

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ESSITY HYGIENE AND HEALTH AB,	)	
ESSITY HMS NORTH AMERICA INC.,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. ____
v.	)	
	)	JURY TRIAL DEMANDED
FIRST QUALITY PRODUCTS, INC.,	)	
FIRST QUALITY RETAIL SERVICES,	)	
LLC, FIRST QUALITY CONSUMER	)	
PRODUCTS, LLC, FIRST QUALITY	)	
PRODUCTS, LLC, FIRST QUALITY	)	
ENTERPRISES, LLC,	)	
	)	
Defendants.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Essity Hygiene and Health AB and Essity HMS North America Inc. (collectively, “Essity”), for their complaint against First Quality Products, Inc., First Quality Retail Services, LLC, First Quality Consumer Products, LLC, First Quality Products, LLC, and First Quality Enterprises, LLC (collectively, “First Quality” or “Defendants”), hereby allege as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent 9,308,138 (the “138 patent”). This action arises under the patent laws of the United States, Title 35, United States Code.

FIRST QUALITY 1014

PARTIES

2. Plaintiff Essity Hygiene and Health AB is a corporation organized and existing under the laws of Sweden and has its principal place of business at Mölndals bro 2, Mölndal, Sweden and its registered address at SE 405 03 Gothenburg, Sweden.

3. Plaintiff Essity HMS North America Inc. is a corporation organized and existing under the laws of Delaware and has its principal place of business at 2929 Arch Street, Suite 2600, Philadelphia, PA 19104.

4. Essity is a global, leading hygiene and health company. Every day, Essity's products, services, and solutions are used by a billion people around the world. Essity's purpose is to break barriers to well-being for the benefit of consumers, patients, caregivers, customers, and society. Sales are conducted in approximately 150 countries under the leading global brands TENA and Tork, and other strong brands such as Actimove, Cutimed, JOBST, Knix, Leukoplast, Libero, Libresse, Lotus, Modibodi, Nosotras, Saba, Tempo, TOM Organic and Zewa.

5. In 2023, Essity had sales of approximately SEK 147bn (EUR 13bn) and employed 36,000 people. Essity's headquarters is located in Stockholm, Sweden, and Essity is listed on Nasdaq Stockholm.

6. Essity is a leader in the hygienic products industry, including in the adult incontinence products industry, and provides hygienic products to consumers, hospitals, nursing homes, extended care facilities, and other medical facilities.

7. Upon information and belief, First Quality Products, Inc. is a corporation organized and existing under New York law and has its principal place of business at 121 North Road, McElhattan, Pennsylvania, 17748.

8. Upon information and belief, First Quality Products, Inc. designs, manufactures, and/or distributes consumer products including adult incontinence products in the U.S.

9. Upon information and belief, First Quality Retail Services, LLC is organized under Delaware law and has its principal place of business at 601 Allendale Road, King of Prussia, Pennsylvania, 19406.

10. Upon information and belief, First Quality Retail Services, LLC designs, manufactures, and/or distributes consumer products including adult incontinence products in the U.S.

11. Upon information and belief, First Quality Consumer Products, LLC is organized under Delaware law and has its principal place of business at 121 North Road, McElhattan, Pennsylvania, 17748.

12. Upon information and belief, First Quality Consumer Products, LLC designs, manufactures, and/or distributes consumer products including adult incontinence products in the U.S.

13. Upon information and belief, First Quality Products, LLC is organized under Delaware law and has its principal place of business at 80 Cuttermill Road, Suite 500, Great Neck, New York, 11021.

14. Upon information and belief, First Quality Products, LLC designs, manufactures, and/or distributes consumer products including adult incontinence products in the U.S.

15. Upon information and belief, First Quality Enterprises, LLC is organized under Delaware law and has its principal place of business at 80 Cuttermill Road, Suite 500, Great Neck, New York, 11021.

16. Upon information and belief, First Quality Enterprises, LLC designs, manufactures, and/or distributes consumer products including adult incontinence products in the U.S.

JURISDICTION AND VENUE

17. Essity incorporates the foregoing paragraphs of its Complaint by reference as though fully set forth herein.

18. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Act, 35 U.S.C. 1, *et seq.*

19. At least Defendants First Quality Retail Services, LLC, First Quality Consumer Products, LLC, First Quality Products, LLC, and First Quality Enterprises, LLC are organized under Delaware law, and accordingly this Court has personal jurisdiction over these defendants.

20. Upon information and belief, each First Quality Defendant intentionally markets and sells adult hygienic products from the Prevail Plus line of products to residents of the State of Delaware, manufactures adult hygienic products from the Prevail Plus line of products for sale to residents of the State of Delaware, distributes adult hygienic products from the Prevail Plus line of products to residents of the State of Delaware and/or induces or assists sister companies in the First Quality family of companies to do the foregoing. These actions give rise to personal jurisdiction over the First Quality Defendants in this district.

21. Upon information and belief, each First Quality Defendant enjoys substantial income directly or indirectly from the State of Delaware.

22. Upon information and belief, solicitation activities were carried out within the State of Delaware by or on behalf of the First Quality Defendants.

23. There is personal jurisdiction over the First Quality Defendants in the District of Delaware.

24. Venue in this Court is proper under 28 U.S.C. §§ 1391(b) and 1400(b).

25. Upon information and belief, at least Defendants First Quality Retail Services, LLC, First Quality Consumer Products, LLC, First Quality Products, LLC, and First Quality Enterprises, LLC are organized under Delaware law. Additionally, each First Quality Defendant has committed acts of infringement in the District of Delaware.

FACTUAL BACKGROUND

26. Essity incorporates the foregoing paragraphs of its Complaint by reference as though fully set forth herein.

27. The U.S. Patent and Trademark Office duly issued the '138 patent, entitled "Absorbent Article Having Intake Structure," on April 12, 2016 to SCA Hygiene Products AB. A true and correct copy of the '138 patent is attached as Exhibit 1.

28. On May 18, 2018, SCA Hygiene Products AB changed its name to Essity Hygiene and Health AB, registering this name change via an assignment with the USPTO.

29. Essity HMS North America is the exclusive licensee to the '138 patent. Essity HMS North America has the exclusive, perpetual, irrevocable right to manufacture, sell, offer to sell, import, reproduce, distribute, and market products covered by the '138 patent.

30. Upon information and belief, First Quality commercially introduced its Prevail Plus products with MaxSorb+ Zone around April 2022.

31. First Quality markets its Prevail Plus products with MaxSorb+ Zone as "a new technology for bladder control pads" that provides "rapid absorption to help keep skin dry all day and support skin health." *See* Exhibit 2 (April 28, 2022 First Quality Press Release). First

Quality claims that these products “absorb up to 50% faster” than previous Prevail bladder control pads. *See id.*

32. Although First Quality claims its products are “a new technology” and an “innovation” as of 2022 (*see* Exhibit 2), upon information and belief, First Quality copied the embodiments of the ’138 patent—and/or Essity’s Tena Discreet with instaDRY® zone product, which is an embodiment of the ’138 patent—in all material aspects to design its own product.



Prevail Plus with MaxSorb+ Zone



Tena Discreet with instaDRY® Zone

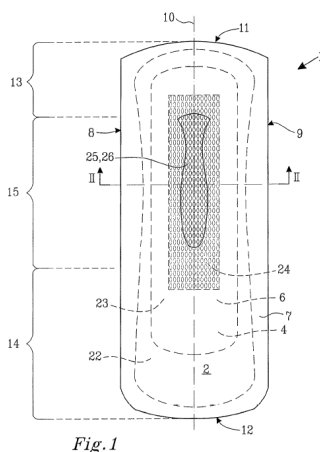


Fig. 1

Figure 1 of the ’138 patent

33. As of April 28, 2022, First Quality intended to “pilot[] the MaxSorb+ Zone with its own brand of adult incontinence products before rolling out the innovation to a broader customer base.” *See id.*

34. Upon information and belief, First Quality has approached, or is planning to approach, other companies to sell infringing products incorporating the MaxSorb+ Zone under brand names other than First Quality.

35. First Quality sells its Prevail Plus products with MaxSorb+ Zone at least through Amazon.com. *See* Exhibit 3 (Amazon.com listing for Prevail Plus product with MaxSorb+ Zone). Upon information and belief, First Quality has been selling Prevail Plus products with MaxSorb+ Zone online in the United States since at least April 2022 and continues those sales as of the date of this Complaint.

36. This is not the first case between the parties involving First Quality's copying of Essity products. *See SCA Hygiene Products AB v. First Quality Baby Products, LLC*, 580 U.S. 328 (2017). Upon information and belief, First Quality monitors patent filings of Essity, and First Quality or its agents would have been aware of the '138 patent and reviewed the patent during the development of the accused products. If First Quality failed to make that inquiry, such failure would constitute willful blindness.

COUNT I
DIRECT INFRINGEMENT OF THE '138 PATENT

37. Essity incorporates the foregoing paragraphs of its Complaint by reference as though fully set forth herein.

38. Defendant First Quality Products, Inc. has infringed, and continues to infringe, at least claim 1 of the '138 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, at least by making, using, selling, offering to sell, and/or importing its Prevail Plus line of products with MaxSorb+ Zone. Defendant First Quality Products, Inc. is listed as the distributor on packages of Prevail Plus products with MaxSorb+ Zone. *See* Exhibit 4 (Prevail Plus with MaxSorb+ Zone Outer Packaging).

39. Defendant First Quality Retail Services, LLC has infringed, and continues to infringe, at least claim 1 of the '138 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, at least by making, using, selling, offering to sell, and/or importing its Prevail Plus line of products with MaxSorb+ Zone.

40. Defendant First Quality Consumer Products, LLC has infringed, and continues to infringe, at least claim 1 of the '138 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, at least by making, using, selling, offering to sell, and/or importing its Prevail Plus line of products with MaxSorb+ Zone.

41. Defendant First Quality Products, LLC has infringed, and continues to infringe, at least claim 1 of the '138 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, at least by making, using, selling, offering to sell, and/or importing its Prevail Plus line of products with MaxSorb+ Zone.

42. Defendant First Quality Enterprises, LLC has infringed, and continues to infringe, at least claim 1 of the '138 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, at least by making, using, selling, offering to sell, and/or importing its Prevail Plus line of products with MaxSorb+ Zone.

43. Claim 1 of the '138 patent recites:

An absorbent article having a longitudinal direction and a transverse direction, side edges extending in the longitudinal direction and end edges extending in the transverse direction and comprising:

a fluid permeable topsheet,

a fluid impermeable backsheet, and

an absorbent core enclosed between said topsheet and said backsheet, said absorbent core comprising,

a first absorbent layer having an opening that passes through the first absorbent layer from one major surface to an opposing major surface and therebetween the opening is surrounded by a closed periphery of first absorbent layer,

a fluid flow control structure, and

a second absorbent layer arranged between the fluid flow control structure and the fluid impermeable backsheet,

wherein the fluid flow control structure is arranged between said first absorbent layer and said backsheet, said fluid flow control structure being a layered structure comprising a non-perforated fibrous polymeric layer and a first perforated polymeric layer, and

wherein the opening extends along a longitudinal center line of the absorbent article, the longitudinal center line being in parallel with the longitudinal direction of the absorbent article, and the fluid permeable top sheet is in direct contact with the fluid flow control structure via the opening.

44. First Quality's Prevail Plus products with MaxSorb+ Zone infringe each and every limitation of claim 1 of the '138 patent, as set forth in the attached preliminary claim chart mapping an exemplary Prevail Plus product with MaxSorb+ Zone (production code 22 026 K46 02:08) to the limitations of claim 1, which is attached hereto as **Appendix A**. Essity therefore incorporates the claim chart in **Appendix A** into the allegations of this Complaint. Thus, First Quality's Prevail Plus products with MaxSorb+ Zone infringe at least claim 1 of the '138 patent.

45. First Quality's infringement of the '138 patent is willful at least as of the date First Quality was served with this Complaint. Further, upon information and belief, each First Quality Defendant knew or should have known of the '138 patent, knew that at least its Prevail Plus products with MaxSorb+ Zone infringed the '138 patent, and continued to infringe with knowledge of that infringement and/or with reckless disregard for Essity's patent rights.

46. Upon information and belief, First Quality copied the embodiments found in the '138 patent, and/or copied Essity's Tena Discreet with instaDRY® zone product, which is an embodiment of the '138 patent, to design its Prevail Plus products with MaxSorb+ Zone.

47. First Quality has a private label line of products pursuant to which it makes versions of its products for third parties under the brand name of the third party. Upon information and belief, First Quality produces private label versions of the Prevail Plus line of products with MaxSorb+ Zone which also infringe.

48. First Quality's acts of infringement have caused damage to Essity, and Essity is entitled to recover from First Quality damages sustained as a result of First Quality's infringement of the '138 patent, including reasonable royalty and/or lost profits damages.

49. First Quality's acts of infringement have caused, and will continue to cause, irreparable harm to Essity. First Quality and Essity directly compete in the market for adult hygiene products. Not only is Essity being forced to compete against products that infringe its own patented inventions, but Essity's investment in and good will with consumers, hospitals, nursing homes, extended care facilities, and other medical facilities has been and is being eroded. Essity's losses are further difficult to quantify, rendering legal damages inadequate.

50. Because First Quality's infringement has cost Essity market share and has forced Essity to compete against embodiments of its own patented invention, any hardship that an injunction would cause First Quality pales in comparison to the hardships Essity will continue to suffer as a result of First Quality's infringement.

