

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

In re Patent Application of	)	<b>MAIL STOP AMENDMENT</b>
Gerard Zuber <i>et al.</i>	)	Group Art Unit: 1747
Application No.: 12/954,701	)	Examiner: Phu Hoang Nguyen
Filed: November 26, 2010	)	Confirmation No.: 5978
For: ELECTRICALLY HEATED	)	
SMOKING SYSTEM WITH	)	
INTERNAL OR EXTERNAL	)	
HEATER	)	

**AMENDMENT AND REPLY**

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

Sir:

In response to the Office Action dated June 28, 2012, Applicants respectfully request reconsideration of the outstanding rejections in view of these amendments and remarks.

**Amendments to the Claims** begin on page 2.

**Remarks** begin on page 4.

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Currently Amended) An electrically heated smoking system comprising:  
an aerosol forming substrate; and  
a heater for heating the substrate to form the aerosol, the heater including a first heating element,  
wherein the electrically heated smoking system and the first heating element are arranged such that, when the aerosol forming substrate is received in the electrically heated smoking system, the first heating element extends a distance only partially along a length of the aerosol forming-substrate, and the first heating element is positioned towards a downstream end of the aerosol forming substrate and  
wherein the first heating element is arranged to be inserted into the aerosol forming substrate such that a downstream end of the first heating element is upstream of the downstream end of the aerosol forming substrate.
2. (Cancelled)
3. (Cancelled)
4. (Currently Amended) The electrically heated smoking system of Claim 1, wherein [[a]] the downstream end of the first heating element is upstream of the

downstream end of the aerosol forming substrate by a distance greater than or equal to about 1 mm.

5. (Original) The electrically heated smoking system of Claim 1, wherein an upstream end of the first heating element is downstream of an upstream end of the aerosol forming substrate by a distance ranging from about 2 mm to about 6 mm.

6. (Original) The electrically heated smoking system of Claim 5, wherein the upstream end of the first heating element is downstream of the upstream end of the aerosol forming substrate by a distance of about 4 mm.

7. (Original) The electrically heated smoking system of Claim 1, wherein the ratio of the distance that the first heating element extends along the aerosol forming substrate, to the length of the aerosol forming substrate, ranges from about 0.35 to about 0.6.

8. (Original) The electrically heated smoking system of Claim 1, wherein the ratio of the distance that the first heating element extends along the aerosol forming substrate to the length of the aerosol forming substrate is about 0.5.

9. (Original) The electrically heated smoking system of Claim 1, wherein the heater further includes a second heating element arranged, when the aerosol forming substrate is received in the electrically heated smoking system, to extend a distance only partially along the length of the aerosol forming substrate, and to be upstream of the first heating element.

10. (Original) The electrically heated smoking system of Claim 9, wherein the separation between the upstream end of the first heating element and the downstream end of the second heating element is equal to or greater than about 0.5 mm.

11. (Original) The electrically heated smoking system of Claim 9, wherein the upstream end of the second heating element is downstream of the upstream end of the aerosol forming substrate by a distance ranging from about 2 mm to about 4 mm.

12. (Original) The electrically heated smoking system of Claim 9, wherein the upstream end of the second heating element is downstream of the upstream end of the aerosol forming substrate by a distance of about 3 mm.

13. (Original) The electrically heated smoking system of Claim 9, wherein the ratio of the distance that the first heating element and the second heating element together extend along the aerosol forming substrate, to the length of the aerosol forming substrate ranges from about 0.5 to about 0.8.

14. (Original) The electrically heated smoking system of Claim 1, wherein the aerosol forming substrate is a solid substrate.

15. (Original) The electrically heated smoking system of Claim 1, wherein the aerosol forming substrate is a liquid substrate.

**REMARKS**

This amendment responds to the Office Action dated June 28, 2012

Claims 1-15 were subject to examination and have been rejected over the prior art. Claim 1 has been amended to include the features of Claim 3, which has been cancelled, and selected features of Claim 4, which has been amended. Claim 2 has also been cancelled.

Favorable reconsideration and withdrawal of the rejections is respectfully requested in view of the following remarks.

**Rejections under 35 U.S.C. §102**

a. Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Baggett et al. (U.S. Patent No. 5,915,387).

While not acquiescing in the rejection, Claim 2 has been cancelled and Claim 1 has been amended to include the features of Claim 3 and selected features of Claim 4. As neither Claim 3 nor Claim 4 was rejected as anticipated by Baggett, this rejection is moot and withdrawal is respectfully requested.

Applicants note, however, that Claims 3 and 4 were rejected as obvious. To the extent the Office believes the obviousness rejection of Claims 3 and 4 is pertinent to Claim 1, this rejection is discussed below.

b. Claim 1 was also rejected under 35 U.S.C. §102(b) as being anticipated by Deevi et al. (U.S. Patent No. 5,093,894).

While not acquiescing in the rejection, Claim 1 has been amended to include the features of Claim 3 and selected features of Claim 4. As neither Claim 3 nor

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