



In The Press: Judge Rules K-C Absorbent Fiber Patents Invalid

- Christopher Norton, *IP Law360*, Wednesday, March 2, 2011

Click [here](#) to download the article.

Law360, New York (March 2, 2011) -- A federal judge in Pennsylvania on Tuesday handed a victory to First Quality Baby Products LLC and its affiliates, ruling that two Kimberly-Clark Worldwide Inc. patents for absorbent materials were invalid for indefiniteness.

Judge William W. Caldwell granted First Quality's motion for summary judgment on indefiniteness in the U.S. District Court for the Middle District of Pennsylvania.

First Quality had argued that the claim terms "at least about" and "less than about," found in various combinations throughout numerous claims of the patents, were indefinite.

Kimberly-Clark argued that summary judgment should be denied because both terms were capable of construction, and so were not necessarily ambiguous.

"We agree with First Quality that 'at least about' does not sufficiently inform the public on what would infringe," Judge Caldwell said.

Kimberly-Clark's expert's opinion was unhelpful because he failed to support his opinion with any evidence to indicate how he concluded that a person skilled in the art would readily understand the terms, according to the judge.

"First Quality is very pleased with the court's ruling," First Quality attorney [Kenneth George](#) said. "Judge Caldwell's decision rests squarely with the line of cases finding similar terminology indefinite."