for" are doing meaningful work in a claim or whether they introduce unnecessary risk. These phrases became popular in the 2010's to circumvent a narrow interpretation as a means-plus-function claim under 35 U.S.C. § 112(f). Regardless, where possible and appropriate, claims reciting explicit structural limitations should be included. For example, reciting a "deformable sidewall" here might have avoided the means-plus-function issue altogether.

Conclusion

The Federal Circuit's decision in *Blue Buffalo* serves as a cautionary reminder about the use of functional claim language in product claims and the importance of clear specification support for intended uses. Although the decision is nonprecedential, the Court's reasoning on the construction of functional claim language provides useful guidance for preparing, prosecuting, and litigating patents with such claim features.

For Further Information and Assistance

Cantor Colburn brings decades of experience in patents and all areas of intellectual property law. If you have questions about this matter or any other IP-related issue, please contact your Cantor Colburn attorney. This alert was prepared by Cantor Colburn Partner Michael H. Brodowski, Ph.D.