

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Lik HON

Confirmation No.: 5634

Application No.: 13/740,011

Art Unit: 1747

Filed: January 11, 2013

Examiner: Dionne Walls Mayes

For: **ELECTRONIC CIGARETTE**

**NOTICE OF DECISION DENYING INSTITUTION OF INTER PARTES REVIEW OF  
PARENT 8,365,742**

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

Dear Commissioner:

The present Application claims priority to 13/079,937 which issued as US Patent No. 8,365,742. The claims in the present Application include elements common to the claims in US Patent No. 8,365,742. IPR2014-00859 requested cancellation of claims 1-3 of US Patent No. 8,365,742 as obvious over:

Ground 1: China Patent CN 2719043 (which is equivalent to U.S. Publication 2007/0267031 ("Hon '031")) in view of EP 0845220 ("Susa").

Ground 2: Hon '031 in view of WO 03/034847 ("Abhulimen").

Ground 3: Hon '031 in view of U.S. Patent No. 2,057,353 ("Whittemore").

Ground 4: Hon '031 in view of U.S. Patent No. 5,144,962 ("Counts").

Ground 5: EP 0845220 ("Susa"), alone.

Ground 6: EP 0845220 ("Susa") in view of WO 03/034847 ("Abhulimen").

Ground 7: EP 0845220 (“Susa”) in view of U.S. Patent No. 2,057,353 (“Whittemore”).

In a September 16, 2015 Decision, the Patent Trial and Appeal Board determined that the information presented in the Petition did not establish a reasonable likelihood that Petitioner would prevail with respect to any of the claims of U.S. Patent No. 8,365,742 based on the asserted grounds of unpatentability, denied the Petition and declined to institute an *inter partes* review.

Dated: October 7, 2015

Respectfully submitted,

By: /KennethHOhriner/

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	23715603
<b>Application Number:</b>	13740011
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5634
<b>Title of Invention:</b>	ELECTRONIC CIGARETTE
<b>First Named Inventor/Applicant Name:</b>	Lik Hon
<b>Customer Number:</b>	34055
<b>Filer:</b>	Kenneth H. Ohriner/Debbie Gilbert
<b>Filer Authorized By:</b>	Kenneth H. Ohriner
<b>Attorney Docket Number:</b>	111971.8012.US03
<b>Receipt Date:</b>	07-OCT-2015
<b>Filing Date:</b>	11-JAN-2013
<b>Time Stamp:</b>	12:51:09
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of concurrent proceedings / decisions	8012US03_Notice.pdf	98972	no	2
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Warnings:					
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**New Applications Under 35 U.S.C. 111**

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.

**National Stage of an International Application under 35 U.S.C. 371**

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.

**New International Application Filed with the USPTO as a Receiving Office**

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.