

UTILITY PATENT APPLICATION TRANSMITTAL		Attorney Docket No. GC012	
		First Named Inventor Gilbert CYPHERT	
		Title Electronic Cigarette	
(Only for new nonprovisional applications under 37 CFR 1.53(b))		Express Mail Label No. EK 060670759 US	
APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.		Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
1. ☒ Fee Transmittal Form (PTO/SB/17 or equivalent)		ACCOMPANYING APPLICATION PAPERS	
2. ☒ Applicant asserts small entity status. See 37 CFR 1.27		10. ☐ Assignment Papers (cover sheet & document(s)) Name of Assignee _____	
3. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.		11. ☐ 37 CFR 3.73(c) Statement ☒ Power of Attorney (when there is an assignee)	
4. ☒ Specification [Total Pages 23] Both the claims and abstract must start on a new page. (See MPEP § 608.01(a) for information on the preferred arrangement)		12. ☐ English Translation Document (if applicable)	
5. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 9]		13. ☒ Information Disclosure Statement (PTO/SB/08 or PTO-1449) ☒ Copies of citations attached	
6. Inventor's Oath or Declaration [Total Pages 4] (including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))		14. ☐ Preliminary Amendment	
a. ☒ Newly executed (original or copy)		15. ☒ Return Receipt Postcard (MPEP § 503) (Should be specifically itemized)	
b. ☐ A copy from a prior application (37 CFR 1.63(d))		16. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)	
7. ☒ Application Data Sheet * See note below. See 37 CFR 1.76 (PTO/AIA/14 or equivalent)		17. ☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.	
8. CD-ROM or CD-R in duplicate, large table, or Computer Program (Appendix) ☐ Landscape Table on CD		18. ☒ Other: Check: #2505 for \$1,000 _____ _____ _____	
9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. - c. are required)			
a. ☐ Computer Readable Form (CRF) See 37 CFR 1.76 (PTO/AIA/14 or equivalent)			
b. ☐ Specification Sequence Listing on: i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ Paper			
c. ☐ Statements verifying identity of above copies			
*Note: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 must be included in an Application Data Sheet (ADS). (2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).			
19. CORRESPONDENCE ADDRESS			
☒ The address associated with Customer Number: 57860 OR ☐ Correspondence address below			
Name _____			
Address _____			
City _____		State _____	Zip Code _____
Country _____		Telephone _____	Email _____
Signature _____		Date _____	March 14, 2014
Name (Print/Type) PETER MARTINEZ		Registration No. (Attorney/Agent) 42,845	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL		Complete if known	
		Application Number	to be assigned
		Filing Date	March 14, 2014
☒ Applicant asserts small entity status. See 37 CFR 1.27.		First Named Inventor	Gilbert CYPHERT
☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.		Examiner Name	to be assigned
		Art Unit	to be assigned
TOTAL AMOUNT OF PAYMENT	(\$), 1,000	Practitioner Docket No.	GC012

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to (check all that apply):

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayment of fee(s)
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES (U = undiscounted fee; S = small entity fee; M = micro entity fee)

Application Type	FILING FEES			SEARCH FEES			EXAMINATION FEES			Fees Paid (\$)
	U (\$)	S (\$)	M (\$)	U (\$)	S (\$)	M (\$)	U (\$)	S (\$)	M (\$)	
Utility	280	140*	70	600	300	150	720	360	180	\$800
Design	180	90	45	120	60	30	460	230	115	
Plant	180	90	45	380	190	95	580	290	145	
Reissue	280	140	70	600	300	150	2,160	1,080	540	
Provisional	260	130	65	0	0	0	0	0	0	

* The \$140 small entity status filing fee for a utility application is further reduced to \$70 for a small entity status applicant who files the application via EFS-Web.

2. EXCESS CLAIM FEES

Fee Description	Undiscounted Fee (\$)	Small Entity Fee (\$)	Micro Entity Fee (\$)
Each claim over 20 (including Reissues)	80	40	20
Each independent claim over 3 (including Reissues)	420	210	105
Multiple dependent claims	780	390	195
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
20	-20 or HP = 0 x	0	=
HP = highest number of total claims paid for, if greater than 20.			
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
3	-3 or HP = 0 x	0	=
HP = highest number of independent claims paid for, if greater than 3.			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$400 (\$200 for small entity) (\$100 for micro entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
32	- 100 = 0 / 50 = 0 (round up to a whole number)	x	=	

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English specification, \$130 fee (no small or micro entity discount)	
Non-electronic filing fee under 37 CFR 1.16(t) for a utility application, \$400 fee (\$200 small or micro entity)	\$200
Other (e.g., late filing surcharge):	

SUBMITTED BY		
Signature		Registration No. 42,845 (Attorney/Agent)
Name (Print/Type)	PETER MARTINEZ	Telephone 858-449-0612
		Date March 14, 2014

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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Inventor Information:

Inventor 1 				
Legal Name				
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Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
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Inventor 3 				
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Mr.	Edwin		BALDER	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
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Address 2	#45				
City	Mesa	State/Province	AZ		
Postal Code	85210	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. 					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	57860		
Email Address			

Application Information:

Title of the Invention	Electronic Cigarette		
Attorney Docket Number	GC012	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	2

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	57860		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Pending		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

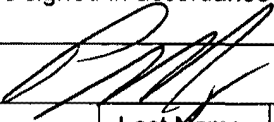
Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature				Date (YYYY-MM-DD)	2014-03-14
First Name	Peter	Last Name	Martinez	Registration Number	42845
Additional Signature may be generated within this form by selecting the Add button.					

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Docket No. GC012
Express Mail No. EK 060670759 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NON-PROVISIONAL UTILITY PATENT APPLICATION:

ELECTRONIC CIGARETTE

Inventors: Xuandong Huang
Edwin Balder
Gilbert Cyphert

ELECTRONIC CIGARETTE

5 [0001] Priority is claimed to provisional patent application serial number 61/852,336, filed March 15, 2013, entitled: "Electronic Cigarette," which is referred to and incorporated herein in its entirety by this reference.

Field Of The Invention

[0002] The present invention relates to an electronic cigarette, in particular to an
10 electronic cigarette that contains only nicotine without tar.

Background Of The Invention

[0003] Despite the fact that "smoking is harmful to your health", the number of smokers worldwide is up to 1 billion, and the number is increasing every year. In 2003, the World Health Organization (WHO) concluded a global Framework Convention on Tobacco Control.
15 According to the statistical data from WHO, about 4.9 million people die of diseases caused by smoking each year. Although smoking may cause serious respiratory diseases and cancer, it remains extremely difficult for smokers to quit smoking.

[0004] The active ingredient in a cigarette is nicotine. During smoking, nicotine, along with tar aerosol droplets produced in the cigarette when it burns, enters a smoker's alveolus and
20 is rapidly absorbed. After being absorbed into the blood of a smoker, nicotine then produces its effect on the receptors of the smoker's central nervous system, which makes the smoker relax and enjoy an inebriety similar to that produced by an exhilarant.

[0005] Nicotine is a kind of alkaloid with a low molecular weight and its half-life in blood is quite short. The major harmful substance in tobacco is tar, which is composed of

thousands of ingredients, tens of which are carcinogenic substances. It has been proven that passive smoking can be more harmful to non-smokers than smoking is to the smoker.

[0006] Some cigarette substitutes containing only nicotine without tar have been proposed, many of them, such as the "nicotine patch," "nicotine mouthwash," "nicotine chewing gum," "nicotine drinks" etc., are made of pure nicotine. Although these cigarette substitutes are free from tar, their major disadvantage is that an effective peak concentration of nicotine cannot be reached in the blood of a smoker due to slow absorption of the nicotine. In addition, these cigarette substitutes cannot satisfy the habitual smoking actions of a smoker, for example, the inhaling action and the physical manipulation of the cigarette itself.

[0007] Therefore, there remains a need to overcome one or more of the limitations in the above-described, existing art. The discussion of the background to the invention included herein is included to explain the context of the invention. This is not to be taken as an admission that any of the material referred to was published, known, or part of the common general knowledge at the priority date of the claims.

Brief Description Of The Drawings

[0008] FIG. 1 is a cross-sectional view of one embodiment of an electronic cigarette embodying the principals of the invention;

[0009] FIG. 2 is a cross-sectional view of a second embodiment of an electronic cigarette embodying the principals of the invention;

[0010] FIG. 3 is a cross-sectional view of a portion of the second embodiment of an electronic cigarette illustrated in FIG. 2;

[0011] FIG 4 is a view of an electronic cigarette showing a moveable clip feature;

[0012] FIG 5 is a view of an electronic cigarette showing a retractable tip feature;

[0013] FIG 6 is a view of an electronic cigarette showing a peel-away wrapper tip;

[0014] FIG 7 is a view of the peel-away wrapper illustrated in FIG. 6;

[0015] FIG 8 is an end view of a filter element that may be included in a embodiment of an electronic cigarette; and

5 [0016] FIG. 9 is a view of a removeable sleeve that may be attachable to an electronic cigarette.

[0017] It will be recognized that some or all of the Figures are schematic representations for purposes of illustration and do not necessarily depict the actual relative sizes or locations of the elements shown. The Figures are provided for the purpose of illustrating one or more
10 embodiments of the invention with the explicit understanding that they will not be used to limit the scope or the meaning of the claims.

Detailed Description Of The Preferred Embodiments

15 [0018] In the following description, for the purposes of explanation, numerous specific details are set forth in order to provide a thorough understanding of the electronic cigarette of the present invention. It will be apparent, however, to one skilled in the art that the electronic cigarette may be practiced without some of these specific details. Throughout this description, the embodiments and examples shown should be considered as exemplars, rather than as
20 limitations on the electronic cigarette. That is, the following description provides examples, and the accompanying drawings show various examples for the purposes of illustration. However, these examples should not be construed in a limiting sense as they are merely intended to provide

examples of the electronic cigarette rather than to provide an exhaustive list of all possible implementations of the electronic cigarette.

[0019] Specific embodiments of the invention will now be further described by the following, non-limiting examples which will serve to illustrate various features. The examples
5 are intended merely to facilitate an understanding of ways in which the invention may be practiced and to further enable those of skill in the art to practice the invention. Accordingly, the examples should not be construed as limiting the scope of the invention. In addition, reference throughout this specification to "one embodiment" or "an embodiment" means that a particular feature, structure or characteristic described in connection with the embodiment is included in at
10 least one embodiment of the present invention. Thus, appearances of the phrases "in one embodiment" or "in an embodiment" in various places throughout this specification are not necessarily all referring to the same embodiment. Furthermore, the particular features, structures or characteristics may be combined in any suitable manner in one or more embodiments.

[0020] Referring to FIG. 1, an electronic cigarette 10 is illustrated. As shown in FIG. 1,
15 the electronic cigarette 10 comprises a cylindrical casing, or tube 15 that may be constructed of stainless steel, plastic, or other materials. Within the cylindrical casing 15, a first chamber 20, a second chamber 25, and a third chamber 30 are formed, the three chambers located sequentially within the cylindrical casing 15.

