

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hon et al.

Application No.: 13/740,011

Confirmation No.: 5634

Filed: January 11, 2013

Art Unit: 1747

For: ELECTRONIC CIGARETTE

Examiner: Dionne Walls Mayes

INFORMATION DISCLOSURE STATEMENT (IDS)

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

Dear Commissioner:

The references listed on the enclosed Form PTO-SB/08 may be material to the examination of this application; the Examiner is requested to make them of record in the application. Copies of cited foreign patent and non-patent literature documents are enclosed. Any references listed in the attached non-patent literature documents but not separately listed in the IDS are already of record.

This application is a continuation of U.S. Application No. 13/079,937, now issued as US Patent No. 8,365,742.

Dated: July 24, 2015

Respectfully submitted,

By: /KennethHOhriner/
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PTO/SB/06a (07-09)

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/740,011
				Filing Date	January 11, 2013
				First Named Inventor	Lik Hon
				Art Unit	1747
				Examiner Name	Dionne Walls Mayes
Sheet	1	of	10	Attorney Docket Number	111971-8012.US03

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	US3934117	1/20/1976	Schladitz	
	A2	US4922901A	5/8/1990	Brooks	
	A3	US4981522	1/1/1999	Nichols	
	A4	US5117482	5/26/1992	Hauber	
	A5	US6155268	12/5/2000	Takeuchi	
	A6	US6557552B1	5/6/2003	Cox	
	A7	US6681998B2	1/27/2004	Sharpe	
	A8	US20004261802A1	12/30/2004	Griffin	
	A9	US20030033055A1	2/13/2003	McCrae	

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111971-8012.US03/LEGAL126964232.1

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		Country Code ² -Number ³ -Kind Code ⁴ (if known)				
	B1	CN2719043 - Certified Translation (Exhibit 103 of Collins Report below)	8/24/2005	Hon		
	B2	CN2719043Y - Machine translation (D3b of Joyetech EP Opposition below)	8/24/2005	Hon		
	B3	CN2777995 -- Translation (D15b of Philip Morris EP Opposition below)	5/10/2006	Han		
	B4	CN287048: 5B(s/be CN287048: 5Y) (E2 of Ten Motives EP Opposition below)	2/21/2007	Zhang, Cheng		
	B5	EP0192950A1 (D8 of Eisenfuhr Speiser EP Opposition below)	3/9/1986	Stromberg		
	B6	WO2005099494A1 - Certified Translation (Exhibit 104 of Collins Dec below)	10/27/2005	Hon		

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	C1	COLLINS, John M., Expert Report - Invalidity (Excerpts), CV14-01645, June 18, 2015	
	C2	COLLINS, John M., Expert Report - Invalidity, CV14-01645-Appendix E-742, June 18, 2015	
	C3	EISENFUHR SPEISER PARTGMBB, Notice and Grounds of Opposition to European Patent No. EP2022349, April 30, 2015	
	C4	EUROPEAN PATENT OFFICE, extended European Search Report for EP14155503.7, February 3, 2015	
	C5	EUROPEAN PATENT OFFICE, Partial European search report for EP14155503.7, September 1, 2014	
	C6	INSMOKE AG, Notice and Grounds of Opposition to European Patent No. EP202234942122, April 28, 2015	
	C7	INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND, Exam Report for NZ572309, April 21, 2010	
	C8	ISRAEL INTELLECTUAL PROPERTY OFFICE, Office Action for IL194768, November 12, 2014.	
	C9	JOYTECH DEUTSCHLAND GMBH, Notice and Grounds of Opposition against European Patent No. EP2022349, March 10, 2015	
	C10	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Paper 1, July 14, 2015	

