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**Datasheet for the decision
of 14 October 2025**

Case Number: T 2048/23 - 3.2.04

Application Number: 15720566.7

Publication Number: 3139881

IPC: A61F13/49, A61F13/496,
A61F13/551

Language of the proceedings: EN

Title of invention:

LENGTH-TO-HIP SILHOUETTES OF ADULT DISPOSABLE ABSORBENT
ARTICLES AND ARRAYS

Patent Proprietor:

The Procter & Gamble Company

Opponents:

BARDEHLE PAGENBERG, S.L.
Essity Hygiene and Health Aktiebolag

Headword:

Relevant legal provisions:

EPC Art. 100(a), 54, 56, 123(2)

Keyword:

Novelty - main request (no) - auxiliary requests 4 to 8 (no)

Inventive step - auxiliary requests 1 and 2 (no) - auxiliary requests 9 to 12 (no)

Amendments - auxiliary requests 3, 13 and 14 - added subject-matter (yes)

Decisions cited:

G 0001/23, G 0001/92

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0

Case Number: T 2048/23 - 3.2.04

D E C I S I O N
of Technical Board of Appeal 3.2.04
of 14 October 2025

Appellant: The Procter & Gamble Company
(Patent Proprietor) One Procter & Gamble Plaza
Cincinnati, OH 45202 (US)

Representative: Elkington and Fife LLP
Prospect House
8 Pembroke Road
Sevenoaks, Kent TN13 1XR (GB)

Respondent: BARDEHLE PAGENBERG, S.L.
(Opponent 1) Av. Diagonal 598, 3-1
08021 Barcelona (ES)

Representative: de Rooij, Mathieu Julien
Bardehle Pagenberg S.L.
Avenida Diagonal 598, 3^o 1^a
08021 Barcelona (ES)

Respondent: Essity Hygiene and Health Aktiebolag
(Opponent 2) 405 03 Göteborg (SE)

Representative: Hoffmann Eitle
Patent- und Rechtsanwälte PartmbB
Arabellastraße 30
81925 München (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 20 October 2023
revoking European patent No. 3139881 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman M. Hannam
Members: P. Cipriano
 S. Ruhwinkel

Summary of Facts and Submissions

- I. An appeal was filed by the appellant (patent proprietor) against the decision of the opposition division revoking European Patent No. 3 139 881.
- II. With its statement setting out the grounds of appeal, the appellant requested that the decision under appeal be set aside and the patent be maintained as granted (main request), or that the patent be maintained in amended form on the basis of the auxiliary requests 1 to 14 filed with the statement of grounds of appeal.
- III. In its reply to the appeal, the respondents (opponent 1 and opponent 2) requested that the appeal be dismissed.
- IV. The following documents are relevant for the present decision:
D3 WO 2015 171 377 A1
D5 WO 2012 054 591 A1
D18 JP H 1121702 A and its translation D19
- V. The Board issued a summons to oral proceedings and a subsequent communication.
- VI. Oral proceedings were held, during which the appellant withdrew the request for the proceedings to be held by videoconference.
- VII. Claim 1 of the main request reads as follows:
"An array of packages comprising two or more different sizes of disposable adult absorbent articles, the array comprising:
a first package comprising a first disposable absorbent article, the first absorbent article comprising a first

topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;

a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and

a third package comprising a third disposable absorbent article;

wherein the second size is larger than the first size, and the second absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the first absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the first absorbent article;

wherein the third absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the second absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the second absorbent article;

wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-

Hip Silhouette of at least one of the first and second absorbent articles;

wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product,

the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and

the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301),

wherein the first package and the second package are in the same array."

VIII. The text of claim 1 of each of auxiliary requests 1 to 14 is appended at the end of this decision.

IX. The arguments of the appellant relevant to the present decision may be summarised as follows:

Main request - Article 100(a) EPC - novelty

The disclosure in Table 1 of the application as originally filed was not prior art under Article 54 (2) EPC.