[0021] A battery 35 is located in the first chamber 20, a liquid, or fluid 40 is located in
20 the second chamber 25, and a heating element 45 is located in the third chamber 30. In one embodiment, the liquid 40 contained in the electronic cigarette 10 comprises: glycol, nicotine, water based flavors of regular or menthol (or other desired flavors). The heating element 45 may be made of platinum wire, nickel chromium alloy or iron chromium aluminum alloy wire with a

rare earth element. The battery 35 may be lithium, but other materials and types of batteries may be employed, including disposable types.

[0022] A first seal 50 forms a partition between the first 20 and second 25 chambers. The first seal 50 may be constructed of rubber, silicone, plastic or other materials. The first seal
5 includes a hole or aperture in which a portion of a tube 55 is located. The tube 55 extends substantially the length of the second chamber 25 allowing passage of air from the first chamber 20 into the third chamber 30.

[0023] A second seal 60 forms a partition between the second 25 and third 30 chambers. In one embodiment, the second seal 60 comprises a ceramic material shaped substantially in a
10 "T." The "leg" of the "T" comprises a hollow cylinder that receives one end of the tube 55 and the "top" of the "T" comprises two arms that form the seal between the second 25 and third 30 chambers, and may also hold, or fix the heating element 45 in position in the third chamber 30.

[0024] The electronic cigarette 10 also includes a cotton or other fiber material 65 that has a first segment in contact with the heating element 45, and a second segment located in the
15 second chamber 25, so that the fiber material 65 can carry or transfer the fluid 40 from the second chamber 25 to the heating element 45.

[0025] In one embodiment, the fiber material comprises a high-temperature fiberglass fabric, but other materials may be employed, such as cotton, high-temperature conduction oil cotton, or other materials. The fiber material 65 also may be positioned by the second seal 60 to
20 aid in sealing the second chamber 25 from the third chamber 30.

[0026] An air pressure switch is located at a distal end of the first chamber 20 and may be mounted on, or separate from a printed circuit board 70. A light-emitting diode 75 (LED) is located adjacent to the printed circuit board 70, with the LED 75 forming an end-cap at one end

of the electronic cigarette 10. A mouthpiece (not shown) may be located at the other end of the electronic cigarette 10, with the mouthpiece coupled to the end-cap 80 that includes a small aperture, or end-cap aperture 82 that allows passage of air from the third chamber 30 through the mouthpiece and into a user's mouth. The end-cap 80 may be made of silicone, plastic, metal or other materials.

[0027] The printed circuit board, or chip 70 includes the air pressure switch, which may be integral to the chip or may be a separate element that communicates with the chip. In one embodiment, the chip and air pressure switch comprise an electronic assembly that allows communication between the air pressure switch and the other components comprising the printed circuit board. For example, in one embodiment, the printed circuit board, or chip may comprise an embedded data processor connected via an internal bus to a read only memory containing the executable code for causing the microprocessor to perform the functions described herein. In another embodiment, the printed circuit board, or chip may comprise one or more electronic circuits that employ one or more switches to perform the functions described herein.

[0028] As shown in FIG. 1, the printed circuit board, or chip 70 has three wires coupled to it, the anode wire 85, the cathode wire 90 and the air pressure switch wire 95. The anode wire 85 runs from the printed circuit board 70 to the anode side of the battery. The cathode wire 90 connects the printed circuit board 70 to the cathode side of the battery, and then passes through the first seal 50 and into tube 55 connecting to a first end of the heating element 45 by extending all the way through the tube 55. The air pressure switch wire 95 connects the air pressure switch to the second end of the heating element 45, by also passing through the first seal 50 and then into the tube 55.

[0029] Sealing member 100 may be coupled to the tube 55 to provide additional sealing to prevent passage of fluid 40 from the second compartment 25 into the first compartment 20. The sealing member 100 may comprise a cylindrical shape at one end that receives the tube 55 and a shoulder or flange at the other end that aids in sealing the hole or aperture in the first seal 50 seal.

[0030] In addition, two sealing tubes 105 are included to seal each end of the second chamber 25. As shown in FIG. 1, one sealing tube 105 contacts the first seal 50, with the other end contacting the entire perimeter, or circumference of tube 55 so that the area where the tube 55 engages with the first seal 50 is kept free of the fluid 40. Similarly, at the other end of the second chamber 25, a second sealing tube 105 contacts the entire perimeter of tube 55 with a distal end enclosing the elements located at the end of the second chamber 25. However, the fiber material 65 extend through holes in the sealing tube 105 so that fluid 40 can pass along the fiber material 65 to the heating element 45. But, the air pressure switch wire 95, and cathode wire 90, as well as the end of the tube 55 that engages with the second seal 60 are kept free of the fluid 40. Optionally, cotton batting (not shown) may be positioned around the tube 55 and under, or within the two sealing tubes 105 to aid in sealing so that the fluid 40 does not reach either end of the tube 55, or the other areas sealed by the two sealing tubes 105.

[0031] An air inlet (not shown), in the form of a hole or aperture, may be located in the external wall of the casing 15 allowing passage of ambient air into the first chamber 20.

[0032] The printed circuit board, or chip 70 in conjunction with the air pressure switch controls the function of the electronic cigarette 10. According to one embodiment, outside, or ambient air is drawn into the first chamber 20 through the air inlet (not shown). The air pressure switch senses the low pressure formed by a user "drawing" on the mouthpiece (not shown), and

activates the heating element 45 by allowing electricity to flow from the battery to the heating element 45. The LED 75 also illuminates at this time. The air flows down the tube 55 and into the third chamber 30, where the heating element 45 has atomized, or vaporized some of the fluid 40 that is carried to the heating element 45 on the fiber material 65. The vaporized fluid mixes with the air, and passes through end-cap aperture 82 that allows passage of the mixture from the third chamber 30 through the mouthpiece and into a user's mouth.

[0033] In one embodiment, the electronic cigarette 10 is disposable. During operation, if a user smokes for more than 5 seconds per puff the LED flashes two times then shuts off, or will flash ten times, which indicates the battery 35 is running low on stored power.

[0034] Referring to FIG. 2, another embodiment electronic cigarette 200 is illustrated. As shown in FIG. 2, the electronic cigarette 200 comprises a cylindrical casing, or tube 15 that may be constructed of stainless steel, plastic, or other materials. Within the cylindrical casing 15, a first chamber 20 and a second chamber 25 are formed, the two chambers located within the cylindrical casing 15.

[0035] A battery 35 is located in the first chamber 20, and a fluid container 205 is located in the second chamber. The fluid container 205 contains a liquid mixture such as glycol, nicotine, water based flavors of regular or menthol (or other desired flavors). The battery 35 may be lithium, but other materials and types of batteries may be employed, including disposable types, such as AAA or AA sized batteries.

[0036] A first seal 50 forms a partition between the first 20 and second 25 chambers. The first seal 50 may be constructed of rubber, silicone, plastic or other materials. The first seal includes a hole or aperture in which a portion of a tube 55 is located. The tube 55 extends into a

heating assembly 220 and allows passage of air from the first chamber 20 into the second chamber 25.

[0037] Referring now to FIG. 3, in one embodiment, the tube 55 comprises a ceramic, brass, or other metal material shaped substantially in a "T." The "leg" of the "T" comprises a hollow cylinder that comprises one end of the tube 55 and the "top" of the "T" comprises two arms that hold, or fix a tempered glass bulb 230 in position in the heating assembly 220. Inside the tempered glass bulb 230 is a heating wire 225 that heats the glass bulb 230 that then heats the fluid that is introduced into the heating assembly 220 through fiber element 215 that connects the heating assembly 220 with the fluid container 205. One or more apertures (not shown) allow the passage of the vapor that is produced when the fluid contacts the heated glass bulb 230.

[0038] The vapor then passes around the fluid container 205 and out through the end-cap aperture 82. The heating element 225 may be made of platinum wire, nickel chromium alloy or iron chromium aluminum alloy wire with a rare earth element. The tempered glass bulb 230 may also be manufactured from plastic, or other elements. One feature of this arrangement is that the fluid is not brought into direct contact with the heating element 225.

[0039] In one embodiment, the fiber element 215 comprises a high-temperature fiberglass fabric, but other materials may be employed, such as cotton, high-temperature conduction oil cotton, or other materials. Sealing material 210 located around the heating assembly 220 prevents any fluid from passing into the first chamber 20, and may also be constructed of a high-temperature fiberglass fabric, but other materials may be employed, such as cotton, high-temperature conduction oil cotton, or other materials.

[0040] An air pressure switch is located at a distal end of the first chamber 20 and may be mounted on, or separate from a printed circuit board 70. A light-emitting diode 75 (LED) is

located adjacent to the printed circuit board 70, with the LED 75 forming an end-cap at one end of the electronic cigarette 200. A mouthpiece (not shown) may be located at the other end of the electronic cigarette 200, with the mouthpiece coupled to the end-cap 80 that includes a small aperture, or end-cap aperture 82 that allows passage of air from the second chamber 25 through the mouthpiece and into a user's mouth. The end-cap 80 may be made of silicone, plastic, metal or other materials.

[0041] The printed circuit board, or chip 70 in conjunction with the air pressure switch controls the function of the electronic cigarette 200. According to one embodiment, outside, or ambient air is drawn into the first chamber 20 through the air inlet (not shown). The air pressure switch senses the low pressure formed by a user "drawing" on the mouthpiece (not shown), and activates the heating element 225 by allowing electricity to flow from the battery to the heating element 225. The LED 75 also illuminates at this time. The air flows down the tube 55 and into the heating assembly 220, where the glass bulb 230 has atomized, or vaporized some of the fluid that is carried to the heating assembly 220 by the fiber element 215. The vaporized fluid mixes with the air, and passes through end-cap aperture 82.

[0042] As shown in FIG. 2, the printed circuit board, or chip 70 has three wires coupled to it, the anode wire 85, the cathode wire 90 and the air pressure switch wire 95. The anode wire 85 runs from the printed circuit board 70 to the anode side of the battery. The cathode wire 90 connects the printed circuit board 70 to the cathode side of the battery, and then passes through the first seal 50 and into tube 55 connecting to the heating assembly 220 by extending all the way through the tube 55. The air pressure switch wire 95 connects the air pressure switch to the heating assembly 220, by also passing through the first seal 50.

[0043] Referring now to FIGS. 4 and 5, another feature of the electronic cigarette 200 is illustrated. Extendable tip 245 is retractable into the casing 15. As shown in FIG. 4, slideable clip 235, shaped substantially like a clip on a pen or the like, is slideable toward one end of the electronic cigarette 200. Rod, or connector 242 connects to the clip 235, with one end of the rod
5 242 slideably positioned in casing aperture 240.

[0044] As the clip 235 is moved toward the end of the electronic cigarette 200, extendable tip 245 extends from the casing 15. The extendable tip 245 may comprise a generally hollow member that a user would grasp with their lips to inhale the vapors exiting through end-cap aperture 82. The extendable tip 245 can be kept clean, and away from contaminants by
10 being kept retracted within the casing 15 when the electronic cigarette 200 is not in use.

