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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for Perkins Coie LLP and examiner Mayes, Dionne Walls.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 14/244,376	<b>Applicant(s)</b> HON, LIK	
	<b>Examiner</b> DIONNE WALLS MAYES	<b>Art Unit</b> 1747	<b>AIA (First Inventor to File) Status</b> No

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on 7/21/15.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.

2a)  This action is **FINAL**.                      2b)  This action is non-final.

3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.

4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims\***

5)  Claim(s) 1-15 is/are pending in the application.  
5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

6)  Claim(s) \_\_\_\_\_ is/are allowed.

7)  Claim(s) 1-15 is/are rejected.

8)  Claim(s) \_\_\_\_\_ is/are objected to.

9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

\* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

**Application Papers**

10)  The specification is objected to by the Examiner.

11)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**

a)  All    b)  Some\*\*    c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)

2)  Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)  
Paper No(s)/Mail Date \_\_\_\_\_.

3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

4)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Notice of Pre-AIA or AIA Status***

1. The present application is being examined under the pre-AIA first to invent provisions.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on July 21, 2015 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 13/740,011 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Previous Indication of Allowable Subject Matter***

3. Upon further consideration of the pending claims, the Examiner has determined that the indicated allowability of the instant claims is withdrawn in view of prior art (EP 845220) that has been brought to the Examiner's attention. Therefore, the FINALITY of the rejection of the last Office Action, dated April 29, 2015 has been WITHDRAWN. However, a new rejection is being made based on the above-referenced prior art. Therefore, PROSECUTION IS HEREBY REOPENED as set forth below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1747

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5 and 7-14 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over EP 845220.

Regarding independent claim 1, EP 845 220 discloses an electronic cigarette contained in a casing (12) which is provided in two portions (12a, 12b) wherein a connecting portion (13) attaches the two. As clearly evident from Fig. 1, the casing houses a battery assembly (power supply (62)), an atomizer assembly (heater and porous filament (42, 46)), and a liquid storage component (material container (32))(corresponding to the claimed “an electronic cigarette, comprising: a battery assembly having a battery assembly housing; an atomizer assembly housing, with the battery assembly electrically connected to the atomizer assembly; a liquid storage component in the atomizer assembly housing”).

EP 845 220 discloses a plurality of air intake ports (24) for taking in air into the casing (12)(corresponding to the claimed “one or more through-air-inlets in at least one of the battery assembly housing and the atomizer assembly housing”).

EP 845 220 discloses that its heater (42) is disposed in a gas flow path (26)(corresponding to the claimed “run-through hole”) to oppose the discharge ports

(35) leading from the material container (32). A liquid-absorbing porous layer (46) is formed on the surface of the ceramic heater (42) that receives the liquid splash of the material (corresponding to the claimed "the atomizer assembly including a porous component having a run-through hole...the porous component in contact with the liquid storage component").

In the embodiment depicted in Fig. 1, as stated above, EP 845 220 discloses a "porous component" body (46) on the "heating" body (32). However, in a further embodiment, depicted in Fig. 13, EP 845 220 also discloses that a heating wire (coil heater) can be used instead of a ceramic heater. Hence, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the porous component disclosed in Fig. 1 of EP 845220 with the coil heater disclosed in Fig. 13 so as to result in a heating wire wound on a porous component since, as evidenced by the EP 845 220, it envisions this arrangement as an option (corresponding to the claimed "a heating wire in an air flow path through the run-through hole"; the "wherein the porous component is cylindrical and has a central axis parallel to a longitudinal axis of the atomizer assembly housing" recitation of claim 4; the "with the heating wire wound in a spiral having a center axis parallel to the central axis of the porous component" recitation of claim 5; the "an electronic cigarette, comprising: a battery in a first housing and a liquid storage component in a second housing plugged or threaded into the first housing; one or more through-air-inlets in one or both of the first housing and the second housing, and an outlet in the second housing; a cylindrical porous component in the second housing having a central axis parallel to a longitudinal axis of the second

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