

Filed on behalf of: Philip Morris Products, S.A.

Entered: February 9, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PHILIP MORRIS PRODUCTS, S.A.,  
Petitioner,

v.

RAI STRATEGIC HOLDINGS, Inc.,  
Patent Owner.

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Case IPR2020-01602  
Patent 9,901,123

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**PETITIONER'S REPLY TO THE  
PATENT OWNER PRELIMINARY RESPONSE**

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**OTHER AUTHORITIES**

157 Cong. Rec. S1326 (daily ed. Mar. 7, 2011) .....2

157 Cong. Rec. S5429 (daily ed. Sept. 8, 2011).....2

**Exhibit List**

<b>Ex.</b>	<b>Description</b>
1001	U.S. Patent No. 9,901,123 (“the ’123 patent”)
1002	File History for U.S. Patent No. 9,901,123
1003	Declaration of Stewart Fox in Support of Petition for <i>Inter Partes</i> Review of ’123 Patent (“Fox Decl.”)
1004	Curriculum Vitae of Stewart Fox
1005	Chinese Patent No. CN 2719043 (“Hon”) (including certified English translation and original Chinese version of the patent document)
1006	U.S. Patent No. 4,947,874 (“Brooks”)
1007	U.S. Patent No. 2,057,353 (“Whittemore”)
1008	European Patent Publication No. EP 0845220 (“Susa”)
1009	U.S. Patent No. 4,284,089 (“Ray”)
1010	<i>Chemical and Biological Studies on New Cigarette Prototypes that Heat Instead of Burn Tobacco</i> , R. J. Reynolds Tobacco Company Monograph (1988) (“RJR monograph”) (excerpts) (markings on exhibit appeared in the used copy purchased by counsel)
1011	U.S. Patent No. 4,793,365 (“Sensabaugh”)
1012	Letter from Robert B. Swierupski, Director, National Commodity Specialist Division, to Mark Weiss, Weiss & Moy, P.C. regarding tariff classification ruling (Aug. 22, 2006), <a href="https://rulings.cbp.gov/ruling/M85579">https://rulings.cbp.gov/ruling/M85579</a>
1013	Webpages from Beijing SBT Ruyan Technology & Development Corp., Sbtry.cn (archived at web.archive.org, 2005-2006, with affidavit)

Ex.	Description
1014	International Patent Publication No. WO 98/57556 (“Biggs”)
1015	Webpages from E-cig.com (archived at web.archive.org, 2006-2007, with affidavit)
1016	Complainants RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company’s Revised Infringement Claim Chart for U.S. Patent No. 9,901,123 from ITC Inv. No. 337-TA-1199 (Ex. 42)
1017	RESERVED
1018	Barbara Demick, <i>A High-Tech Approach to Getting a Nicotine Fix</i> , L.A. Times (Apr. 25, 2009), <a href="https://www.latimes.com/archives/la-xpm-2009-apr-25-fg-china-cigarettes25-story.html">https://www.latimes.com/archives/la-xpm-2009-apr-25-fg-china-cigarettes25-story.html</a>
1019	Philip Morris U.S.A. interoffice correspondence from R.H. Mofitt to K. Torrence regarding operational analysis of SBT Ruyan Atomizing Nicotine Inhaler (Sept. 27, 2004), <a href="https://www.industrydocuments.ucsf.edu/docs/fnpb0219">https://www.industrydocuments.ucsf.edu/docs/fnpb0219</a>
1020	Philip Morris U.S.A. interoffice correspondence from R.H. Moffitt to K. Torrence regarding operational analysis of SBT Ruyan Atomizing Nicotine Inhaler (Sept. 27, 2004) (original)
1021	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,365,742 Pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42, <i>R.J. Reynolds Vapor Co. v. Fontem Holdings I B.V.</i> , IPR2016-01268 (July 2, 2016)
1022	Final Written Decision, <i>R.J. Reynolds Vapor Co. v. Fontem Holdings I B.V.</i> , IPR2016-01268, Paper 63 (Dec. 19, 2017) (“RJR FWD”)
1023	Kevin Hatch, et al., <i>Preliminary Evaluation of a Commercially Available Electric Aerosol Inhaler from China</i> (Sept. 14, 2006) (“RJR Teardown”), available at <a href="https://www.industrydocuments.ucsf.edu/docs/nyvy0228">https://www.industrydocuments.ucsf.edu/docs/nyvy0228</a>

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