[0045] Also, the clip 235 may also be used to attach, or secure the electronic cigarette 200 to clothing, purses, pockets or other items. And, in one embodiment, the clip 235 may be shaped to act as a stand for the electronic cigarette 200. The "stand" may prevent direct contact of the extendable tip 245 to an unclean surface when the electronic cigarette 200 is placed on a
15 surface.

[0046] An alternative embodiment extendable tip may comprise a rotatable piston (not shown) that includes threads that when rotated, the extendable tip rides upwardly or downwardly on the threads. To prevent the rotatable piston from merely turning in response to the motion of a driving member (not shown) so as not to slide, the interior wall may be provided with a guide
20 member (not shown) that extends along at least a portion of the length of the rotatable piston and mates with a corresponding feature in the casing 15. In a preferred embodiment, the rotatable piston and the interior cross section may be given a shape that is other than circular. Preferably, the rotatable piston may have an oval or ellipsoid shape.

[0047] Referring now to FIGS. 6 and 7, another feature of the electronic cigarette 200 is illustrated. Removeable wrapper 250 may be located at one distal end of the electronic cigarette 200, where a user would place their lips when drawing on the electronic cigarette 200. For example, in one embodiment, one or more sanitary peel-away wrappers 250 that can be removed
5 as desired are coupled to the electronic cigarette 200, so that a user's lips are not exposed to a dirty or contaminated tip.

[0048] Referring now to FIG. 8, another feature of the electronic cigarette 200 is illustrated. Some embodiments of the electronic cigarette 200 may include a filter assembly 255. The filter assembly 255 may be located at one distal end of the electronic cigarette 200, where a
10 user would place their lips when drawing on the electronic cigarette 200. In one embodiment, the filter assembly 255 includes an inner element 265 and an outer element 260. One or both of the inner and outer elements 265 and 260 may be constructed of microfibers or other materials made of any polyester, polyamides, bamboo, wood or any cellulose fibers or any polymeric material that is capable of absorbing water or vapor, and that is capable of being impregnated
15 with a flavor or chemical compound.

[0049] For example, one or both of the inner and outer elements 265 and 260 may comprise filtration and pass through structures comprise flow passages having a high surface area for contact with vapor passing there through, enabling the vapor to become enriched with nicotine, flavors, and other blends, either alone or in combination. In one arrangement, the outer
20 element 260 may comprise a multiplicity of axially elongated fibrous filtering material members disposed concentrically to reduce the amount of water vapor carried into the lungs when inhaling vapors from the electronic cigarette 200.

[0050] In one embodiment, the inner element 265 comprises a section capable of dispensing volatile ingredients including nicotine, tobacco flavor, medications, and other flavoring. Reservoirs formed therein may be circular or noncircular in cross section. Absorbent material may be used to retain more volatiles within the section to better wick the volatile vapors when vapor or air is drawn through the electronic cigarette 200. Drawing vapor or air through the inner element 265 transfers vapors to the user. Loading of any material into the inner or outer elements 265 or 260 may be accomplished via sprayer, direct injection or a gaseous atmosphere conducive to preserving nicotine. The fluid mechanic principles of adhesion, cohesion capillary action and surface tension which can cause a thin film may be used. The basic properties, components and applications may be exchanged between the inner and outer elements 265 and 260.

[0051] Now referring to FIG. 9, another feature of the electronic cigarette is illustrated. A removeable sleeve 270 may be placed over the casing 15 and positioned at any location along the casing 15. The removeable sleeve 270 includes a plurality of apertures 275 that may be filled with nicotine or other medications.

[0052] In one embodiment, the removeable sleeve 270 is constructed of rubber, latex, or a medical grade rubber, latex or plastic. During the manufacturing process, the plurality of apertures, or holes 275 are formed by a mold, or by other means. The plurality of apertures, or holes 275 may then be filled with any desired medication(s) (usually in a gel form) by immersing the removeable sleeve 270 in the medication or by injection. When injection is used no holes 275 need be added to the mold. In this embodiment, the removeable sleeve 270 is inserted into a device that injects the medications right into the sleeve material. After filling, a cellulite spray is applied to the removeable sleeve 270. The cellulite cover retains the medication in the holes 275

until the cellulite is broken when pressure is applied, thereby allowing the medications to provide transdermal drug delivery.

[0053] In another embodiment, a transdermal drug delivery system may be built into the cigarette itself without the use of the removeable sleeve 270. In this embodiment, an absorbent
5 paper featuring a mesh overlay (not shown) may be employed. When manufactured, a paper is soaked with the desired medication. Then a mesh overly is applied which is made of medical grade rubber, latex or other material as described above in connection with the removeable sleeve 270. Next, the paper and mesh (not shown) are covered in a cellulite to seal the medication in. Then, the paper and mesh are wrapped around the desired product, which could be
10 the electronic cigarette 200, or a cardboard tube that looks like a cigarette. When pressisure is applied to the paper the pressure removes the cellulite wrapper allowing finger tips to squeeze down the mesh and allow the medicated absorbent paper to provide a transdermal drug delivery.

[0054] In one embodiment, the electronic cigarette 200 is disposable. During operation, if a user smokes for more than 5 seconds per puff the LED flashes two times then shuts off, or
15 will flash ten times, which indicates the battery 35 is running low on stored power.

[0055] It is to be noticed that the term "comprising," used in the claims, should not be interpreted as being limitative to the means listed thereafter. Thus, the scope of the expression "a device comprising means A and B" should not be limited to devices consisting only of components A and B. It means that with respect to the present invention, the only relevant
20 components of the device are A and B. Put differently, the terms "including", "comprising" and variations thereof mean "including but not limited to", unless expressly specified otherwise.

[0056] Similarly, it is to be noticed that the term "coupled", also used in the claims, should not be interpreted as being limitative to direct connections only. Thus, the scope of the

expression "a device A coupled to a device B" should not be limited to devices or systems wherein an output of device A is directly connected to an input of device B. It means that there exists a path between an output of A and an input of B which may be a path including other devices or means.

5 [0057] The enumerated listing of items does not imply that any or all of the items are mutually exclusive, unless expressly specified otherwise. The terms "a", "an" and "the" mean "one or more", unless expressly specified otherwise.

[0058] Elements of the invention that are in communication with each other need not be in continuous communication with each other, unless expressly specified otherwise. In addition,
10 elements of the invention that are in communication with each other may communicate directly or indirectly through one or more other elements or other intermediaries.

[0059] Thus, it is seen that electronic cigarette is provided. One skilled in the art will appreciate that the present invention can be practiced by other than the above-described embodiments, which are presented in this description for purposes of illustration and not of
15 limitation. The specification and drawings are not intended to limit the exclusionary scope of this patent document. It is noted that various equivalents for the particular embodiments discussed in this description may practice the invention as well. That is, while the present invention has been described in conjunction with specific embodiments, it is evident that many alternatives, modifications, permutations and variations will become apparent to those of
20 ordinary skill in the art in light of the foregoing description. Accordingly, it is intended that the present invention embrace all such alternatives, modifications and variations as fall within the scope of the appended claims. The fact that a product, process or method exhibits differences from one or more of the above-described exemplary embodiments does not mean that the

product or process is outside the scope (literal scope and/or other legally-recognized scope) of the following claims.

CLAIMS

WHAT IS CLAIMED IS:

1. An electronic cigarette, comprising:

a casing comprising a first chamber and a second chamber, the two chambers located

5 sequentially within the casing;

a battery located in the first chamber;

a fluid containing member located in the second chamber;

a heating assembly located in the second chamber;

10 a fluid passageway communicating between the fluid containing member and the heating assembly;

a tube element communicating between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber, the tube element providing an air passage between the first and second chambers;

15 a sealing element forming a partition between the first and second chambers, the sealing element structured to prevent a fluid from passing from the second chamber into the first chamber; and

an air inlet provided on an external wall of the casing.

20 2. The electronic cigarette of claim 1, where the fluid passageway communicating between the fluid containing member and the heating assembly comprises a fiber element having a first distal

end communicating with the fluid containing member, and a second distal end communicating with the heating assembly.

3. The electronic cigarette of claim 1, further comprising a bulb element located in the heating
5 assembly, the bulb element including a wire that communicates with the battery.

4. The electronic cigarette of claim 1, further comprising a retractable tip member located at a distal end of the casing, the retractable tip member moveable relative to the casing.

10 5. The electronic cigarette of claim 1, further comprising a retractable tip member located at a distal end of the casing, the retractable tip member moveable relative to the casing, the retractable tip member coupled to an actuator element located adjacent to the casing.

15 6. The electronic cigarette of claim 1, further comprising a filter apparatus located in a distal end of the casing.

7. The electronic cigarette of claim 1, further comprising a filter apparatus located in a distal end of the casing, the filter apparatus comprising two elements structured to allow the passage of air.

20 8. The electronic cigarette of claim 1, further comprising a removable sleeve positioned about a portion of an exterior of the casing.

9. The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing.

10. The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of apertures.

11. The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of apertures, the apertures capable of containing at least one medicament.

12. An electronic cigarette, comprising:

a casing comprising a first chamber and a second chamber, the two chambers located sequentially within the casing;

a retractable tip member located at a distal end of the casing, with the retractable tip member moveable relative to the casing; and

an actuator element coupled to the retractable tip member.

13. The electronic cigarette of claim 12, further comprising:

a battery located in the first chamber;

a fluid containing member located in the second chamber; and

a heating assembly located in the second chamber.

14. The electronic cigarette of claim 12, further comprising a heating assembly located in the second chamber, the heating assembly comprising a bulb element located in the heating assembly, the bulb element including a wire that communicates with the battery.

15. The electronic cigarette of claim 12, further comprising a fluid containing member located in the second chamber, with a fluid located within the fluid containing member, the fluid selected from a group consisting of: a glycol fluid, a fluid containing nicotine, a water-based "regular" cigarette flavored fluid, a water-based "menthol" cigarette flavored fluid, and a combination of
5 two or more fluids.

16. The electronic cigarette of claim 12, further comprising a removable sleeve located around an exterior of the casing.

10 17. The electronic cigarette of claim 12, further comprising a light-emitting diode (LED) coupled to a distal end of the casing, the LED enclosing the distal end of the casing.

18. An electronic cigarette, comprising:

15 a casing comprising a first chamber and a second chamber, the two chambers located sequentially within the casing;

a battery located in the first chamber;

a fluid containing member located in the second chamber;

a heating assembly located in the second chamber;

20 a fluid passageway communicating between the fluid containing member and the heating assembly;

a tube element communicating between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element

located in the second chamber, the tube element providing an air passage between the first and second chambers;

a sealing element forming a partition between the first and second chambers, the sealing element structured to prevent a fluid from passing from the second chamber into the first chamber;

an air pressure switch located in the first chamber;

a printed circuit board located in the first chamber, the electronic circuit board communicating with the air pressure switch; and

a light-emitting diode (LED) coupled to a first distal end of the cylindrical casing, the LED enclosing the first distal end of the cylindrical casing and communicating with the printed circuit board.

19. The electronic cigarette of claim 18, further comprising at least one sealing element located between the heating assembly and an interior surface of the casing.

