

IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION  
INTELLECTUAL PROPERTY ENTERPRISE COURT

BETWEEN:

CURT G. JOA, INC.

Claimant

- and -

FAMECCANICA DATA SpA

Defendant

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**ANNEX 1 TO THE AMENDED**  
**STATEMENT OF REASONS**  
**THE PROPOSED AMENDMENTS**

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The Proposed Amendments to the claims of the Patent referred to in the Defendant's Statement of Reasons are shown in red below.

1. A disposable absorbent garment, comprising:
  - a topsheet (16);
  - a backsheet (18); and
  - an absorbent core (36) disposed between said topsheet (16) and said backsheet (18), wherein said topsheet (16), said backsheet (18), and said core (36) together form a front region (20), a back region (22), and a crotch region (24) disposed between said front region (20) and said back region (22), and wherein a vertical longitudinal plane extends centrally through said front (20), back (22), and crotch (24) regions;
  - wherein each of said front (20) and back (22) regions includes a pair of ear portions (26a, 26b) extending in opposite lateral directions with respect to said longitudinal plane, each of said ear portions (26a, 26b) being a breathable,

stretchable layer assembly, wherein said stretchable layer assembly of each said ear portion (26a, 26b) includes a plurality of vent sites (100), and wherein said stretchable layer assembly includes an inner material layer (16), an outer material layer (18) and a stretchable material layer (46) disposed therebetween,

**characterized in that,** ~~at said vent sites (100),~~ said outer material layer (18) and said inner material layer (16) are non-woven materials and in that at each said vent site (100):

said outer material layer (18) and said inner material layer (16) are bonded by ultrasonic bonding through the stretchable material layer (46);

whereby an aperture is formed through the stretchable material (46), thereby forming a breathable passage through said stretchable material layer (46); and

whereby said outer material layer (18) and said inner material layer (16) bond with each other through the aperture in the stretchable material (46).

2. The garment of claim 1, wherein each of said ear portions includes:

said outer material layer that is an extension of said backsheet (18), said outer material layer extending laterally up to a lateral edge of said ear portion;

said inner material layer that is an extension of said topsheet (16), said inner layer extending laterally up to a lateral edge of said ear portion; and

said stretchable material layer (46) secured between said inner layer (16) and said outer layer (18).

3. The garment of claim 1, wherein said topsheet (16) consists of:

a central section (16a) including a portion disposed over the core (36), and a pair of side sections (16b), each said side section forming said inner layers of two of said ear portions and being separate from said central section (16a).

4. The garment of claim 1, wherein said vent sites (100) are spaced laterally and longitudinally from one another so as to form a staggered pattern on said ear portion.

5. The garment of claim 1, further comprising a pair of longitudinally extending leg cuffs (38), each leg cuff (38) being spaced in parallel relation to a lateral side of said core (36), said leg cuff (38) having, at least, a first layer and a second layer, said first layer (38a) being formed from an impervious material and said second layer being formed from said topsheet (16).
6. The garment of claim 5, further comprising a polymeric layer (60) disposed beneath said core (36), said first layer (38a) of said leg cuff (38) being part of a polymeric side section extending from said leg cuff (38) to sealingly engage said polymeric layer.
7. The garment of claim 6, wherein said side section and said polymeric layer form an impervious containment structure extending continuously from adjacent one lateral side of said core (36) to an opposite lateral side of said core (36).
8. The garment of claim 1, wherein said stretchable material layer (46) is extendible between a contracted configuration and an extended configuration, and said stretchable material layer (46) is secured to said outer layer (18) when said stretchable material layer (46) is disposed in an extended configuration such that said outer material layer (18) is subsequently contractible then extendible with said stretchable material layer (46).
- ~~9. The garment of any of the preceding claims, wherein said inner material layer (16) and said outer material layer (18) are non-woven materials.~~
- ~~109.~~ A method of forming a breathable, stretchable section of a disposable absorbent garment (10), said method comprising the steps of:
  - selecting a first material (16) for a first material layer and a second material (18) for a second material layer, wherein said first (16) and second (18) material layers are bondable by an ultrasonic bonding process;
  - selecting an elastic material (46) for a stretchable material layer;
  - positioning the stretchable material layer (46) between the first (16) and second (18) material layers to form a layer assembly;

targeting one or more bond sites (100) on the layer assembly for bonding one or more of the material layers together; and

securing the first (16), second (18) and stretchable (46) layers together,

**characterized in that:**

the step of selecting the first and second material includes selecting a first (16) non-woven material and a second (18) non-woven material, respectively;

the selecting and positioning steps include selecting and positioning the first (16), second (18), and stretchable material (46) layers so as to form a stretchable side waist region of the garment (10) after the securing step; and

said securing is by ultrasonically bonding the first material layer (16) with the second material layer (18) through the stretchable material layer (46) at the one or more sites (100) whereby an aperture is formed through the stretchable material (46) providing a breathable passage therethrough and whereby the first material layer (16) and the second material layer (18) bond with each other through the aperture in the stretchable material (46), and such that the aperture provides a breathable passage therethrough.

