

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATTENDS HEALTHCARE PRODUCTS, INC.,

Petitioner

v.

PAUL HARTMANN AG,

Patent Owner

Case IPR2020-1477 (Patent 8,152,788 B2)

Case IPR2020-1478 (Patent 8,784,398 B2)

Case IPR2020-1479 (Patent 8,771,249 B2)

Case IPR2020-1480 (Patent 8,708,990 B2)

DECLARATION OF EAGLE H. ROBINSON

Attends Healthcare Products, Inc. v. Paul Hartmann AG

IPR2020-01479

EX1051

Paper 1 of 7

I, Eagle H. Robinson, declare the following:

1. I am a partner at Norton Rose Fulbright US LLP.
2. I am lead counsel for Petitioner in IPR Case Nos. 2020-1477, 2020-1478, 2020-1479, and 2020-1480, and I supervised and participated in the drafting of the Petitions for each.
3. Upon reviewing Patent Owner's Preliminary Responses in the above proceedings and while seeking leave to file as well as preparing Petitioner's Motions to File Corrected Petitions, which are filed concurrently herewith, I became aware of certain clerical and typographical errors in the Petitions.
4. I reviewed each of the Petitions before they were filed, and I did not identify these errors during that review.

I. The '1477 Proceeding

5. Cross-references to Section VIII.A.1 on Petition pages 43, 44, 71, 74, 77, 82, and 86 should be to Section VIII.A.2. This error occurred when Ground 1's discussion establishing the obviousness of modifying Karami '772's diaper to include separate, folded wings like Benning's (now Section VIII.A.1) and Ground 1's mapping of that modified diaper to certain claims (now Section VIII.A.2), were separated from one subsection into two subsections. This caused what was before Section VIII.A.1 to shift to Section VIII.A.2, and, inadvertently, the above cross-references to Section VIII.A.1 were not updated accordingly.

6. Neither claims 11, 15, nor 21 should be challenged in Ground 13. *See* Petition at 4, 86, and 90. After initially intending to challenge these claims using Stupperich, such challenges were foregone to manage the Petition’s word count. Accordingly, any mapping to claim 11 was omitted from Ground 13. *See* Petition at §VIII.H. Claims 15 and 21 were challenged in Grounds 10 and 12 rather than in Ground 2, and the mappings to claims 15 and 21 were omitted from Ground 13 via removal from Ground 2, which Ground 13 cross-referenced (*see* Petition at 90 and §VIII.B). Ground 13’s statement, headings, and introduction were inadvertently not updated to reflect those omissions. This error, with respect to claim 21, was recognized when preparing the concurrently-filed Motion to File Corrected Petition.

II. The ’1478 Proceeding

7. On Petition page 82, the two citations to “Limitations 28[p], 28[a][1]-[6], 28[b][1]-[3], 28[c][2]-[3], 30[c][5], 3-[d][1]-[2]” should be to “Limitations 28[p], 28[a][1]-[6], 28[b][1]-[3], 28[c][2]-[3], 28[c][5], 28[d][1]-[2]” (with changes underlined). These are believed to be typographical errors. Further, on Petition page 75, the citation to Limitation 4 should be to Limitation 3, and on Petition page 76, the citation to Limitation 3 should be to Limitation 2, in each instance, consistent with its parenthetical. These are believed to be typographical errors or errors that occurred when re-structuring arguments from IPR2020-01479 to address similar limitations in the ’398 Patent.

8. The heading and introductory paragraph to Section VIII.A.2 should not reference claims 18, 19, 21, or 22, consistent with Section VIII.A.2's mappings. Those claims are instead addressed in Section VIII.A.3 (claims 21 and 22), Section VIII.A.4 (claim 19), and Section VIII.F (claim 18). With respect to claims 19, 21, and 22, this error occurred when Sections VIII.A.3 and 4 were separated from Section VIII.A.2, and Section VIII.A.2's heading and introductory paragraph were inadvertently not updated to reflect that separation. Claim 18's mention in Section VIII.A.2's heading is believed to be a typographical error. *See* Petition at 5 (claim 18 is addressed in Grounds 9 and 10, not Ground 1).

