

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT OF: LIK HON

APPLICATION No.: 13/426,817

FILED: March 22, 2012

FOR: ELECTRONIC CIGARETTE

EXAMINER: PHU HOANG NGUYEN

ART UNIT: 1747

CONF. No: 6364

AMENDMENT AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed June 7, 2013, please amend the application as follows:

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

IN THE CLAIMS:

The following complete listing of claims replaces all previous listings of claims in the application.

1. (Currently Amended) An electronic cigarette, comprising:
 - a housing;
 - a battery and a liquid storage compartment within the housing;
 - a channel extending centrally through and surrounded by the liquid storage compartment;
 - an atomizing core within the housing including an electric heater for atomizing liquid from the liquid storage component, and with the channel providing a continuous and uninterrupted passageway from the electric heater to an inhalation port.
2. (Currently Amended) The electronic cigarette of claim 1 with the electric heater comprising a hollow coil having a through hole aligned with extending ~~into~~ the channel.
3. (Original) The electronic cigarette of claim 1 with the channel and the inhalation port forming an airflow path centrally located within the housing and the liquid storage compartment.
4. (Original) The electronic cigarette of claim 3 further including a liquid permeating component sleeved on the electric heater.
5. (Original) The electronic cigarette of claim 4 further including a liquid conduction component in contact with the liquid permeating component, and the liquid storage component.

6. (Previously Presented) The electronic cigarette of claim 3 further including a sensor in the housing for sensing airflow in the airflow path.
7. (Original) The electronic cigarette of claim 4 with the electric heater arranged on an inner surface of the liquid permeating component.
8. (Original) The electronic cigarette of claim 4 further comprising a liquid ~~conducting component in contact with the liquid storage area and the liquid permeating component~~ around the electric heater.
9. (Original) The electronic cigarette of claim 1 with the liquid storage component including a fiber material.
10. (Currently Amended) An electronic cigarette, comprising:
a housing;
a liquid storage component within the housing;
an electric heater surrounded by a liquid permeating component
and a through hole in the electric heater;
a suction port in the housing adjacent to a second end of the liquid storage component, opposite from the first end of the liquid storage component; and
a channel extending continuously through the liquid storage component, ~~from the electric heater to the suction port,~~ with the through hole in the electric heater leading into the channel, and with the channel surrounded by the liquid storage component.
11. (Original) The electronic cigarette of claim 10 with the channel comprising a hollow round opening extending centrally through the liquid storage compartment.

12. (Original) The electronic cigarette of claim 10 further comprising an air inlet in the housing, with the air inlet, the channel and the suction port forming an air flow path through the housing.

13. (Previously Presented) The electronic cigarette of claim 10 with the electric heater comprising a wire coil in contact with the liquid permeating component.

14. (Currently Amended) The electronic cigarette of claim 10 with the electric heater comprising a coil with a through hole extending through the coil ~~and into the channel.~~

15. (Original) The electronic cigarette of claim 10 further including a tubular liquid permeating component surrounding and contacting the electric heater.

16. (Original) The electronic cigarette of claim 10 with the liquid storage compartment comprising fibers.

17. (Original) The electronic cigarette of claim 10 with the liquid storage compartment comprising an elongated cylinder having an annular cross section.

18. (Currently Amended) The electronic cigarette of claim 10 further including a liquid permeating component surrounding ~~sleeved on~~ the electric heater.

19. (Previously Presented) The electronic cigarette of claim 12 further including a sensor in the housing for sensing airflow in the airflow path.

20. (Original) The electronic cigarette of claim 15 with the electric heater arranged on an inner surface of the liquid permeating component.

21. (Currently Amended) ~~A cigarette substitute~~ device, comprising:
a tubular housing;
a liquid storage component within the housing;
an electric heater coil at a first end of the liquid storage component;
a suction port in the housing at a second end of the liquid storage component; and
a cylindrical channel extending centrally through the liquid storage component from the electric heater coil to the suction port, and with the channel surrounded by the liquid storage compartment.

22. (Previously Presented) The device of claim 21 with the electric heater comprising a wire coil concentric with the cylindrical channel.

23. (Original) The device of claim 21 further including a liquid permeating component sleeved on the electric heater.

