## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CASCADES CANADA, ULC AND TARZANA ENTERPRISES, LLC, Petitioners,

v.

ESSITY HYGIENE & HEALTH AB, Patent Owner.

IPR2017-01902 (Patent 8,597,761 B2) IPR2017-01921 (Patent 9,320,372 B2)

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Record of Oral Hearing Held: November 8, 2018

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Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and JON B. TORNQUIST, *Administrative Patent Judges*.



### APPEARANCES:

### ON BEHALF OF THE PETITIONER:

RUDY TELSCHER, ESQUIRE Husch Blackwell 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105

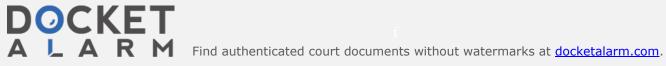
### ON BEHALF OF THE PATENT OWNER:

DAVID A. MANCINO, ESQUIRE KEVIN P. FLYNN, ESQUIRE Baker Hostetler 312 Walnut Street Suite 3200 Cincinnati, OH 45202

The above-entitled matter came on for hearing on Thursday, November 8, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.



1 2	PROCEEDINGS
3	JUDGE KOKOSKI: You may be seated. Good afternoon.
4	Today we will hear arguments in IPR 2017-01902 concerning U.S. Patent
5	No. 8,597,761 and IPR 2017-01921 concerning U.S. Patent No. 9,320,367.
6	I'm Judge Kokoski. Judge Tornquist is here with me, and Judge Kalan is
7	joining us from our Denver office. At this time, we'd like counsel to
8	introduce yourselves and also let us know who you have with you, beginning
9	with Petitioner.
10	MR. TELSCHER: Rudy Telscher on behalf of Cascades and
11	Tarzana. With me is Daisy Manning of the law firm of Husch Blackwell.
12	JUDGE KOKOSKI: Thank you.
13	MR. MANCINO: Good afternoon. David Mancino with Baker
14	and Hostetler. We're representing the Patent Owner. And I'm joined by my
15	colleague, Kevin Flynn. I'm also joined by the client, Mr. Kevin Gorman
16	and Mr. Ramon Erteaga, who are in-house counsel with Essity.
17	MR. TELSCHER: And I should have introduced our client as
18	well. Mr. Pierre Brochu is with us.
19	JUDGE KOKOSKI: Okay, thank you. Welcome.
20	Before we begin I just want to remind you that whatever is
21	projected on the screen is not viewable by Judge Kalan. When you refer to
22	an exhibit on the screen, please state the slide or page number to which you
23	are referring for the record. This is also important for clarity in the
24	transcript.



1	Consistent with our hearing order, each party has 60 minutes to
2	present their arguments. The Petitioner will proceed first and may reserve
3	time for rebuttal. How much time would you like to reserve, if any?
4	MR. TELSCHER: Fifteen minutes.
5	JUDGE KOKOSKI: Fifteen? Okay. All right. And then
6	MR. MANCINO: Your Honor, if I may?
7	JUDGE KOKOSKI: Yes?
8	MR. MANCINO: We, one question we have about the
9	arguments, are Your Honors interested in hearing oral arguments on the
10	Motions to Exclude?
11	JUDGE KOKOSKI: I think that's up to you whether you want
12	to make those arguments.
13	MR. MANCINO: Okay.
14	JUDGE KOKOSKI: If that's how you want to use your time,
15	that's fine.
16	MR. MANCINO: We wish to use some of that time. And if it's
17	okay, I would like to have my colleague, Mr. Flynn, present the Motions to
18	Exclude arguments. He is a young associate and it would be a great chance
19	to get him some experience here in the PTAB.
20	JUDGE KOKOSKI: That's fine. If you want to split the time
21	between you, that's fine as well.
22	MR. MANCINO: Okay, thank you.
23	MR. FLYNN: Thank you, Your Honor.
24	JUDGE KOKOSKI: Okay. Petitioner, you can begin when you
25	are ready.



1	MR. TELSCHER: And we have copies of our presentation.
2	Shall we hand those up now or later?
3	JUDGE KOKOSKI: Sure, we'll take them.
4	MR. TELSCHER: Okay.
5	MR. MANCINO: We'll hand ours out, too, to save some time.
6	JUDGE KOKOSKI: Sure.
7	MR. TELSCHER: There's three, and we have an extra for you
8	as well.
9	MR. TELSCHER: May it please the Board, Rudy Telscher here
10	on behalf of Petitioners Cascades and Tarzana. This case is about quarter
11	folded interleaved napkins and the specific distinction of the independent
12	claims that are at issue is, you know, offset first fold. Can you put up Slide
13	5, please?
14	For the record, Slide 5 is from our demonstratives on the
15	screen. Slide 5 are photographs from both the 761 and 372 patents. You'll
16	see on the screen there's Figures 1C, Figure 2, Figure 3, Figure 4A and
17	Figure 4B. What these show is an eight and a half by 11 piece of paper that
18	is folded twice with the first fold offset. There's then a second fold in
19	Figure 3 that shows the offset fold hidden, and then Figures 4A and 4B show
20	that they are interleaved into a stack in 4B. Slide 2, please.
21	Both independent claims in this case from the 761 and 372
22	patent are identical for the purposes of this petition and hearing. We have a
23	fairly unique situation here because the Hochtritt patents, which have been
24	briefed extensively, are near identical patents but for and from the same
25	owner, Essity, that show quarter folded, interleaved, and they contend are
26	limited to bisecting. The 761 and 372 added the idea of the offset, is what



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