51. The public interest also favors an injunction to protect Essity's investment-based risk that resulted in patented innovation, namely the '138 patent, and to enforce the Patent Act's

statutory right to exclude. Accordingly, the circumstances of First Quality's infringement warrant an injunction barring First Quality from further infringement of the '138 patent.

52. First Quality's infringement warrants a finding that this is an exceptional case, entitling Essity to recover its attorneys' fees and expenses.

53. Essity is entitled to collect pre-filing damages for the full period allowed by law for infringement of the '138 patent.

PRAYER FOR RELIEF

WHEREFORE, Essity respectfully requests that the Court enter judgment in its favor, granting the following relief:

- A. Entry of a judgment that First Quality has infringed the '138 patent under 35 U.S.C. § 271(a);
- B. Entry of a permanent injunction enjoining First Quality and its officers, directors, employees, agents, consultants, contractors, suppliers, distributors, and all others acting in privity with First Quality from further infringement of the '138 patent;
- C. Entry of a judgment that First Quality's infringement of the '138 patent has been and continues to be egregious and willful;
- D. Entry of an award to Essity of damages adequate to compensate it for the infringement of the '138 patent by First Quality, in an amount to be proven at trial, together with pre-judgment and post-judgment interest and costs, as fixed by the Court;
- E. Entry of an award to Essity of pre-suit damages under 35 U.S.C. § 287(a);
- F. Trebling the damages due to First Quality's egregious and willful infringement under 35 U.S.C. § 284, including at least by copying the embodiments of the '138 patent to create its infringing products;

- G. Entry of a finding that, with respect to First Quality, this case has been exceptional and awarding to Essity its reasonable costs and attorney fees under 35 U.S.C. § 285;
- H. A grant to Essity of further relief that the Court sees as just.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Essity demands trial by jury in this action of all issues so triable.

Dated: March 22, 2024

Respectfully submitted,

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EXHIBIT 1



US009308138B2

(12) **United States Patent**
Andersson et al.

(10) **Patent No.:** **US 9,308,138 B2**

(45) **Date of Patent:** **Apr. 12, 2016**

(54) **ABSORBENT ARTICLE HAVING INTAKE STRUCTURE**

USPC 604/367, 378-384, 385.01, 385.101
See application file for complete search history.

(75) Inventors: **Patrik Andersson**, Billdal (SE); **Malin Lundman**, Molnlycke (SE); **Per Bergstrom**, Gothenburg (SE)

(56) **References Cited**

U.S. PATENT DOCUMENTS

4,988,344 A 1/1991 Reising et al.
4,988,345 A * 1/1991 Reising 604/378

(Continued)

FOREIGN PATENT DOCUMENTS

EP 0316771 A2 5/1989
EP 0336578 A1 10/1989

(Continued)

OTHER PUBLICATIONS

Notification of First Office Action issued Nov. 28, 2014 in Chinese Patent Application No. 201180071909.0 (7 pages) with English Translation (7 pages).

(Continued)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **14/129,401**

(22) PCT Filed: **Jun. 28, 2011**

(86) PCT No.: **PCT/SE2011/050859**

§ 371 (c)(1),
(2), (4) Date: **Dec. 26, 2013**

(87) PCT Pub. No.: **WO2013/002686**

PCT Pub. Date: **Jan. 3, 2013**

(65) **Prior Publication Data**

US 2014/0128828 A1 May 8, 2014

(51) **Int. Cl.**
A61F 13/15 (2006.01)
A61F 13/20 (2006.01)
(Continued)

Primary Examiner — Michele M Kidwell

(74) *Attorney, Agent, or Firm* — Drinker Biddle & Reath LLP

(52) **U.S. Cl.**
CPC **A61F 13/53717** (2013.01); **A61F 13/53752** (2013.01); **A61F 13/53756** (2013.01); **A61F 2013/53782** (2013.01); **A61F 2013/530875** (2013.01)

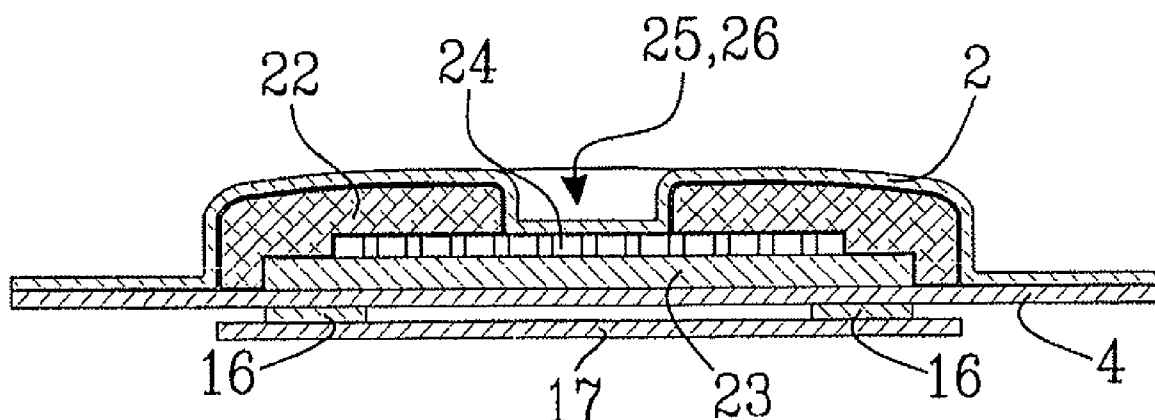
(58) **Field of Classification Search**

CPC A61F 13/512; A61F 13/5146; A61F 13/53717; A61F 13/53743; A61F 13/51355; A61F 2013/53782; A61F 13/494; A61F 13/5116; A61F 13/51305; A61F 13/51401; A61F 13/51478; A61F 13/53; A61F 2013/53076; A61F 2013/530861

(57) **ABSTRACT**

An absorbent article including a fluid permeable topsheet, a fluid impermeable backsheet and an absorbent core enclosed between the topsheet and the backsheet. The absorbent core includes a first absorbent layer having an opening extending therethrough. A fluid flow control structure is arranged between the first absorbent layer and the backsheet. The fluid flow control structure is a layered structure including a non-perforated fibrous polymeric layer and a first perforated polymeric layer having a basis weight of from 50 g/m² to 100 g/m².

25 Claims, 3 Drawing Sheets



* cited by examiner

U.S. Patent

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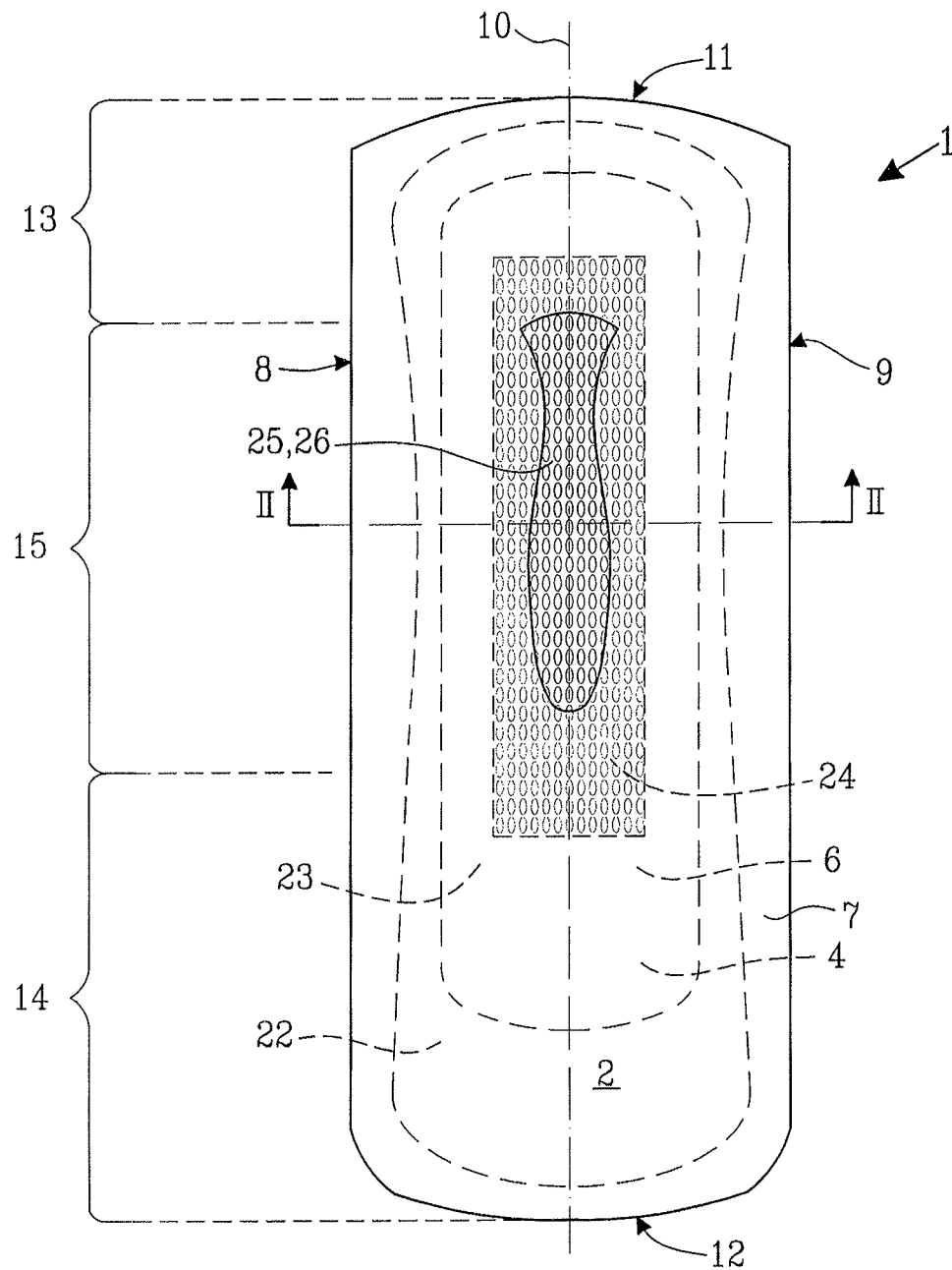


Fig. 1

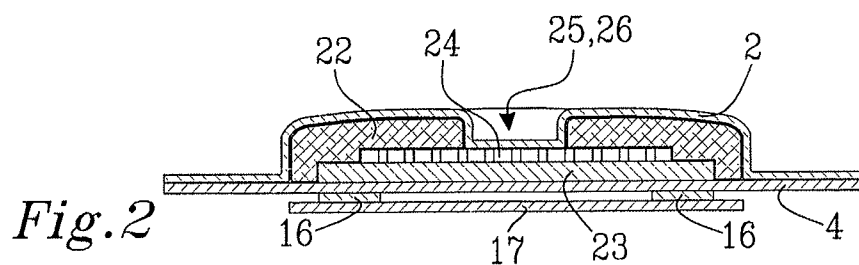


Fig.2

U.S. Patent

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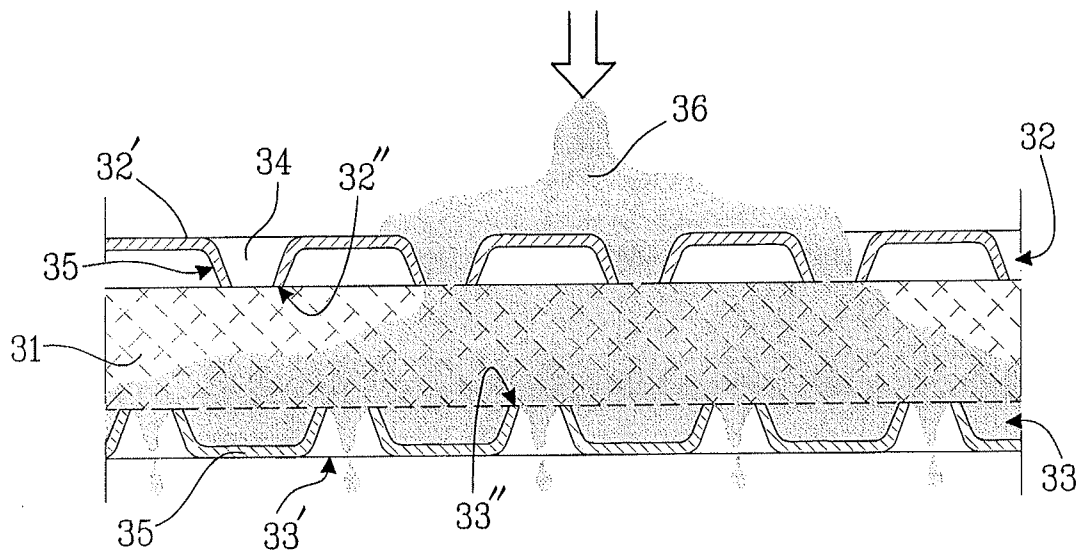