20. The electronic cigarette of claim 18, further comprising a retractable tip member located at a distal end of the casing, the retractable tip member moveable relative to the casing.

ABSTRACT

An electronic cigarette is provided. The electronic cigarette includes a casing having two chambers located sequentially within the casing. A battery and a fluid are located in the casing.

- 5 A sealing element forms a partition between the chambers. A tube element is located in the second chamber, providing an air passage between the two chambers. Also included is a fiber element that transfers fluid from a fluid containing member to a heating assembly.

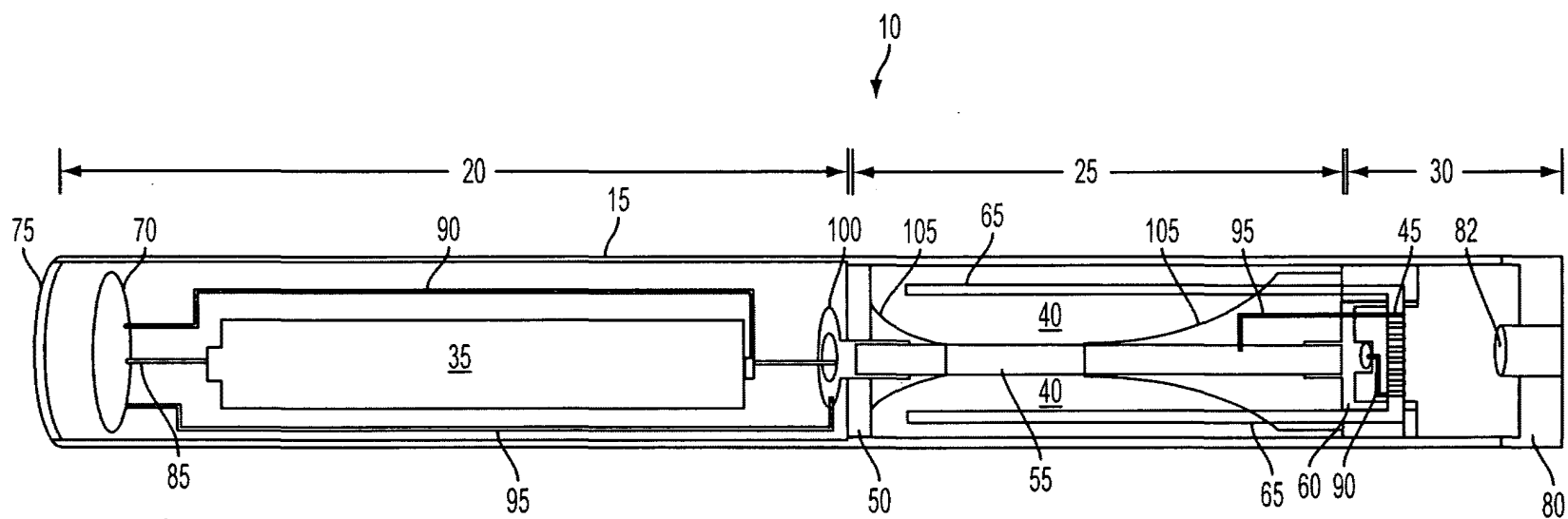


FIG. 1

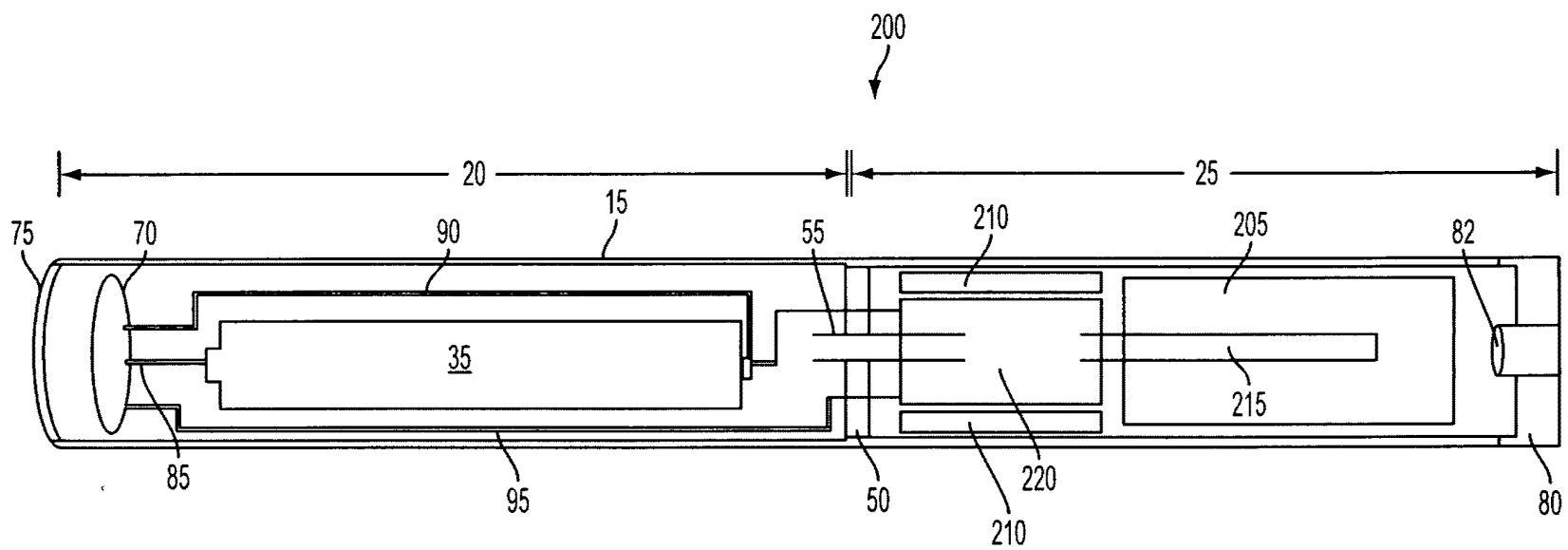


FIG. 2

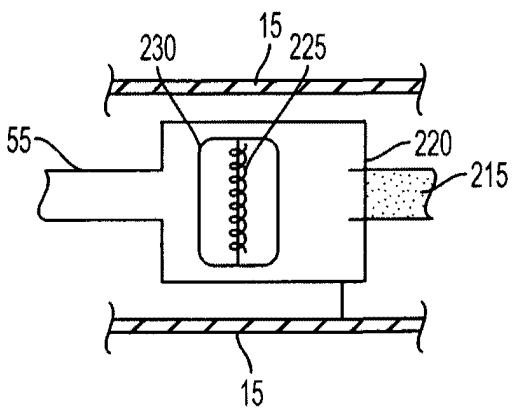


FIG. 3

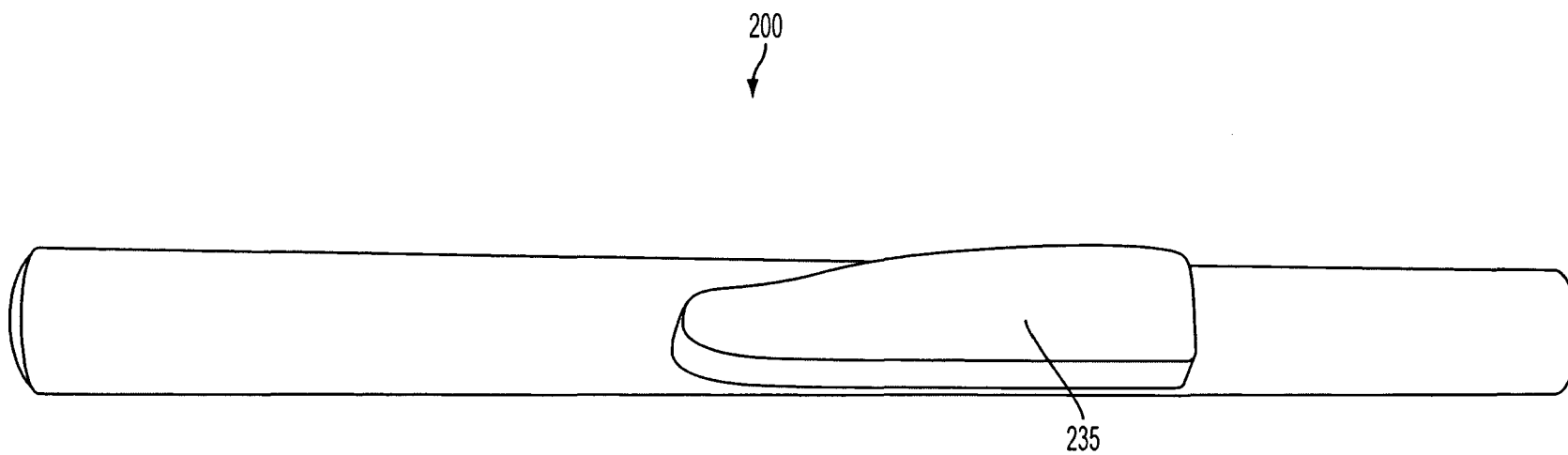


FIG. 4

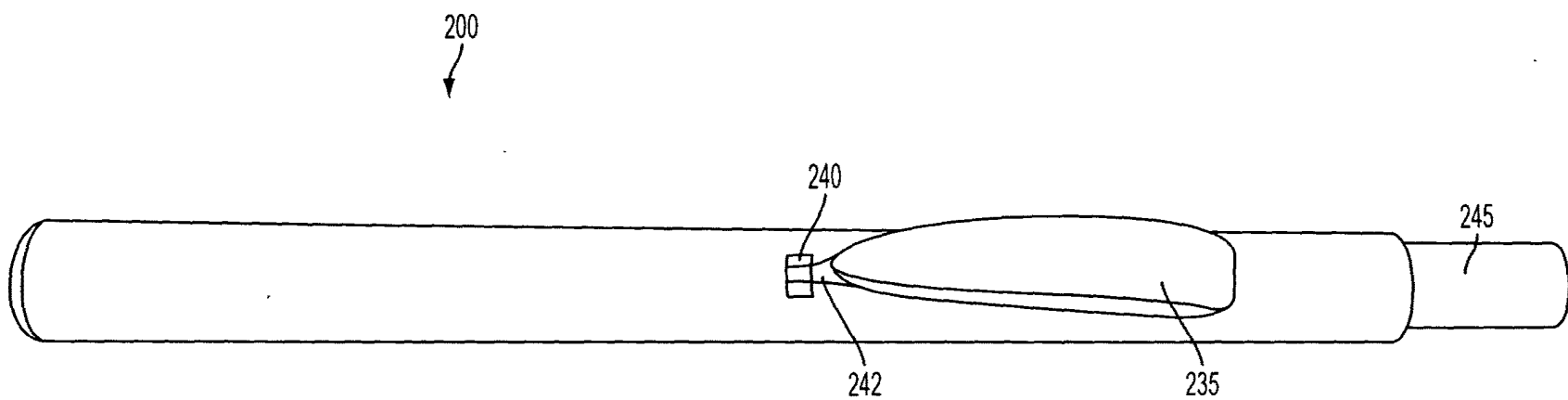


FIG. 5

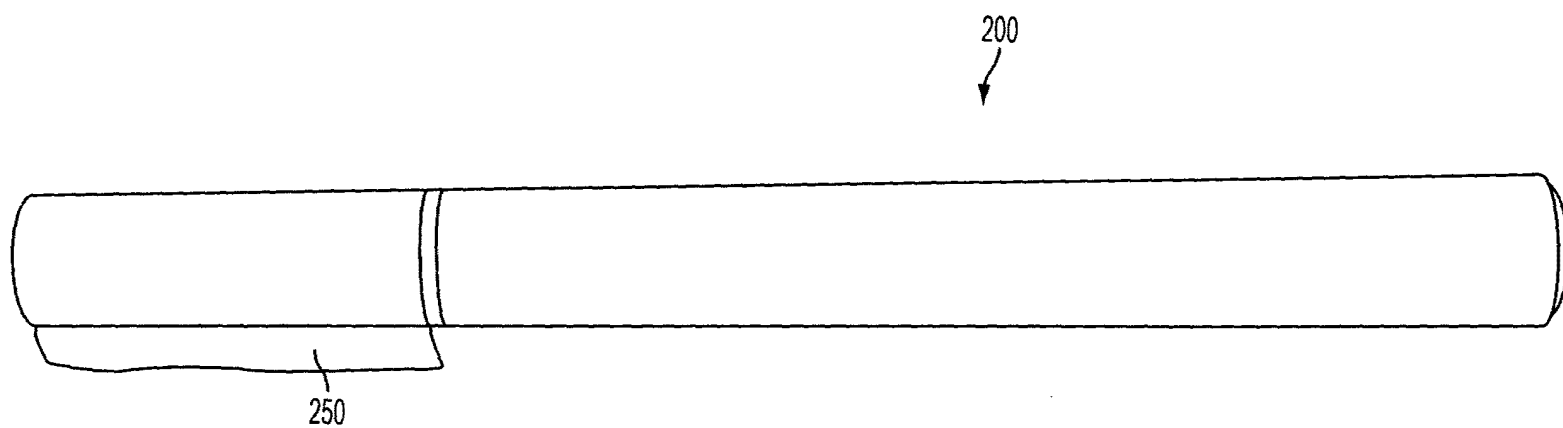


FIG. 6

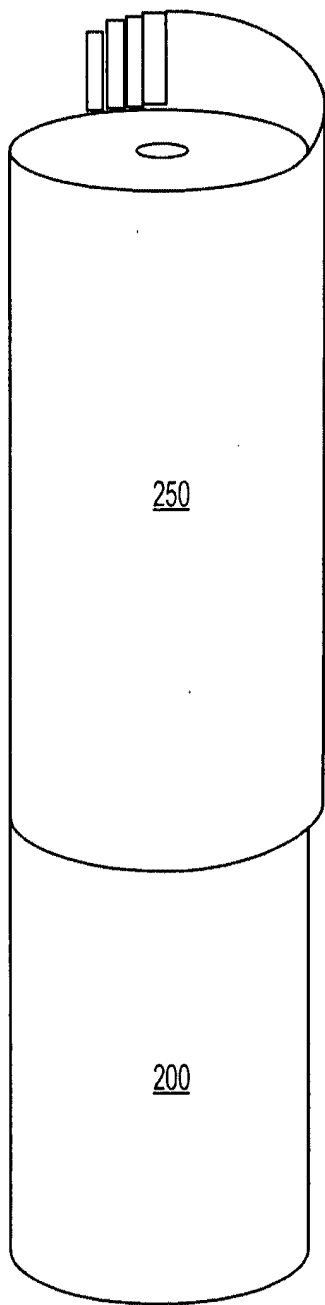


FIG. 7

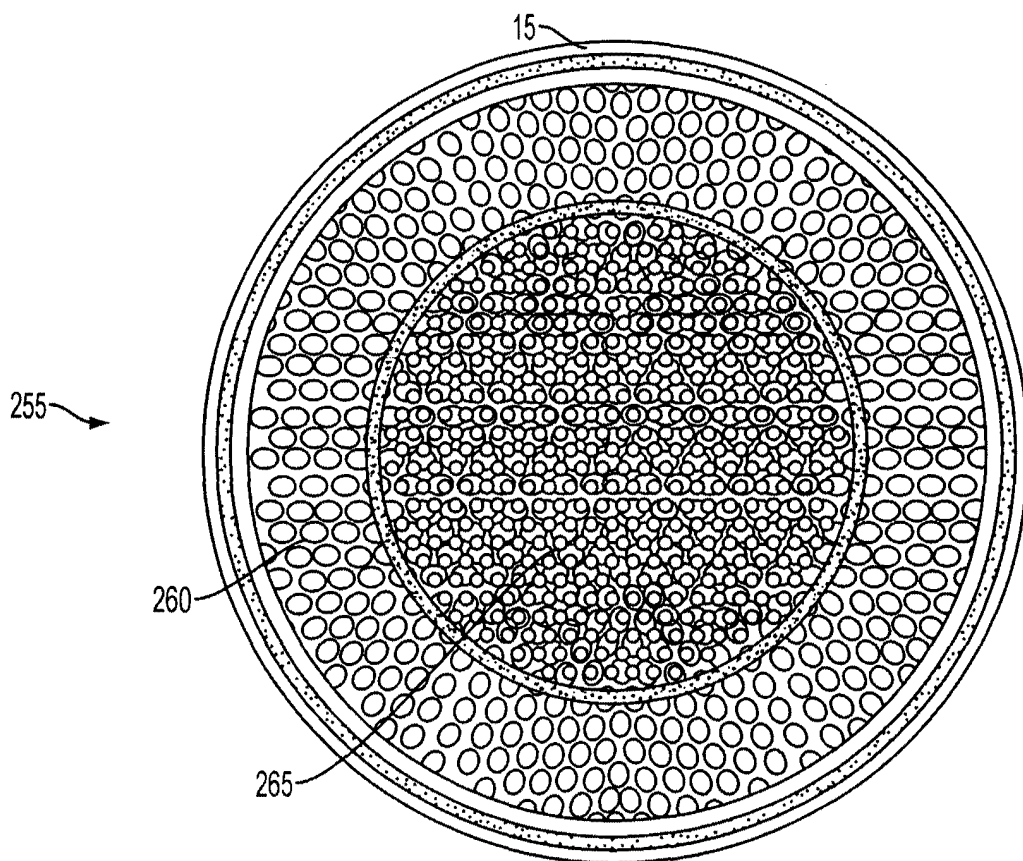


FIG. 8

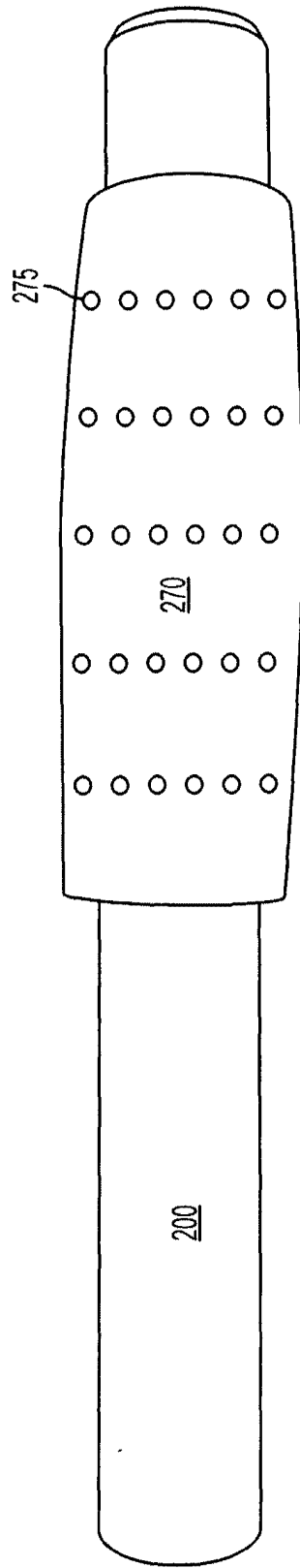


FIG. 9

As a below named inventor(s), I (we) hereby declare that:

This declaration is directed to the attached application.

My residence, post office address and citizenship are as stated below next to my name.

The below-identified invention was made, or authorized to be made by me.

I (we) believe that I am (we are) the original inventor(s) of a claimed invention in the application.

The application is entitled:

ELECTRONIC CIGARETTE

the specification of which is attached hereto.

I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims.

I (we) acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I (we) hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years or both.

I (we) hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application(s) and filing date of this application:

PRIOR U.S. APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