24. (Original) The device of claim 23 further including a liquid conduction component in contact with the liquid permeating component, and the liquid storage component.

25. (Previously Presented) The device of claim 21 with the liquid storage compartment comprising fibers.

26. (Previously Presented) The device of claim 21 further comprising an air inlet in the tubular housing, with the air inlet, the channel and the suction port forming an air flow path through the housing.

27-29. (Canceled)

30. (Original) The device of claim 21 with the electric heater arranged on an inner surface of the liquid permeating component.

31. (Previously Presented) The electronic cigarette of claim 1 with the channel extending entirely through the liquid storage compartment.

32. (Previously Presented) The electronic cigarette of claim 31 with the channel having a uniform circular cross section.

33. (Previously Presented) The electronic cigarette of claim 21 with the channel extending entirely through the liquid storage compartment.

34. (New) The electronic cigarette of claim 1 with the channel comprising a single straight passageway.

35. (New) The electronic cigarette of claim 10 with the channel comprising a single straight passageway.

36. (New) The electronic cigarette of claim 21 with the channel comprising a single straight passageway.

REMARKS

Reconsideration and withdrawal of the rejections is requested in view of the changes to the claims, and the following remarks.

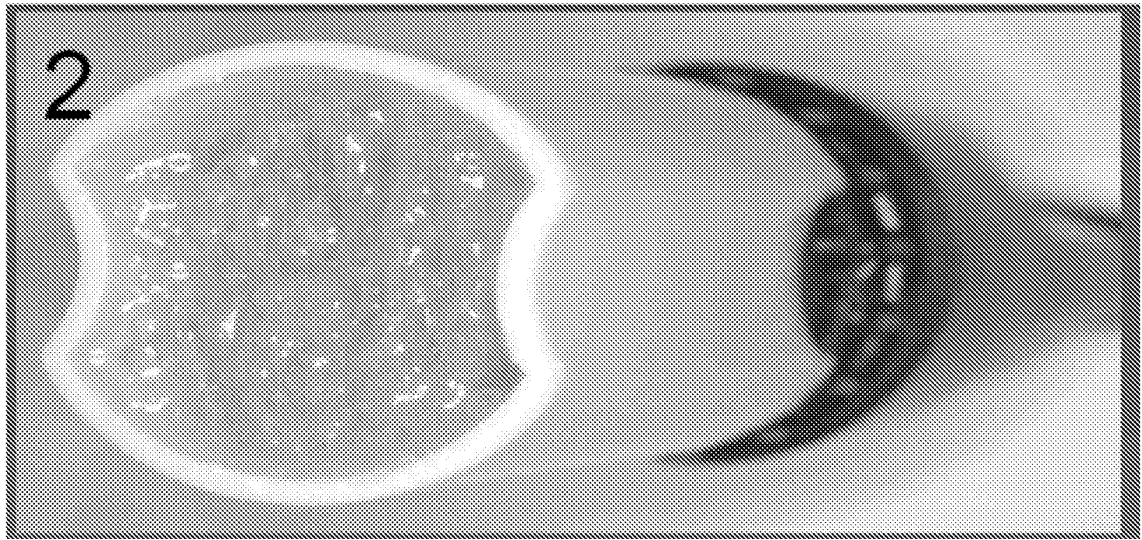
Claim 1 is amended to describe a channel extending centrally through and surrounded by the liquid storage compartment. Claim 10 is amended to include the through hole in the electric heater leading into the channel, and with the channel surrounded by the liquid storage component. Claim 21 is amended to describe the channel surrounded by the liquid storage compartment. In new claims 34-36, the channel is a single straight passageway. Support for these changes to the claims is at 0023, 0034 and Figs. 1, 2 and 4.

Turning to the rejections over Han US 2009/0188490, enclosed is a declaration by Lik Hon. Lik Hon is the inventor of both the present application and Han US 2009/0188490. The inventor's name in US 2009/0188490 is spelled Li Han due to a translation error in US 2009/0188490 made in translating the inventor's Chinese name into the inventor's English name. As stated in paragraph No. 1 of the attached Rule 1.132 Hon Declaration, the signature in Chinese characters at the top of Exhibit A of the Declaration is the inventor Lik Hon's signature. The upper image of Exhibit A is the declaration from PCT/CN07/03180, which is the parent application of US 2009/0188490. This demonstrates that the inventor Lik Hon of the present application is also the inventor of US 2009/0188490.