Fig. 3

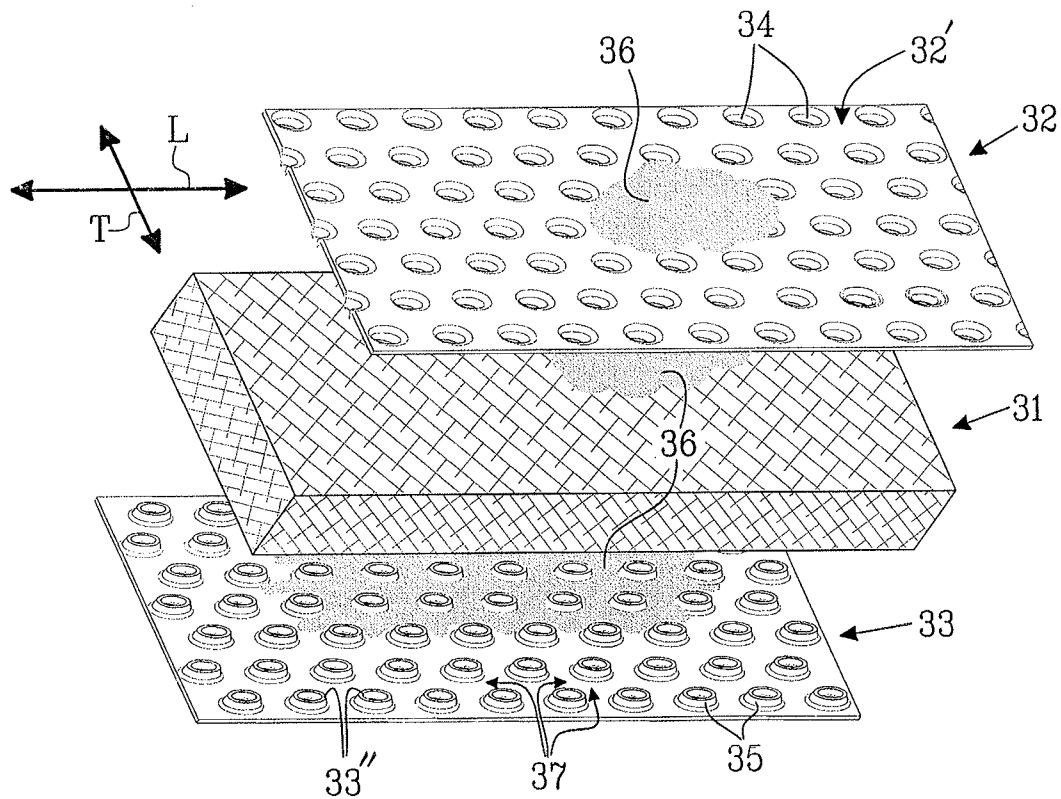


Fig. 4

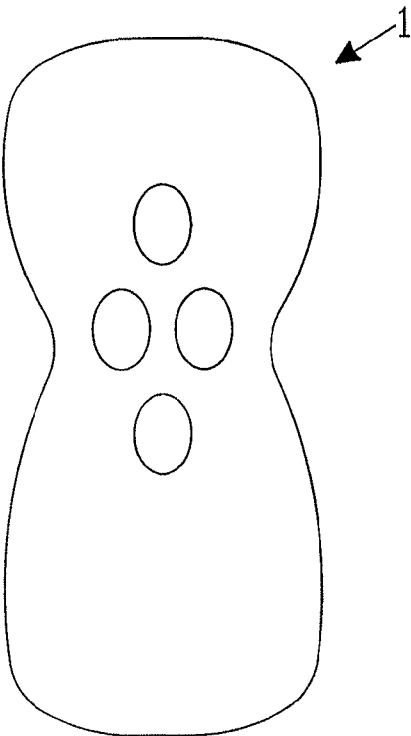


Fig. 5a

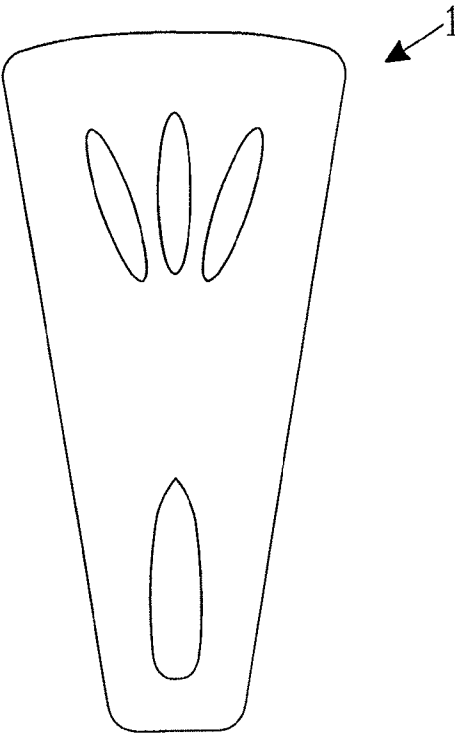


Fig. 5b

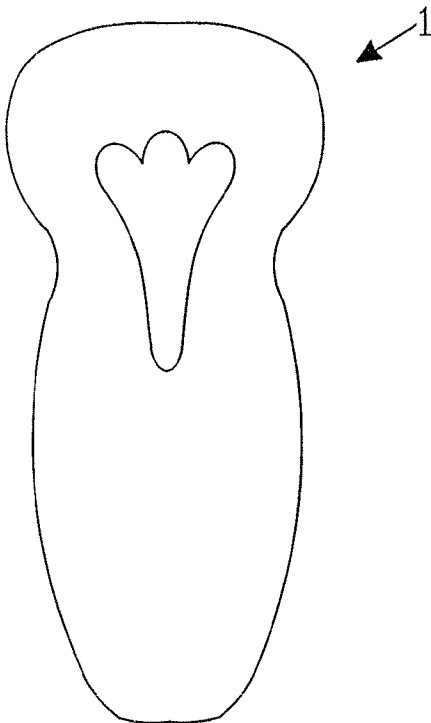


Fig. 5c

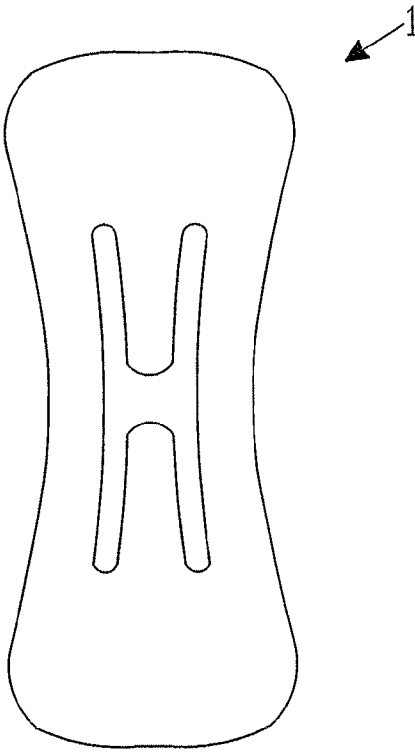


Fig. 5d

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**ABSORBENT ARTICLE HAVING INTAKE
STRUCTURE****CROSS-REFERENCE TO PRIOR APPLICATION**

This application is a §371 National Stage application of PCT International Application No. PCT/SE2011/050859 filed Jun. 28, 2011, which is incorporated herein in its entirety.

TECHNICAL FIELD

The disclosure pertains to an absorbent article including a fluid permeable topsheet, a fluid impermeable backsheet and an absorbent core enclosed between the topsheet and the backsheet, the absorbent core including a first absorbent layer and including an opening extending through the first absorbent layer.

BACKGROUND

Absorbent articles of the kind that is worn inside ordinary underpants include incontinence shields and sanitary napkins. As these articles have to be sized and configured to fit in the limited space available in the crotch portion of the underwear, the articles are by necessity designed with a relatively small width. For this reason, a particular problem with such articles is that they may leak at the side edges, before the full absorption capacity of the article has been utilized.

Side leakage may occur as a consequence of absorbed fluid being dispersed equally fast in all directions from the point where the fluid enters the article. This will lead to the fluid escaping the article at the side edges before being distributed to the end portions of the article. Another cause of side leakage may be when the intake capacity of the article is insufficient to allow all fluid that is exuded onto the article to directly enter inside the article. Instead, the fluid will flow on the topsheet and out over the side edges of the article where it can leak out and soil the wearer's clothing. A further drawback when fluid flows on the outside of the topsheet is that a large portion of the body-contacting topsheet will be wet. This is of course highly undesirable as it makes the article unhygienic and unpleasant to wear.

Incontinence shields and sanitary napkins are designed to have a total absorption capacity that is large enough to absorb all fluid that is expected to be released to the absorbent article during a period of wear. However, the fluid is normally not exuded in a steady flow but as sudden gushes of relatively large volume under high pressure and during a very short time period. Accordingly, it would be desirable if the absorbent article was able to receive and contain the emitted fluid with corresponding speed.

Great efforts have been made in the past in order to overcome the side leakage problem in relation to disposable absorbent articles such as incontinence shields and sanitary napkins. However, to date no such effort has been completely successful.

International publication WO 2009/105000 discloses a laminate fibrous web having recesses with a diminishing cross-sectional area in a thickness direction of the web. The web can be used as a fluid intake material and is taught to improve fluid flow through the web.

Although the prior art laminate material may alleviate the side leakage problem to some extent, there is still a great need for further improvements of the side leakage security for the kind of absorbent article that is worn in the crotch portion of an undergarment.

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SUMMARY

It is desired to provide an absorbent article having improved intake capacity, fluid distribution properties and leakage security.

In a first aspect, an absorbent article is provided having a longitudinal direction and a transverse direction, side edges extending in the longitudinal direction and end edges extending in the transverse direction and including a fluid permeable topsheet, a fluid impermeable backsheet and an absorbent core enclosed between the topsheet and the backsheet. The absorbent core includes a first absorbent layer, and the first absorbent layer has an opening extending therethrough. A fluid flow control structure is arranged between the first absorbent layer and the backsheet, the fluid flow control structure being a layered structure including a non-perforated fibrous polymeric layer and a first perforated polymeric layer, the first perforated polymeric layer having a basis weight of from 50 g/m² to 150 g/m², or a basis weight of from 60 g/m² to 100 g/m².

The fluid flow control structure provides the article with high intake capacity.

Moreover, the article in accordance with the first aspect can provide a large void volume for temporary storage of fluid. The void volume is created both by the hollow space or well formed at the opening in the absorbent layer and internally in the porous fluid flow control structure. As soon as the fluid has entered into the fluid flow control structure it may run in the open pore structure of the non-perforated layer and be distributed away from the initially wetted area of the absorbent article. The fluid flow control structure not only enhances fluid transport away from the initially wetted area but also promotes fluid distribution throughout the absorbent core both in the length direction and in the thickness direction of the article. The width of the fluid flow control structure may be smaller than the width of the first absorbent layer, whereby the fluid dispersion rate changes at the edge of the fluid flow control structure. In particular embodiments, the fluid flow control structure is a highly porous structure with less resistance to fluid flow than the first absorbent layer, implying that fluid will by preference continue to move in the fluid flow control structure. Accordingly, the edges of the fluid flow control structure may act as barriers to fluid distribution transversely to the side edges of the absorbent article, reducing the risk of side failure.

In particular embodiments, the opening through the first absorbent layer is placed in the wetting area of the article. The wetting area of the article is that part of the article which is designed to be initially wetted by emitted fluid when the article is being worn and is located in a crotch area of the absorbent article. By arranging the opening in the first absorbent layer in the wetting area, emitted fluid can flow directly into the opening and be collected and temporarily contained in the space defined by the opening and adjacent layers of the absorbent article.

The first absorbent layer in an absorbent article may have one or more openings. The opening or openings may be of any suitable shape or combination of shapes, such as circular, oval, rectangular, square, star-shaped, flower-shaped, heart-shaped, H-shaped, T-shaped, I-shaped etc. Accordingly, the positioning, shape and size of the opening or openings may be varied within the scope of the invention.

Due to its high basis weight and the combination of a perforated layer and a non-perforated layer, the fluid flow control structure will preferably have relatively high bending stiffness. A high bending stiffness provides the absorbent article with an improved ability of resisting transverse com-

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pression between the thighs of a wearer of the article and counteracts unwanted deformation of the article during wear, such that the opening in the first absorbent layer is kept open for fluid reception throughout use of the article. The bending stiffness or flexure resistance of the laminate material in the fluid flow control structure may be 0.5-5 N, or 1-4 N, as measured by the modified ASTM D 4032-82 CIRCULAR BEND PROCEDURE. It may be desirable that the bending stiffness of any part of the absorbent article extending laterally outside of the fluid flow control structure has a lower bending stiffness than the fluid flow control structure whereby such less stiff lateral portions of the absorbent article may act as cushioning means between the fluid flow control structure and the wearer's legs.

The absorbent article may include a second absorbent layer being arranged between the fluid flow control structure and the backsheet.

The first perforated polymeric layer may be a nonwoven, a film or a film/nonwoven laminate. In certain embodiments, the first perforated polymeric layer is a nonwoven material. Suitable polymers for the first perforated polymeric layer may be polyolefins, polyesters, polyamides and blends and combinations of such polymers with polypropylene being an exemplary polyolefin. The nonwoven materials may be carded resin bonded materials, carded through-air bonded materials, spunbond-meltbond-spunbond (SMS) materials, carded hydroentangled materials or carded thermobonded materials.

The first perforated polymeric layer may be a three-dimensionally formed layer having penetrating apertures, the apertures extending from a first surface of the layer towards a second surface of the layer, forming protrusions on the second surface and, in particular embodiments, the apertures are funnel-shaped. With a funnel-shaped aperture as used herein is implied an aperture having a tapering shape in its direction of extension such that the cross-sectional area of the aperture is diminishing when moving along the aperture.

