

EXHIBIT C

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Paper 29
Date: January 11, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIP MORRIS PRODUCTS, S.A.,
Petitioner,

v.

RAI STRATEGIC HOLDINGS, INC.,
Patent Owner.

IPR2020-01094
Patent 9,930,915 B2

Before JEFFREY W. ABRAHAM, ELIZABETH M. ROESEL, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

IPR2020-01094
Patent 9,930,915 B2

I. INTRODUCTION

A. *Background and Summary*

Philip Morris Products, S.A. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) seeking an *inter partes* review of claims 1–5 (the “challenged claims”) of U.S. Patent No. 9,930,915 B2 (Ex. 1001, “the ’915 Patent”). RAI Strategic Holdings, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We instituted an *inter partes* review as to all claims challenged in the Petition. Paper 9 (“Inst. Dec.”).

After institution, Patent Owner filed a Patent Owner Response (Paper 12, “PO Resp.”), Petitioner filed a Reply (Paper 16, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 20, “PO Sur-reply”). An oral hearing was held on October 27, 2021, and a transcript of the hearing is included in the record. Paper 28.

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that all of the challenged claims of the ’915 Patent are unpatentable.

B. *Related Matters*

The parties identify the following as related matters involving the ’915 Patent and the same parties as this proceeding:

RAI Strategic Holdings, Inc. v. Altria Client Services LLC,
No. 1:20-cv-00393-LO-TCB (E.D. Va.); and

Certain Tobacco Heating Articles and Components Thereof, Investigation No. 337-TA-1199 (Int’l Trade Comm’n) (“ITC investigation”).

Pet. 3; Paper 4, 2 (Patent Owner’s mandatory notices).

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Figure 4 of the '915 Patent is reproduced below.

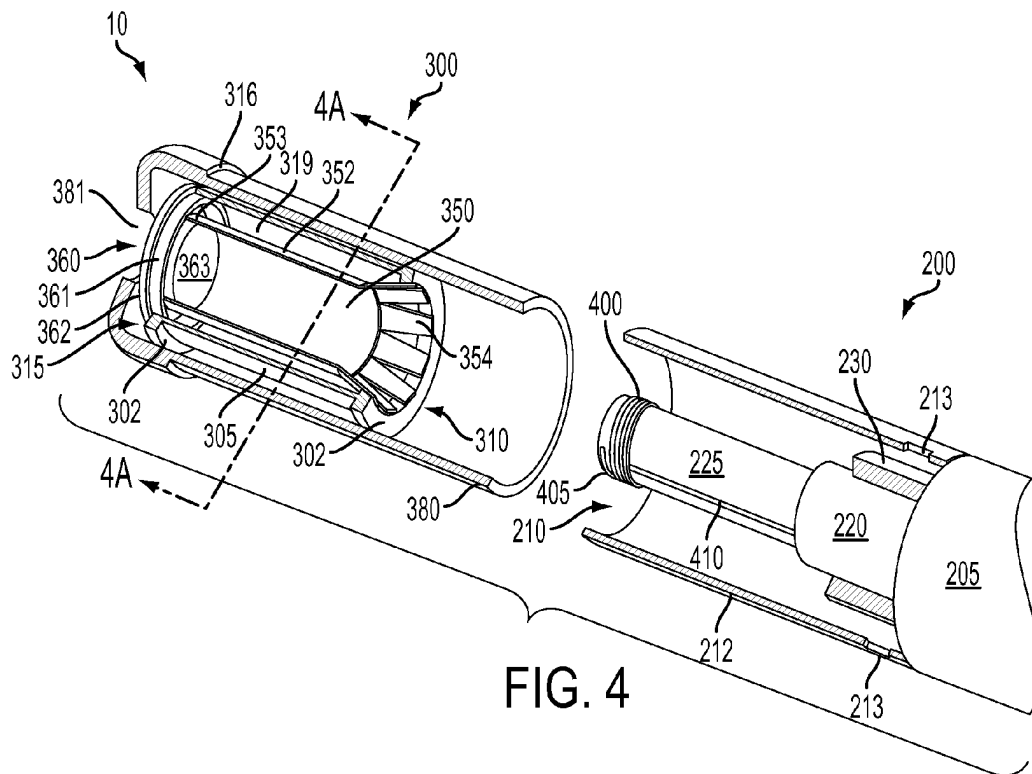


FIG. 4

Figure 4 is a partial cut away view of electronic smoking article 10 with cartridge 300 disengaged from control housing 200. Ex. 1001, 7:54–62, 12:20–24.

As shown in Figure 4, cartridge 300 comprises cartridge body 305 having engaging end 310 that engages receiving chamber 210 of control housing 200 and mouth end 315 that allows passage of an inhalable substance to a consumer. Ex. 1001, 12:24–31. Cartridge body 305 is tubular in shape and retains inhalable substance medium 350, e.g., a tobacco-derived material, which is also tubular in shape and releases an inhalable substance when heated by heating member 400. *Id.* at 12:38–41, 13:4–15, 16:20–22, 16:45–54.

Control housing 200 includes electrical energy source 220 having projection 225 extending therefrom. Ex. 1001, 23:13–18. Electrical energy

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