Regarding Table 1, the Depend for Women articles in the sizes L and XL did not form an array with the Depend Silhouette article size S/M (hereinafter called "Depend"+"Depend Silhouette" array), as was also attested by the definition given in paragraph [0017] of the patent. Paragraph [0017] of the patent stated that articles in the array had to have "like article constructions". From the examples given in the paragraphs [0017] and [0018] this implied having the same elastomeric materials.

The calculated values for the parameter Body Length-to-Hip Silhouette did not correspond to the ones of the articles mentioned above shown in Table 1. There was thus an ambiguity in the values that could not be explained and therefore these could not taken into account and considered disclosed.

Further, there was no evidence that the articles in the Depend for Women Underwear and Depend Silhouette for Women ever existed at the same time.

Auxiliary request 1 - Article 56 EPC

The "Depend"+"Depend Silhouette" array did not disclose an Array Average Product Length-to-Hip Silhouette of the first and second packages from about 0.9 to 0.5.

An Array Average Product Length-to-Hip Silhouette from about 0.9 to 0.5 provided a better fitting, comfortable article for users with different BMIs (Body Mass Index) as was evident from Figure 4 of the patent.

There was no pointer in the prior art to this particular parameter or to the range defined in claim 1 such that the skilled person seeking an alternative would not be guided to an Array Average Product Length-to-Hip Silhouette of the first and second packages from about 0.9 to 0.5.

In addition, the skilled person would not perform such a change as the anchoring points and the stability of the absorbent article might become compromised.

Auxiliary request 3 - Article 123(2) EPC

Claim 1 of auxiliary request 3 met the requirement of Article 123(2) EPC.

Page 16, lines 14-17, provided a basis for the feature "wherein the absorbent cores of the first, second and third articles each comprises less than 40 % cellulosic airfelt material as determined by weight".

The expression "like article construction" in paragraph [0017] of the patent implied that all the articles in the array necessarily had the same amount of airfelt material.

Auxiliary requests 4 to 14

Auxiliary requests 4 and 5 were filed to address objections regarding added subject-matter.

Auxiliary requests 6 to 14 were intended to further distinguish the invention from the cited prior art and prior uses.

- X. The arguments of the respondents relevant to the present decision may be summarised as follows:

Main request - Article 100(a) EPC - novelty

The absorbent articles with the sizes L and XL of the Depend group on Table 1 of D3 together with the size S/M of the Depend Silhouette representing the claimed first, second and third package/article, respectively, constituted an array (hereinafter called the "Depend"+"Depend Silhouette" array) as defined in claim 1, i.e. having all the features of claim 1.

The definition of an array and of "like construction articles" in paragraph [0017] was so broad that the articles of in these arrays could be made with different elastomeric materials.

The small difference between the calculated and the values actually displayed in Table 1 did not alter the teaching of D3.

As stated in G 1/92, properties intrinsic to a product belong to the prior art. This was also the case for the parameters of the articles measured and calculated in Table.

There was clear evidence that the articles of the Depend for Women and Depend Silhouette for Women arrays existed at the same time in the prior art such that a combination of these articles could be seen as forming an array.

Auxiliary request 1 - Article 56 EPC

Claim 1 of auxiliary request 1 did not involve an inventive step under Article 56 EPC.

The "Depend"+"Depend Silhouette" array solely failed to disclose an Array Average Product Length-to-Hip Silhouette of the first and second packages from about 0.9 to 0.5.

An average between the two articles did not characterize any of the individual articles *per se* and did not provide an effect. In the absence of a technical effect the objective problem to be solved was therefore simply to provide an alternative Array Average Product Length-to-Hip Silhouette for the first and second packages.

The skilled person would arrive at the claimed subject-matter by application of normal design procedures or by routine trial and error, not requiring any inventive activity, when starting from the prior use array "Depend"+"Depend Silhouette" disclosed in Table 1.

Auxiliary request 2 - Article 56 EPC

The "Depend"+"Depend Silhouette" array disclosed the added feature of claim 1 of auxiliary request 1 that the third package had a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles.

Auxiliary request 3 - Article 123(2) EPC

Several selections from a list of optional features in the description had to be made by the skilled person in order to arrive at the combination of features of claim 1 of auxiliary request 3.