The first perforated polymeric layer may be arranged with the second surface facing the non-perforated fibrous polymeric layer or may be arranged with the second surface facing away from the non-perforated fibrous polymeric layer.

The first perforated polymeric layer may be arranged as the first layer of the fluid flow control structure, i.e. as the layer of the structure that is located closest to the topsheet.

The apertures in the first perforated polymeric layer may have an average size of 0.5-5 mm, measured at the smallest diameter of the apertures.

The open area of the first perforated polymeric layer may be 5-30%, or 10-25%.

The non-perforated fibrous polymeric layer may be a high loft material of 20-120 gsm, or 60-100 gsm. The polymer for the non-perforated fibrous polymeric layer may be polyester.

The fluid flow control structure may be a three-layer structure including the non-perforated fibrous polymeric layer, the first perforated polymeric layer and a second perforated polymeric layer, the non-perforated fibrous polymeric layer being sandwiched between the first perforated polymeric layer and the second perforated polymeric layer.

The second perforated polymeric layer may be a three-dimensionally formed layer having apertures extending from a first surface of the web towards a second surface of the web and forming protrusions on the second surface.

The layers in the fluid flow control structure may be attached to each other by means of an adhesive. However, other means of joining of the layers such as thermobonding by hot embossing or ultrasonic bonding may be used as well as layers being joined without using any bonding means. The

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fluid flow control structure has an overall planar shape. In particular embodiments, the non-perforated fibrous polymer layer has uniform thickness and a uniform pore structure. In further embodiments, bonding between the layers is carried out so as to have minimum impact on the shape and pore structure of the non-perforated fibrous polymer layer.

The polymer materials of the fluid flow control structure may be non-absorbent materials which do not retain any fluid in the material itself. The function of the fluid flow control structure is to provide the absorbent article with temporary fluid holding capacity and to distribute fluid in the article. As the polymer materials in the fluid flow control structure may be hydrophobic, and may have a wetting angle (θ) of 90° or close to 90° implying that they have no or very low wettability when contacted with aqueous fluids, it may be an advantage if the components of the fluid flow control structure have been treated to lower the wetting angle and render them hydrophilic, i.e. wettable by body fluids. A perfectly wettable material has a wetting angle (θ) of 0°. Any commonly known method for rendering a hydrophobic material hydrophilic may be used, such as treatment with surfactants, plasma or corona treatment, etc.

One aspect of an example embodiment concerns a three-layer fluid flow control structure, wherein both the first perforated polymeric layer and the second perforated polymeric layer may be a three-dimensionally formed layer having penetrating, including, for example, funnel-shaped apertures, extending from a first surface of the layer towards a second surface of the layer and forming protrusions on the second surface. Both perforated polymeric layers may be arranged with the second surface facing the non-perforated fibrous polymeric layer arranged between the perforated polymeric layers.

The apertures in the first and second perforated polymeric layers may be out of register with each other. When the apertures in the first and second perforated polymeric layers are out of register with each other, fluid impinging one of the layers cannot pass directly through the thickness of the fluid flow control structure but is forced to take a more tortuous path through the fluid flow control structure. Moreover, when fluid enters the fluid flow control structure through a first perforated polymeric layer that is arranged facing the topsheet of the article at least some of the fluid travels downward towards the backsheet. When the fluid reaches the second perforated polymeric layer at a non-perforated location, the fluid will run along the second perforated polymeric layer and be distributed inside the fluid flow control structure until it eventually may escape through an aperture in the second perforated polymeric layer. The second perforated polymeric layer may be a three-dimensionally shaped material with apertures forming protrusions on the side of the second perforated polymeric layer that is facing the non-perforated fibrous polymer layer of the fluid flow control structure. In such case, a network of interconnected channels is formed between the protrusions in which network the fluid may be captured and may flow a long distance away from the initially wetted area before leaving the fluid flow control structure.

Three-dimensionally shaped first and second perforated polymeric layers may be oriented with the apexes of the apertures, i.e. the protrusions, directed towards the non-perforated fibrous polymer layer or away from the non-perforated fibrous polymer layer. The three-dimensionally shaped first and second perforated polymeric layers and the high-loft non-perforated fibrous polymeric layer together contribute to the void volume of the fluid flow control structure and to the ability of the structure to contain and move fluid there-through.

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When the fluid flow control structure is a three-layer structure including a non-perforated fibrous polymeric layer that is sandwiched between a first perforated polymeric layer and a second perforated polymeric layer, the second perforated polymeric layer may be different from the first perforated polymeric layer with regard to chemical composition, physical composition, three-dimensionality, open area, aperture size etc. Alternatively, the second perforated polymeric layer may be identical to the first perforated polymeric layer. The second perforated polymeric layer may thus have a basis weight, open area and aperture size corresponding to the first perforated polymeric layer.

Both perforated polymeric layers may be three-dimensionally formed layers as disclosed herein. Each layer may have penetrating apertures that originate in a first surface of the layer and extend towards a second surface of the layer, with the apexes of the apertures forming protrusions at the second surface of the layer. The apertures may be tubular structures, including, for example, funnel-shaped with a diminishing cross-sectional area when moving in a direction from the first surface to the second surface of the perforated layer.

Alternatively, one or both perforated polymer layers may be two-dimensional layers. When at least one of the perforated polymer layers is a three-dimensionally formed layer, such three-dimensionally formed perforated layer may be arranged with the first surface facing away from the non-perforated polymeric layer or with the first surface facing towards the non-perforated polymeric layer. In an absorbent article according to an embodiment of the invention, a three-dimensionally formed perforated polymer layer being oriented with the protrusions facing towards the topsheet of the article will generally promote fluid distribution in the X-Y plane, i.e. in the longitudinal and transverse directions of the article, to a higher extent than a three-dimensionally formed perforated polymer layer being oriented with the protrusions facing towards the backsheet of the article which will generally promote fluid transport in the Z-direction of the article, i.e. in the thickness direction.

The first and second perforated polymeric layers may pass fluid therethrough but act as protective barriers that prevent particles and fibres from entering the fluid flow control structure and interfering with fluid transport inside the fluid flow control structure. The particles and fibres may be absorbent materials from such as absorbent polymer particles commonly known as "superabsorbents", cellulose fluff pulp fibres, etc.

The fluid flow control structure may have a high resistance to compression as measured in the Compression Test disclosed herein. Accordingly, the thickness of the flow control structure at 5 kPa may be 60-80% of the thickness at 0.5 KPa at a first, second and third compression performed according to the compression test disclosed herein.

In an absorbent article according to an embodiment of the invention, the first absorbent layer may have more than one opening extending therethrough. The openings may be placed in the same general area of the absorbent article, such as in a crotch portion of the article or may be placed in different portions of the article such as in two or more of the crotch portion and the end portions. The crotch portion, as used herein, is the portion of the article that is designed to be placed in the crotch of a wearer and to be in contact with the pudendal area of the wearer. The crotch portion includes the wetting area of the article and can be asymmetrically placed in the longitudinal direction of the article. The end portions are placed on either side of the crotch portion in the longitudinal direction of the article. The article may be designed with end portions that are specifically adapted to be placed towards the

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front or the rear of a wearer and may then differ in size, shape, etc. to allow a user to apply the article in a correct way inside the underwear.

The absorbent article may be provided with means for fastening of the article in ordinary underwear or other supporting pant-garment. The fastening means may be adhesive fasteners, frictional fasteners, mechanical fasteners such as the hook part of a hook-and-loop fastener or combinations of different types of fasteners, as known in the art.

The absorbent article may be a diaper of the open type that is fastened around the lower torso of a wearer by means of tape fasteners, belts or similar or may be a closed-type pant diaper. The absorbent article may alternatively be of a kind that is worn inside a supporting panty or with a holder, such as a sanitary napkin, a panty liner or an incontinence protector. In certain embodiments, the absorbent article is an incontinence protector.

An absorbent article may comprise a fluid permeable topsheet, disposed at the surface of the incontinence protector which is intended to be facing a wearer of the incontinence protector, a backsheet disposed at the surface of the incontinence protector that is intended to be facing the undergarment of the wearer, and an absorbent core, enclosed between the topsheet and the backsheet.

The covering may be of a kind where the topsheet and the backsheet of the incontinence protector extend together laterally outside of the absorbent core along the whole circumference of the absorbent core and are connected to each other in an edge join around the periphery of the absorbent core. An edge join may be formed in any suitable manner as known in the art such as by means of adhesive, ultrasonic bonding, thermobonding, stitching, etc. Alternative covering arrangements such as wrapped-around covers are also conceivable within the scope of the invention.

The topsheet may include any material which is suitable for the purpose. Examples of commonly found topsheet materials are nonwoven materials, perforated plastic films, plastic or textile mesh, and fluid permeable foam layers. Laminates include two or more topsheet materials are also commonly employed, as are topsheets including different materials within different parts of the fluid permeable wearer-facing surface. In certain embodiments, the topsheet is a non-apertured nonwoven web.

The backsheet is preferably fluid impermeable. However, backsheet materials that are only resistant to fluid penetration may be used particularly in instances where relatively small amounts of urine are expected to be taken up by the incontinence protector. The backsheet may be a thin, flexible, fluid-impermeable plastic film, but fluid-impermeable nonwoven materials, fluid impermeable foams and fluid impermeable laminates are also contemplated within the scope of the invention. The backsheet may be breathable, implying that air and vapor may pass through the backsheet. Furthermore, the backsheet may have an outer, garment-facing surface of a textile material such as nonwoven.

The absorbent core may be made up of any suitable absorbent or fluid uptake material as known in the art, such as one or more layers of cellulose fluff pulp, foam, fiber waddings, etc. The absorbent core may contain fibers or particles of highly absorbent polymer material, commonly known as superabsorbents, which are materials having the ability to absorb and retain large quantities of fluid upon formation of a hydrogel. The superabsorbents may be mixed with cellulose fluff pulp and/or may be arranged in pockets or layers in the absorbent core. The absorbent core may further incorporate components for improving the properties of the absorbent

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core. Some examples of such components are binder fibers, fluid-dispersing materials, fluid acquisition materials, etc. as known in the art.

The absorbent article may include more than one absorbent core. The cores may be an upper larger core and a lower, smaller core.

The article may further include components such as elastic elements. The elastic elements may be arranged along the side edges of the absorbent article. Elastic elements arranged along the side edges of the absorbent article improve the anatomical fit of the article by inducing longitudinal bending of the article in conformation with the curvature in a wearer's crotch.

When the absorbent core includes a first absorbent layer and a second absorbent layer the fluid flow control structure may be arranged between the first absorbent layer and the second absorbent layer. The first absorbent layer may be placed beneath and in direct contact with the topsheet. Alternatively, the first absorbent layer may be placed in indirect contact with the topsheet through one or more intervening components such as tissue layers, acquisition layers or further absorbent layers. Similarly, the second absorbent layer may be placed directly beneath the fluid flow control structure and in direct contact with the fluid flow control structure and the backsheet but may alternatively be in indirect contact with one or both of those components by intervening components.

The absorbent layers of the core may be homogeneous structures or may in themselves be layered structures such as absorbent laminates of the same or different materials. The absorbent layers may have uniform thickness or may vary in thickness in different parts of the layers. Similarly, the basis weight and composition may vary within the absorbent layers. By way of example, an absorbent layer may include a mixture of absorbent and/or non-absorbent fibres and superabsorbent material, wherein the ratio of superabsorbent material to fibres may vary in the layer.

The fluid flow control structure may be of rectangular shape and may be surrounded in the longitudinal and lateral directions by portions of the absorbent core. Although other shapes and configurations for the fluid flow control structure may be used, it is generally advantageous if the fluid flow control structure has the same or smaller width than the absorbent core and also the same or shorter length than the absorbent core. The fluid flow control structure has a highly porous internal structure with less resistance to fluid flow than conventional absorption materials. This means that the fluid dispersion rate changes at the edge of the fluid flow control structure so that fluid reaching the edge will continue to move primarily in the fluid flow control structure where the flow resistance is low before being absorbed by the core material. In this way, the edges of the fluid flow control structure act as barriers to fluid distribution transversely to the side edges of the absorbent article, thus reducing the risk of side failure. Conventional absorption materials such as cellulose fluff pulp, and superabsorbents have comparatively smaller capillaries than the fluid flow control structure. A fibrous structure with fine capillaries has a low fluid uptake capacity, but high fluid retention capability once the fluid has entered the structure. A superabsorbent material has even lower uptake rate and higher retention capability than the fibrous absorbent structures due to fluid uptake in such materials being driven mainly by osmotic pressure.

The components in the absorbent article may be connected to each other by conventional means such as construction adhesive, heat bonding, ultrasonic bonding, etc. It may not be necessary to bond internal components of the absorbent

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article to each other by special bonding means. Accordingly, it may suffice that such components are held together by frictional forces.

Test Methods

The modified ASTM D 4032-82 CIRCULAR BEND PROCEDURE

Apparatus:

The apparatus is a modified Circular Bend Stiffness Tester, having the following parts:

A smooth-polished steel plate platform which is 102.0×102.0×6.35 millimeters having an 18.75 millimeter diameter orifice. The lap edge of the orifice should be at a 45 degree angle to a depth of 4.75 millimeters.

