

Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Field

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	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
	Confirmation Number	5634

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U.S. PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

U.S. PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

NON-PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No	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 ⁵
	C1	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Paper 1, June 28, 2016				
	C2	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1001 U.S. Patent No. 8,365,742 ("the 742 Patent"), June 28, 2016				
	C3	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1002 Excerpts of the prosecution history for U.S. Patent No. 8,365,742, June 28, 2016				
	C4	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1003 Declaration of John M. Collins, Ph.D. ("Collins Decl."), June 28, 2016				
	C5	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1004 U.S. Patent No. 6,155,268 ("Takeuchi"), June 28, 2016				
	C6	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1005 U.S. Patent No. 2,057,353 ("Whittemore"), June 28, 2016				

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.W.M./

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C7	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1006 U.S. Patent No. 4,947,874 ("Brooks"), June 28, 2016
C8	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1007 Docket entry #65 from Fontem Ventures, B.V., et al. v. NJOY, Inc., et al., 2:14-cv-01645 (C.D. Cal.) ("Rulings on Claim Construction"), June 28, 2016
C9	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1008 U.S. Patent Application No. 2006/0093977 A1 ("Pellizzari I"), June 28, 2016
C10	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1009 U.S. Patent No. 7,059,307 ("Pellizzari II"), June 28, 2016
C11	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1010 U.S. Patent No. 5,894,841 ("Voges"), June 28, 2016
C12	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1011 U.S. Patent No. 5,743,251 ("Howell"), June 28, 2016
C13	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1012 U.S. Patent No. 2,461,664 ("Smith"), June 28, 2016
C14	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1013 U.S. Patent No. 3,234,357 ("Eberhard"), June 28, 2016
C15	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1014 U.S. Patent No. 5,745,985 ("Ghosh"), June 28, 2016
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C21	NU MARK LLC, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01303, Ex.1020 U.S. Patent No. 6,491,233 ("Nichols"), June 28, 2016
C22	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Paper 2, July 2, 2016
C23	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1001 U.S. Pat. No. 8,365,742 to Lik Hon, July 2, 2016

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	Attorney Docket Number	111971-8012.US03
	Confirmation Number	5634

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C24	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1002 Chinese Pat. No. 2719043Y to Lik Hon, July 2, 2016
C25	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1003 Certified English translation of Chinese Pat. No. 2719043Y to Lik Hon, July 2, 2016
C26	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1004 U.S. Pat. No. 2,057,353 to C. L. Whittemore, Jr, July 2, 2016
C27	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1005 Application Data Sheet of April 5, 2011 Filed in U.S. Pat. Appl. No. 13/079,937, July 2, 2016
C28	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1006 Preliminary Amendment of April 5, 2011 Filed in U.S. Pat. Appl. No. 13/079,937, July 2, 2016
C29	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1007 Non-Final Office Action of July 19, 2012 in U.S. Pat. Appl. No. 13/079,937, July 2, 2016
C30	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1008 Amendment of August 3, 2012 in U.S. Pat. Appl. No. 13/079,937, July 2, 2016
C31	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1009 PCT Pub. No. WO2007131449, July 2, 2016
C32	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1010 English translation of PCT Pub. No. WO2007131449, July 2, 2016
C33	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1011 Board's Decision Denying Institution in IPR2015-00859, July 2, 2016
C34	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1012 Patent Owner's Preliminary Response to Petition for IPR of U.S. Pat. No. 8,365,742 in IPR2015-00859, July 2, 2016
C35	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1013 Petition for IPR of U.S. Pat. No. 8,365,742 in IPR2015-00859, July 2, 2016
C36	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1014 Board's Order Dismissing Petition in IPR2015-01587, July 2, 2016

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	Confirmation Number	5634

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C37	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1015 Declaration of Dr. Robert Sturges, July 2, 2016
C38	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1016 Rohsenow, "Heat, Mass, And Momentum Transfer", July 2, 2016
C39	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1017 WO 2005/099494, which is the PCT application equivalent of CN2719043Y to Hon ("Hon '494"), July 2, 2016
C40	R.J. REYNOLDS VAPOR COMPANY, Petition for Inter Partes Review of U.S. Patent No. 8,365,742 - IPR2016-01268, Ex. 1018 Certified English translation of WO 2005/099494 pursuant to 37 C.F.R. 42.63(b), July 2, 2016

EXAMINER SIGNATURE			
Examiner Signature	/Dionne Walls Mayes/	Date Considered	07/14/2016
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
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	Art Unit	1747
	Examiner Name	Dionne Walls MAYES
	Attorney Docket Number	111971-8012.US03
	Confirmation Number	5634

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CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e) (1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e) (2).

☐ See attached certification statement.

☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/KennethHOhriner/	Date (YYYY-MM-DD)	2016-07-11
Name/Print	Kenneth H. Ohriner	Registration Number	31,646

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Electronic Acknowledgement Receipt	
EFS ID:	26311115
Application Number:	13740011
International Application Number:	
Confirmation Number:	5634
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First Named Inventor/Applicant Name:	Lik Hon
Customer Number:	34055
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Attorney Docket Number:	111971.8012.US03
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Deposit Account	1001
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	2016-07-11_IDS_1119718012US3.pdf	103123	no	5
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2	Non Patent Literature	IPR2016-01303_Paper-1_Petition.pdf	5866199	no	106
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Warnings:

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3	Non Patent Literature	IPR2016-01303_Exhibit-1001_US8365742_Hon.pdf	13901384	no	15
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4	Non Patent Literature	IPR2016-01303_Exhibit-1003_Collins_Expert_Decl.pdf	6020446	no	201
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5	Non Patent Literature	IPR2016-01303_Exhibit-1004_US6155268_Takeuchi.pdf	17568372	no	15
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6	Non Patent Literature	IPR2016-01303_Exhibit-1005_US2057353_Whittemore.pdf	381801	no	3
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7	Non Patent Literature	IPR2016-01303_Exhibit-1007_Rulings_Claim_Construction_CV14-1645-GW.pdf	551957 6938dae8025497917da7658bb2737f3e3e6fa46b	no	28
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8	Non Patent Literature	IPR2016-01303_Exhibit-1008_US20060093977_Pellizzari.pdf	17167676 8b46b6586f70a3ac9ca1a16b485ed31033eb6680	no	14
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29	Non Patent Literature	IPR2016-01268_Exhibit-1006_P relim_Amend_US13079937.pdf	1925481	no	4
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31	Non Patent Literature	IPR2016-01268_Exhibit-1008_A mendment_US13079937.pdf	3335756	no	5
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37	Non Patent Literature	IPR2016-01268_Exhibit-1014_Order_Dismissing_Petition_IPR2015-01587.pdf	2168381	no	3
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38	Non Patent Literature	IPR2016-01268_Exhibit-1015_Surges_Expert_Decl.pdf	3109129	no	82
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39	Non Patent Literature	IPR2016-01268_Exhibit-1016_Rohsenow.pdf	11026657	no	3
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40	Non Patent Literature	IPR2016-01268_Exhibit-1017_WO2005099494_Hon.pdf	18775849	no	20
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Total Files Size (in bytes):				329832762	
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. <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. <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. <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.					

Electronic Acknowledgement Receipt	
EFS ID:	26311115
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/Nicole Thatcher
Filer Authorized By:	Kenneth H. Ohriner
Attorney Docket Number:	111971.8012.US03
Receipt Date:	11-JUL-2016
Filing Date:	11-JAN-2013
Time Stamp:	15:06:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	071216INTEFSW15162900
Deposit Account	502586
Authorized User	Nicole Thatcher

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37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	2016-07-11_IDS_1119718012US3.pdf	103123	no	5
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2	Non Patent Literature	IPR2016-01303_Paper-1_Petition.pdf	5866199	no	106
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3	Non Patent Literature	IPR2016-01303_Exhibit-1001_US8365742_Hon.pdf	13901384	no	15
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4	Non Patent Literature	IPR2016-01303_Exhibit-1003_Collins_Expert_Decl.pdf	6020446	no	201
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7	Non Patent Literature	IPR2016-01303_Exhibit-1007_Rulings_Claim_Construction_CV14-1645-GW.pdf	551957 6938dae8025497917da7658bb2737f3e3e6fa46b	no	28
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8	Non Patent Literature	IPR2016-01303_Exhibit-1008_US20060093977_Pellizzari.pdf	17167676 8b46b6586f70a3ac9ca1a16b485ed31033eb6680	no	14
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9	Non Patent Literature	IPR2016-01303_Exhibit-1010_US5894841_Voges.pdf	19348279 c3603c617bec66a0920b29228b1f5bc112ae5545	no	11
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10	Non Patent Literature	IPR2016-01303_Exhibit-1011_US5743251_Howell.pdf	23317290 496c4aba4e66856bf473e76f688e83ec1f9b7eb6	no	14
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11	Non Patent Literature	IPR2016-01303_Exhibit-1013_US3234357_Seuthe.pdf	9631048 1a51f8c03a1bd4c4bfd45e942d2cc2ea49dd3bb76	no	5
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12	Non Patent Literature	IPR2016-01303_Exhibit-1014_US5745985_Ghosh.pdf	14396699 19bd5758b1dea6116905aeb4d1d126d46c39967c	no	9
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13	Non Patent Literature	IPR2016-01303_Exhibit-1015_US4676237_Wood.pdf	12631492 e4535db26d6fba3a98f32cf73257dd236655305a	no	10
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33	Non Patent Literature	IPR2016-01268_Exhibit-1010_ WO2007131449_Hon_Translation.pdf	19677001	no	23
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34	Non Patent Literature	IPR2016-01268_Exhibit-1011_ Decision_Denying_Institution_IPR2015-00859.pdf	2259958	no	32
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35	Non Patent Literature	IPR2016-01268_Exhibit-1012_Patent_Owner_Prelim_Res_IPR2015-00859.pdf	3703420	no	62
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Information:					
Total Files Size (in bytes):				329832762	
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. <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. <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. <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.					