

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. Reynolds Vapor Company,

Petitioner

v.

Fontem Holdings 1 B.V.

Patent Owner

U.S. Patent No.: 8,365,742

Issue Date: Feb. 5, 2013

Title: Aerosol Electronic Cigarette

Inter Partes Review No. IPR2016-01268

PETITIONER'S REPLY BRIEF

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TABLE OF AUTHORITIES

CASES

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<i>Broadcom Corp. v. Emulex Corp.</i> , 732 F.3d 1325 (Fed. Cir. 2013)	27
<i>Chef Am., Inc. v. Lamb-Weston, Inc.</i> , 358 F.3d 1371 (Fed. Cir. 2004)	8
<i>In re Fulton</i> , 391 F.3d 1195 (Fed. Cir. 2004)	24
<i>In re Mouttet</i> , 686 F.3d 1322 (Fed. Cir. 2012)	22, 26, 27
<i>In re Ratti</i> , 270 F.2d 810 (C.C.P.A. 1959)	27
<i>KSR Int'l v. Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	22
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	8

OTHER AUTHORITIES

MPEP §2143	22, 27
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EXHIBITS LIST

Exhibit No.	Description
Exhibit 1001:	U.S. Pat. No. 8,365,742 to Lik Hon
Exhibit 1002:	Chinese Pat. No. 2719043Y to Lik Hon
Exhibit 1003:	Certified English translation of Chinese Pat. No. 2719043Y to Lik Hon
Exhibit 1004:	U.S. Pat. No. 2,057,353 to C. L. Whittemore, Jr
Exhibit 1005:	Application Data Sheet of April 5, 2011 Filed in U.S. Pat. Appl. No. 13/079,937
Exhibit 1006:	Preliminary Amendment of April 5, 2011 Filed in U.S. Pat. Appl. No. 13/079,937
Exhibit 1007:	Non-Final Office Action of July 19, 2012 in U.S. Pat. Appl. No. 13/079,937
Exhibit 1008:	Amendment of August 3, 2012 in U.S. Pat. Appl. No. 13/079,937
Exhibit 1009:	PCT Pub. No. WO2007131449
Exhibit 1010:	English translation of PCT Pub. No. WO2007131449
Exhibit 1011:	Board's Decision Denying Institution in IPR2015-00859
Exhibit 1012:	Patent Owner's Preliminary Response to Petition for IPR of US8,365,742
Exhibit 1013:	Petition for IPR of US8,365,742 in IPR2015-00859
Exhibit 1014:	Board's Order Dismissing Petition IPR2015-01587
Exhibit 1015:	Declaration of Dr. Robert Sturges
Exhibit 1016:	Rohsenow, "Heat, Mass, And Momentum Transfer"
Exhibit 1017:	WO 2005/099494, which is the PCT application equivalent of Hon (CN 2719043) ("Hon '494")
Exhibit 1018:	Certified English translation of WO 2005/099494 pursuant to 37 C.F.R. 42.63(b)

Exhibit 1019:	Updated translator declaration attached to the Certified English translation of Chinese Pat. No. 2719043Y to Lik Hon that was previously submitted as Exhibit 1003 submitted in accordance with PTAB Order in Paper 10.
Exhibit 1020:	Supplemental Declaration of Dr. Robert Sturges
Exhibit 1021:	Declaration of Huo Gejun
Exhibit 1022:	Excerpt from Rough Deposition Transcript of Richard P. Meyst, June 6, 2017 in IPR2016-01272 Marked as an Exhibit at Meyst 6/7/17 Deposition
Exhibit 1023:	Deposition Transcript of Richard P. Meyst, June 7, 2017
Exhibit 1024:	Merriam-Webster Definition of “Support” And “Frame”
Exhibit 1025:	Oxford Modern English Definition of “Support”
Exhibit 1026:	Oxford Dictionary Definition of “Support”
Exhibit 1027:	Reply Declaration of Dr. Robert Sturges
Exhibit 1028:	Mitchell et al, AAPS PharmaSciTech 2003, 4 (4) Article 54
Exhibit 1029:	Breon et al., Science 2002, 295 (5556), pp. 834-838
Exhibit 1030:	U.S. Pat. No. 4,957,543 to Babjak et al.
Exhibit 1031:	U.S. Pat. No. 6,932,925 to Kishi et al.
Exhibit 1032:	Sabersky & Acosta, Fluid Flow in Fluid Mechanism
Exhibit 1033:	Declaration of James Donnelly

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