

Patent No. 8,156,944
Petition For *Inter Partes* Review

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CB Distributors, Inc. and DR Distributors, LLC,
Petitioners

v.

Ruyan Investment (Holdings) Limited,
Patent Owner

Patent No. 8,156,944
Issue Date: April 17, 2012
Title: AEROSOL ELECTRONIC CIGARETTE

Inter Partes Review No. _____

PETITION FOR *INTER PARTES* REVIEW

UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.*

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Exhibit List for *Inter Partes* Review of U.S. Patent No. 8,156,944

Exhibit Description	Exhibit #
U.S. Patent No. 8,156,944 to Han	1001
Request for Certificate of Correction dated June 11, 2012	1002
WO 2007/131449 A1 to Hon	1003
CN Patent No. 2719043	1004
CN Patent Application No. 200620090805	1005
Certified English Translation of CN Patent Application No. 200620090805 dated October 6, 2011	1006
WO 2004/095955 A1 to Hon	1007
WO 2005/099494 A1 to Hon	1008
Certified English Translation of WO 2005/099494 A1 to Hon dated June 17, 2013	1009
Office Action dated February 2, 2011	1010
Response to Office Action dated February 22, 2011	1011
Office Action dated April 12, 2011	1012
Response to Office Action dated October 12, 2011	1013
<i>Inter Partes</i> Reexamination Request dated September 13, 2012	1014
Order Granting Reexamination dated November 27, 2012	1015

Office Action dated November 27, 2012	1016
Response to Office Action dated January 28, 2013	1017
Third Party Response dated February 27, 2013	1018
WO 2007/078273 A1 to Liu	1019
EP 0845220 A1 to Susa et al.	1020

Petitioners CB Distributors, Inc. and DR Distributors, LLC (“Petitioners”) respectfully petition for *inter partes* review of claims 1-12, 15-26, and 33-41 of U.S. Patent No. 8,156,944 (“the ’944 patent” (Ex. 1001)) in accordance with 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*

I. NOTICES AND STATEMENTS

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioners identify CB Distributors, Inc. and DR Distributors, LLC as the real parties-in-interest.

Pursuant to 37 C.F.R. § 42.8(b)(2), Petitioners identify the following related *inter partes* reexamination and litigation involving the ’944 patent.

On September 13, 2012, a Request for *Inter Partes* Reexamination of the ’944 patent was filed by Fin Branding Group, LLC (“Fin”). On November 27, 2012, the PTO granted the *Inter Partes* Reexamination Request (Control No. 95/002,235) and issued an Office Action. The patent owner filed a Response to the Office Action on January 28, 2013 and filed a Supplemental Amendment on February 5, 2013. On February 27, 2013, Fin filed a Third Party Response. The *Inter Partes* Reexamination is discussed in more detail in Section III, Part C, below.

On June 22, 2012, Ruyan Investment (Holdings) Limited filed nine lawsuits in the Central District of California asserting infringement of the ’944 patent: *Ruyan Investment (Holdings) Limited v. Sottera, Inc.*, No. CV12-5454; *Ruyan*

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