STATUS	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. §120	
Pending	61/852,336	15 March 2013	☒ YES	☐ NO
			☐ YES	☐ NO
			☐ YES	☐ NO

Combined Declaration For Patent Application and Power of Attorney (Continued)				DOCKET NUMBER GC012	
POWER OF ATTORNEY: As a named inventor, I (we) hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: PETER R. MARTINEZ, Reg. No. 42,845, whose correspondence address is: P.O. Box 131313, Carlsbad, CA 92013-1313.					
Send Correspondence to: Peter R. Martinez P.O. Box 131313 Carlsbad, CA 92013-1313				Direct Telephone Calls to: <i>(name and telephone number)</i> Peter R. Martinez (858) 449.0612	
0 1	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
		HUANG	XUANDONG		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
		GUANGHAN	CHINA	CHINA	
0 2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		#78 SECTION 3 LIUZHOU ROAD	GUANGHAN	SICHUAN PROVINCE, CHINA 618300	
0 2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
0 2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
I (we) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1061 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.					
SIGNATURE OF INVENTOR 01			SIGNATURE OF INVENTOR 02		
					
DATE			DATE		
3-7-2014					

As a below named inventor(s), I (we) hereby declare that:

This declaration is directed to the attached application.

My residence, post office address and citizenship are as stated below next to my name.

The below-identified invention was made, or authorized to be made by me.

I (we) believe that I am (we are) the original inventor(s) of a claimed invention in the application.

The application is entitled:

ELECTRONIC CIGARETTE

the specification of which is attached hereto.

I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims.

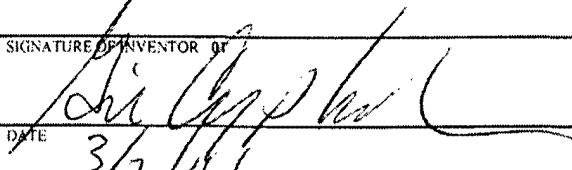
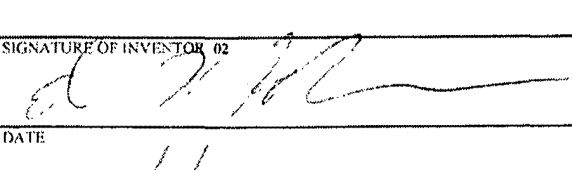
I (we) acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I (we) hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years or both.

