

Exhibit C3

The Accord Electrically Heated Cigarette Smoking System, including versions E3/E4, JLI, and K (together the “Accord with other prior art, anticipates and/or renders obvious under 35 U.S.C. §§ 102 and 103 the asserted claims (27-30) of U.S. Patent No. 9,901,123 patent”).¹

Respondents apply the prior art in light of Complainants’ improper assertions of infringement and improper application of the claims, do not agree with Complainants’ application of the claims, or that the claims satisfy 35 U.S.C. § 112. Respondents’ disclosures should in no way be seen as, admissions or adoptions as to any particular claim scope or construction, or as any admission that the prior art is met in any particular way. Respondents’ initial invalidity disclosures are made in a variety of alternatives and do not constitute an agreement or view as to the meaning, definiteness, written description support for, or enablement of any claim addressed in the prior art below are exemplary and identify exemplary instances where the prior art discloses a given limitation expressly or inherently.

Where Respondents cite to a particular document describing the Accord, the citation should be understood to be exempt from further investigation into this prior art system is ongoing, and Respondents reserve the right to supplement these contentions.

Cl.	U.S. Patent No. 9,901,123	Accord Electrically Heated Cigarette Smoking System
27(pre)	An electrically-powered, aerosol-generating smoking article comprising:	To the extent the preamble is limiting, it is disclosed and/or recited in the Accord. <i>See, e.g.</i> , PMP_ITC08031864-1912 (“NHA-PL7”) at 1, 2 (“Electrically Heated Cigarette Smoking System”) NHA-PL7 at 29:

¹ The Accord is described in at least PMP_ITC05388821, PMP_ITC05378285-8478, PMP_ITC05439140, PMP_ITC05439141, PMP_ITC08031851-1859, PMP_ITC08031860, PMP_ITC08031863, PMP_ITC08031864-1912, PMP_ITC08031913-1914, PMP_ITC08031915-1916, PMP_ITC08031917-1918, PMP_ITC08031919-1920, PMP_ITC08031921-1922, PMP_ITC08031923-1924, PMP_ITC08031925-1926, PMP_ITC08031927-1928, PMP_ITC08031929-1930, PMP_ITC08031931-1932, PMP_ITC08031933-1934, PMP_ITC08031935-1936, PMP_ITC08031937-1938, PMP_ITC08031939-1940, PMP_ITC08031941-1942, PMP_ITC08031943-1944, PMP_ITC08031945-1946, PMP_ITC08031947-1948, PMP_ITC08031949-1950, PMP_ITC08031951-1952, PMP_ITC08031953-1954, PMP_ITC08031955-1956, PMP_ITC08031957-1958, PMP_ITC08031959-1960, PMP_ITC08031961-1962, PMP_ITC08031963-1964, PMP_ITC08031965-1966, PMP_ITC08031967-1968, PMP_ITC08031969-1970, PMP_ITC08031971-1972, PMP_ITC08031973-1974, PMP_ITC08031975-1976, PMP_ITC08031977-1978, PMP_ITC08031979-1980, PMP_ITC08031981-1982, PMP_ITC08031983-1984, 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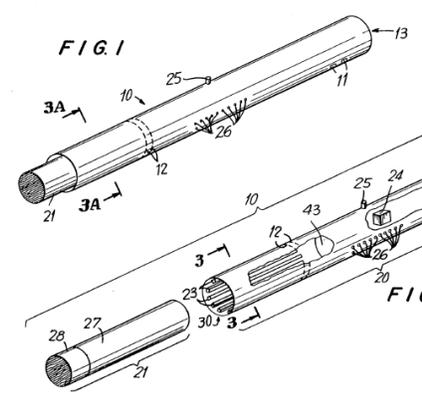
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<p>Cl.</p>	<p>U.S. Patent No. 9,901,123</p>	<p>Accord Electrically Heated Cigarette Smoking System</p>  <p>To the extent Complainants contend the Accord did not disclose this limitation, this limitation was well known and/or it would be obvious to those of ordinary skill in the art of such methods and systems of the Accord and/or to combine the elements identified in these contentions.</p> <p><i>See, e.g.</i>, International Patent Application Publication No. WO/2014/117777 (the "NHA_PL7") at 7 (“The invention also provides a heater for use in a smoking device for heating a cylindrical cigarette with electrical energy for heating a cylindrical cigarette”).</p> <p><i>Id.</i> at 47 (Particularly, it is presently understood to be desirable to provide a nicotine yield of about 10 mg, preferably between 7 and 10 mg, of <i>aerosol to a smoker</i> being a 35 ml puff having a twosecond duration.”).</p>
<p>27(a)</p>	<p>an electrical power source in the form of a battery within a tubular outer housing having a mouth-end and an end distal to the mouth-end;</p>	<p>The Accord discloses and/or renders obvious this limitation and/or other references cited in these contentions.</p> <p><i>See, e.g.</i>, NHA_PL7 at 35 (“The rechargeable EHCSS Battery provides enough power to smoke about one and one half Cigarettes between charges.”)</p> <p>NHA_PL7 at 35:</p>

Exhibit C3

<p>Cl.</p>	<p>U.S. Patent No. 9,901,123</p>	<p>Accord Electrically Heated Cigarette Smoking System</p> <div data-bbox="1023 798 1620 1239"> <p>The rechargeable EHCSS Battery is part of the EHCSS Lighter. The Battery is designed to be easily removed and cleaned.</p> <p>You can charge the EHCSS Battery either in the EHCSS Lighter, or on its own. To remove the Battery from the EHCSS Lighter, slide the Battery Release Latch towards the</p> <p>bottom of the Base in the EHCSS Battery the re Charge Battery and re light Base g</p> <p><i>Fig.1</i> <i>Fig.2</i></p> </div> <p>PMP_ITC05388821 at -5388839:</p> <div data-bbox="1234 1386 1620 1869"> <p>Product ID Coil</p> <p>Heater</p> <p>Blades</p> <p>Battery</p> <p>Circuit board w/microc</p> <p>LCD</p> </div> <p>To the extent Complainants contend the Accord did not d</p>
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Exhibit C3

<p>Cl.</p>	<p>U.S. Patent No. 9,901,123</p>	<p>Accord Electrically Heated Cigarette Smoking System capacitor or both.”).</p> <p>Morgan at 4:67-5:1 (“Portion 20 is preferably covered by give it the appearance”).</p>  <p>U.S. Patent Application Publication No. 2007/0102013 (“may have a variety of shapes including without limitation rotationally symmetric shape, a generally cylindrical plug generally circular disk, a plug shape, a pellet shape, a cigarette”).</p> <p>Adams at ¶ 43 (“the combination of the smoking system cosmetically resembles a conventional cigarette.”).</p>
<p>27(b)</p>	<p>at least one electrical resistance heater powered by said electrical power source,</p>	<p>The Accord discloses and/or renders obvious this limitation other references cited in these contentions.</p> <p>See, e.g., NHA_PL7 at 19, Fig. 5 No. 8:</p>

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