~~110.~~ The method of claim ~~109~~, wherein the step of selecting the first and second material includes selecting a topsheet material (16) and a backsheet material (18) layer, respectively.

~~12.~~ ~~The method of claim 10, wherein the step of selecting the first and second material includes selecting a first (16) non-woven material and a second (18) non-woven material, respectively.~~

~~111.~~ The method of claim ~~109~~, further comprising the step of stretching the stretchable material layer (46) to an extended configuration and performing the securing step when the stretchable material layer (46) is in the extended configuration such that the first (16) and second (18) material layers are subsequently contractible and then extendible with the stretchable material layer (46).

~~1412.~~ The method of claim ~~109~~, wherein the targeting step includes longitudinally and laterally spacing the bond sites (100) so as to create a staggered pattern of breathable bond sites on the stretchable portion (46) of the garment (10).

~~15. — The method of claim 10, wherein the steps of selecting the first (16) and second (18) materials and the positioning step include positioning the first (16), second (18), and stretchable material (46) layers so as to form a stretchable side waist region of the garment (10) after the securing step.~~

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**ANNEX 2 TO THE AMENDED**  
**STATEMENT OF REASONS**  
**THE FIRST CONDITIONAL PROPOSED**  
**AMENDMENTS**

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The First Conditional Proposed Amendments to the claims of the Patent referred to in the Defendant's Statement of Reasons are shown in red below with the additional amendments to claims 1 and ~~409~~ to the Proposed Amendments shown in blue.

1. A disposable absorbent garment, comprising:
  - a topsheet (16);
  - a backsheet (18); and
  - an absorbent core (36) disposed between said topsheet (16) and said backsheet (18), wherein said topsheet (16), said backsheet (18), and said core (36) together form a front region (20), a back region (22), and a crotch region (24) disposed between said front region (20) and said back region (22), and wherein a vertical longitudinal plane extends centrally through said front (20), back (22), and crotch (24) regions;

wherein each of said front (20) and back (22) regions includes a pair of ear portions (26a, 26b) extending in opposite lateral directions with respect to said longitudinal plane, each of said ear portions (26a, 26b) being a breathable, stretchable layer assembly, wherein said stretchable layer assembly of each said ear portion (26a, 26b) includes a plurality of vent sites (100), and wherein said stretchable layer assembly includes an inner material layer (16), an outer material layer (18) and a stretchable material layer (46) disposed therebetween,

**characterized in that**, ~~at said vent sites (100)~~, said outer material layer (18) and said inner material layer (16) are non-woven materials and in that at each said vent site (100):

said outer material layer (18) and said inner material layer (16) are bonded by ultrasonic bonding through the stretchable material layer (46);

whereby an aperture is formed through the stretchable material (46), thereby forming a breathable passage through said stretchable material layer (46); and

whereby with no apertures being formed in said outer material layer (18) or in said inner material layer (16) said outer material layer (18) and said inner material layer (16) bond with each other through the aperture in the stretchable material (46).

2. The garment of claim 1, wherein each of said ear portions includes:

said outer material layer that is an extension of said backsheet (18), said outer material layer extending laterally up to a lateral edge of said ear portion;

said inner material layer that is an extension of said topsheet (16), said inner layer extending laterally up to a lateral edge of said ear portion; and

said stretchable material layer (46) secured between said inner layer (16) and said outer layer (18).

3. The garment of claim 1, wherein said topsheet (16) consists of:

a central section (16a) including a portion disposed over the core (36), and a pair of side sections (16b), each said side section forming said inner layers of two of said ear portions and being separate from said central section (16a).