Auxiliary requests 4 to 14

The "Depend"+"Depend Silhouette" array disclosed the features added to claim 1 of auxiliary requests 4 and 5. Claim 1 of each of these requests was not novel.

Claim 1 of auxiliary requests 6 to 14 only comprised combinations of features already disclosed for the previous requests such that the corresponding objections applied *mutatis mutandis*.

Reasons for the Decision

1. *Main request - Article 100(a) EPC - novelty*
 - 1.1 The ground for opposition under Article 100(a) EPC prejudices maintenance of the patent as granted.
 - 1.2 Table 1 of D3 discloses "Examples of Product Length-to-Hip Silhouettes for Existing Product Arrays". The "Depend" articles in the sizes L and XL form an array with the "Depend Silhouette" article size S/M (the "Depend"+"Depend Silhouette" array). The size L, the size XL and the size S/M correspond to the first, second and third absorbent articles, respectively. This array has all the features of claim 1.
 - 1.3 The appellant argued in item 3.6 of their grounds of appeal that the disclosure in table 1 of the patent application was not itself prior art owing to the fact that it was not made available to the public before the filing or priority date of the patent within the meaning of Article 54(2) EPC.

The Board does not accept this argument. Table 1 discloses parameters for "existing product arrays", identified by the commercial name of their absorbent products, to be used as comparison to the arrays of the invention defined in the claims. These are also referred to on page 8, lines 18-20, and page 10, lines 15-16, as "currently" or "today's" marketed products. The Board has no doubts that in order for their properties to be listed in Table 1 at the priority/filing date, these products were necessarily commercially available before the priority date in order for the appellant to be able to perform the necessary measurements and calculations shown in Table 1.

Even if the parameter measurements on the articles seen in Table 1 were never performed publicly or at least were never made available before the priority date, these are intrinsic properties of the articles which are thus considered to have been made publicly available, see for example G 1/23, items 73, 90 and 91, or G 1/92, items 1.4, 2 and 2.1.

- 1.3.1 The appellant argued more specifically that there was no evidence that different articles from the "Depend" and "Depend Silhouette" arrays ever existed in the same location (e.g. geographical region) and at the same time (e.g. year).

The Board does not accept this argument. The expressions on page 8, lines 18-20, and page 10, lines 15-16, "currently" or "today's" marketed products imply that the products were commercially available at the time that the appellant drafted the application and performed the measurements and calculations.

The Board notes also, as stated in item 2.2 of its preliminary opinion regarding the feature "array" that, without a requirement for the packages in an array to have a specific proximity to each other, on-line arrays distributed by a common on-line source also being a possibility, there is no real distance that could be considered to not be "proximate". The term "array" is thus not limiting in terms of distance between packages of the array.

- 1.3.2 The appellant argued that the "Depend" and "Depend Silhouette" articles also did not form an array, since these articles were not "like article constructions" necessary to form an array according to the definition in paragraph [0017] of the patent. According to the appellant, paragraph [0017] defined like article constructions as needing to have the same elastomeric materials in the flaps and this was not the case for Depend and Depend for Women articles.

The Board does not agree with this argument. "Like article constructions" is a broad expression. Even if there are two examples in paragraphs [0017] and [0018] of articles with different elastomeric materials corresponding to different arrays, having the same elastomeric materials in the flaps is referred in paragraph [0017] only as one of the possibilities ("e.g.") for articles to be considered as having a like construction. It is also stated in paragraph [0017] that articles having the same graphic elements also have like article construction. Having the same elastomeric materials in the flaps is thus not a necessary condition for the articles to be part of an array.

1.3.3 The "Depend" articles in the sizes L and XL therefore together with the "Depend Silhouette" article size S/M form an array (the "Depend"+"Depend Silhouette" array).

1.4 The appellant also contended that there was a disparity between the calculated values and the values shown in Table 1 for the Product Length-to-Hip Silhouette parameter. According to the appellant, such an unexplained disparity created an ambiguity that would lead the skilled person to not take the values for the Product Length-to-Hip Silhouette parameter into account when considering the teaching of D3.