A plunger having an overall length of 72.2 millimeters, a diameter of 6.25 millimeters, a ball nose having a radius of 2.97 millimeters and a needle point extending 0.88 millimeter therefrom having a 0.33 millimeter base diameter and a point having a radius of less than 0.5 millimeter, the plunger being mounted concentric with the orifice and having equal clearance on all sides. Note that the needle point is merely to prevent lateral movement of the test specimen during testing. Therefore, if the needle-point significantly adversely affects the test specimen (for example, punctures an inflatable structure), then the needle-point should not be used. The bottom of the plunger should be set well above the top of the orifice plate. From this position, the downward stroke of the ball nose is to the exact bottom of the plate orifice.

A force-measurement gauge and more specifically an Instron inverted compression load cell. The load cell has a load range of from 0.0 to 10 N.

An actuator, and more specifically an Instron™ tester having an inverted compression load cell. The Instron™ tester is made by the Instron Engineering Corporation, Canton, Mass.

Number and Preparation of Specimens:

In order to perform the procedure for this test, 10 test specimens of 37.5×37.5 millimeter are cut from the tested laminate material.

Procedure:

The procedure for the CIRCULAR BEND PROCEDURE is as follows. The specimens are conditioned by leaving them in a room which is 21±1° and 50±2% relative humidity for a period of two hours. The test plate is leveled. The plunger speed is set at 50.0 centimeters per minute per full stroke length. A specimen is centered on the orifice platform below the plunger such that the body surface of the specimen is facing the plunger and the garment surface is facing the platform. The indicator zero is checked and adjusted, if necessary. The plunger is actuated. Touching the specimen during the testing should be avoided. The maximum force reading to the nearest gram is recorded. The above steps are repeated until all five of the identical specimens have been tested.

Compressibility

Procedure:

The principle of the method is to slowly compress a material with a metal rod to a force of 5 N while continuously measuring the thickness of the material. The result includes the data points for force and extension. The force translates to a pressure given the contact area of the rod. The metal rod is cylindrical and has a diameter of 10 mm with a flat base. The rod is mounted in a 10N load cell in the upper fixture of an Instron testing apparatus. A flat plate is mounted in the bottom fixture and is centered under the rod so that a sample may be placed on top of the plate and be compressed without move-

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ment of the plate. The rate of movement of the rod is 5 mm per minute. These settings have been pre-programmed into an Instron Bluehill program called "New Mecano 5 N", but before running a test, the program settings should be checked in order to make sure that all limits are set to their proper values. Running with a modified version could lead to damage to the equipment, especially the sensitive load cell.

Running a Test:

The first run is an empty run without a sample. This run is used to find the zero thickness position, which is where the steel plate stops the rod. The empty run typically generates forces higher than the maximum limit set before the rod stops, because of the rapid increase in force that occurs when the rod impacts the metal and for which the apparatus cannot compensate sufficiently quickly. Care should be taken to ascertain that the load cell can withstand the impact without being damaged. Special settings can be used for the empty run to lower the limiting maximum force and the speed of the rod.

When the rod stops, the Instron equipment awaits user input. The extension is then manually reset to zero. This ensures that the extension is set to zero at the exact correct point where the rod touches the base and the extension is measured relative to the bottom plate. The rod may thereafter be manually moved up so that a sample can be placed on the lower plate.

To test a sample, the rod is moved manually so that it is above the surface of the sample and the program is started. The rod moves down at a speed of 5 mm per minute until the limiting force is reached.

Samples:

The samples are squares with 50 millimeter sides punched from the tested material. If the material has varying thickness, the samples are taken from the thickest parts of the material. The rod is pressed into the centre of the sample and each sample is tested three times without being moved between runs. Ten samples of each tested material are used, giving thirty measurements in total.

Results:

The result is the complete set of data points for force versus extension. The force is typically recalculated into pressure using the force measured divided by the bottom area of the rod. The result may be plotted and reported or a specific pressure may be chosen and the thickness noted, so that the result is a thickness for a given pressure.

Open Area and Hole Diameter Measurement

The following method may be used to determine the open area and hole diameter for an apertured material:

Apparatus:

- a Nikon microscope
- a personal computer
- software NIS-Elements BR 3.10

Procedure:

- collect a sample of the apertured material
- position the sample on the reading surface of the microscope
- start the software
- catch a representative image of the sample
- perform the analysis of the properties by contrast technique involving highlighting of the areas occupied by the holes.

The software calculates the diameters of the highlighted holes as major diagonal and minor diagonal of a rhombus inscribed in the hole. The ratio between the diameters is used to determine the actual average conformation of the holes to a circular shape, wherein a ratio of 1 implies a perfectly circular shape.

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The average hole area value obtained by means of the software is used to calculate the percent open area.

Alternative methods for determining open area and hole diameter may be used, such as manual methods and methods based on scanning electron microscopy.

BRIEF DESCRIPTION OF THE DRAWINGS

Embodiments of the invention will be described in greater detail below with reference to the figures shown in the appended drawings.

FIG. 1 shows an incontinence protector according to an embodiment of the invention, seen from the side which will be facing the undergarment when the incontinence protector is being worn;

FIG. 2 shows a cross-section through the incontinence protector in FIG. 1, taken along the line II-II;

FIG. 3 shows a section through a fluid flow control structure according to an embodiment of the invention;

FIG. 4 shows an exploded perspective view of a fluid flow control structure according to an embodiment of the invention; and

FIGS. 5a-d show absorbent layers having openings therein.

DESCRIPTION OF EMBODIMENTS

The absorbent article is exemplified by an incontinence protector as shown in FIGS. 1 and 2. It is to be understood that the invention is equally applicable to any type of hygienic absorbent article. Such articles include incontinence protectors, sanitary napkins, panty liners, diapers with tape fasteners, pant diapers or belted diapers.

FIG. 1 shows a urine incontinence protector 1 seen from the side of the incontinence protector 1 that is intended to be facing towards a wearer's body when the incontinence protector 1 is being worn.

The incontinence protector 1 includes a fluid permeable topsheet 2, a backsheet 4 and an absorbent core 6, enclosed between the topsheet 2 and the backsheet 4.

The topsheet 2 and the backsheet 4 of the incontinence protector 1 are shown to extend together laterally outside of the absorbent core 6 along the whole circumference of the absorbent core 6 and are connected to each other in an edge join 7 around the periphery of the absorbent core 6.

The topsheet 2 and the backsheet 4 may include any material suitable for the particular purpose, as disclosed herein.

The incontinence protector 1 as shown in FIGS. 1 and 2 has elongate, generally rectangular shape when fully extended in all directions. The word "generally" in this context means that, for instance, the corners of the incontinence protector 1 may be rounded, or that the edges of the incontinence protector 1 may not be completely linear as is illustrated in FIG. 1. The shape of the incontinence protector 1 shown in FIG. 1 should not be considered limiting to the invention. Accordingly, any other suitable shape may be used, such as hourglass shape, trapezoidal shape, triangular shape an oval shape, etc. The shape of the article may be symmetrical about a transverse centre line through the article, as shown in FIG. 1 or may be asymmetrical with end portions having differing shapes and/or differing sizes.

The incontinence protector 1 in FIGS. 1 and 2 has two longitudinal side edges 8, 9 having equal length and extending generally in the same direction as a longitudinal center line 10 through the incontinence protector 1. Front and rear end edges 11, 12 extend transversely to the longitudinal center line 10 at the ends of the incontinence protector. The rear end edge 12 is intended to be orientated rearwards during use

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of the incontinence protector **1**, and the front end edge **11** is intended to be facing forwards towards the abdomen of the wearer.

The incontinence protector **1** has a front end portion **13**, a rear end portion **14** and a crotch portion **15** located intermediate the end portions **13,14**. The crotch portion **15** is that portion of the incontinence protector **1** which is intended to be placed against the crotch of a wearer during wearing of the protector **1** and to constitute the main acquisition area for body fluid that reaches the protector **1**.

The incontinence protector **1** further has fastening means **16** for fastening of the incontinence protector **1** inside a supporting pant garment, such as a pair of underpants. The fastening means **16** is in the form of two longitudinally extending bands of pressure sensitive adhesive arranged on the garment-facing surface of the backsheet **4**. In FIG. 2, the fastening means **16** is shown to be covered by a releasable protective layer **17**. The protective layer may be a siliconized paper, a nonwoven or any other releasable material as is known in the art. Before placing the incontinence protector in the supporting pant garment, the protective layer is removed from the fastening means **16** to expose the adhesive and make it available for fastening to the pant garment.

The fastening means **16** is optional to the invention and may be omitted, if desired. When using an adhesive fastening means, any suitable adhesive pattern may be used such as full coating of the backsheet, one or more longitudinal adhesive band, transverse bands, dots, circles, curves, stars, etc. Furthermore, the fastening means **16** may be a mechanical fastener such as hook-type fasteners, clips, press studs, etc. or may be a frictional fastener such as a frictional coating or open-celled foam. Combinations of different types of fasteners are also conceivable.

The absorbent core **6** of the incontinence protector **1** shown in FIGS. 1 and 2 includes a first absorbent layer **22** and a second absorbent layer **23**. A fluid flow control structure **24** is arranged between the first absorbent layer **22** and the second absorbent layer **23**. In the incontinence protector **1** in FIGS. 1 and 2, the first absorbent layer **22** is placed beneath and in direct contact with the topsheet **2**. Alternative arrangements may be used, as disclosed herein.

The first absorbent layer **22** and the second absorbent layer **23** are shown to have generally rectangular shapes. The second absorbent layer **23** is placed beneath the first absorbent layer **22**. The second absorbent layer **23** is somewhat smaller than the first absorbent layer **22** so that the first absorbent layer **22** extends beyond the second absorbent layer **23** forward and rearward in the incontinence protector **1**. The size and shape of the absorbent layers may be different from those shown in the figures without departing from the invention. Moreover, the second absorbent layer **23** may be omitted in the absorbent article or the article may include one or more further absorbent layers.

The first absorbent layer **22** has an opening **25** extending completely through the layer **22** in the crotch portion **15** of the incontinence protector **1**. The opening **25** has elongate shape. Without departing from the invention, the shape, size and location of the opening **25** in the first absorbent layer **22** may be different from what is shown in FIG. 1, as described herein.

The topsheet **2** is shown to extend down into the cavity **26** that is defined by the opening **25** in the first absorbent layer **22** and the topsheet-facing surface of the fluid flow control structure **24**. The cavity **26** is located in the wetting area of the incontinence protector **1** and will in use be placed directly beneath the urethra and the vaginal opening of a female wearer. Any body fluid that is released to the incontinence protector **1** will directly be collected in the cavity **26** and be

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temporarily contained therein until it is distributed further into and throughout the absorbent core **6**.

A portion of the fluid that is collected in the cavity **26** may be absorbed by the first absorbent layer through the walls of the cavity **26**. However, the majority of the fluid will continue downward in the incontinence protector **1**, through the bottom of the cavity **26** and into the fluid flow control structure **1** where it is distributed longitudinally and laterally along the flow control structure **24**, as described in more detail with reference to FIGS. 3 and 4.

The fluid flow control structure **24** is shown in FIG. 1 to be of rectangular shape and to be surrounded in the longitudinal and lateral directions by portions of the absorbent core **6**. It is generally advantageous if the fluid flow control structure **24** has smaller width and also is shorter than the absorbent core **6**.

The components in the incontinence protector **1** may be connected to each other by conventional means such as construction adhesive, heat bonding, ultrasonic bonding, etc. It may not be necessary to bond internal components of the incontinence protector to each other by special bonding means. Hence, it may suffice that such components are held together by frictional forces.

The function of a fluid flow control structure **24** and its use in an absorbent article such as the incontinence protector **1** in FIGS. 1 and 2 will now be described with reference to FIGS. 3 and 4. The fluid flow control structure **24** in FIGS. 3 and 4 is a three-layer structure including a non-perforated fibrous polymeric layer **31** that is sandwiched between a first perforated polymeric layer **32** and a second perforated polymeric layer **33**.

The perforated polymeric layers **32,33** are three-dimensionally formed layers. Each layer **32,33** has penetrating apertures **34** that originate in a first surface **32',33'** of the layer and extend towards a second surface **32'',33''** of the layer, with the apexes of the apertures **34** forming protrusions **35** at the second surface **32'',33''**. The apertures are tubular structures and can be, for example, funnel-shaped, as seen in FIG. 3. The distance between the first surface **32',33'** and the second surface **32'',33''** is the apparent thickness of the respective layers **32,33**.

When fluid **36** reaches the first surface **32'** of the first perforated polymeric layer **32**, it spreads slightly on the surface **32'** before passing through the apertures **34** into the non-perforated fibrous polymeric layer **31**, as is shown in FIG. 3. The non-perforated fibrous polymeric layer **31** offers very little resistance to fluid flow, whereby the fluid runs relatively freely in the layer **31** until it is finally moved by gravity down to the second perforated layer **33** where further downward movement is restricted by the second surface **33''** of the second perforated layer **33**. A small amount of fluid may run out of the fluid flow control structure **24** by entering the openings at the apexes of the protrusions **35** on the second perforated layer **33**. However, most of the fluid will spread further on the second surface **33''** of the second layer **33** by running in the interconnected channel network **37** that is formed between the protrusions **35**, as illustrated in FIG. 4.