In addition, the lower image of Exhibit A of the Declaration is the declaration from PCT/CN2010/000124, which is the parent application of the present application. The Chinese characters of the inventor's name in the lower image are the same as the

Chinese characters of the inventor's name in the upper image, further demonstrating that the inventor is the same in both applications.

The enclosed Rule 1.132 Hon Declaration explains the content of Han US 2009/0188490. As stated in the Hon Declaration, the photograph below shows the liquid storage bottle described in US 2009/0188490.



US 2009/0188490 describes a liquid supplying bottle (7) which is the white plastic piece shown in the photograph. The bottle is filled with a liquid saturated fiber material. The bottle has a recess on each side, with a vent duct formed between recess and the inner wall of the housing, on each side. In this design, air flow splits into two separate flows passing through the left vent duct and right vent duct. The vent duct (8) in Fig. 1 of US 2009/0188490 is the left side vent duct. US 2009/0188490 does not disclose any vent duct through the center of the bottle (7).

Han US 2009/0188490 does not suggest these elements. Indeed, as is apparent from the photograph above, in Han US 2009/0188490 the vent ducts 8 are formed between an outside surface of the bottle 7, and an inside surface of the housing. Consequently, the vent ducts 8 in Han US 2009/0188490 do not even pass through the liquid storage compartment. Rather, they pass around the outside of the bottle.

Applicant advises that an invalidation petition filed in China contends that the claims in the corresponding Chinese priority application are invalid over CN2887086Y and CN1040914A (corresponding to Brooks, U.S. Patent No. 4,947,875). CN288706Y and an English translation of CN288706Y are filed in the accompanying IDS, along with an English translation of invalidation petition.

In view of the foregoing, the Application is believed to be in condition for allowance, and a Notice of Allowance is requested.

Respectfully submitted,
Perkins Coie LLP

Dated: September 13, 2013

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

美国专利商标局

IN RE PATENT OF: LIK HON

申请人: 韩力

APPLICATION No.: 13/426,817

申请号: 13/426,817

FILED: MARCH 22, 2012

申请日: 2012 年 3 月 22 日

FOR: ELECTRONIC CIGARETTE

名称: 电子烟

EXAMINER: PHU HOANG NGUYEN

审查员: PHU HOANG NGUYEN

ART UNIT: 1747

技术组: 1747

CONF. No: 6364

确认号: 6364

DECLARATION UNDER 37 CFR RULE 1.132

37 CFR 1.132 声明

Commissioner for Patents

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专利局长

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Sir:

尊敬的先生:

I, Lik Hon, declare:

我, 韩力, 在此声明:

1. I am the inventor of U.S. Patent Application No. 13/426,817 and also the inventor of U.S. Patent Application Publication No. US 2009/0188490. In U.S. Patent Application Publication No. US 2009/0188490 my name is incorrectly listed as Li Han. In the attached Exhibit A, the signature in Chinese characters dated 2007.11.8 is my signature.

1. 我是申请号为 13/426,817 的美国专利申请的发明人, 也是公开号为 US 2009/0188490 的美国专利申请的发明人。在公开号为 US 2009/0188490 的美国专利申请中, 我的名字被误写为 Li Han。附件 A 中, 于 2007 年 11 月 8 日签下的中文签字是我本人的签名。