9. On Petition pages 56 and 68, the cross-references to Section VIII.A.3 should be to Section VIII.A.4. Like in the '1477 Proceeding, Section VIII.A.1 was separated from Section VIII.A.2 (*see supra*, ¶5), which caused Section VIII.A.3 to shift to Section VIII.A.4. And these two cross-references were inadvertently not updated to reflect that shift. This error was discovered when preparing the concurrently-filed Motion to File Corrected Petition.

III. The '1479 Proceeding

10. On Petition pages 86, 90, 93, and 94, the cross-references to Section VIII.B.2 should be to Section VIII.B.3. Like in the '1477 Proceeding, Section VIII.B.1 was separated from Section VIII.B.2 (*see supra*, ¶5), which caused Section

VIII.B.2 to shift to Section VIII.B.3. And these four cross-references were inadvertently not updated to reflect that shift.

11. Ground 1 applies to claims 31, 32, 45, 47, and 48. Petition at iii, 4, and 20. Due to a clerical error, however, Limitations 31, 32, 45, 47, and 48 were not specifically mentioned in the detailed mapping of Ground 1. *See* Petition at §§VIII.A.3-4. This error occurred when the arguments and evidence from the '1477 Proceeding were re-structured to address the '249 Patent's claim dependencies, and it was not identified until preparing the concurrently-filed Motion to File Corrected Petition.

12. Ground 1's art—Benning and Karami '772—is mapped in Ground 1 to identical limitations in other claims: to claims 14, 39, and 53, which recite Limitation 31 (Petition at 39 and 42), to claims 15, 40, and 54, which recite Limitation 32 (Petition at 39 and 42), to claims 12, 19, and 38, which recite Limitation 45 (*id.* at 41 and 45-47), to claim 23, which recites Limitation 47 (*id.* at 47), and to claims 12, 21, and 38, which recite Limitation 48 (*id.* at 45-47). The lack of a listing of these Limitations in Ground 1 with cross-references to the above Petition sections where they are already addressed in Ground 1 is a clerical error.

13. On Petition page 48, Limitations 46[a]-[b] should reference Limitation 45—not 44—to reflect claim 46's dependency, and Limitations 12[b]-[c]—not 12[a]-[b]—which are identical to Limitations 46[a]-[b]. This is a clerical error that

was discovered when preparing the concurrently-filed Motion to File Corrected Petition.

IV. The '1480 Proceeding

14. On Petition page 75, the cross-reference to Section VIII.A.2 should be to Section VIII.B.2, which is the location of the “Benning-Karami '626” discussion to which its corresponding text refers. Further, on Petition page 74, “Limitation 1[a][1]” should be “Limitation 1[a][2]” per the introductory paragraph that immediately precedes it. These errors are believed to be typographical.

15. On Petition pages 81 and 82, the cross-references to Section VIII.A.2 for Limitations 21[a][3] and 21[b][4] should be to Section VIII.A.3. Like in the '1477 Proceeding, Section VIII.A.1 was separated from Section VIII.A.2 (*see supra*, ¶5), which caused Section VIII.A.2 to shift to Section VIII.A.3. And these two cross-references were inadvertently not updated to reflect that shift. Additionally, the claims listed in the Section VIII.A.2 heading and its introductory paragraph should be 1, 2, 7, and 9-14, consistent with the claims addressed therein. It is believed that this error is typographical.

16. On Petition pages 58 and 64, the cross-references to Section VIII.A.3 should be to Section VIII.A.1(b), where the obviousness of using various wing and backsheet nonwoven basis weights that is referenced in the corresponding text is discussed. This error occurred when these arguments and evidence were carried

over from the '1477 Proceeding's Petition, in which Section VIII.A.3 is the correct cross-reference. *See* '1477 Proceeding's Petition at §VIII.A.3.

17. On Petition page 82, Limitation 21[d][1]-[2] should include a cross-reference to Section VIII.A.4, Limitation 3 for Ground 4 and a cross-reference to Section VIII.B.4, Limitation 3 for Ground 5 to address Limitation 21[d][1]-[2]'s retaining forces, which were inadvertently omitted. This is a clerical error which was discovered while preparing the concurrently-filed Motion to File Corrected Petition.

18. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true; all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code.

Dated: December 28, 2020

/Eagle H. Robinson/
Eagle H. Robinson
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