4. The garment of claim 1, wherein said vent sites (100) are spaced laterally and longitudinally from one another so as to form a staggered pattern on said ear portion.
5. The garment of claim 1, further comprising a pair of longitudinally extending leg cuffs (38), each leg cuff (38) being spaced in parallel relation to a lateral side of said core (36), said leg cuff (38) having, at least, a first layer and a second layer, said first layer (38a) being formed from an impervious material and said second layer being formed from said topsheet (16).
6. The garment of claim 5, further comprising a polymeric layer (60) disposed beneath said core (36), said first layer (38a) of said leg cuff (38) being part of a polymeric side section extending from said leg cuff (38) to sealingly engage said polymeric layer.
7. The garment of claim 6, wherein said side section and said polymeric layer form an impervious containment structure extending continuously from adjacent one lateral side of said core (36) to an opposite lateral side of said core (36).
8. The garment of claim 1, wherein said stretchable material layer (46) is extendible between a contracted configuration and an extended configuration, and said stretchable material layer (46) is secured to said outer layer (18) when said stretchable material layer (46) is disposed in an extended configuration such that said outer material layer (18) is subsequently contractible then extendible with said stretchable material layer (46).
- ~~9. The garment of any of the preceding claims, wherein said inner material layer (16) and said outer material layer (18) are non-woven materials.~~
- ~~109.~~ A method of forming a breathable, stretchable section of a disposable absorbent garment (10), said method comprising the steps of:
  - selecting a first material (16) for a first material layer and a second material (18) for a second material layer, wherein said first (16) and second (18) material layers are bondable by an ultrasonic bonding process;



selecting an elastic material (46) for a stretchable material layer;

positioning the stretchable material layer (46) between the first (16) and second (18) material layers to form a layer assembly;

targeting one or more bond sites (100) on the layer assembly for bonding one or more of the material layers together; and

securing the first (16), second (18) and stretchable (46) layers together,

**characterized in that:**

the step of selecting the first and second material includes selecting a first (16) non-woven material and a second (18) non-woven material, respectively;

the selecting and positioning steps include selecting and positioning the first (16), second (18), and stretchable material (46) layers so as to form a stretchable side waist region of the garment (10) after the securing step; and

said securing is by ultrasonically bonding the first material layer (16) with the second material layer (18) through the stretchable material layer (46) at the one or more sites (100) whereby an aperture is formed through the stretchable material (46) providing a breathable passage therethrough and whereby with no apertures being formed in said first material layer (16) or in said second material layer (18) the first material layer (16) and the second material layer (18) bond with each other through the aperture in the stretchable material (46), and such that the aperture provides a breathable passage therethrough.

~~11~~10. The method of claim ~~10~~9, wherein the step of selecting the first and second material includes selecting a topsheet material (16) and a backsheet material (18) layer, respectively.

~~12. The method of claim 10, wherein the step of selecting the first and second material includes selecting a first (16) non-woven material and a second (18) non-woven material, respectively.~~

~~13~~11. The method of claim ~~10~~9, further comprising the step of stretching the stretchable material layer (46) to an extended configuration and performing the securing step when the stretchable material layer (46) is in the extended configuration such that the

first (16) and second (18) material layers are subsequently contractible and then extendible with the stretchable material layer (46).

1412. The method of claim 109, wherein the targeting step includes longitudinally and laterally spacing the bond sites (100) so as to create a staggered pattern of breathable bond sites on the stretchable portion (46) of the garment (10).

~~15. The method of claim 10, wherein the steps of selecting the first (16) and second (18) materials and the positioning step include positioning the first (16), second (18), and stretchable material (46) layers so as to form a stretchable side waist region of the garment (10) after the securing step.~~

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**ANNEX 3 TO THE AMENDED**  
**STATEMENT OF REASONS**  
**THE SECOND CONDITIONAL**  
**PROPOSED AMENDMENTS**

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The Second Conditional Proposed Amendments to the claims of the Patent referred to in the Defendant's Statement of Reasons are shown in red below with the additional amendments to claims 1 and 9 to the Proposed Amendments shown in blue.

1. A disposable absorbent garment, comprising:

a topsheet (16);

a backsheet (18); and

an absorbent core (36) disposed between said topsheet (16) and said backsheet (18), wherein said topsheet (16), said backsheet (18), and said core (36) together form a front region (20), a back region (22), and a crotch region (24) disposed between said front region (20) and said back region (22), and wherein a vertical longitudinal plane extends centrally through said front (20), back (22), and crotch (24) regions;

wherein each of said front (20) and back (22) regions includes a pair of ear portions (26a, 26b) extending in opposite lateral directions with respect to said longitudinal plane, each of said ear portions (26a, 26b) being a breathable, stretchable layer assembly, wherein said stretchable layer assembly of each said ear portion (26a, 26b) includes a plurality of vent sites (100), and wherein said stretchable layer assembly includes an inner material layer (16), an outer material layer (18) and a stretchable material layer (46) disposed therebetween,

**characterized in that, at said vent sites (100), said outer material layer (18) and said inner material layer (16) are non-woven materials and in that at each said vent site (100):**

said outer material layer (18) and said inner material layer (16) are bonded by ultrasonic bonding through the stretchable material layer (46);

whereby an aperture larger than the respective bond site is formed through the stretchable material (46), thereby forming a breathable passage through said stretchable material layer (46); and

whereby said outer material layer (18) and said inner material layer (16) bond with each other through the aperture in the stretchable material (46).

