

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUUL LABS, INC.,

Petitioner,

v.

NJOY, LLC,

Patent Owner.

Inter Partes Review No.

IPR2023-00160

Patent 11,497,864 B2

Title: Electronic Vaporizer

Filing Date: June 25, 2019

Issue Date: November 15, 2022

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 11,497,864 B2**

**NJOY Exhibit 2006.001
Juul v. NJOY
IPR2024-00161**

Ex. 1006 (Fang) Fig. 1 (annotated).

Although the device is shown as a single unit, in Figure 1, it has two distinct functional areas: (1) a top portion (as oriented above) that can be described as a “cartridge,” with components for storing and vaporizing nicotine oil and; (2) a power source, with a battery, in mechanical and electrical contact with the cartridge. NJOY has asserted that Fang has or renders obvious “a cartridge” in parallel litigation. Ex. 1022 (NJOY’s Invalidity Contentions) Ex. A, 137 (element 43.A, citing “Fang 044 at Abstract; p.4 ¶¶1, 4; p.6 ¶¶1–4; Figs. 1–3”). NJOY also has asserted that Fang has or renders obvious “a power supply portion comprising a rechargeable battery” and that the cartridge is “configured for separable attachment to the power supply portion.” Ex. 1022 (NJOY’s Invalidity Contentions) Ex. A, 140 (elements 44.B-C, citing “Fang 044 at p.4 ¶4; p.5 ¶3; p.6 ¶¶1, 4–5; p.7 ¶2; Figs. 1–3”); Ex. 1007, ¶60.

IX. MOTIVATION TO COMBINE AND REASONABLE EXPECTATION OF SUCCESS

A person of ordinary skill in the art (“POSITA”) would have been motivated to combine Xia with Wang and/or Fang.

Xia, Wang, and Fang (and the ’864 patent) are each directed to the design and operation of handheld, cylindrical, cigarette-like, electronic cigarettes that use a heating element within the device, powered by a battery, to vaporize liquid held

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Dated: November 8, 2023

/s/ William A. Meunier

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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), Patent Owner hereby certifies, in reliance on the word count of the word-processing system (Microsoft Office Word 2010) used to prepare this petition, that the number of words in this paper is 13,994. This word count excludes the tables of contents, tables of authorities, mandatory notices under 37 C.F.R. § 42.8, certificate of word count, certificate of service, or appendix of exhibits or claim listing. Petitioner certifies that this Petition for *Inter Partes* Review does not exceed the applicable type-volume limit of 37 C.F.R. § 42.24(a).

Dated: November 8, 2023

/s/ William A. Meunier

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing Petition for *Inter Partes* Review, all referenced exhibits, and the Petitioner's Power of Attorney were served on November 8, 2023, via overnight courier upon the following counsel of record for Patent Owner:

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Courtesy copies of this Petition and accompanying exhibits were also served via electronic mail on Patent Owner's counsel of record in a related litigation at:

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