Banner Witcoff Successfully Defends Kimberly Clark in a Post-Grant Review from Albany International Alleging 19 Grounds of Invalidity and Multiple Invalidating Sales to a Competitor.

Albany International filed a petition with the Patent Trial and Appeal Board to invalidate Kimberly Clark's novel patent on laminated papermaking belts based on 19 grounds of invalidity, including three alleged prior sales to Georgia Pacific and a series of other prior art references from the file history. Representing Kimberly Clark, Banner Witcoff attorneys Blair Silver, Camille Sauer, and Marc Cooperman successfully argued to the Board that Albany's numerous grounds were all both redundant of previously considered art and substantively flawed. The Board agreed, holding that every single ground was cumulative or previously considered art and arguments or otherwise lacked a sufficient analysis of all of the claim limitations or otherwise failed to make a proper obviousness or inherency case. As for the three purported sales to Georgia Pacific, the Board agreed that Albany's own evidence raised serious doubts about whether the various fabric samples and recreations accurately represented the three fabrics as allegedly sold by Albany. The case is Albany International Corp. v. Kimberly-Clark Worldwide, Inc., PGR2021-00019, Paper 22 (PTAB June 22, 2021).

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