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	C11	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1001, U.S. Patent No. 8,365,742 ("742 patent"), July 14, 2015	
	C12	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1002, Declaration of Jeffrey A. Schuster, Ph.D., July 14, 2015	
	C13	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1003, U.S. Patent No. 6,155,268 ("Takeuchi"), July 14, 2015	
	C14	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1004, U.S. Patent No. 6,234,167 ("Cox"), July 14, 2015	
	C15	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1005, U.S. Patent No. 4,947,874 ("Brooks"), July 14, 2015	
	C16	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1006, U.S. Patent No. 2,057,353 ("Whittemore"), July 14, 2015	
	C17	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1007, EP 0 845 220 ("Susa"), July 14, 2015	
	C18	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1008, WO 2007/078273 A1 ("Liu"), July 14, 2015	

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	C19	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1009, '742 Prosecution History, Preliminary Amendment, July 14, 2015	
	C20	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1010, '742 Prosecution History, Non-final Office Action, July 14, 2015	
	C21	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1011, '742 Prosecution History, Amendment, July 14, 2015	
	C22	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1012, '742 Prosecution History, Supplemental Amendment, July 14, 2015	
	C23	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1013, '742 Prosecution History, Examiner Interview Summary, July 14, 2015	
	C24	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1014, '742 Prosecution History, Notice of Allowance, July 14, 2015	
	C25	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1015, '742 Prosecution History, Certificate of Correction, July 14, 2015	
	C26	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1016, Fontem Litigation Joint Claim Construction Chart, July 14, 2015	

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	C27	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1017, Claim Construction Rulings in CV 14-1645, July 14, 2015	
	C28	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1018, Webster's New World Collegiate Dictionary ("detach"), July 14, 2015	
	C29	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1019, Oxford American Dictionary & Thesaurus ("frame"), July 14, 2015	
	C30	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1020, McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994) ("assembly") ("component") ("porous"), July 14, 2015	
	C31	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1021, Academic Press Dictionary ("permeability") ("solid"), July 14, 2015	
	C32	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1022, American Heritage Dictionary ("atomize") ("end") ("substantial"), July 14, 2015	
	C33	JT INTERNATIONAL S.A., Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-01587, Ex. 1023, Merriam-Webster.com ("aerosol") ("atomizer") ("permeable") ("porous"), July 14, 2015	
	C34	JT INTERNATIONAL SA, Notice and Grounds of Opposition against European Patent No. EP20223494, April 30, 2015	

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	C35	KHAN, Sirahuddin, son of Samsuddin Khan, Pre-grant opposition ("representation") against IN8528/DELNP/2008, June 20, 2014	
	C36	KOREAN INTELLECTUAL PROPERTY OFFICE, Office Action for KR10-2008-7026879, June 9, 2011	
	C37	MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY, Exam Report for MX/a/2008/013526, July 15, 2011	
	C38	NICOVENTURES HOLDINGS LIMITED, Notice and Grounds of Opposition to European Patent No. EP2022349, April 30, 2015	
	C39	NJOY, INC. et al, Defendants' Joint Invalidity Contentions, CV14-01645 etc., August 7, 2014	
	C40	NJOY, INC. et al., Defendants' Joint Invalidity Contentions, CV-14-01645 etc., Attachment A - Claim Charts for Patent 8365742, August 7, 2014	
	C41	PHILIP MORRIS PRODUCTS S. A., Notice and Grounds of Opposition to European Patent No. EP2022349, April 30, 2015	
	C42	TEN MOTIVES LIMITED, Notice and Grounds of Opposition to European Patent No. EP2022349, April 27, 2015	
	C43	UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD, Inter Partes Review Institution Decision in IPR2013-00387, Paper 7, December 30, 2013.	
	C44	UNITED STATES PATENT AND TRADEMARK OFFICE Office Action of US12/226,818, dated April 12, 2011, 9 pages.	