The Board is not persuaded by this argument. The disparity between the calculated and the shown values for the Length-to-Hip Silhouette parameter is very small (in the order of a thousandth; e.g. 1,355 and 1,354 for the size L of the "Depend" array), and at least for the "Depend" and "Depend Silhouette" arrays, this disparity does not have an influence in the trend of values. In other words, it does not alter the ranking of the products according to the Length-to-Hip Silhouette parameter, and consequently does not negatively impact the anticipation of this feature of claim 1.

1.5 Table 1 therefore discloses an array having all the features of claim 1, in particular the features:

- wherein the second size (size XL) is larger than the first size (size L) , and the second absorbent article (size XL) has one or more of:

(a) a larger Relaxed Product Length (385 mm) than the first absorbent article (371 mm), and

(b) a larger Relaxed Product Hip Width (291 mm) than the first absorbent article (274 mm);

wherein the third absorbent article (size S/M) has

(b) a larger Relaxed Product Hip Width (314 mm) than the second absorbent article (291mm);

wherein a Product Length-to-Hip Silhouette of the second absorbent article (1,324) is less than a Product Length-to-Hip Silhouette of the first absorbent article (1,355), and

the third package has a Product Length-to-Hip Silhouette (0,955) equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles.

1.6 The main request is thus not allowable.

2. *Auxiliary request 1 - Article 56 EPC*

2.1 Claim 1 of auxiliary request 1 does not fulfil the requirement of Article 56 EPC.

2.2 Claim 1 of auxiliary request 1 differs from claim 1 of the main request in that the following features have been appended to the end of the claim:

A) wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,

B) wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

- 2.3 It was not contested that the "Depend"+"Depend Silhouette" array discussed above for the main request discloses feature A). The Board also has no reason to find otherwise. The size L and the size XL of the "Depend" array are different sizes of the same article type and will thus not differ in the cross-sectional disposition of the chassis in at least one of a front, back, or crotch region.
- 2.4 It was also uncontested that feature B) was not disclosed. The Average Product Length-to-Hip Silhouette of the first and second packages (sizes L and XL of the "Depend" array) was above 0.9 (1.340).
- 2.5 The appellant argued that an Array Average Product Length-to-Hip Silhouette from about 0.9 to 0.5 provided a better fitting and comfortable article for users with different BMIs (Body Mass Index) as was evident from Figure 4 of the patent.

The Board is not persuaded by this argument. An average between two articles does not characterize any of the individual articles *per se*, much less in a way that results in better fitting or improved comfort for the corresponding users. Even if the skilled person were to rule out extreme configurations as illogical, as the appellant also argued, it is possible that both articles have individual length-to-hip silhouette values that fall outside the range defined in claim 1 for the average - e.g. one slightly above and the other slightly below - with the average falling nevertheless within the claimed range. In addition, the third article defined in claim 1 is not taken into account when calculating the average. The change of the Array Average Product Length-to-Hip Silhouette of the first and second packages to a value within the range defined

in feature B) does therefore not necessarily provide an effect on the respective array/absorbent articles.

Also Figure 4 does not attest any effect for the Array Average Product Length-to-Hip Silhouette. First, this graphic shows values for the Length-to-Hip Silhouette of individual products and not for averages. Second, the graphic only addresses a female population, a limitation not present in claim 1. Third, even assuming that the standard deviation is low and that these values do not spread much from the mean, it appears that there would be no support for the range from 0.5 to about 0.9, but only for a much narrower range of about 0.45 to about 0.65. Fourth, as can be derived from Table 2 and Figure 10 of the patent, only the first and fourth inventive array fall within the claimed range.

- 2.6 As the respondents argued, in the absence of a technical effect the objective problem to be solved is therefore simply to provide an alternative Array Average Product Length-to-Hip Silhouette for the first and second packages.
- 2.7 The skilled person would arrive at the claimed subject-matter by application of normal design procedures or by routine trial and error, not requiring an inventive activity, when starting from the prior use array "Depend"+"Depend Silhouette" disclosed in Table 1.
- 2.8 The appellant argued that there was no pointer in the prior art to this particular parameter or to the range defined in claim 1 such that the skilled person seeking an alternative would not be guided to feature B).