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PRIOR U.S. APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

STATUS	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. §120	
Pending	61/852,336	15 March 2013	☒ YES	☐ NO
			☐ YES	☐ NO
			☐ YES	☐ NO

Combined Declaration For Patent Application and Power of Attorney (Continued)				DOCKET NUMBER: GC012	
POWER OF ATTORNEY: As a named inventor, I (we) hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: PETER R. MARTINEZ, Reg. No. 42,845, whose correspondence address is: P.O. Box 131313, Carlsbad, CA 92013-1313.					
Send Correspondence to: Peter R. Martinez P.O. Box 131313 Carlsbad, CA 92013-1313				Direct Telephone Calls to: <i>(name and telephone number)</i> Peter R. Martinez (858) 449.0612	
0 1	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
		CYPHERT	GILBERT		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
		PHOENIX	ARIZONA	UNITED STATES	
0 2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		1941 W. MITCHELL	PHOENIX	ARIZONA, 85015, UNITED STATES	
0 2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
		BALDER	EDWIN		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
		MESA	ARIZONA	UNITED STATES	
0 2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		530 S. ALMA SCHOOL ROAD # 45	MESA	ARIZONA, 85210, UNITED STATES	
I (we) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
SIGNATURE OF INVENTOR 01			SIGNATURE OF INVENTOR 02		
					
DATE 3/7/14			DATE 3/7/14		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gilbert CYPHERT et al.

Serial No.: to be assigned

Filed: March 14, 2014

Title: Electronic Cigarette

Carlsbad, California

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir or Madam:

In accordance with 37 C.F.R. § 1.56, Applicants make the documents listed on the enclosed form PTO/SB/08 of record in the above-identified application. In accordance with 37 C.F.R. § 1.97, this statement is not to be construed as a representation that a search has been made, and is not a representation that the information cited is effective as prior art to the application or is material to patentability.

Copies of the U.S. patents and U.S. patent application publications listed on the enclosed form PTO/SB/08 are not enclosed, in accordance with the waiver of the requirement of 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and U.S. patent application

publication for all U.S. national patent applications filed after June 30, 2003 that appears in the Official Gazette Notice (Week No. 31) dated August 5, 2003 and entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003."

Enclosed is a translated abstract of Chinese patent CN102423145.

It is respectfully requested that the documents listed on the enclosed form PTO/SB/08 be (1) fully considered by the U.S. Patent and Trademark Office in the examination of the present application; and (2) printed on any patent which may issue on this application. It is also respectfully requested that a copy of the enclosed form PTO/SB/08, as considered and initialed by the Examiner, be returned to the undersigned with the next communication in accordance with M.P.E.P. § 609.

Respectfully submitted,

March 14, 2014

Date



Peter R. Martinez
Reg. No.: 42,845

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	to be assigned
Filing Date	March 14, 2014
First Named Inventor	Gilbert CYPHERT
Art Unit	to be assigned
Examiner Name	to be assigned
Attorney Docket Number	GC012

Sheet	1	of	1
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

No documents available for this priority number.



Espacenet

Bibliographic data: CN102423145 (A) — 2012-04-25

Electronic atomized cigarette

Inventor(s): XUANDONG HUANG; SHIMIN CHEN ± (HUANG XUANDONG, ; CHEN SHIMIN)

Applicant(s): SHIMIN CHEN ± (CHEN SHIMIN)

Classification: - **international:** **A24F47/00**
- **cooperative:**

Application number: CN20111255179 20110901

Priority number (s): CN20111255179 20110901

Abstract of CN102423145 (A)

The invention discloses an electronic atomized cigarette. An inner cavity of a shell is partitioned into a control chamber, a battery cavity, an oil storage chamber and an atomized chamber along a straight line, wherein a ceramic seat is arranged between the oil storage chamber and the atomized chamber; a seal plug with a hole is arranged between the battery cavity and the oil storage chamber; an electronic switch is provided with three control wires, namely an anode control wire, a cathode control wire and a switch control wire, and the anode control wire and the cathode control wire are correspondingly connected with an anode and a cathode of a battery respectively; an air negative pressure switch is arranged in the electronic switch and used for controlling on-off operation between the anode control wire and the switch control wire; and two leads are configured on a thermal fuse and correspondingly connected with the cathode control wire and the switch control wire respectively. By independently designing a mutual sealed four-chamber structure, the electronic atomized cigarette has hierarchy distinct performance; members of power supply, oil storage, oil production, and the like are integrally loaded, and thus the structure is compact; by adopting the electronic switch, the production of smoke can be realized according to real-time demand, and the operation is portable; and automatic rise of smoke oil along with oil guide cotton is realized by utilizing a siphon principle, thus reasonable structure and strong operability are achieved.

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/19/2014 ZJUHR1 00000044 13999652

01 FC:2011	140.00 OP
02 FC:2111	300.00 OP
03 FC:2311	360.00 OP
04 FC:2090	200.00 OP

PTO – 1556
(5/87)



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

CONFIRMATION NO. 9639
FORMALITIES LETTER



Date Mailed: 04/01/2014

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- A mailing address for each inventor has not been submitted. A new application data sheet (ADS) in compliance with 37 CFR 1.76 or inventor's oath or declaration in compliance with 37 CFR 1.63 identifying the mailing address and residence (if the inventor lives at a location which is different from where the inventor customarily receives mail) is required.

Xuandong Huang

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
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<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/tlulu/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/999,652	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	140		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	300		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A	
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 40 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *	x 210 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
			TOTAL	800		TOTAL	
* If the difference in column 1 is less than zero, enter "0" in column 2.							
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/999,652	03/14/2014	1747	1000	GC012	20	3

CONFIRMATION NO. 9639

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

FILING RECEIPT



Date Mailed: 04/01/2014

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Gilbert Cyphert, Phoenix, AZ;
Xuandong Huang, Residence Not Provided;
Edwin Balder, Mesa, AZ;

Applicant(s)

Gilbert Cyphert, Phoenix, AZ;
Xuandong Huang, Residence Not Provided;
Edwin Balder, Mesa, AZ;

Power of Attorney:

Peter Martinez--42845

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/852,336 03/15/2013

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 03/31/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/999,652**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Electronic Cigarette

Preliminary Class

131

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

CONFIRMATION NO. 9639

FORMALITIES LETTER



Date Mailed: 04/01/2014

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- A mailing address for each inventor has not been submitted. A new application data sheet (ADS) in compliance with 37 CFR 1.76 or inventor's oath or declaration in compliance with 37 CFR 1.63 identifying the mailing address and residence (if the inventor lives at a location which is different from where the inventor customarily receives mail) is required.

Xuandong Huang

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

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<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/tlulu/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



Docket No.: GC012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Gilbert CYPHERT et al.	)	Confirmation no. 9639
	)	
Serial No.: 13/999,652	)	
	)	
Filed: March 14, 2014	)	
	)	
Title: ELECTRONIC CIGARETTE	)	
	)	
	)	

Carlsbad, California
May 21, 2014

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir/Ms.:

In response to the Notice to File Missing Parts mailed April 1, 2014, a response to which is due June 1, 2014, the following documents and remarks are submitted to the Office of Initial Patent Examination.

In the Notice of Missing Parts, the Office states that the mailing address for Xuandong Huang has not been submitted, and requests a new application data sheet (ADS).

In response, Applicant submits a new ADS, with the address of Xuandong Huang now included.

Also, please find a copy of the Notice to File Missing Parts mailed April 1, 2014.

Conclusion

Applicant believes that this Response has addressed all items in the Notice of Missing Parts, and now places the application in condition for examination. Should any issues remain unresolved, the Office of Initial Patent Examination is invited to telephone the undersigned.

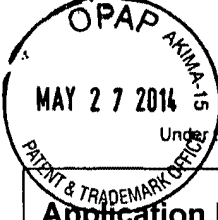
Respectfully submitted,

May 21, 2014

Date



Peter R. Martinez
Attorney for Applicant(s)
Reg. No. 42,845



Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--

Inventor Information:

Inventor 1					Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Mr.	Gilbert		CYPHERT		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Phoenix	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1		1941 W. Mitchell			
Address 2					
City	Phoenix	State/Province	AZ	Postal Code	85015
Country i		US			
Inventor 2					Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Mr.	Xuandong		HUANG		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	Guanghan	Country of Residence		i	CN
Mailing Address of Inventor:					
Address 1		Liuzhou Road, #78 Section 3			
Address 2		Sichuan Province			
City	Guanghan	State/Province		Postal Code	618300
Country i		CN			
Inventor 3					Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Mr.	Edwin		BALDER		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1	530 S. Alma School Road				
Address 2	#45				
City	Mesa	State/Province	AZ		
Postal Code	85210	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. 					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	57860		
Email Address			

Application Information:

Title of the Invention	Electronic Cigarette		
Attorney Docket Number	GC012	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	2

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	57860		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove		
Application Number	Country ¹	Filing Date (YYYY-MM-DD)
		Priority Claimed ☐ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.		

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

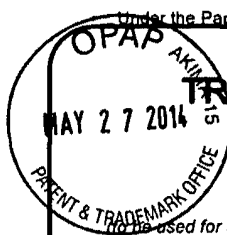
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature				Date (YYYY-MM-DD)	2014-05-21
First Name	Peter	Last Name	Martinez	Registration Number	42845
Additional Signature may be generated within this form by selecting the Add button.					

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



TRANSMITTAL FORM

(No fee used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

13/999,652

Filing Date

March 14, 2014

First Named Inventor

Gilbert CYPHERT

Art Unit

to be assigned

Examiner Name

to be assigned

Attorney Docket Number

GC012

ENCLOSURES

(Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☒Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

Application Data Sheet, 4 pages

Return Receipt Postcard

Notice to File Missing Parts, 2 pages

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Law Office of Peter Martinez, Esq.

Signature

Printed name

PETER MARTINEZ

Date

May 21, 2014

Reg. No.

42,845

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

PETER MARTINEZ

Date

May 21, 2014

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

CONFIRMATION NO. 9639

FORMALITIES LETTER



OC000000068866185

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

Date Mailed: 06/09/2014

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 05/27/2014 to the Notice to File Missing Parts (Notice) mailed 04/01/2014 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice. A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Applicant is given **TWO MONTHS** from the date of the Notice to File Missing Parts (Notice) mailed 04/01/2014 within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- A mailing address for each inventor has not been submitted. A new application data sheet (ADS) in compliance with 37 CFR 1.76 or inventor's oath or declaration in compliance with 37 CFR 1.63 identifying the mailing address and residence (if the inventor lives at a location which is different from where the inventor customarily receives mail) is required.

Xuandong Huang

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice".
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/ybedada/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

CONFIRMATION NO. 9639
IMPROPER CFR REQUEST



OC000000068866258

Date Mailed: 06/09/2014

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- The ADS submitted on 5/27/2014 was not properly marked up to show the desired changes. For information being changed relative to the information already of record, additions must be shown with underlining, and deletions must be shown with strike-through or brackets. See 37 CFR 1.76(c)(2).