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	C2	UNITED STATES PATENT AND TRADEMARK OFFICE, Non-Final Office Action for US14/244,376, September 4, 2014	
	C1	UNITED STATES PATENT AND TRADEMARK OFFICE, Final Office Action for US14/244,376, April 29, 2015	
	C2	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, March 10, 2015	
	C3	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1001, U.S. Patent No. 8,265,742, March 10, 2015	
	C4	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1002, Buckner Declaration, March 10, 2015	
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	C6	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1004, CN2719043, March 10, 2015	
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	C8	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1006, WO2005099494, March 10, 2015	

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111971-8012.US03/LEGAL126964232.1

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R.J. Reynolds Vapor Company v. Fontem Holdings 1 B.V. IPR2018-00634

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PTO/SB/06a (07-09)

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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	13/740,011
		Filing Date	January 11, 2013
		First Named Inventor	Lik Hon
		Art Unit	1747
		Examiner Name	Dionne Walls Mayes
		Attorney Docket Number	111971-8012.US03
Sheet	9	of	10

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C9	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1007, WO2005099494 - Certified Translation, March 10, 2015	
	C10	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1008, CA2562581, March 10, 2015	
	C11	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1009, US20070267031, March 10, 2015	
	C12	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1010, EP0845220, March 10, 2015	
	C13	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1011, US5144962, March 10, 2015	
	C14	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1012, WO2003034847, March 10, 2015	
	C15	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1013, US2057353, March 10, 2015	
	C16	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1014, CV14-1645 Rulings on Claims (litigation proceedings), March 10, 2015	
	C17	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1015, WO2007131449, March 10, 2015	
	C18	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1016, 742 Prosecution History, Preliminary Amendment, March 10, 2015	

Examiner Signature	/Dionne Walls Mayes/	Date Considered	08/06/2015
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		Examiner Name	Dionne Walls Mayes
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Sheet	10	of	10

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C19	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1017, 742 Prosecution History, Non-final Office Action, July 19, 2012, March 10, 2015	
	C20	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1018, 742 Prosecution History, Amendment, March 10, 2015	
	C21	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1019, 742 Prosecution History, Supplemental Amendment, March 10, 2015	
	C22	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1020, 742 Prosecution History, Examiner Interview Summary, March 10, 2015	
	C23	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1021, 742 Prosecution History, Notice of Allowance, March 10, 2015	
	C24	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1022, 742 Prosecution History, Certificate of Correction, March 10, 2015	
	C25	VMR PRODUCTS LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2015-00859, Ex. 1023, DECISION - Institution of Inter Partes Review in IPR2013-00387, Paper 7, March 10, 2015	
	C26	Wikipedia Entry "Heating Element", July 23, 2007 (D10 of Joyetech EP Opposition above),	

Examiner Signature	/Dionne Walls Mayes/	Date Considered	08/06/2015
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Electronic Acknowledgement Receipt	
EFS ID:	23021452
Application Number:	13740011
International Application Number:	
Confirmation Number:	5634
Title of Invention:	ELECTRONIC CIGARETTE
First Named Inventor/Applicant Name:	Lik Hon
Customer Number:	34055
Filer:	Kenneth H. Ohriner/John Mulhern
Filer Authorized By:	Kenneth H. Ohriner
Attorney Docket Number:	111971.8012.US03
Receipt Date:	24-JUL-2015
Filing Date:	11-JAN-2013
Time Stamp:	17:39:34
Application Type:	Utility under 35 USC 111(a)

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Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	4356
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		2015-07-24_IDS_Transmittal_A SFILED_1119718012US3.pdf	276830 ae11111a99c812098f8794ce9897cbb237822ba5	yes	11
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2	Foreign Reference	CN277995_Translation_Philip_Morris_Opp_D15b.pdf	844890 9161048b0c0c5fc8c4791f23559006ae9234b69	no	21
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35	Non Patent Literature	IPR2015-01587_Exhibit-1018_ Websters_New_World_Collegia te_Dictionary.PDF	2641573 1d30a1f93dcd8e22230a69d73bb6b742e4a 16215	no	3
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<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Electronic Acknowledgement Receipt