This argument does not persuade the Board. The prior art already extensively discusses limits to both the length and width of absorbent articles, for example in D5 and D18/D19, as the respondents pointed out. Thus, even if the Product Length-to-Hip Silhouette ratio was not explicitly calculated previously, the underlying required variables of product length and product width were.

Several of the prior art articles analysed in Table 1 already have a Product Length-to-Hip Silhouette value between 0.9 and 1, such as, for example, the Depend Silhouette size S/M, the Kroger size XL, the Certainty size XL and the Certainty Smooth size S/M. Even leaving the question of whether these values would already be considered by the skilled person to correspond to the upper limit "about 0.9" as defined in claim 1, these articles are at least very close to the claimed average upper value and, as already found above, no special effect is associated with the claimed parameter range or its upper value of 0.9.

It would thus be obvious for the skilled person looking for an alternative Array Average Product Length-to-Hip Silhouette to alter the dimension of the diaper through a routine change of design, for example, by decreasing the relaxed lengths of the "Depend" sizes L and XL (which correspond to the first and second articles in the array used as the starting point) and obtain products with a lower waist line and an average Length-to-Hip Silhouette below 0.9.

2.9 The appellant argued that the skilled person would not perform such a change as the anchoring points and the stability of the absorbent article might become compromised. According to the appellant, the skilled

person knew that the length could not be changed at will and that there were limitations.

The Board does not agree with this argument. Whilst it is true that the relaxed length cannot be reduced below a certain point, the relaxed product length of the "Depend" sizes L and XL is 371 and 385 mm, respectively, but falls within the mid range of the values shown in Table 1 ranging from 335 mm to 452 mm (for sizes L and XL). Even if the anchoring points might need to be adapted accordingly, this is also customary practice when designing absorbent articles in different sizes. The skilled person would thus consider lower values for the relaxed length as these have already been used in the prior art.

2.10 The Board thus concludes that starting from the array "Depend"+"Depend Silhouette" and in combination with the general knowledge of the skilled person, the skilled person would arrive at the subject-matter of claim 1 without exercising an inventive step under Article 56 EPC. Auxiliary request 1 is thus not allowable.

3. *Auxiliary request 2 - Article 56 EPC*

3.1 Claim 1 of auxiliary request 2 differs from claim 1 of auxiliary request 1 in that the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles.

3.2 This is also the case for the "Depend"+"Depend Silhouette" array disclosed in Table 1, which discloses values of 1.355, 1.324 and 0.995 for the Product Length-to-Hip Silhouette of the first, second and third

absorbent articles, respectively. This has also not been contested by the appellant.

Since the added feature is disclosed in the "Depend"+"Depend Silhouette" array used as the starting point for reaching the claimed subject-matter, there is no change in the inventive step reasoning to that of auxiliary request 1 above in item 2.

- 3.3 The subject-matter of claim 1 of auxiliary request 2 does therefore not involve an inventive step for the same reasons as claim 1 of auxiliary request 1. Auxiliary request 2 is thus not allowable.

4. *Auxiliary request 3 - Article 123(2) EPC*

- 4.1 Claim 1 of auxiliary request 3 differs from claim 1 of auxiliary request 2 *inter alia* in that the following feature has been added to claim 1:
- wherein the absorbent cores of the first, second and third articles each comprises less than 40 % cellulosic airfelt material as determined by weight.
- 4.2 Page 16, lines 15-17, of the description as filed, cited by the appellant, does not provide a basis for this amendment. The feature "wherein the absorbent cores of the first, second and third articles each comprises less than 40 % cellulosic airfelt material as determined by weight" is based on multiple selections.
- 4.3 Page 16, lines 15-17, states only that the absorbent cores "may" comprise cellulosic airfelt material, i.e. the presence of airfelt material is only optional. The following sentence then lists several equally possible percentage amounts by weight of cellulosic airfelt material, from which the skilled person would have to

choose 40%. The Board finds that this amounts to at least a first selection from a list of possible amounts of airfelt material in the core.

