

**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.

Patent	Claim Term	Complainants' Proposed Construction	Respondents' Proposed Constructions	Investigative Staff's Proposed Construction
9,930,915	“a receiving end for receiving an engaging end of the disposable smoking article and having an electrical energy source” (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>“electrical energy source”</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>“flow regulating component”</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>"shell"</p> <p>(Claims 1, 4, 19)</p>	"a portion of the control body that houses interior components"	"outer body"	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> , "outer body"
9,839,238	<p>"pressure channel"</p> <p>(Claims 1, 2, 3, 8, 9, 19, 20)</p>	"a passageway that communicates a change in pressure"	"a passageway for communicating a pressure change"	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> , "passageway communicating a pressure change"
9,839,238	<p>"air inlet channel"</p> <p>(Claims 5, 6, 8, 9, 19, 20)</p>	"a passageway that communicates outside air into the device"	"a passageway adapted to distribute drawn, ambient air"	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> , "passageway adapted to distribute drawn, ambient air"

Patent	Claim Term	Complainants' Proposed Construction	Respondents' Proposed Constructions	Investigative Staff's Proposed Construction
9,839,238	<p>“the first end of the pressure channel is spatially separated from the air inlet channel relative to the longitudinal axis of the coupler”</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

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