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PUBLISHED: FEBRUARY 26, 2019

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Husch Blackwell Prevails in Third Straight IPR for Cascades

The Patent Trial and Appeal Board (PTAB) entered a Final Written Decision providing Husch Blackwell client Cascades Canada ULC a complete victory in its patent dispute with Essity Hygiene and Health AB over the configuration of folding napkins used in dispensers. It was the third consecutive victory before PTAB for Cascades in its long-running dispute with Essity.

Previously in two separate *inter partes* review proceedings where Cascades was joined by Tarzana Enterprises LLC as Petitioner, PTAB had determined that Essity's asserted patents were invalid because their claims were anticipated by prior art or obvious.

In the latest litigation Cascades challenged claims 1-15 of a third Essity patent-in-suit (U.S. Patent No. 8,273,443 B2) by requesting *inter partes* review after Essity initiated multiple patent lawsuits alleging infringement. Again PTAB found the asserted patent claims to be obvious and/or anticipated by prior art and that Cascades had "demonstrated by a preponderance of the evidence that challenged claims 1–15 are unpatentable over the prior art of record."

PTAB's previous Final Written Decisions in this series of disputes were entered February 1.

The Husch Blackwell team was led by Rudy Telscher and included Kara Fussner, Daisy Manning and Michael Annis.