4.4 The feature added to claim 1 also defines that this amount of airfelt material is for each of the absorbent cores of the first, second and third articles. The chapter on page 16 describes absorbent cores for an individual absorbent article.

4.4.1 The appellant argued that the expression "like article construction" in paragraph [0017] of the patent implied that all the articles in the array will have the same amount of airfelt material but this argument does not persuade the Board.

The skilled person does not unambiguously consider that absorbent articles having "like article construction" necessarily have the same amount of airfelt material. This is not disclosed in paragraph [0017] of the patent description, which lists examples to the skilled person interpreting the feature as to what absorbent articles having like article construction might be, nor is it derivable from page 16, which states that absorbent cores "may" comprise cellulosic material. The skilled person reading this passage would not unambiguously consider that the absorbent cores would necessarily all have the same composition.

As the respondents pointed out, the section "Absorbent Core" starting on page 16, line 1, of the description as filed details the possible characteristics of the absorbent core of a single absorbent article and is a subsection of the more complete disclosure regarding the possible characteristics of an absorbent article starting on page 12 after Table 2. As the appellant

argued in paragraph 7.3 of their grounds of appeal, this section applies to all of the absorbent articles in the array, but this does not necessarily mean that all the articles in the array are the same. Quite to the contrary, it is clear from claim 1 and the application as filed as a whole that the first, second and third articles are different articles.

Thus a further selection for each of the articles of the array is necessary in order to arrive at an array with the combination of features defined in claim 1, in which the absorbent cores of the first, second and third articles each comprise the selected amount of airfelt material.

4.5 At least two selections are therefore necessary from the list of possible features that the absorbent articles of the array may have in order to arrive at the combination of features of claim 1 of auxiliary request 3. Claim 1 of auxiliary request 3 does therefore not meet the requirement of Article 123(2) EPC. Auxiliary request 3 is not allowable.

5. *Auxiliary requests 4 and 5*

5.1 The Board stated during the oral proceedings that it followed item 8.4 of its provisional opinion that the arrays in Table 1 of the application as originally filed comprise adult absorbent articles that are incontinence pants and that the Relaxed Product Length and the Relaxed Product Hip Width in Table 1 were also determined according to the test methods set out in the description.

5.2 The appellant merely referred to their written submissions. These state only that these requests were

filed to address objections regarding added subject-matter (see section 8 of the grounds of appeal and sections 8 and 9 of the letter dated 27 September 2024) and do not contain any reasoning regarding novelty.

5.3 The "Depend"+"Depend Silhouette" array therefore disclose the features added to claim 1 of auxiliary requests 4 and 5 with regard to claim 1 of the main request such that these claims are not novel according to Article 54 EPC and, consequently, auxiliary requests 4 and 5 are not allowable.

6. *Auxiliary requests 6 to 14*

6.1 With regard to auxiliary requests 6 to 14, the appellant referred during the oral proceedings also only to their written submissions.

6.2 The appellant argued in items 11 to 14 of their letter dated 27 September 2024 generally that the amendment made to claim 1 of auxiliary request 6 further distinguished the claim from the prior art and prior uses.

Auxiliary request 6

6.3 As already discussed above in item 2.3 and the Board stated in item 8.4 of the its preliminary opinion, the "Depend"+"Depend Silhouette" array discloses the feature added to claim 1 of auxiliary request 6 with regard to the main request, i.e. that the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region.

6.4 The subject-matter of claim 1 of auxiliary request 6 is therefore not novel under Article 54 EPC for the reasons cited above. Consequently, auxiliary request 6 is not allowable.

Auxiliary requests 7 and 8

6.5 Auxiliary requests 7 and 8 correspond to auxiliary requests 4 and 5 respectively, where each claim 1 has been further amended to also define the feature added to claim 1 of auxiliary request 6 discussed above in paragraph 6.3.

6.6 The subject-matter of claim 1 of auxiliary requests 7 and 8 is therefore also not novel under Article 54 EPC for the reasons cited above. Consequently, auxiliary requests 7 and 8 are not allowable.

