

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
Patent No. 9,308,138

**PETITIONERS' OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64, Petitioner First Quality Retail Services, LLC, First Quality Consumer Products, LLC, and First Quality Enterprises, LLC (“First Quality” or “Petitioners”) submit the following objections to evidence served with Patent Owner’s Sur-Reply Opposing Petition on January 23, 2026. Petitioners’ objections apply equally to Patent Owner’s reliance on these exhibits in any subsequently-filed documents.

These objections are timely, having been filed within five business days of Patent Owner serving the evidence. *See* 37 C.F.R. § 42.64.

A. Exhibit 2010

Petitioners object to Exhibit 2010 as being improperly filed and requests that Patent Owner immediately withdraw Exhibit 2010. To the extent Patent Owner refuses to withdraw Exhibit 2010, Petitioners will seek leave from the Board to file a motion to strike Exhibit 2010.

Under 37 C.F.R. § 42.23, a sur-reply “may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness.” The Trial Practice Guide confirms that “[t]he sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness.” Section II.I. Patent Owner opted to not depose Dr. Pourdeyhimi on his supplemental expert declaration. EX.1034. Therefore, there is no basis to submit Exhibit 2010 and its submission is entirely improper.

Dated: January 30, 2026

Respectfully submitted,

/Alexis R. Cohen/

Alexis R. Cohen

Reg. No. 76,998

Attorney for Petitioners

PETITIONERS' UPDATED TABLE OF EXHIBITS

Document Description	Exhibit No.
U.S. Patent No. 9,308,138 (“’138 patent”)	Exhibit 1001
Declaration of Dr. Behnam Pourdeyhimi	Exhibit 1002
File History of U.S. Patent No. 9,308,138	Exhibit 1003
WO 2009/067059 (“Bergstrom-’059”)	Exhibit 1004
U.S. Patent No. 9,066,837 (“Kim”)	Exhibit 1005
U.S. Patent No. 6,455,753 (“Glaug-’753”)	Exhibit 1006
U.S. Patent No. 7,956,236 (“Ponomarenko-’236”)	Exhibit 1007
JP2008-284190 (“Nakazawa-’190) (English translation with Translator Declaration)	Exhibit 1008
White C.F., “Engineered structures for use in disposable incontinence products,” Proc Inst Mech Eng H. 2003;217(4):243-251 (“White2003”)	Exhibit 1009
Ajmeri J. R. and Ajmeri C.J., “Nonwoven personal hygiene materials and products,” In Chapman R (eds) Applications of Nonwovens in Technical Textiles, CRC Press, 2010, pp. 85-102 (“Ajmeri2010”)	Exhibit 1010
Gupta B.S. and Smith D. K., “Nonwovens in Absorbent Materials,” Textile Science and Technology, 2002, 13, 349-388 (“Gupta-2002”)	Exhibit 1011
Kosemund et al., “Safety evaluation of superabsorbent baby diapers, Regulatory Toxicology and Pharmacology 2009, 53, 81-89 (“Kosemund 2009”)	Exhibit 1012
Docket Navigator Statistics on Delaware Trials (as of Oct. 16, 2024)	Exhibit 1013

Document Description	Exhibit No.
<i>Essity Hygiene et al., v. First Quality Products Inc. et al.</i> , 24-cv-00374, Complaint with attachments	Exhibit 1014
U.S. Patent No. 7,923,597 (Ponomarenko-'597)	Exhibit 1015
U.S. Pat. App. Pub. No. 2005/026742 (Cohen-'429)	Exhibit 1016
Weisemann and Adam, 2011, Handbook of Medical Textiles, Ch. 14, "Absorbent products for personal health care and hygiene" (Woodhead Publishing, ed. V.T. Bartels)	Exhibit 1017
White, C, 2000, Developments in Absorbent Products and their Impact on the Nonwovens Industry, International Nonwovens Technical Conference, September 26-28, 2000, Dallas Tx.	Exhibit 1018
European Patent No. EP0701805B1	Exhibit 1019
JP2008-284190 (Japanese version)	Exhibit 1020
Supplemental Declaration of Dr. Benham Pourdeyhimi (Pourdeyhimi-Suppl-Decl.)	Exhibit 1021
Transcript of the Deposition of Mr. Donald Sheldon taken November 21, 2025 (SheldonDepo.)	Exhibit 1022
Exhibit A to the Deposition of Mr. Donald Sheldon taken November 21, 2025 (SheldonDepoExA)	Exhibit 1023
Exhibit B to the Deposition of Mr. Donald Sheldon taken November 21, 2025 (SheldonDepoExB)	Exhibit 1024
Merriam-Webster's Collegiate Dictionary, Eleventh Edition, 2006, "perforated" (Merriam-Webster's)	Exhibit 1025
The American Heritage Dictionary, Fourth Edition, 2001, "perforate" (American-Heritage)	Exhibit 1026
Random House Webster's College Dictionary, Second Random House Edition, 1999, "perforated" (Random-House)	Exhibit 1027

Document Description	Exhibit No.
U.S. Patent No. 6,852,101 (USP101)	Exhibit 1028
K. D. Vernon-Parry, Scanning Electron Microscopy: an introduction, 2000 (Vernon-Parry)	Exhibit 1029
M. Patel and D. Bhramhatt, Needle Punching Technology, 2010 (Patel)	Exhibit 1030
U.S. Patent No. 4,535,020 (USP020)	Exhibit 1031
E. Washburn, The Dynamics of Capillary flow, 1921 (Washburn)	Exhibit 1032
European Patent Publication No. EP 2 768 456 (EP456)	Exhibit 1033
December 2025 Email Chain	Exhibit 1034

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 30th day of January, 2026, I caused to be served a true and correct copy of the following to be served via email on the attorneys identified in Patent Owner's Mandatory Notices, (Paper 4), who consented to electronic service:

- Petitioners' Objections to Evidence
- Petitioners' Updated Exhibit List
- Exhibit 1034

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