/ybedada/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/999,652				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	140		N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	300		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 40 =	0.00	OR					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *	x 210 =	0.00						
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00						
			TOTAL	800		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										

1 fm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
 PETER MARTINEZ
 P.O. BOX 131313
 CARLSBAD, CA 92013



CONFIRMATION NO. 9639
FORMALITIES LETTER



Date Mailed: 06/09/2014

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 05/27/2014 to the Notice to File Missing Parts (Notice) mailed 04/01/2014 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice. A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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Xuandong Huang

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Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

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/ybedada/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013



CONFIRMATION NO. 9639
IMPROPER CFR REQUEST



Date Mailed: 06/09/2014

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

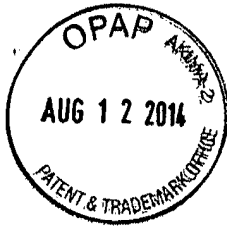
Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- The ADS submitted on 5/27/2014 was not properly marked up to show the desired changes. For information being changed relative to the information already of record, additions must be shown with underlining, and deletions must be shown with strike-through or brackets. See 37 CFR 1.76(c)(2).

/ybedada/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



Docket No.: GC012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: to be assigned
	)	
Gilbert Cyphert	)	Examiner: to be assigned
	)	
Serial No.: 13/999,652	)	Confirmation No.: 9639
	)	
Filed: March 14, 2014	)	
	)	
Title: Electronic Cigarette	)	
	)	
	)	

Carlsbad, California
August 8, 2014

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY and
RESPONSE TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir/Ms.:

In response to a Notice of Incomplete Reply mailed June 9, 2014 (enclosed), a response which is due by Monday, August 11, 2014, Applicant submits the following:

Also mailed on June 9, 2014, was a Response to Request for Corrected Filing Receipt (enclosed), stating that Applicant's ADS submitted on May 27, 2014 was "not properly marked up to show the desired changes." The change Applicant made was to include the address of Xuandong Huang.

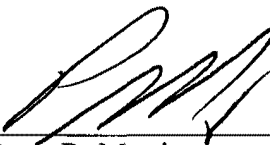
In response to the Response, Applicant submits a marked-up ADS showing the changed areas lined in red ink. Also included is a new ADS that includes Xuandong Huang's address.

Applicant respectfully requests a corrected Filing Receipt showing that Xuandong Huang's address has been provided. Should there be any questions, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

August 8, 2014

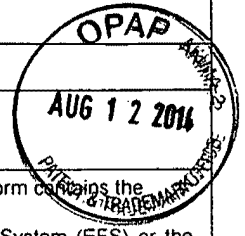
Date



Peter R. Martinez
Attorney for Applicant(s)
Reg. No. 42,845

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			



Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--

Inventor Information:

Inventor 1					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
Mr.	Gilbert		CYPHERT			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	Phoenix	State/Province	AZ	Country of Residence	US	
Mailing Address of Inventor:						
Address 1		1941 W. Mitchell				
Address 2						
City	Phoenix	State/Province	AZ			
Postal Code	85015	Country	US			
Inventor 2					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
Mr.	Xuandong		HUANG			
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service						
City	Guanghan	Country of Residence				
Mailing Address of Inventor:						
Address 1		#78, Section 3				
Address 2		Liuzhou Road				
City	Guanghan	State/Province				
Postal Code	618300	Country				
Inventor 3					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
Mr.	Edwin		BALDER			

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1	530 S. Alma School Road				
Address 2	#45				
City	Mesa	State/Province	AZ		
Postal Code	85210	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence information of this application.	
Customer Number	57860
Email Address	Add Email Remove Email

Application Information:

Title of the Invention	Electronic Cigarette		
Attorney Docket Number	GC012	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	2

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.			
Please Select One: ☒ Customer Number ☐ US Patent Practitioner ☐ Limited Recognition (37 CFR 11.9)			
Customer Number	57860		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.			
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Remove			
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

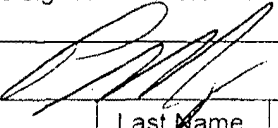
Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications			
Signature			Date (YYYY-MM-DD)
First Name	Peter	Last Name	Martinez
		Registration Number	42845
Additional Signature may be generated within this form by selecting the Add button.			

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
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Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Gilbert		CYPHERT	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Phoenix	State/Province	AZ	Country of Residence US
Mailing Address of Inventor:				
Address 1		1941 W. Mitchell		
Address 2				
City	Phoenix	State/Province	AZ	
Postal Code	85015	Country	US	
Inventor 2 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Xuandong		HUANG	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	Guanghan	Country of Residence	CN	
Mailing Address of Inventor:				
Address 1		Liuzhou Road, #78, Section 3		
Address 2		Sichuan Province		
City	Guanghan	State/Province		
Postal Code	618300	Country	CN	
Inventor 3 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Edwin		BALDER	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012	
		Application Number		
Title of Invention	Electronic Cigarette			

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1	530 S. Alma School Road				
Address 2	#45				
City	Mesa	State/Province	AZ		
Postal Code	85210	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					Add

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Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
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Customer Number	57860
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Title of the Invention	Electronic Cigarette		
Attorney Docket Number	GC012	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	2

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		Application Number									
Title of Invention	Electronic Cigarette										
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<table border="1"> <tr> <td>Please Select One:</td> <td>☒ Customer Number</td> <td>☐ US Patent Practitioner</td> <td>☐ Limited Recognition (37 CFR 11.9)</td> </tr> <tr> <td>Customer Number</td> <td colspan="3">57860</td> </tr> </table>				Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)	Customer Number	57860		
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)								
Customer Number	57860										

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.			
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

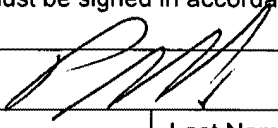
This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Remove			
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Authorization to Permit Access:
☐ Authorization to Permit Access to the Instant Application by the Participating Offices

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature				Date (YYYY-MM-DD)	2014-08-08
First Name	Peter	Last Name	Martinez	Registration Number	42845
Additional Signature may be generated within this form by selecting the Add button.					

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

CONFIRMATION NO. 9639

FORMALITIES LETTER



OC000000070270382

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

Date Mailed: 08/20/2014

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/12/2014 to the Notice to File Missing Parts (Notice) mailed 04/01/2014 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice. A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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Xuandong Huang

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

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Mail Stop Missing Parts
Commissioner for Patents
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Alexandria VA 22313-1450

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<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/kgebremichael/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/999,652			
APPLICATION AS FILED - PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)		
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	140		N/A			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	300		N/A			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 40 =	0.00	OR				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *	x 210 =	0.00					
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00					
			TOTAL	800		TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
APPLICATION AS AMENDED - PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =		
	Application Size Fee (37 CFR 1.16(s))					OR			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR			
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =		
	Application Size Fee (37 CFR 1.16(s))					OR			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR			
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.									



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
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CARLSBAD, CA 92013



CONFIRMATION NO. 9639

FORMALITIES LETTER



Date Mailed: 08/20/2014

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Xuandong Huang

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/kgebremichael/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



Docket No.: GC012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: to be assigned
	)	
Gilbert Cyphert	)	Examiner: to be assigned
	)	
Serial No.: 13/999,652	)	Confirmation No.: 9639
	)	
Filed: March 14, 2014	)	
	)	
Title: Electronic Cigarette	)	
	)	
	)	
	)	

Carlsbad, California
September 29, 2014

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY and
REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir/Ms.:

In response to a Notice of Incomplete Reply mailed August 20, 2014 (enclosed), a response which is due by October 20, 2014, Applicant submits the following:

This is Applicant's third request for a corrected filing receipt. Applicant submitted a corrected ADS on August 12, 2014, showing the address of Xuandong Huang. That request included a marked-up ADS showing the changed areas lined in red ink. Also included was a new ADS that included Xuandong Huang's address, without the red ink.

Included with this Response is another corrected ADS showing Xuandong Huang's address underlined in blue ink.

Applicant respectfully requests a corrected Filing Receipt showing that Xuandong Huang's address has been provided. Should there be any questions, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

September 29, 2014

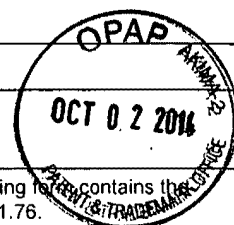
Date



Peter R. Martinez
Attorney for Applicant(s)
Reg. No. 42,845

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following information contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

**Secrecy Order 37 CFR 5.2**

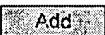
☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--

Inventor Information:

Inventor 1					
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Mr.	Gilbert		CYPHERT		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Phoenix	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1		1941 W. Mitchell			
Address 2					
City	Phoenix	State/Province	AZ		
Postal Code	85015	Country	US		
Inventor 2					
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Mr.	Xuandong		HUANG		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	Guanghan	Country of Residence	CN		
Mailing Address of Inventor:					
Address 1		Liuzhou Road, #78			
Address 2		Section 3			
City	Guanghan	State/Province	SICHUAN		
Postal Code	618300	Country	CN		
Inventor 3					
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Mr.	Edwin		BALDER		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012	
		Application Number		
Title of Invention	Electronic Cigarette			

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1	530 S. Alma School Road				
Address 2	#45				
City	Mesa	State/Province	AZ		
Postal Code	85210	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. 					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).		
☐ An Address is being provided for the correspondence information of this application.		
Customer Number	57860	
Email Address		 

Application Information:

Title of the Invention	Electronic Cigarette		
Attorney Docket Number	GC012	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	2

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012								
		Application Number									
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<table border="1"> <tr> <td>Please Select One:</td> <td>☒ Customer Number</td> <td>☐ US Patent Practitioner</td> <td>☐ Limited Recognition (37 CFR 11.9)</td> </tr> <tr> <td>Customer Number</td> <td colspan="3">57860</td> </tr> </table>				Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)	Customer Number	57860		
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)								
Customer Number	57860										

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Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13999652	non provisional of	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

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Remove			
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

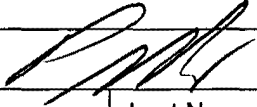
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature				Date (YYYY-MM-DD)	2014-09-29
First Name	Peter	Last Name	Martinez	Registration Number	42845
Additional Signature may be generated within this form by selecting the Add button.					

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Document Description: Transmittal Letter

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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OCT 02 2014

PATENT & TRADEMARK OFFICE

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

13/999,652

Filing Date

March 14, 2014

First Named Inventor

Gilbert CYPHERT

Art Unit

to be assigned

Examiner Name

to be assigned

Attorney Docket Number

GC012

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Law Office of Peter Martinez, Esq.

Signature

Printed name

Peter Martinez

Date

September 29, 2014

Reg. No.

42,845

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Peter Martinez

Date

September 29, 2014

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

CONFIRMATION NO. 9639
MISCELLANEOUS NOTICE



Date Mailed: 10/10/2014

A communication which cannot be delivered in electronic form has been mailed to the applicant.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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CONFIRMATION NO. 9639

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013



Date Mailed: 10/10/2014

NOTICE OF INCOMPLETE REPLY

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Mail date of Notice:

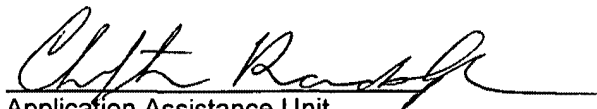
04/01/2014

Last date that extension may be obtained: (Note: The petition and fee must be received by this date, or include a proper certificate of mailing under 37 CFR 1.8 with a date on or before this date, and extend the time to include this date.)

