

EXHIBIT 11

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 10,555,556

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of U.S. Patent No. 10,555,556

Trial No.: IPR2021-00585

Issued: February 11, 2020

Filed: August 9, 2016

Inventors: Alexandre Malgat, *et al.*

Assignee: Philip Morris Products S.A.

Title: CARTRIDGE FOR AN AEROSOL-GENERATING SYSTEM

MAIL STOP PATENT BOARD

Patent Trial and Appeal Board

United States Patent & Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

PETITION FOR *INTER PARTES* REVIEW
UNDER 37 C.F.R. § 42.100

On behalf of R.J. Reynolds Vapor Company (“Petitioner”) and in accordance with 35 U.S.C. § 311 and 37 C.F.R. § 42.100, *inter partes* review (“IPR”) is respectfully requested for claims 1, 3-9, 15, 18, 20-21, and 25-26 of U.S. Patent No. 10,555,556 (“the ‘556 Patent”) (EX1001).

The undersigned representative of Petitioner authorizes the Office to charge the \$41,500 Petition and Post-Institution Fees, and any additional fees, to Deposit Account 503013, ref: 629000-850001.

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engineering, electrical engineering, industrial design or product design or product design engineering, chemistry, or physics, or a related field, and one to two years of industry experience, and a POSITA might also have been familiar with electrically powered smoking articles and their components and underlying technologies or similar components and technologies. A higher level of education may substitute for a lesser amount of experience, and vice versa. EX1002, ¶¶18-20.

IV. Identification Of Challenge Pursuant To 37 C.F.R. § 42.104(b)

A. 37 C.F.R. § 42.104(b)(1): Claims For Which IPR Is Requested

IPR is requested for claims 1, 3-9, 15, 18, 20-21, and 25-26 of the '556 Patent.

B. 37 C.F.R. § 42.104(b)(2): The Prior Art And Specific Grounds On Which The Challenge To The Claims Is Based

IPR is requested in view of the following references:

- U.S. Patent Pub. No. 2013/0056012 to Hearn *et al.* (“Hearn”) (EX1004). Hearn was filed on November 12, 2012, published on March 7, 2013, claims priority to GB1003552.5 filed on March 3, 2010, and is prior art to the '556 Patent under at least AIA 35 U.S.C. §§ 102(a)(1), 102(a)(2).

- U.S. Patent No. 7,920,777 to Rabin *et al.* (“Rabin”) (EX1005). Rabin was filed on November 13, 2007, issued on April 5, 2011, claims priority to U.S. Patent Application No. 10/691,067 filed May 16, 2005, and is prior art to the '556 Patent under at least AIA 35 U.S.C. §§ 102(a)(1), 102(a)(2).

- U.S. Patent No. 8,314,591 to Terry *et al.* (“Terry”) (EX1006). Terry was filed

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on May 15, 2010, issued on November 20, 2012, and is prior art to the '556 Patent under at least AIA 35 U.S.C. §§ 102(a)(1), 102(a)(2).

- U.S. Pat. No. 8,794,231 to Thorens, *et al.* (“Thorens”) (EX1007). Thorens was filed on April 29, 2009, issued on August 5, 2014, and claims priority to European Patent Application No. 08 251 579 filed April 30, 2008, and is prior art to the '556 Patent under at least AIA 35 U.S.C. §§ 102(a)(1), 102(a)(2).

The specific statutory grounds on which the challenge to the claims is based and prior art relied upon for each ground are as follows:

Ground 1: Claims 1, 3-9, 15, 18, 20-21, and 25-26 are unpatentable under 35 U.S.C. § 103 over Hearn alone, or Hearn in view of Rabin.

Ground 2a: Claims 1, 4-8, 15, 18, 21, and 25 are unpatentable under 35 U.S.C. § 103 over Terry in view of Thorens.

Ground 2b: Claims 3, 9, and 26 are unpatentable under 35 U.S.C. § 103 over Terry in view of Thorens and Rabin.

C. 37 C.F.R. § 42.104(b)(3): Claim Construction

The Board gives claims their ordinary and customary meaning, or “the meaning that the term would have to a [POSITA] at the time of the invention.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*). Petitioner proposes no claim terms for construction at this time.

Petitioner notes that in related litigation between the Patent Owner and Petitioner,

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Pursuant to 37 C.F.R. § 42.10(b), a Power of Attorney accompanies this petition. Please address all correspondence to lead and back-up counsel at the addresses above. Petitioner also consents to electronic service by email at the email addresses listed above.

VIII. Conclusion

Petitioner respectfully requests *inter partes* review of claims 1, 3-9, 15, 18, 20-21, and 25-26 of the '556 Patent.

Dated: February 27, 2021

Respectfully submitted,

/John A. Marlott/

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