EFS ID:	23021938
Application Number:	13740011
International Application Number:	
Confirmation Number:	5634
Title of Invention:	ELECTRONIC CIGARETTE
First Named Inventor/Applicant Name:	Lik Hon
Customer Number:	34055
Filer:	Kenneth H. Ohriner/John Mulhern
Filer Authorized By:	Kenneth H. Ohriner
Attorney Docket Number:	111971.8012.US03
Receipt Date:	24-JUL-2015
Filing Date:	11-JAN-2013
Time Stamp:	18:12:44
Application Type:	Utility under 35 USC 111(a)

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File Listing:					
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2	Non Patent Literature	IPR2015-00859_Exhibit-1016_742_Preliminary_Amendment.PDF	103353 ec0347#5e947627540247311#e496a6fb153c31	no	4
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3	Non Patent Literature	IPR2015-00859_Exhibit-1017_742_Non-Final_Office_Action.PDF	158309 35990997aeeb3144a6ec80830#f4a6be#6c5f#b6	no	4
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4	Non Patent Literature	IPR2015-00859_Exhibit-1018_742_Amendment.PDF	137738 e08c609974#388512ecf11116#1ac63615511#26	no	5
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5	Non Patent Literature	IPR2015-00859_Exhibit-1019_742_Suppl_Amendment.PDF	2699758 7a09ef71b83b220a#17183e14e08e18916#0e84#	no	37
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6	Non Patent Literature	IPR2015-00859_Exhibit-1020_742_Examiner_Int_Summ.PDF	74609 #4f9f3ba010801118759be89246b6beb8e0632a0	no	1
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7	Non Patent Literature	IPR2015-00859_Exhibit-1021_957_Notice_of_Allowance.PDF	335374 #63e6a0b7#87f6a038a329#7ca7187a91a1b7738	no	5
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8	Non Patent Literature	IPR2015-00859_Exhibit-1022_957_Cert_of_Correction.PDF	35822 29eb0#caae76e3c2818e6b6bb9b8b#fb9935#44	no	1
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9	Non Patent Literature	IPR2015-00859_Exhibit-1005_CN2719043_Translation_Hon.PDF	952015 8c6e6ecb0a277#98878c6235196b568ffe155a#8	no	18
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10	Non Patent Literature	IPR2015-00859_Exhibit-1006_WO2005099494A1_Hon.PDF	18750367 6caf54b1649117567a4cf184#b#cb668d217#0	no	20
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11	Non Patent Literature	IPR2015-00859_Exhibit-1007_Translation_WO2005099494_Hon.PDF	1572408	no	14
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12	Non Patent Literature	IPR2015-00859_Exhibit-1008_C A2562581C.PDF	14400543	no	26
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13	Non Patent Literature	IPR2015-00859_Exhibit-1010_E P0845220.PDF	2425040	no	21
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14	Non Patent Literature	IPR2015-00859_Exhibit-1012_WO03034847A1.PDF	18272779	no	18
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15	Non Patent Literature	IPR2015-00859_Exhibit-1013_US2057353A.PDF	4791284	no	3
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16	Non Patent Literature	IPR2015-00859_Exhibit-1014_C V14-1645_Claim_Const.PDF	569033	no	28
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17	Non Patent Literature	IPR2015-00859_Exhibit-1023_IPR2013-00387_Institution_Decision.PDF	563242	no	27
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18	Non Patent Literature	IPR2015-00859_Exhibit-1015_WO2007131449.pdf	8662491 #9cb4ff67c08c427ae07#4aaf0aea102a96542c	no	31
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19	Non Patent Literature	IPR2015-00859_Exhibit-1011_US5144962A.PDF	3911327 146bb1ccc01c43e06bb68#6674c2c0b12b7c12#	no	24
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20	Non Patent Literature	Wikipedia_Entry_Joyetech_Op_p_D10_2007-07-23.pdf	1803043 ef804e9c47c#eb971513a292bc5c74ea#41156ca	no	2
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Information:					
Total Files Size (in bytes):			81057298		
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