

**From:** [Director\\_PTABDecision\\_Review](#)  
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**Subject:** RE: IPR2024-01487 - Request granted  
**Date:** Tuesday, June 9, 2026 6:13:00 AM

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Counsel,

Patent Owner's unopposed request to raise an issue relating to alleged inconsistent claim construction positions in its request for Director Review is granted. Patent Owner may also file relevant documents from the pending district court litigation as exhibits. Petitioner will be authorized to file a response to the request for Director Review once the request has been filed.

Thanks.

IPR2024-01487  
Ex. 3100

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**From:** Todd Walters <todd.walters@bipc.com>  
**Sent:** Monday, June 8, 2026 3:13 PM  
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**Subject:** IPR2024-01487

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Dear Director Squires and the Director Review Team:

Patent Owner, Essity, intends to file a request for Director Review of the Final Written Decision of the PTAB concluding that claims 1–5, 7, 8, 20–22, 24, and 25 of U.S. Patent No. 9,308,138 B2 (issued April 12, 2016) are unpatentable. That request is due this Thursday June 11, 2026, and will raise a small number of grounds.

In its Request, Patent Owner seeks leave to point out that Petitioner made an inconsistent argument in the corresponding litigation concerning claim interpretation and/or claim scope by virtue of its arguments on indefiniteness of claim 21 in the litigation. *Essity Hygiene and Health AB v. First Quality Products, Inc.* (1:24-cv-00374) (D. Del). Several recent Director Review decisions provide guidance establishing, highlighting, and crystallizing the Director's viewpoint that allowing a petitioner to advance a claim construction before the Board when that petitioner has made inconsistent indefiniteness arguments in district court fails to further, but instead detracts from, the Office's goal of "providing greater predictability and certainty in the patent system." *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3–5 (Director Nov. 3, 2025) (precedential) (quoting 83 Fed. Reg. at 51,342–43). See also *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (PTAB, November 5, 2025) (informative) and especially *Ford Motor Co. v. Autoconnect Holdings LLC*, IPR2025-01342, -01383,

-01524 (PTAB, May 12, 2026) (Paper 27). The Board's determinations concerning claim scope and interpretation are central to the outcome of this IPR.

Due to the timing of this proceeding, the specific issue of this conduct was not previously argued in this IPR. Accordingly, Patent Owner respectfully requests leave to include this argument in its Request for Director Review, along with the pertinent pleadings and exhibits from the corresponding District of Delaware litigation as evidentiary exhibits.

Patent Owner has conferred with Petitioners' counsel. Petitioners' counsel indicated that it does not object to Patent Owner making this request. However, should the request be granted, Petitioners request an opportunity to respond to the indefiniteness issue.

Very respectfully,

Todd Walters  
Counsel for Patent Owner

**Todd Walters**

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