Auxiliary requests 9 and 10

6.7 Auxiliary Requests 9 and 10 correspond to auxiliary requests 7 and 8 respectively, where claim 1 has been further amended to include the subject-matter of granted claim 7 (originally filed claim 9), i.e. the same amendment already discussed above for auxiliary request 1 that the Array Average Product Length-to Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

6.8 As stated in item 8.5 of the Board's preliminary opinion and found above for auxiliary request 1 in item 2, the features of originally filed dependent claim 9 added to claim 1 of auxiliary requests 9 and 10 do not involve an inventive step.

6.9 The subject-matter of claim 1 of auxiliary requests 9 and 10 does not meet the requirement of Article 56 EPC. Auxiliary request 9 and 10 are therefore not allowable.

Auxiliary requests 11 and 12

6.10 Claim 1 of auxiliary requests 11 and 12 correspond to auxiliary Requests 9 and 10 respectively, where claim 1 has been further amended to incorporate the subject-matter of granted claim 5 (originally filed claim 7), that the third absorbent article has a Product Length-to-Hip Silhouette lower than each of the first and second absorbent articles.

6.11 This amendment has already been discussed above for auxiliary request 2 in item 3. Since the added feature is disclosed in the "Depend"+"Depend Silhouette" array used as the starting point, there is no change in the inventive step reasoning to that of auxiliary requests 9 and 10 made above.

6.12 The subject-matter of claim 1 of auxiliary requests 11 and 12 does not meet the requirement of Article 56 EPC. Auxiliary request 11 and 12 are therefore not allowable.

Auxiliary requests 13 and 14

6.13 Claim 1 of auxiliary Requests 13 and 14 correspond to claim 1 of auxiliary Requests 11 and 12 respectively, where claim 1 has been further amended to define *inter alia* that the absorbent cores each comprise less than 40 % cellulosic airfelt material as determined by weight.

- 6.14 As already discussed above under item 4. for auxiliary request 3, at least two selections are therefore necessary from the list of possible features that the absorbent articles of the array may have in order to arrive at the combination of features of claim 1.
- 6.15 In their written submissions the appellant has not provided any arguments as to whether the combination with other added features (with regard to claim 1 of auxiliary request 3) could help overcome this objection and the Board, according to item 8.6 of their preliminary opinion, also does not see any.
- 6.16 The subject-matter of claim 1 of auxiliary requests 13 and 14 therefore does not fulfil the requirement of Article 123(2) EPC. Consequently, auxiliary requests 13 and 14 are not allowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



G. Magouliotis

M. Hannam

Decision electronically authenticated

AUXILIARY REQUEST 1

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, the array comprising:

a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;

a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
a third package comprising a third disposable absorbent article;

wherein the second size is larger than the first size, and the second absorbent article has one or more of:

- (a) a larger Relaxed Product Length (300) than the first absorbent article, and
- (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;

wherein the third absorbent article has one or more of:

- (a) a larger Relaxed Product Length (300) than the second absorbent article, and
- (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;

wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;

wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array,

wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,

wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

AUXILIARY REQUEST 2

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, the array comprising:

a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;

a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and

a third package comprising a third disposable absorbent article;

wherein the second size is larger than the first size, and the second absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the first absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the first absorbent article;

wherein the third absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the second absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the second absorbent article;

wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles;

wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array,

wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,

wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

AUXILIARY REQUEST 3

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, the array comprising:

a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;

a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and

a third package comprising a third disposable absorbent article, the third absorbent article comprising a third topsheet, a third backsheet and a third absorbent core;

wherein the second size is larger than the first size, and the second absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the first absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the first absorbent article;

wherein the third absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the second absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the second absorbent article;

wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles;

wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip

Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301),

wherein the first package and the second package are in the same array,

wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,

wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5,

and wherein the absorbent cores of the first, second and third articles each comprises less than 40 % cellulosic airfelt material as determined by weight.

AUXILIARY REQUEST 4

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array.