2. The garment of claim 1, wherein each of said ear portions includes:

said outer material layer that is an extension of said backsheet (18), said outer material layer extending laterally up to a lateral edge of said ear portion;

said inner material layer that is an extension of said topsheet (16), said inner layer extending laterally up to a lateral edge of said ear portion; and

said stretchable material layer (46) secured between said inner layer (16) and said outer layer (18).

3. The garment of claim 1, wherein said topsheet (16) consists of:

a central section (16a) including a portion disposed over the core (36), and a pair of side sections (16b), each said side section forming said inner layers of two of said ear portions and being separate from said central section (16a).

4. The garment of claim 1, wherein said vent sites (100) are spaced laterally and longitudinally from one another so as to form a staggered pattern on said ear portion.
5. The garment of claim 1, further comprising a pair of longitudinally extending leg cuffs (38), each leg cuff (38) being spaced in parallel relation to a lateral side of said core (36), said leg cuff (38) having, at least, a first layer and a second layer, said first layer (38a) being formed from an impervious material and said second layer being formed from said topsheet (16).
6. The garment of claim 5, further comprising a polymeric layer (60) disposed beneath said core (36), said first layer (38a) of said leg cuff (38) being part of a polymeric side section extending from said leg cuff (38) to sealingly engage said polymeric layer.
7. The garment of claim 6, wherein said side section and said polymeric layer form an impervious containment structure extending continuously from adjacent one lateral side of said core (36) to an opposite lateral side of said core (36).
8. The garment of claim 1, wherein said stretchable material layer (46) is extendible between a contracted configuration and an extended configuration, and said stretchable material layer (46) is secured to said outer layer (18) when said stretchable material layer (46) is disposed in an extended configuration such that said outer material layer (18) is subsequently contractible then extendible with said stretchable material layer (46).
- ~~9. The garment of any of the preceding claims, wherein said inner material layer (16) and said outer material layer (18) are non-woven materials.~~
- ~~109.~~ A method of forming a breathable, stretchable section of a disposable absorbent garment (10), said method comprising the steps of:  
  
    selecting a first material (16) for a first material layer and a second material (18) for a second material layer, wherein said first (16) and second (18) material layers are bondable by an ultrasonic bonding process;  
  
    selecting an elastic material (46) for a stretchable material layer;

positioning the stretchable material layer (46) between the first (16) and second (18) material layers to form a layer assembly;

targeting one or more bond sites (100) on the layer assembly for bonding one or more of the material layers together; and

securing the first (16), second (18) and stretchable (46) layers together,

**characterized in that:**

the step of selecting the first and second material includes selecting a first (16) non-woven material and a second (18) non-woven material, respectively;

the selecting and positioning steps include selecting and positioning the first (16), second (18), and stretchable material (46) layers so as to form a stretchable side waist region of the garment (10) after the securing step; and

said securing is by ultrasonically bonding the first material layer (16) with the second material layer (18) through the stretchable material layer (46) at the one or more sites (100) whereby an aperture larger than the respective bond site is formed through the stretchable material (46) providing a breathable passage therethrough and whereby the first material layer (16) and the second material layer (18) bond with each other through the aperture in the stretchable material (46), and such that the aperture provides a breathable passage therethrough.

110. The method of claim 9, wherein the step of selecting the first and second material includes selecting a topsheet material (16) and a backsheet material (18) layer, respectively.

~~12. The method of claim 10, wherein the step of selecting the first and second material includes selecting a first (16) non-woven material and a second (18) non-woven material, respectively.~~

111. The method of claim 9, further comprising the step of stretching the stretchable material layer (46) to an extended configuration and performing the securing step when the stretchable material layer (46) is in the extended configuration such that the first (16) and second (18) material layers are subsequently contractible and then extendible with the stretchable material layer (46).

1412. The method of claim 9, wherein the targeting step includes longitudinally and laterally spacing the bond sites (100) so as to create a staggered pattern of breathable bond sites on the stretchable portion (46) of the garment (10).

~~15. The method of claim 10, wherein the steps of selecting the first (16) and second (18) materials and the positioning step include positioning the first (16), second (18), and stretchable material (46) layers so as to form a stretchable side waist region of the garment (10) after the securing step.~~