

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 8,365,742

Issue Date: Feb. 5, 2013

Title: Aerosol Electronic Cigarette

Inter Partes Review No. 2016-01268

UPDATED EXHIBIT LIST

LIST OF EXHIBITS

| PETITIONER'S EXHIBITS | |
|------------------------------|---|
| Exhibit No. | Exhibit |
| 1001 | U.S. Pat. No. 8,365,742 to Lik Hon |
| 1002 | Chinese Pat. No. 2719043Y to Lik Hon |
| 1003 | Certified English translation of Chinese Pat. No. 2719043Y to Lik Hon |
| 1004 | U.S. Pat. No. 2,057,353 to C. L. Whittemore, Jr |
| 1005 | Application Data Sheet of April 5, 2011 Filed in U.S. Pat. Appl. No. 13/079,937 |
| 1006 | Preliminary Amendment of April 5, 2011 Filed in U.S. Pat. Appl. No. 13/079,937 |
| 1007 | Non-Final Office Action of July 19, 2012 in U.S. Pat. Appl. No. 13/079,937 |
| 1008 | Amendment of August 3, 2012 in U.S. Pat. Appl. No. 13/079,937 |
| 1009 | PCT Pub. No. WO2007131449 |
| 1010 | English translation of PCT Pub. No. WO2007131449 |
| 1011 | Board's Decision Denying Institution in IPR2015-00859 |
| 1012 | Patent Owner's Preliminary Response to Petition for IPR of US8,365,742 |
| 1013 | Petition for IPR of US8,365,742 in IPR2015-00859 |
| 1014 | Board's Order Dismissing Petition IPR2015-01587 |
| 1015 | Declaration of Dr. Robert Sturges |
| 1016 | Rohsenow, "Heat, Mass, And Momentum Transfer" |
| 1017 | WO 2005/099494, which is the PCT application equivalent of Hon (CN 2719043) ("Hon '494") |
| 1018 | Certified English translation of WO 2005/099494 pursuant to 37 C.F.R. 42.63(b) |
| 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. |
| 1020 | Supplemental Declaration of Dr. Robert Sturges |
| 1021 | Declaration of Huo Gejun |

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| 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 |
| 1023 | Deposition Transcript of Richard P. Meyst, June 7, 2017 |
| 1024 | Merriam-Webster Definition of "Support" And "Frame" |
| 1025 | Oxford Modern English Definition of "Support" |
| 1026 | Oxford Dictionary Definition of "Support" |
| 1027 | Reply Declaration of Dr. Robert Sturges |
| 1028 | Mitchell et al, AAPS PharmaSciTech 2003, 4 (4) Article 54 |
| 1029 | Breon et al., Science 2002, 295 (5556), pp. 834-838 |
| 1030 | U.S. Pat. No. 4,957,543 to Babjak et al. |
| 1031 | U.S. Pat. No. 6,932,925 to Kishi et al. |
| 1032 | Sabersky & Acosta, Fluid Flow in Fluid Mechanism |
| 1033 | Declaration of James Donnelly |
| 1034 | Supplemental Evidence Declaration of Dr. Robert H. Sturges |
| PATENT OWNER'S EXHIBITS | |
| Exhibit No. | Exhibit |
| 2001 | Declaration of Richard Meyst |
| 2002 | <i>RESERVED</i> |
| 2003 | <i>RESERVED</i> |
| 2004 | Summary of Examiner Interview of 08/14/2012 Interview in U.S. Patent Application No. 13/079,937 issued as U.S. Patent No. 8,365,742 |
| 2005 | Robinson U.S. Patent No. 1,775,947 |
| 2006 | Counts U.S. Patent No. 5,144,962 ("Counts IV") |
| 2007 | Susa EP Patent No. 0 845 220B1 |
| 2008 | Statement of Related Applications filed 12/22/2015 in U.S. Patent Application No. 13/740,011 |
| 2009 | <i>RESERVED</i> |
| 2010 | Notice of Allowance dated 6/21/2016 in U.S. Patent Application No. 13/740,011 |
| 2011 | Statement of Related Applications filed 4/3/2014 in U.S. Patent Application No. 14/244,376, issued as U.S. Patent No. 9,326,548 |
| 2012 | Examiner Interview Summary of 12/1/2015 Interview in U.S. Patent Application No. 14/244,376, issued as U.S. Patent No. 9,326,548 |