AUXILIARY REQUEST 5

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the Relaxed Product Length and the Relaxed Product Hip Width are determined according to the test methods set out in the description, and wherein the first package and the second package are in the same array.

AUXILIARY REQUEST 6

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, the array comprising:

a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;

a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and

a third package comprising a third disposable absorbent article;

wherein the second size is larger than the first size, and the second absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the first absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the first absorbent article;

wherein the third absorbent article has one or more of:

(a) a larger Relaxed Product Length (300) than the second absorbent article, and

(b) a larger Relaxed Product Hip Width (301) than the second absorbent article;

wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;

wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array,

wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region.

AUXILIARY REQUEST 7

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region.

AUXILIARY REQUEST 8

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the Relaxed Product Length and the Relaxed Product Hip Width are determined according to the test methods set out in the description, and wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region.

AUXILIARY REQUEST 9

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,
- wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

AUXILIARY REQUEST 10

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette equal to or less than a Product Length-to-Hip Silhouette of at least one of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the Relaxed Product Length and the Relaxed Product Hip Width are determined according to the test methods set out in the description, and wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,
- wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

AUXILIARY REQUEST 11

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,
- wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

AUXILIARY REQUEST 12

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the Relaxed Product Length and the Relaxed Product Hip Width are determined according to the test methods set out in the description, and wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,
- wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5.

AUXILIARY REQUEST 13

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article, the third absorbent article comprising a third topsheet, a third backsheet and a third absorbent core;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301), wherein the first package and the second package are in the same array, wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region, wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5, and wherein the absorbent cores of the first, second and third articles each comprises less than 40 % cellulosic airfelt material as determined by weight.

AUXILIARY REQUEST 14

CLAIMS

1. An array of packages comprising two or more different sizes of disposable adult absorbent articles, wherein the adult absorbent articles are incontinence pants, the array comprising:
 - a first package comprising a first disposable absorbent article, the first absorbent article comprising a first topsheet, a first backsheet, a first absorbent core and a first pair of side seams, the first absorbent article being a first size and in closed form;
 - a second package comprising a second disposable absorbent article, the second absorbent article comprising a second topsheet, a second backsheet, a second absorbent core and a second pair of side seams, the second absorbent article being a second size and in closed form; and
 - a third package comprising a third disposable absorbent article, the third absorbent article comprising a third topsheet, a third backsheet and a third absorbent core;wherein the second size is larger than the first size, and the second absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the first absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the first absorbent article;wherein the third absorbent article has one or more of:
 - (a) a larger Relaxed Product Length (300) than the second absorbent article, and
 - (b) a larger Relaxed Product Hip Width (301) than the second absorbent article;wherein a Product Length-to-Hip Silhouette of the second absorbent article is less than a Product Length-to-Hip Silhouette of the first absorbent article, and the third package has a Product Length-to-Hip Silhouette less than a Product Length-to-Hip Silhouette of each of the first and second absorbent articles;
- wherein the Relaxed Product Length means the longitudinal distance between the longitudinally distal most point in the crotch region and the longitudinally distal most point along the front waist edge of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Length is measured parallel to a longitudinal axis of the product, the Relaxed Product Hip Width means the lateral distance from the laterally distal most point of the left side edge of the product at the upper edge of the left leg opening to the laterally distal most point of the right side edge of the product at the upper edge of the right leg opening of the product in its laid out, relaxed and unfolded state, wherein the Relaxed Product Hip Width is measured perpendicular to the longitudinal axis of the product, and the Product Length-to-Hip Silhouette means Relaxed Product Length (300) divided by Relaxed Product Hip Width (301),
- wherein the Relaxed Product Length and the Relaxed Product Hip Width are determined according to the test methods set out in the description, and wherein the first package and the second package are in the same array,
- wherein the first and second absorbent articles of the first and second packages comprise chassis having identical cross-sectional dispositions in at least one of a front, back, or crotch region,
- wherein an Array Average Product Length-to-Hip Silhouette of the first and second packages is from about 0.9 to 0.5,
- and wherein the absorbent cores of the first, second and third articles each comprises less than 40 % cellulosic airfelt material as determined by weight.