The fluid that is captured in the interconnected channel network **37** will generally not exit the fluid flow control structure **24** until it reaches the edges of the fluid flow control structure **24** or when the channel network **37** is saturated with fluid such that the fluid level raises above the height of the protrusions **35**. Accordingly, the fluid **36** will be distributed along the second surface **33''** in all directions from the initial point of fluid impact. The apertures **34** may be distributed in the perforated polymeric layers **32,33** so that fluid dispersion takes place to a greater degree in a direction corresponding to

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the longitudinal direction of the absorbent article in which the fluid flow control structure **24** is placed than in a direction transverse thereto. As shown in FIG. **4**, the perforated polymeric layers **32,33** have apertures **34** arranged in staggered rows, such that generally linear channels are formed between the apertures **34** in a longitudinal direction L of the layers **32,33** and non-linear channels are formed in the transverse direction T. Such an arrangement of the apertures **34** in the second perforated polymeric layer **33** serves to promote longitudinal fluid flow in the fluid flow control structure and limit transverse fluid flow.

FIGS. **5a-5d** illustrate that the first absorbent layer in an absorbent article may have one or more openings of different shapes and configurations. The particular configurations shown in FIGS. **5a-d** should not be regarded as limiting to the invention but are only offered as examples of the many variations that are possible within the scope of the invention. FIG. **5a** shows a first absorbent layer having multiple circular openings in the crotch portion of the layer. FIG. **5b** shows a first absorbent layer having three elongate openings in the front portion of the layer and a single elongate opening in the rear portion of the layer. FIG. **5c** shows a first absorbent layer having an opening shaped as a duck's foot and FIG. **5d** shows a first absorbent layer having an H-shaped opening. The layer shown in FIG. **5a** may, for instance, be suitable when a large total opening area is desired without compromising the wish of having a coherent layer that will not fall apart or otherwise deform during production of the absorbent article. A layer such as shown in FIGS. **5b** and **5c** and having a large open area positioned to the front, may be particularly useful in sanitary napkins for day-time use. The FIG. **5b** layer would additionally work well in absorbent articles intended for night-time use where fluid may run rearward between the wearer's buttocks. The FIG. **5d** layer may be particularly suited for incontinence protectors where it may be desired to quickly channel fluid from the crotch portion of the absorbent article towards the ends thereof.

FIGS. **5a-d** are also intended to show that the first absorbent layer, as well as the overall absorbent article may have any suitable shape, as known in the art.

The invention claimed is:

1. An absorbent article having a longitudinal direction and a transverse direction, side edges extending in the longitudinal direction and end edges extending in the transverse direction and comprising:

- a fluid permeable topsheet,
- a fluid impermeable backsheet, and
- an absorbent core enclosed between said topsheet and said backsheet, said absorbent core comprising,
 - a first absorbent layer having an opening that passes through the first absorbent layer from one major surface to an opposing major surface and therebetween the opening is surrounded by a closed periphery of first absorbent layer,
 - a fluid flow control structure, and
 - a second absorbent layer arranged between the fluid flow control structure and the fluid impermeable backsheet,

wherein the fluid flow control structure is arranged between said first absorbent layer and said backsheet, said fluid flow control structure being a layered structure comprising a non-perforated fibrous polymeric layer and a first perforated polymeric layer, and
 wherein the opening extends along a longitudinal center line of the absorbent article, the longitudinal center line being in parallel with the longitudinal direction of the

14

absorbent article, and the fluid permeable top sheet is in direct contact with the fluid flow control structure via the opening.

2. The absorbent article according to claim 1, wherein the first perforated polymeric layer has a basis weight of from 60 g/m² to 100 g/m².

3. The absorbent article according to claim 1, wherein the first perforated polymeric layer is a nonwoven, a film or a film/nonwoven laminate.

4. The absorbent article according to claim 1, wherein the first perforated polymeric layer is a three-dimensionally formed layer having penetrating apertures extending from a first surface of the first perforated polymeric layer towards a second surface of the first perforated polymeric layer and forming protrusions on said second surface.

5. The absorbent article according to claim 4, wherein the first perforated polymeric layer is arranged with said second surface facing the non-perforated fibrous polymeric layer.

6. The absorbent article according to claim 4, wherein the first perforated polymeric layer is arranged with said second surface facing away from the non-perforated fibrous polymeric layer.

7. The absorbent article according to claim 4, wherein the average size of the apertures in the first perforated polymeric layer is 0.5-5 mm.

8. The absorbent article according to claim 1, wherein open areas of the first perforated polymeric layer comprise 5-30% of the first perforated polymeric layer.

9. The absorbent article according to claim 1, wherein said fluid flow control structure is a three-layer structure consisting of the non-perforated fibrous polymeric layer, the first perforated polymeric layer and a second perforated polymeric layer, the non-perforated fibrous polymeric layer being sandwiched between the first perforated polymeric layer and the second perforated polymeric layer.

10. The absorbent article according to claim 9, wherein apertures in the first perforated polymeric layer and the second perforated polymeric layer are out of register with each other.

11. The absorbent article according to claim 9, wherein the second perforated polymeric layer has a basis weight of from 50 g/m² to 150 g/m².

12. The absorbent article according to claim 9, wherein the second perforated polymeric layer is a three-dimensionally formed layer having apertures extending from a first surface of the second perforated polymeric layer towards a second surface of the second perforated polymeric layer and forming protrusions on said second surface of the second perforated polymeric layer.

13. The absorbent article according to claim 12, wherein the second perforated polymeric layer is arranged with said second surface of the second perforated polymeric layer facing the non-perforated fibrous polymeric layer.

14. The absorbent article according to claim 12, wherein the second perforated polymeric layer is arranged with said second surface of the second perforated polymeric layer facing away from the non-perforated fibrous polymeric layer.

15. The absorbent article according to claim 12, wherein the average size of the apertures in the second perforated polymeric layer is 0.5-5 mm.

16. The absorbent article according to claim 9, wherein open areas of the second perforated polymeric layer comprise 5-30% of the second perforated polymeric layer.

17. The absorbent article according to claim 9, wherein the second perforated polymeric layer is a nonwoven, a film or a film/nonwoven laminate.

US 9,308,138 B2

15

16

18. The absorbent article according to claim 1, wherein the thickness of said fluid flow control structure at 5 kPa is 60-80% of the thickness at 0.5 kPa at a first, second and third compression performed according to the compression test disclosed herein.

5

19. The absorbent article according to claim 1, wherein the bending stiffness of the layered structure in said fluid flow control structure is 0.5-5 N as measured by the modified ASTM D 4032-82 CIRCULAR BEND PROCEDURE.

20. The absorbent article according to claim 1, wherein the basis weight of the non-perforated fibrous polymeric layer is from 20-120 gsm.

10

21. The absorbent article according to claim 1, wherein the opening extends through an entire crotch portion of the absorbent article.

15

22. The absorbent article according to claim 1, wherein the fluid permeable topsheet is not perforated.

23. The absorbent article according to claim 1, wherein the polymers in the first perforated polymeric layer are selected from polyolefins, polyesters, polyamides and blends and combinations thereof, and the first perforated polymeric layer has a basis weight from 50 g/m² to 150 g/m².

20

24. The absorbent article according to claim 1, wherein the fluid permeable top sheet is in contact with the first absorbent layer of the absorbent core at an area other than where the opening is located.

25

25. The absorbent article according to claim 1, wherein the fluid permeable top sheet is in contact with the fluid flow control structure via the opening, such that a cavity is formed along the longitudinal center line of the absorbent article.

30

* * * * *

EXHIBIT 2



First Quality introduces MaxSorb™+ Zone for bladder control pads, providing faster absorption to help support skin health

Pads absorb up to 50% faster and come with 24/7 clinical support

GREAT NECK, NY (Apr. 28, 2022) — First Quality Products, Inc. is launching a new technology for bladder control pads called MaxSorb™+ Zone, providing enhanced rapid absorption to help keep skin dry all day and support skin health. Pads that use First Quality's MaxSorb+ Zone absorb up to 50% faster.*

The technology is backed by First Quality's clinical team, who bring a combined 380+ years of experience as licensed nurses, case managers and geriatric nurses. They staff a 24/7 clinical support line, which provides free, 100% confidential support to consumers – a service First Quality makes available to retail partners. The clinical team can help consumers with a range of incontinence-related topics, including product selection and fit.

"Age is a known risk factor for incontinence, and the population of people over 65 continues to grow," said Susan O'Connell, head of Research and Development at First Quality. "We're focused on developing products that maximize dryness because this is critical to help support skin health. Combined with our 24/7 clinical support, the MaxSorb+ Zone will help people of all ages manage bladder leaks comfortably and with confidence."

Now piloting with consumers

First Quality is piloting the MaxSorb+ Zone with its own brand of adult incontinence products before rolling out the innovation to a broader customer base. It is currently available in Prevail Plus™ Ultimate Long Daily Pads for women, which now absorb up to 50% faster than the previous Prevail® product.

Individually wrapped for convenience, Prevail Plus Ultimate Long Daily Pads have a soft top sheet and are 100% breathable, designed to let air circulate and heat escape for supreme comfort and skin protection. As with all Prevail products, they feature Omni-Odor Guard® to instantly neutralize odors throughout the day.

"As a leader in protective hygiene, we are excited to be piloting this technology under the Prevail brand," said Kristy Rothberg, head of Absorbent Hygiene Marketing at First Quality. "The new and improved Prevail Plus Ultimate Long Daily Pads provide women with maximum dryness and comfort all day, and we are excited to hear what consumers think about the enhanced rapid absorption."

The new Prevail Plus Ultimate Long Daily Pads are currently available [online](#), shipped discreetly to consumers' doors. Free samples are available to order through the [Prevail website](#) while supplies last.

*Based on independent lab testing, compared to previous Prevail bladder control pad



About First Quality

First Quality Products, Inc. is a member of the privately held First Quality family of companies; a closely-held diversified group of companies manufacturing, selling and distributing branded and private label absorbent hygiene, paper and packaging products into the healthcare, retail and commercial channels. First Quality is dedicated to meeting the demands of the market by providing innovative and high-quality products manufactured utilizing state- of-the-art technology. For more information, please visit www.firstquality.com.

Maxsorb is a trademark of First Quality Products, Inc.

Prevail Plus is a trademark of First Quality Products, Inc.

Prevail is a registered trademark of First Quality Products, Inc.

Omni-Odor Guard is a registered trademark of First Quality Retail Services, LLC.

Media Contact: media@firstquality.com

Veuillez noter que le lien Web fait référence à un site situé à l'extérieur du Québec et que les informations sont en anglais.

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Tena Incontinence Pads, Bladder Control & Postpartum for Women, Overnight
5,120
\$41⁰⁵ (\$0.49/Count)



Amazon Basics Incontinence, Bladder Control & Postpartum Pads for Women, Maximum
21,588
\$11⁵³ (\$0.30/Count)

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Prevail Plus | Long Length Incontinence Bladder Control Pads | Ultimate Absorbency | 90 Count (2 packs or 45)

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Brand	Prevail
Style	Ultimate Absorbency
Size	45 Count (Pack of 2)
Material	Fragrance Free
Feature	
Unit Count	90 Count

About this item

- **DISCREET COMFORT:** These 100% breathable pads are designed for discreet comfort, dryness, protection, & odor control. 100% breathable, they allow air to circulate & heat to escape for maximum comfort.
- **DRY & ODOR FREE:** A discreet MaxSorb Gel core locks in wetness & keeps you 10X drier than maxi pads, & Omni-Odor Guard neutralizes odors instantly. They're ideal for use during the day or overnight.
- **RELIABLE & DISCREET BLADDER LEAKAGE PRODUCTS:** We offer discreet & comfortable protection with underwear, pads, briefs, bed pads, & belted shields for adult incontinence & post-partum bladder leakage.
- **COMFORT & INNOVATION:** We spent decades working with users & healthcare



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professionals to develop adult diapers & incontinence underwear that offer discreet comfort & absorbency & support skin health.

- TRY OUR QUALITY: Prevail is a leader in advancing new technologies for greater protection, comfort, skin health & wellness. Our commitment to quality & innovation is evident in every product we make.

[Compare with similar items](#)

Similar item to consider

Amazon's Choice



Amazon Basics Incontinence, Bladder Control & Postpartum Pads for Women, Maximum Absorbency, Long Length, 39 Count (Pack of 1), (Previously Solimo)

39 Count (Pack of 1)
(21588)
\$11.53 (\$0.30/Count)

\$39.99 [Add to Cart](#)

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15,458
\$41.97 (\$0.29/Count)



Prevail Proven - Male Incontinence Guards - Bladder Leak Guards - Maximum Absorbenc...
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TENA Intimacy Pads, Bladder Control & Postpartum for Women, Ultimate Absorbency...
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Poise Incontinence & Postpartum Incontinence Pads for Bladder Leaks, Moderate...
20
\$29.76 (\$0.23/Count)

From the manufacturer

Product Description

When you're armed with Prevail Bladder Control Pads, leaks can't bring you down. These pads protect against light leakage, absorbing over 30% more wetness than both Poise and Always Discreet. Best of all, they are individually wrapped so you can grab, go, and get on with your day feeling fresh and worry-free. Prevail is the only brand with MaxSorb Gel which actively locks up wetness to help you feel cleaner, fresher, drier. Additional features include: Omni-Odor Guard to neutralize odors before they form, 100% breathable moisture barrier that allows skin to breathe, Dri-Fit cotton enhanced system to help keep skin dry and healthy by reducing friction, and they are individually wrapped so you can grab, go, and get on with you day Based on retention capacity of the leading bladder control pads.