2. The photograph below shows the liquid storage bottle described in US 2009/0188490.

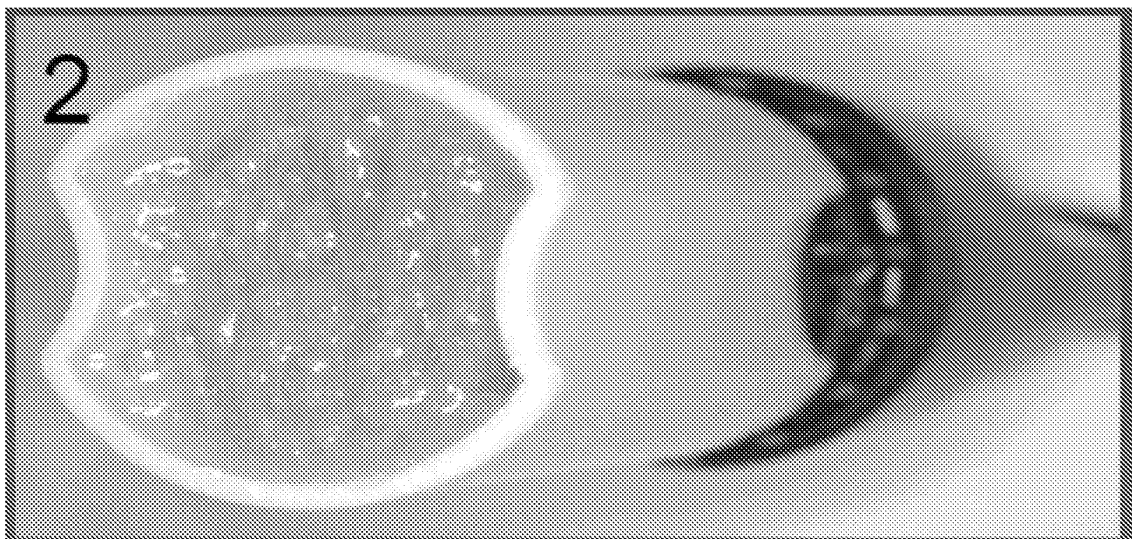
2. 下图为 US 2009/0188490 中所述的储液瓶体。

3. US 2009/0188490 describes a liquid supplying bottle (7) which is the white plastic piece shown in the photograph. The bottle is filled with a liquid saturated fiber material. The bottle has a recess on each side, with a vent duct formed between recess and the inner wall of the housing, on each side. In this design, air flow splits into two separate flows passing through the left vent duct and right vent duct.

3. US 2009/0188490 描述了一种如下图所示的白色塑料件的液体补给瓶体（7）。所述瓶体由液体渗透了的纤维材料填充。所述瓶体的每一侧具有一个凹槽，在每一侧上的凹槽和壳体内壁间形成通风管道。在此设计中，空气流分成了两股单独的气流分别穿过左侧通风管道和右侧通风管道。

4. The vent duct (8) in Fig. 1 of US 2009/0188490 is the left side vent duct. US 2009/0188490 does not disclose any vent duct through the center of the bottle (7).

4. US 2009/0188490 的图 1 中的通风管道（8）是左侧通风管道。US 2009/0188490 并未公开任何通过瓶体（7）中心的通风管道。



I understand the content of this document as written in Chinese.
我理解本文件内容的中文译文。

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

本人声明，根据我本人所知而在此所作的所有声明都是真实的，而且所有有关资料 and 信息的声明也被相信是真实的。并且，作出此声明时本人了解，据联邦法规第 18 节第 1001 项，任何蓄意伪造的声明之类可能被处以罚款和/或监禁，并且这种蓄意伪造的声明可能危及此专利申请或任何之后以其颁发的专利的有效性。

By/声明人 Lik Hon 韩力 Date/日期: 09.13.2013
Lik Hon/韩力

EXHIBIT A/附件 A

Declaration from PCT/CN07/03180 (equivalent of US 2009/0188490 A1) claiming priority to CN 2006 2009 4038

国际申请号为 PCT/CN07/03180 (与美国专利申请 US 2009/0188490 A1 的内容相同) 中所提交的要求申请号为 CN 2006 2009 4038 的优先权的声明

姓名: 韩力 (HAN, LI)

居所(城市和美国州(适用时), 或国家): HONGKONG

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国籍: CN

发明人的签字: 韩力 日期: 2007.11.8

Declaration from PCT/CN2010/000124 (parent application of US 13/426,817)

国际申请号为 PCT/CN2010/000124 (美国专利申请 13/426,817 的母案申请) 中所提交的声明

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VIII-4-1-7	国籍:	CN
VIII-4-1-8	发明人签字:	/韩力/
VIII-4-1-9	(该签字必须是发明人的签字, 而不是代理人的签字)	
VIII-4-1-10	日期:	2010年 1月 28日 (28.01.2010)