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Dear Sirs

European Patent Application No. 17187283.1
AN ELECTRICALLY HEATED SMOKING SYSTEM WITH INTERNAL OR
EXTERNAL HEATER
of Philip Morris Products S.A.
Our ref: P/64217.EP03/AB/WP

In response to the Third Party Observations filed on 30 November 2018 and on 2 March 2020, we are filing amended claims and the following comments. We are also filing a tracked version of the claims, showing the changes made.

Amendments

Claim 1 is amended and four new dependent claims have been added.

Claim 1 is amended to limit to only two heating elements. This was previously in claim 19.

New dependent claims have been added. Basis for new claim 20 can be found on page 7, lines 26-27. Basis for new claim 22 can be found on page 2, lines 27-31. Basis for new claim 23 can be found on page 6, lines 21-23. Basis for new claim 24 can be found on page 6, lines 16-17.

Response to objections raised in third party observations

In our view, following the amendments made in our last response, of the objections raised in the third party observations, only the objection based on PL2 (WO95/27411) needs to be addressed in detail. Amended claim 1 is inventive over PL2. This document discloses multiple inductor coils arranged so that one is upstream of the next. However, in the embodiment described with this arrangement there are at least four inductor coils disclosed (see Figure 4). There is no disclosure of an embodiment having only two inductor coils arranged in this manner.

Starting from WO95/27411, the objective technical problem is to provide an alternative arrangement for heating a smoking article.

It would not have been obvious to modify the embodiment of Figure 4 to provide only two heating elements. This is because the teaching of WO95/27411 is that the number of discrete induction sources (i.e. coils) in the embodiment of Figure 4 should equal the number of desired puffs to be generated from a cigarette (see page 9, lines 22-26). It is well known that the number of desired puffs

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from a cigarette is significantly more than two. WO95/27411 suggests six or more (see page 8, last paragraph) and 7-8 (see page 13, lines 5-7).

There is therefore nothing to suggest that the skilled person would have modified the teaching of WO95/27411 to provide a system with only two heaters. The provision of only two heaters would render the system of WO95/27411 unsuitable for its intended purpose without other significant, and inventive, alterations.

The clarity issues raised in the observations dated 30 November 2018 have been addressed by the previous amendment to the claims so that they recite combination of the smoking system and the aerosol-forming substrate received in the system, the aerosol-forming substrate forming part of a separate smoking article.

The objection raised based on D1 is based on a unreasonable interpretation of "heating element".

The objection raised based on PL1 is based on false logic. There is no reason why, if multiple heating elements 210 were used in the system of PL1, they would inevitably be arranged so that they extend only partially along the length of the aerosol-forming substrate and so that one is upstream of the other.

The objection raised based on PL3 is not relevant now that the claims are directed to the combination of a system with the heating elements and a separate smoking article.

The objections based on PL4 are based on false logic. The system of PL4 seeks to obtain a uniform temperature. There is no reason why the teaching of PL4 would have been modified to arrive at an arrangement falling within the scope of claim 1.

The objections based on PL5 are not reasonable. PL5 discloses only heating elements integrated with aerosol-forming material and is not a suitable starting point for the assessment of inventive step. Furthermore, starting from PL5, there would be no reason to provide only two heating elements.

We submit that the application is in order for grant.

Yours faithfully

//ELECTRONICALLY SIGNED AND SUBMITTED//

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Letter accompanying subsequently filed items

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The document(s) listed below is (are) subsequently filed documents pertaining to the following application:

Application number 17187283.1

Applicant's or representative's reference P/64217.EP03/WP

	Description of document	Original file name	Assigned file name
1	Reply from applicant/patentee regarding third party observations	P64217.EP03- response letter to EPO 4.05.2020.pdf	TIPAREPLY-1.pdf
2	Amended claims (clean copy)	P64217.EP03 amended claims (clean) 04.05.2020.pdf	CLMS-1.pdf
3	Amended claims with annotations	P64217.EP03 amended claims (marked) 04.05.2020.pdf	CLMS-HWA-1.pdf

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Capacity: **(Representative)**

P/64217.EP03/WP

Claims

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1. An electrically heated smoking system (203) and an aerosol-forming substrate (205) received in the electrically heated smoking system, wherein the aerosol-forming substrate forms part of a smoking article (201) separate to the electrically heated smoking system, the system comprising a heater for heating the substrate to form the aerosol, the heater comprising a first heating element (213), wherein the electrically heated smoking system and the heating element are arranged such that the first heating element extends a distance only partially along the length of the aerosol forming-substrate, the heater further comprising a second heating element (214) arranged such that the second heating element extends a distance only partially along the length of the aerosol-forming substrate and is upstream of the first heating element, wherein both the first heating element and the second heating element extend partially or fully around a circumference of the aerosol forming substrate and wherein the electrically heated smoking system comprises only two heating elements.
 2. An electrically heated smoking system and an aerosol-forming substrate according to claim 1, wherein the first heating element is positioned towards the downstream end of the aerosol-forming substrate.
 3. An electrically heated smoking system and an aerosol-forming substrate according to claim 1 or claim 2, wherein both the first and second heating elements extend fully around the circumference of the aerosol forming substrate.
 4. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein the position of each heating element is fixed with respect to the electrically heated smoking system.
 5. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein the heating elements are independently controllable.
 6. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein the system is configured to heat different portions of the aerosol-forming substrate at different times.

- 5 7. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims wherein a ratio of the distance that the first heating element extends along the aerosol-forming substrate, to the length of the aerosol-forming substrate, is between 0.35 and 0.6.
- 10 8. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein a ratio of the distance that the first heating element extends along the aerosol-forming substrate to the length of the aerosol-forming substrate is around 0.5.
- 15 9. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein a separation between an upstream end of the first heating element and a downstream end of the second heating element is equal to or greater than 0.5 mm.
- 20 10. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein a downstream end of the first heating element is upstream of a downstream end of the aerosol-forming substrate by a distance equal to or greater than 1 mm.
- 25 11. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, further comprising a housing for receiving the aerosol-forming substrate and designed to be grasped by a user.
- 30 12. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein the aerosol-forming substrate is a solid substrate.
- 35 13. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein the aerosol-forming substrate comprises a tobacco-containing material containing volatile tobacco flavour compounds which are released from the substrate upon heating.
14. An electrically heated smoking system and an aerosol-forming substrate according to any one of the preceding claims, wherein the smoking article has a total length

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