

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC**

**Before The Honorable Clark S. Cheney  
Administrative Law Judge**

**In the Matter of**

CERTAIN TOBACCO HEATING  
ARTICLES AND COMPONENTS  
THEREOF

Investigation No. 337-TA-1199

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to Ground Rule 7.1, Complainants RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company; Respondents Altria Client Services LLC, Altria Group, Inc., Philip Morris USA, Philip Morris International Inc., and Philip Morris Products S.A.; and the Commission Investigative Staff jointly submit the following chart of disputed constructions. There are no agreed constructions at this time but the Parties were able to reduce the number of terms for construction as part of the claim construction exchange process.

<b>Patent</b>	<b>Claim Term</b>	<b>Complainants' Proposed Construction</b>	<b>Respondents' Proposed Constructions</b>	<b>Investigative Staff's Proposed Construction</b>
9,930,915	<b>“a receiving end for receiving an engaging end of the disposable smoking article and having an electrical energy source”</b>  (Claim 1)	“a portion of the control housing for receiving an engaging end of the disposable smoking article and having an electrical energy source”	“a portion of the control housing for receiving an engaging end of the disposable smoking article and containing an electrical energy source”	Construction of this term is unnecessary. If construction is required, however, this term should be construed as “a portion of the control housing for receiving an engaging end of the disposable smoking article and having an electrical energy

Philip Morris Products, S.A.

Patent	Claim Term	Complainants' Proposed Construction	Respondents' Proposed Constructions	Investigative Staff's Proposed Construction
				source”
9,930,915	<p><b>“electrical energy source”</b></p> <p>(Claims 1, 3)</p>	<p>“a receptacle that provides for transmission of electrical energy from the power source to the heating member”</p>	<p>Indefinite</p>	<p>“receptacle that provides for transmission of electrical current from the power source to the heating member”</p>
9,930,915	<p><b>“flow regulating component”</b></p> <p>(Claim 1)</p>	<p>“circuitry that adjusts the electrical energy supplied to the heating member”</p>	<p>This term is governed by 35 U.S.C. § 112, sixth paragraph.</p> <p>Function: Regulating a previously initiated current flow from the electrical energy source to the electrical heating member.</p> <p>Corresponding structure: A time-based current regulating circuit can include a transistor, a timer, a comparator, and a capacitor, including timers available from NEC Electronics as C-1555C, from General Electric Intersil, Inc. as ICM7555, and “555 Timers,” and comparators available from “National Semiconductor as LM311,” and</p>	<p>Construction of this term is unnecessary. If construction is required, however, this term should be given its plain and ordinary meaning, <i>e.g.</i>, “current regulating circuit”</p>

Patent	Claim Term	Complainants' Proposed Construction	Respondents' Proposed Constructions	Investigative Staff's Proposed Construction
			<p>equivalents thereof. See '915 patent at 33:27-29, 31-39.</p> <p>Otherwise, the term is indefinite.</p>	
9,839,238	<p><b>"shell"</b></p> <p>(Claims 1, 4, 19)</p>	<p>"a portion of the control body that houses interior components"</p>	<p>"outer body"</p>	<p>Construction of this term is unnecessary. If construction is required, however, this term should be given its plain and ordinary meaning, e.g., "outer body"</p>
9,839,238	<p><b>"pressure channel"</b></p> <p>(Claims 1, 2, 3, 8, 9, 19, 20)</p>	<p>"a passageway that communicates a change in pressure"</p>	<p>"a passageway for communicating a pressure change"</p>	<p>Construction of this term is unnecessary. If construction is required, however, this term should be given its plain and ordinary meaning, e.g., "passageway communicating a pressure change"</p>
9,839,238	<p><b>"air inlet channel"</b></p> <p>(Claims 5, 6, 8, 9, 19, 20)</p>	<p>"a passageway that communicates outside air into the device"</p>	<p>"a passageway adapted to distribute drawn, ambient air"</p>	<p>Construction of this term is unnecessary. If construction is required, however, this term should be given its plain and ordinary meaning, e.g., "passageway adapted to distribute drawn, ambient air"</p>

Patent	Claim Term	Complainants' Proposed Construction	Respondents' Proposed Constructions	Investigative Staff's Proposed Construction
9,839,238	<p><b>“the first end of the pressure channel is spatially separated from the air inlet channel relative to the longitudinal axis of the coupler”</b></p> <p>(Claims 8, 19)</p>	<p>“the first end of the pressure channel is spaced apart from the air inlet channel in a direction at least radial to the longitudinal axis of the coupler”</p>	<p>“the first end of the pressure channel is longitudinally separated from the air inlet channel”</p>	<p>Construction of this term is unnecessary. If construction is required, however, this term should be construed as “the first end of the pressure channel is longitudinally separated from the air inlet channel”</p>

Dated: August 13, 2020

Respectfully submitted,

*/s/ Brenda L. Danek*

Maximilian A. Grant  
 Bert C. Reiser  
 Matthew J. Moore  
 Jamie D. Underwood  
 LATHAM & WATKINS LLP  
 555 Eleventh Street, N.W.  
 Suite 1000  
 Washington, DC 20004  
 Telephone: (202) 637-2200  
 Facsimile: (202) 637-2201

Brenda L. Danek  
 LATHAM & WATKINS LLP  
 330 North Wabash Avenue, Suite 2800  
 Chicago, IL 60611  
 Telephone: (312) 876-7700  
 Facsimile: (312) 993-9767

*Counsel for Respondents Altria Client Services LLC, Altria Group, Inc., Philip Morris USA, Inc., Philip Morris International Inc., and Philip Morris Products S.A.*

*/s/ David M. Maiorana*

David M. Maiorana  
 Ryan B. McCrum  
 Kenneth S. Luchesi  
 JONES DAY  
 901 Lakeside Avenue  
 Cleveland, OH 44114  
 Tel: (216) 586-3939  
 Fax: (216) 579-0212  
 Email: dmaiorana@jonesday.com  
 Email: rbmccrum@jonesday.com  
 Email: kluchesi@jonesday.com

Stephanie E. Parker  
 JONES DAY  
 1420 Peachtree Street, N.E.  
 Suite 800  
 Atlanta, GA 30309  
 Tel: (404) 521-3939  
 Fax: (404) 581-8330  
 Email: separker@jonesday.com

Anthony M. Insogna  
 JONES DAY  
 4655 Executive Drive  
 Suite 1500

San Diego, CA 92121  
Tel: (858) 314-1200  
Fax: (844) 345-3178  
Email: [aminsogna@jonesday.com](mailto:aminsogna@jonesday.com)

John J. Normile  
JONES DAY  
250 Vesey Street  
New York, NY 10281  
Tel: (212) 326-3939  
Fax: (212) 755-7306  
Email: [jjnormile@jonesday.com](mailto:jjnormile@jonesday.com)

*Counsel for Complainants  
RAI Strategic Holdings, Inc.,  
R.J. Reynolds Vapor Company, and  
R.J. Reynolds Tobacco Company*

/s/ Sarah J. Sladic

Margaret D. Macdonald, Director  
Anne Goalwin, Supervisory Attorney  
Sarah J. Sladic, Investigative Attorney  
Office of Unfair Import Investigations  
U.S. International Trade Commission  
500 E Street SW, Suite 401  
Washington, DC 20436  
202-205-2202  
202-205-2158 (facsimile)

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