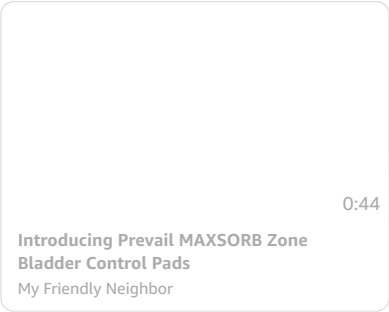
Product details

Is Discontinued By Manufacturer : No
Product Dimensions : 13.57 x 9.57 x 14.14 inches; 0.32 Ounces
Item model number : 00090891947225
Date First Available : March 19, 2018
Manufacturer : First Quality Consumer Products LLC
ASIN : B07BLKNZZ2
Country of Origin : USA
Best Sellers Rank: #4,851 in Health & Household (See Top 100 in Health & Household)
#25 in Incontinence Pads, Liners, Shields & Guards
Customer Reviews:
4.4 4,608 ratings

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	This item Prevail Plus Long Length Incontinence Bladder Control Pads Ultimate Absorbency 90 Count (2 packs or 45)	Prevail Incontinence Bladder Control Pads for Women, Maximum Absorbency, Long Length, 39 Count (Pack of 4)	Tena Incontinence Pads, Bladder Control & Postpartum for Women, Overnight Absorbency, Extra Coverage, Sensitive Care - 84 Count	Poise Incontinence Pads & Postpartum Incontinence Pads, 8 Drop Overnight Absorbency, Extra-Coverage Length, 72 Pads (2 Packs of 36), Packaging May Vary
	Add to Cart	Add to Cart	Add to Cart	Add to Cart
Customer Rating	(4608)	(3085)	(5120)	(12045)
Price	\$30 ⁶⁶	\$47 ⁹⁹	\$41 ⁰⁵	\$42 ²⁴
Shipping	FREE Shipping on orders over \$35.00 shipped by Amazon or get Fast, Free Shipping with Amazon Prime	FREE Shipping. Details	FREE Shipping. Details	FREE Shipping. Details
Sold By	Amazon.com	Amazon.com	Amazon.com	Amazon.com
Brand Name	Prevail	Prevail	TENA	Poise
Item Form	Liner	Pads	Pads	Liner
Scent	Unscented	—	—	Fresh
Size	45 Count (Pack of 2)	Long	84 Count	36 Count (Pack of 2)

Videos for this product



Important information

Legal Disclaimer

Statements regarding dietary supplements have not been evaluated by the FDA and are not intended to diagnose, treat, cure, or prevent any disease or health condition.

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3,083	15,458	2,408	785	6	
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Top reviews

Top reviews from the United States

Indl

They work very well

Reviewed in the United States on January 21, 2024

Verified Purchase

Better than so many other pads I have tried.

Helpful Report

Smitty1950

There is Nothing Better

Reviewed in the United States on December 22, 2023

Verified Purchase

I have tried most of the incontinence pads on the market. I find this pad is the very best and it has the lowest price per pad! 🙌 So if you're looking for an outstanding pad, Prevail Plus Long Length Incontinence Bladder Control Pads | Ultimate Absorbency are the best hands down.

24 people found this helpful

Helpful Report

Mommy proud

Shrinkage is real, but they do hold up.

Reviewed in the United States on January 18, 2024

Verified Purchase

Just wish they were a bit wider really, but that's my complaint with most pads! They seem to hold up well and for that and the price I cannot complain.

2 people found this helpful

Helpful

Report



Anna

Perfect

Reviewed in the United States on January 11, 2024

Verified Purchase

Do the job comfortably

2 people found this helpful

Helpful

Report



Frank C. Hughes

incontinence pads

Reviewed in the United States on January 5, 2024

Verified Purchase

Arrived on time. Keeps me dry most nights.

5 people found this helpful

Helpful

Report



Native NYer

May be important

Reviewed in the United States on February 24, 2022

Verified Purchase

Important- opening the pad automatically reveals the sticky stripe that attaches to your underwear. This may not be an issue for some of you, but it's a problem for me . I did not notice that info anywhere on the packaging or in the product descriptions at the time of my purchase. I have found that sticking pads to my underwear is not always the best option. Often the pad won't be in the right position when I need it because it gets bunched up or slides with my underwear. Wearing the pad freely, it tends to move with my body and I am able to place the pad so it is most comfortable to me. Should it need adjusting, I can easily pull it forward or back. So now I am stuck trying to peel off the pad cover from 180 pads while leaving the sticky strip cover attached. I think that information should be pictured or shown on the packaging and.in the product description. We all have our tricks and hacks to deal with incontinence. The pads I normally ordered stopped being available for subscription so I picked up this- same brand same size "improved " version I guess. I like the plastic wrapping. I don't really see how this absorbs faster. It still created a bulb of fluid in the front although the middle section seemed to have absorbed into a deeper layer. I do not dislike the new product but I do think the shoppers need to know what they are getting. When the tape cover is

✓ [Read more](#)

26 people found this helpful

Helpful

Report



Amazon Customer

Dependable.

Reviewed in the United States on January 3, 2024

Verified Purchase

Pads absorb s leakages well. My go-to brand.

4 people found this helpful

Helpful

Report



Amazon Customer

Best Product I have used for bladder leaks

Reviewed in the United States on December 14, 2023

Verified Purchase

Extremely comfortable and extremely absorbent without leaving you feeling wet. Even though they look large they don't bunch up.. would highly recommend this product.

14 people found this helpful

Helpful

Report

[See more reviews >](#)

Top reviews from other countries



Lois Hoffman

This Product Really Works

Reviewed in Canada on October 20, 2020

Verified Purchase

These incontinence/bladder leaks pads work very well. They are longer and much wider than the brands I used to buy in the past. They are also super absorbent. I can finally go out without worrying about leaks. I highly recommend this product.

7 people found this helpful

Report



helen hogan

they are as good as the more pricy ones

Reviewed in Canada on October 2, 2021

Verified Purchase

it would be great if they were a little bigger at the back

One person found this helpful

Report



Elizabeth Toll

Not what I wanted

Reviewed in Canada on November 19, 2021

Verified Purchase

They are not what I wanted

Report



Amazon Customer

Very good quality product .

Reviewed in Canada on April 10, 2021

Verified Purchase

Very good product , they are made well , way better than others in quality and performance.

One person found this helpful

Report

[See more reviews >](#)

Disclaimer: While we work to ensure that product information is correct, on occasion manufacturers may alter their ingredient lists. Actual product packaging and materials may contain more and/or different information than that shown on our Web site. We recommend that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer. Content on this site is for reference purposes and is not intended to substitute for advice given by a physician, pharmacist, or other licensed health-care professional. You should not use this information as self-diagnosis or for treating a health problem or disease. Contact your health-care provider immediately if you suspect that you have

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- Help

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United States

Amazon Music
Stream millions of songs

Amazon Fresh
Groceries & More
Right To Your Door

IMDb
Movies, TV & Celebrities

Whole Foods Market
America's Healthiest Grocery Store

Amazon Ads
Reach customers wherever they spend their time

AmazonGlobal
Ship Orders Internationally

IMDbPro
Get Info Entertainment Professionals Need

Woot!
Deals and Shenanigans

6pm
Score deals on fashion brands

Home Services
Experienced Pros
Happiness Guarantee

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Zappos
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Top subscription boxes – right to your door

AbeBooks
Books, art & collectibles

Amazon Web Services
Scalable Cloud Computing Services

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Ring
Smart Home Security Systems

PillPack
Pharmacy Simplified

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Audible
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Book reviews & recommendations

Amazon Warehouse
Great Deals on Quality Used Products

Neighbors App
Real-Time Crime & Safety Alerts

EXHIBIT 4



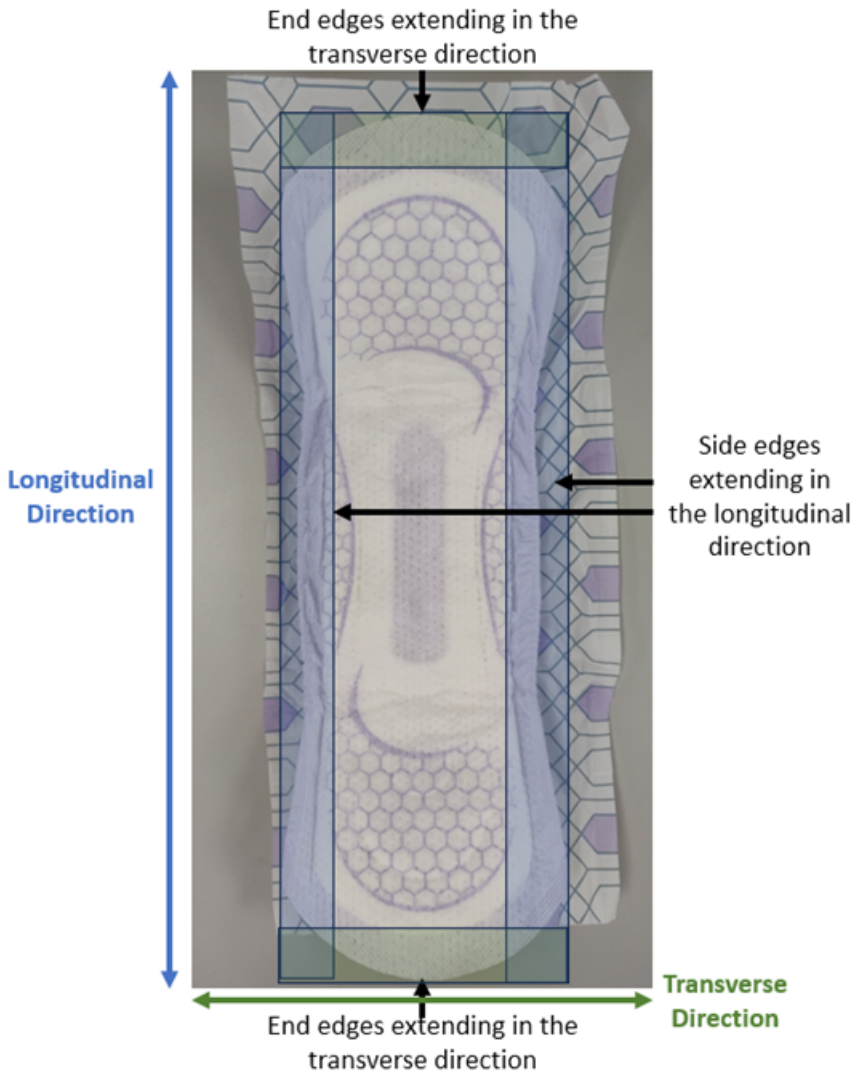
Figure 4.1: Outer Package of Prevail Plus Product with Maxsorb+ Zone

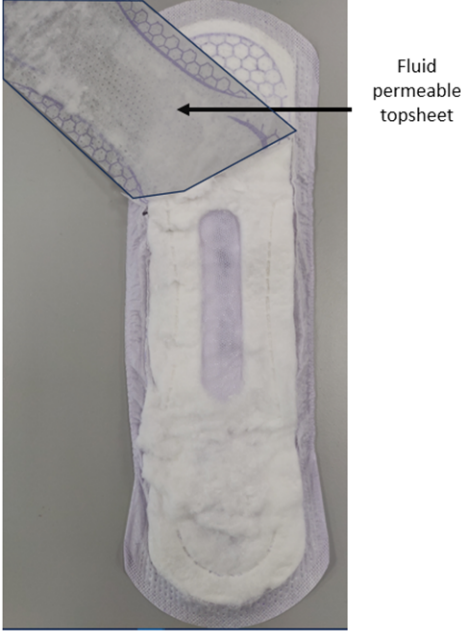
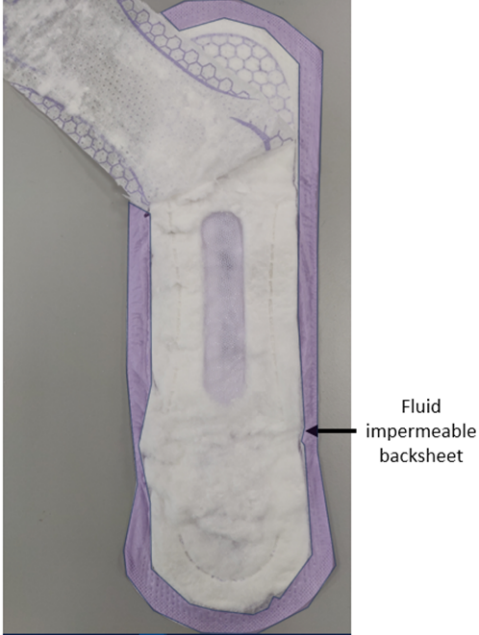


