UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIRST QUALITY RETAIL SERVICES, LLC,
FIRST QUALITY CONSUMER PRODUCTS, LLC,
FIRST QUALITY PRODUCTS, LLC,
FIRST QUALITY ENTERPRISES, LLC,
Petitioners,

v.

ESSITY HYGIENE AND HEALTH AB,

Patent Owner.

Case No. IPR2024-01487

U.S. Patent No. 9,308,138

PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64

Pursuant to 37 C.F.R. § 42.64, Patent Owner Essity Hygiene and Health AB ("Patent Owner") submits the following objections to evidence served with Petitioners' Reply on December 12, 2025 (Paper No. 18). Patent Owner's objections apply equally to Petitioners' reliance on these exhibits in subsequently filed papers or documents. These objections are timely, having been filed within five business days of Petitioner serving the evidence. 37 C.F.R. § 42.64.

A. Exhibit 1021

Patent Owner objects to Exhibit 1021 under Federal Rule of Evidence ("FRE") 702 because the opinions contained therein are conclusory and lack sufficient explanation. The opinions are not based on sufficient facts or data and are not the product of reliable principles and methods reliably applied to the facts of the case. *See* 37 C.F.R. § 42.65. Exhibit 1021 should be excluded because Dr. Pourdeyhimi does not meet his own definition of a person of ordinary skill in the art and is therefore not qualified to provide any expert testimony in this matter. *See Kyocera Senco Indus. Tools Inc. v. Int'l Trade Comm'n*, 22 F.4th 1369, 1376-77 (Fed. Cir. 2022); Petition at 17-18; Exhibit 2005, 12:15-17. Exhibit 1021 raises new opinions and arguments that should have been raised in the Petition. 37 C.F.R. § 42.23. To the extent Exhibit 1021 purports to provide legal conclusions, Patent Owner further objects under FRE 702.

B. Exhibit 1022

Patent Owner preserves and restates its objections to specific portions of Mr. Sheldon's testimony taken during his deposition on November 21, 2025. To the extent Petitioners rely or intend to rely on portions of testimony Patent Owner objected to during the deposition, Patent Owner maintains its objections and grounds for such objections. Patent Owner reserves the right to serve errata for Mr. Sheldon's deposition and objects to portions of the deposition transcript on which Petitioner relies that are subject to the errata.

C. Exhibit 1023

Patent Owner objects to Exhibit 1023 as misleading and lacking relevance under FRE 401 and 402.

D. Exhibit 1024

Patent Owner objects to Exhibit 1024 as misleading and lacking relevance under FRE 401 and 402.

E. Exhibit 1025

Patent Owner objects to Exhibit 1025 as misleading and lacking relevance under FRE 401 and 402.

F. Exhibit 1026

Patent Owner objects to Exhibit 1026 as misleading and lacking relevance under FRE 401 and 402.

G. Exhibit 1027

Patent Owner objects to Exhibit 1027 as misleading and lacking relevance under FRE 401 and 402.

H. Exhibit 1028

Patent Owner objects to Exhibit 1028 as lacking relevance under FRE 401. Exhibit 1028 discloses new art and is used to promote new arguments by Petitioners that should have been raised in the Petition. 37 C.F.R. § 42.23.

I. Exhibit 1029

Patent Owner objects to Exhibit 1029 as lacking relevance under FRE 401. Exhibit 1029 discloses new art and is used to promote new arguments by Petitioners that should have been raised in the Petition. 37 C.F.R. § 42.23.

J. Exhibit 1030

Patent Owner objects to Exhibit 1030 as lacking relevance under FRE 401. Exhibit 1030 discloses new art and is used to promote new arguments by Petitioners that should have been raised in the Petition. 37 C.F.R. § 42.23.

K. Exhibit 1031

Patent Owner objects to Exhibit 1031 as lacking relevance under FRE 401. Exhibit 1031 discloses new art and is used to promote new arguments by Petitioners that should have been raised in the Petition. 37 C.F.R. § 42.23.

L. Exhibit 1032

Patent Owner objects to Exhibit 1032 as lacking relevance under FRE 401. Exhibit 1032 discloses new art and is used to promote new arguments by Petitioners that should have been raised in the Petition. 37 C.F.R. § 42.23.

M. Exhibit 1033

Patent Owner objects to Exhibit 1033 as lacking relevance under FRE 401. Exhibit 1033 discloses new art and is used to promote new arguments by Petitioners that should have been raised in the Petition. 37 C.F.R. § 42.23.

Respectfully submitted,

Date: December 19, 2025

/s/ *Kevin M. Flannery*

Kevin M. Flannery
Registration No. 35,871
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Essity Hygiene and Health AB Objections to Petitioners' Evidence was served on counsel of record on December 19, 2025, by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as delivering a copy via electronic mail to the counsel of record for the Petitioners at the following addresses:

WILMER CUTLER PICKERING HALE AND DORR LLP

Alexis Cohen - Alexis.Cohen@wilmerhale.com

Cole Uzat – Cole.Uzat@wilmerhale.com

Gregory Lantier - Gregory.Lantier@wilmerhale.com

Liv Herriot - Liv.Herriot@wilmerhale.com

Natalie Li - Natalie.Li@wilmerhale.com

WHFirstQuality-EssityLitigation@wilmerhale.com

Respectfully submitted,

Date: December 19, 2025

/s/ *Kevin M. Flannery*

Kevin M. Flannery
Registration No. 35,871
Counsel for Patent Owner