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| 2013 | Statement of Related Applications filed 1/13/2016 in U.S. Patent Application No. 14/244,376, issued as U.S. Patent No. 9,326,548 |
| 2014 | Notice of Allowance dated 3/15/2016 in U.S. Patent Application No. 14/244,376, issued as U.S. Patent No. 9,326,548 |
| 2015 | Second Declaration of Richard Meyst |
| 2016 | Deposition Transcript of Robert Sturges, March 8, 2017 |
| 2017 | New Oxford American Dictionary, 2001, selected pages |
| 2018 | Xi, Zhengping et al., "Progress of Application Researches of Porous Fiber Metals," <i>Materials</i> , Vol. 4, pp. 816-824, April 19, 2011 |
| 2019 | Choe, Heeman et al., "Mechanical properties of oxidation-resistant Ni-Cr foams," <i>Materials Science and Engineering A384</i> , pp. 184-193, May 2004 |
| 2020 | Third Party Response to Amendment filed February 27, 2013 in Reexamination No. 95/002,235 |
| 2021 | <i>CB Distributors, Inc. and DR Distributors, LLC v. Ruyan Investment (Holdings) Limited</i> , IPR2013-00387, Paper 1, Petition for Inter Partes Review of Patent No 8,156,944, June 27, 2013 |
| 2022 | <i>CB Distributors, Inc. and DR Distributors, LLC v. Ruyan Investment (Holdings) Limited</i> , IPR2013-00387, Ex. 1017, Office Action Response filed January 28, 2013 in Reexam 95/002,235 |
| 2023 | <i>Kinetic Tech., Inc. v. Skyworks Solutions, Inc.</i> , IPR2014-00529, Paper 8, Decision Denying Institution of Inter Partes Review (PTAB Sept. 23, 2014) |
| 2024 | Fluent 6.3 Users Guide, Fluent, Inc., Lebanon, NH, September 2006 (excerpt) |
| 2025 | Su, Wei-Fang, "Principles of Polymer Design and Synthesis," Springer, Heidelberg, 2013, Chapter 2 - Polymer Size and Polymer Solutions |
| 2026 | <i>Google Inc. v. Network-1 Technologies, Inc.</i> , IPR2015-00345, Paper 6, Decision Instituting Inter Partes Review (PTAB June 23, 2015) |
| 2027 | <i>LG Display Co., Ltd., v. Delaware Display Group LLC</i> , IPR2014-01359, Paper 12, Decision Denying Institution of Inter Partes Review (PTAB Mar. 2, 2015) |
| 2028 | Declaration of Amy Candeloro |
| 2029 | PR2016-01692, Robert H. Sturges Deposition Transcript, May 10, 2017 |
| 2030 | Robert H. Sturges Deposition Transcript, July 18, 2017 |

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| 2031 | IPR2014-00309, <i>Intri-Plex Techs., Inc. v. Saint-Gobain Performance Plastics Rencol Ltd.</i> , Paper 83 (PTAB March 23, 2014) |
| 2032 | IPR2013-00141, <i>Veeam Software Corp. v. Symantec Corp.</i> , Paper 35 (PTAB April 7, 2014) |
| 2033 | R. Sabersky and A. Acosta, "Fluid Flow: A First Course in Fluid Mechanics," (excerpt) The Macmillan Company, New York (1964) |
| 2034 | IPR2013-00110 <i>The Scotts Company LLC v. Encap LLC</i> , Paper 79 (PTAB June 24, 2014) |
| 2035 | Nathan Kassebaum Affidavit in Support of Pro Hac Vice Motion |

Dated: September 8, 2017

Respectfully submitted,

/s/ Ralph J. Gabric

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