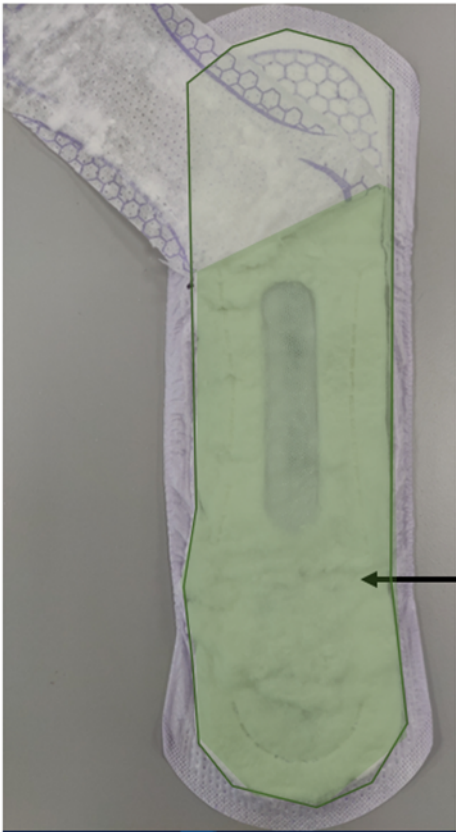
Figure 4.2: Production code and supplier data identifying First Quality Products, Inc. as the U.S. distributor of Prevail Plus Product with Maxsorb+ Zone

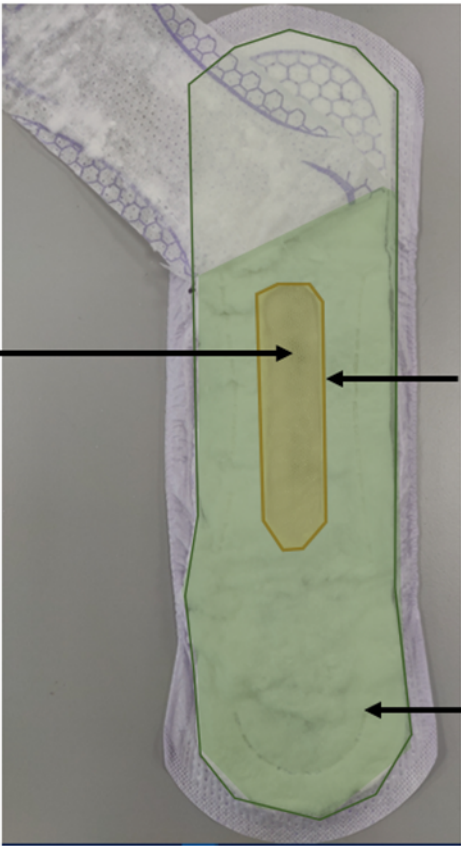
APPENDIX A

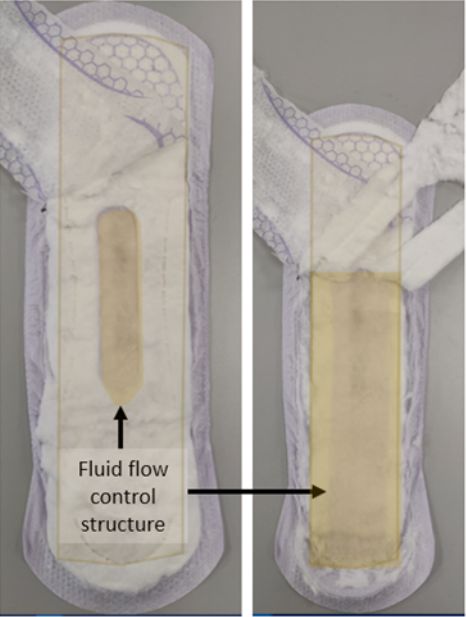
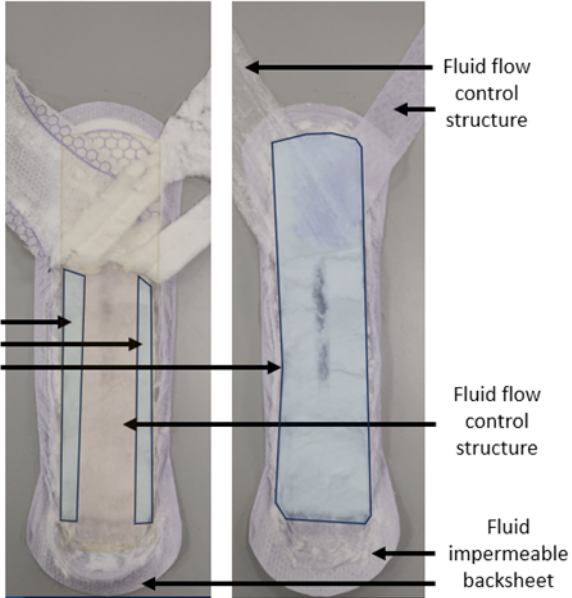
Infringement Chart for Claim 1 of U.S. Patent No. 9,308,138 Against First Quality's Prevail Plus Product with Maxsorb+ Zone

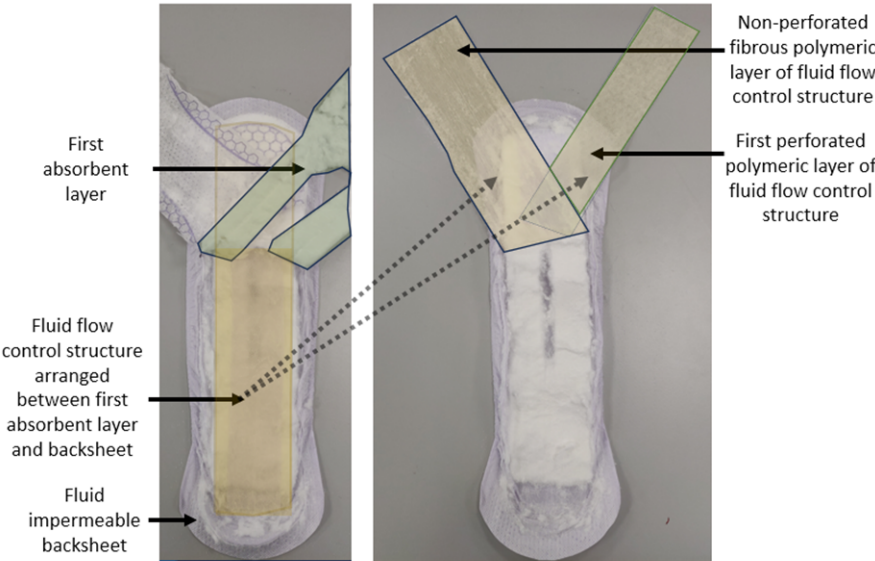
Elements of Claim 1	Exemplary Evidence of Infringement
An absorbent article having a longitudinal direction and a transverse direction, side edges extending in the longitudinal direction and end edges extending in the transverse direction and comprising:	First Quality's Prevail Plus Daily Pads with Maxsorb Zone are each an absorbent article having a longitudinal direction and a transverse direction, with side edges extending in the longitudinal direction and end edges extending in the transverse direction, as shown in the annotated figure below.  The diagram illustrates a rectangular sanitary pad with a central absorbent core. A blue double-headed arrow on the left is labeled 'Longitudinal Direction'. A green double-headed arrow at the bottom is labeled 'Transverse Direction'. A black arrow at the top points to the top edge, labeled 'End edges extending in the transverse direction'. A black arrow on the right points to the side edge, labeled 'Side edges extending in the longitudinal direction'. A black arrow at the bottom points to the bottom edge, labeled 'End edges extending in the transverse direction'.

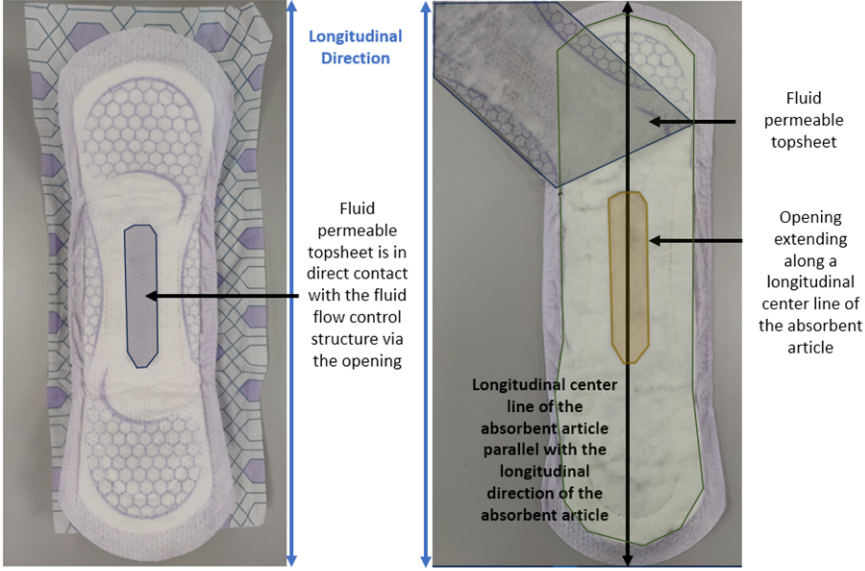
Elements of Claim 1	Exemplary Evidence of Infringement
a fluid permeable topsheet,	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise a fluid permeable topsheet as shown in the annotated figure of a partially deconstructed pad below, highlighted in gray. 
a fluid impermeable backsheet, and	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise a fluid impermeable backsheet as shown in the annotated figure of a partially deconstructed pad below, highlighted in purple. 

Elements of Claim 1	Exemplary Evidence of Infringement
an absorbent core enclosed between said topsheet and said backsheet, said absorbent core comprising,	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise an absorbent core enclosed between the topsheet and the backsheet as shown in the annotated figure of a partially deconstructed pad below, highlighted in green.  A photograph of a partially deconstructed sanitary pad. The pad is oriented vertically. A large, rectangular area in the center is highlighted in green, representing the absorbent core. This green area is sandwiched between a white, textured top layer (topsheet) and a white, textured bottom layer (backsheet). The top layer has a pattern of small, circular perforations. The bottom layer has a pattern of small, rectangular perforations. A black arrow points from the text 'Absorbent core enclosed between topsheet and backsheet' to the green highlighted area. Absorbent core enclosed between topsheet and backsheet

Elements of Claim 1	Exemplary Evidence of Infringement
a first absorbent layer having an opening that passes through the first absorbent layer from one major surface to an opposing major surface and therebetween the opening is surrounded by a closed periphery of first absorbent layer,	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise a first absorbent layer having an opening that passes through the first absorbent layer from one major surface to an opposing major surface where the opening is surrounded by a closed periphery of first absorbent layer, as shown in the annotated figure of a partially deconstructed pad below.  The diagram shows a cross-section of a sanitary pad. A central green rectangular area represents the first absorbent layer. Within this layer is a vertical yellow rectangular opening. Three arrows point from text labels to the diagram: one from the left points to the opening, one from the right points to the opening, and one from the bottom right points to the green absorbent layer. Opening that passes through from the first absorbent layer from one major surface to an opposing major surface The opening is surrounded by a closed periphery of first absorbent layer First absorbent layer

Elements of Claim 1	Exemplary Evidence of Infringement
a fluid flow control structure, and	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise a fluid flow control structure, as shown in the annotated figures of a partially deconstructed pad below, highlighted in gold. 
a second absorbent layer arranged between the fluid flow control structure and the fluid impermeable backsheet,	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise a second absorbent layer arranged between the fluid flow control structure and the fluid impermeable backsheet, as shown in the annotated figures of a partially deconstructed pad below, highlighted in blue. 

Elements of Claim 1	Exemplary Evidence of Infringement
wherein the fluid flow control structure is arranged between said first absorbent layer and said backsheet, said fluid flow control structure being a layered structure comprising a non-perforated fibrous polymeric layer and a first perforated polymeric layer, and	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise a fluid flow control structure that is arranged between the first absorbent layer and the backsheet, where the fluid flow control structure is a layered structure comprising a non-perforated fibrous polymeric layer and a first perforated polymeric layer, as shown in the annotated figures of a partially deconstructed pad below. 

Elements of Claim 1	Exemplary Evidence of Infringement
wherein the opening extends along a longitudinal center line of the absorbent article, the longitudinal center line being in parallel with the longitudinal direction of the absorbent article, and the fluid permeable top sheet is in direct contact with the fluid flow control structure via the opening.	First Quality's Prevail Plus Daily Pads with Maxsorb Zone each comprise an absorbent article wherein the opening in the first absorbent layer extends along a longitudinal center line of the absorbent article, with the longitudinal center line being in parallel with the longitudinal direction of the absorbent article, as shown in the annotated figures of a partially deconstructed pad below. Further, the fluid permeable top sheet of each Prevail Plus Daily Pad with Maxsorb Zone is in direct contact with the fluid flow control structure via the opening, and the topsheet is affixed or glued to the fluid flow control structure via the opening.  The diagrams illustrate the structure of the absorbent article. The left diagram shows a top-down view of a partially deconstructed pad, highlighting the central opening and the fluid permeable top sheet. The right diagram is a cross-sectional view, showing the longitudinal center line of the absorbent article, which is parallel to the longitudinal direction. It also shows the fluid permeable top sheet and the opening extending along the longitudinal center line. Labels indicate the 'Longitudinal Direction', 'Fluid permeable topsheet', 'Opening extending along a longitudinal center line of the absorbent article', and 'Longitudinal center line of the absorbent article parallel with the longitudinal direction of the absorbent article'.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Essity Hygiene and Health AB and Essity HMS North America Inc.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael J. Farnan, Farnan LLP
919 N. Market Street, 12th Floor
Wilmington, DE 19801

DEFENDANTS

First Quality Products, Inc., First Quality Retail Services, LLC, First Quality Consumer Products, LLC, First Quality Products, LLC, and First Quality Enterprises, LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. § 271

Brief description of cause:

Infringement of U.S. Patent No. US 9,308,138 B2

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

03/22/2024

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michael J. Farnan

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____