11/01/2014

Length of Extension of Time	Fee under 37 CFR 1.17(a) effective March 19, 2013		
	Undiscounted	Small Entity	Micro Entity
One Month	\$200	\$100	\$50
Two Months	\$600	\$300	\$150
Three Months	\$1,400	\$700	\$350
Four Months	\$2,200	\$1,100	\$550
Five Months	\$3,000	\$1,500	\$750

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450


Application Assistance Unit
571-272-4200



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

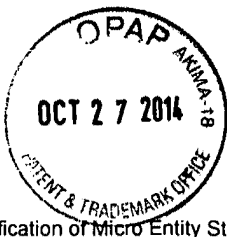
57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

CONFIRMATION NO. 9639
MISCELLANEOUS NOTICE



Date Mailed: 10/10/2014

A communication which cannot be delivered in electronic form has been mailed to the applicant.



Doc Code: MES.GIB

Document Description: Certification of Micro Entity Status (Gross Income Basis)

PTO/SB/15A (07-14)

**CERTIFICATION OF MICRO ENTITY STATUS
(GROSS INCOME BASIS)**

Application Number or Control Number (if applicable):

13/999,652

Patent Number (if applicable):

First Named Inventor:

Gilbert Cyphert

Title of Invention:

ELECTRONIC CIGARETTE

The applicant hereby certifies the following—

- (1) **SMALL ENTITY REQUIREMENT** – The applicant qualifies as a small entity as defined in 37 CFR 1.27.
- (2) **APPLICATION FILING LIMIT** – Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights, or is obligated to assign all ownership rights, as a result of the applicant's previous employment.
- (3) **GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS** – Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.
- (4) **GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST"** – Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

SIGNATURE by an authorized party set forth in 37 CFR 1.33(b)

Signature

Name

PETER MARTINEZ

Date

October 22, 2014

Telephone

858-449-0612

Registration No.

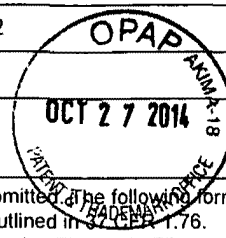
42,845



There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

**Secrecy Order 37 CFR 5.2**

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--

Inventor Information:

Inventor 1 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Gilbert		CYPHERT	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Phoenix	State/Province	AZ	Country of Residence US
Mailing Address of Inventor:				
Address 1		1941 W. Mitchell		
Address 2				
City	Phoenix	State/Province	AZ	
Postal Code	85015	Country	US	
Inventor 2 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Xuandong		HUANG	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	Guanghan, Sichuan	Country of Residence	CN	
Mailing Address of Inventor:				
Address 1		Liuzhou Road, #78		
Address 2		Section 3		
City	Guanghan, Sichuan	State/Province		
Postal Code	618300	Country	CN	
Inventor 3 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Edwin		BALDER	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number		GC012	
		Application Number			
Title of Invention	Electronic Cigarette				

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence	US
Mailing Address of Inventor:					
Address 1		530 S. Alma School Road			
Address 2		#45			
City	Mesa	State/Province	AZ		
Postal Code	85210	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).		
☐ An Address is being provided for the correspondence Information of this application.		
Customer Number	57860	
Email Address		Add Email Remove Email

Application Information:

Title of the Invention	Electronic Cigarette				
Attorney Docket Number	GC012	Small Entity Status Claimed ☒			
Application Type	Nonprovisional				
Subject Matter	Utility				
Suggested Class (if any)		Sub Class (if any)			
Suggested Technology Center (if any)					
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	2		

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	57860		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Expired		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13999652	non provisional of	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

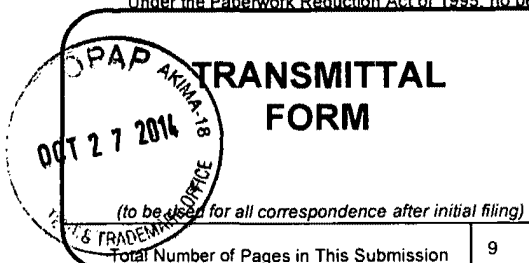
Application Data Sheet 37 CFR 1.76		Attorney Docket Number	GC012
		Application Number	
Title of Invention	Electronic Cigarette		

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature				Date (YYYY-MM-DD)	2014-10-22
First Name	Peter	Last Name	Martinez	Registration Number	42845
Additional Signature may be generated within this form by selecting the Add button.					

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Application Number	13/999,652
Filing Date	March 14, 2014
First Named Inventor	Gilbert CYPHERT
Art Unit	to be assigned
Examiner Name	to be assigned
Attorney Docket Number	GC012

Total Number of Pages in This Submission 9

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| ☐ Fee Transmittal Form
☐ Fee Attached
☐ Amendment/Reply
☐ After Final
☐ Affidavits/declaration(s)
☒ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)
☒ Reply to Missing Parts/
Incomplete Application
☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | ☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a
Provisional Application
☐ Power of Attorney, Revocation
Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
☐ Landscape Table on CD | ☐ After Allowance Communication to TC
☐ Appeal Communication to Board
of Appeals and Interferences
☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Other Enclosure(s) (please identify
below):
Return Receipt Postcard
Certification of Micro Entity Status
Notice of Incomplete Reply
Check #2569 for \$750.00 |
|--|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Peter Martinez, Esq.		
Signature			
Printed name	Peter Martinez		
Date	October 22, 2014	Reg. No.	42,845

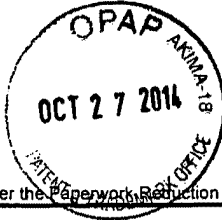
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Peter Martinez	Date	October 22, 2014

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) GC012
Application Number 13/999,652	Filed March 14, 2014	
For ELECTRONIC CIGARETTE		
Art Unit to be assigned	Examiner to be assigned	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	<u>Fee</u>	<u>Small Entity Fee</u>
☐ One month (37 CFR 1.17(a)(1))	\$200	\$100
☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300
☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700
☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$550
☒ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500
		<u>Micro Entity Fee</u>
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ 750
☒ Applicant asserts small entity status. See 37 CFR 1.27.		
☒ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.		
☒ A check in the amount of the fee is enclosed.		
☐ Payment by credit card. Form PTO-2038 is attached.		
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.		
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____		
☐ Payment made via EFS-Web.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the		
☐ applicant.		
☒ attorney or agent of record. Registration number <u>42,845</u>		
☐ attorney or agent acting under 37 CFR 1.34. Registration number _____		
_____ Signature		October 22, 2014 Date
PETER MARTINEZ Typed or printed name		858-449-0612 Telephone Number
NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.		

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Docket No.: GC012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: to be assigned
	)	
Gilbert Cyphert	)	Examiner: to be assigned
	)	
Serial No.: 13/999,652	)	Confirmation No.: 9639
	)	
Filed: March 14, 2014	)	
	)	
Title: Electronic Cigarette	)	
	)	
	)	
	)	

Carlsbad, California
October 22, 2014

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY and
PETITION FOR EXTENSION OF TIME

Dear Sir/Ms.:

In response to a Notice of Incomplete Reply mailed October 10, 2014, Applicant submits the following:

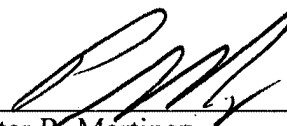
- 1) a copy of the Notice of Incomplete Reply, mailed October 10, 2014;
- 2) a new corrected ADS showing Xuandong Huang's address underlined in blue ink;
- 3) a Certification of Micro Entity Status;
- 4) a Petition for Extension of time for five (5) months; and
- 5) check no. 2569 in the amount of \$750 for payment of the five month extension of time.

Applicant respectfully requests a corrected Filing Receipt showing that Xuandong Huang's address has been provided. Should there be any questions, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

October 22, 2014

Date



Peter R. Martinez
Attorney for Applicant(s)
Reg. No. 42,845

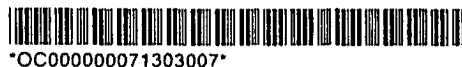


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013



CONFIRMATION NO. 9639

Date Mailed: 10/10/2014

NOTICE OF INCOMPLETE REPLY

Filing Date Granted

Applicant's reply to the Notice mailed on 04/01/2014 was received in the U.S. Patent and Trademark Office on 08/12/2014. The reply, however, was received after the expiration of the period for reply set forth in the Notice. The application will become **abandoned** unless applicant obtains an extension of the period for reply. An extension of the reply period may be obtained by filing a petition under 37 CFR 1.136(a). The petition must be accompanied by the appropriate fee as set forth in 37 CFR 1.17 (see the current fees below). The date on which the reply, the petition, and the fee have been filed is the date of the reply and also the date for purposes of determining the period of extension and the corresponding amount of the fee due. The expiration of the time period is determined by the amount of the fee paid. Applicant is advised that extensions may not be granted under 37 CFR 1.136(a) for more than FIVE MONTHS beyond the time period set in the Notice.

Mail date of Notice:

04/01/2014

Last date that extension may be obtained: (Note: The petition and fee must be received by this date, or include a proper certificate of mailing under 37 CFR 1.8 with a date on or before this date, and extend the time to include this date.)

11/01/2014

Length of Extension of Time	Fee under 37 CFR 1.17(a) effective March 19, 2013		
	Undiscounted	Small Entity	Micro Entity
One Month	\$200	\$100	\$50
Two Months	\$600	\$300	\$150
Three Months	\$1,400	\$700	\$350
Four Months	\$2,200	\$1,100	\$550
Five Months	\$3,000	\$1,500	\$750

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Application Assistance Unit
571-272-4200



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/999,652	03/14/2014	1747	1000	GC012	20	3

CONFIRMATION NO. 9639

UPDATED FILING RECEIPT



57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

Date Mailed: 11/07/2014

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Gilbert Cyphert, Phoenix, AZ;
Xuandong Huang, Guanghan, CHINA;
Edwin Balder, Mesa, AZ;

Applicant(s)

Gilbert Cyphert, Phoenix, AZ;
Xuandong Huang, Guanghan, CHINA;
Edwin Balder, Mesa, AZ;

Power of Attorney:

Peter Martinez--42845

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/852,336 03/15/2013

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 03/31/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/999,652**

Projected Publication Date: 02/19/2015

Non-Publication Request: No

Early Publication Request: No

**** MICRO ENTITY ****

Title

Electronic Cigarette

Preliminary Class

131

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/999,652	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	70
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	150
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	180
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *			OR	x 20 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *				x 105 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
			TOTAL			TOTAL	400
* If the difference in column 1 is less than zero, enter "0" in column 2.							
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

CONFIRMATION NO. 9639

PUBLICATION NOTICE



OC000000073476321

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

Title:Electronic Cigarette

Publication No.US-2015-0047658-A1

Publication Date:02/19/2015

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:



Practitioners associated with Customer Number:

22235

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:



The address associated with Customer Number:

22235

OR

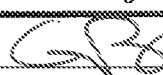
Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address: Vapor Corp.
3001 GRIFFIN RD
DANIA BEACH, FL 33312

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	10/22/15
Name	Greg Brauser	Telephone	
Title	President		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: CYPHERT, GILBERT; HUANG, XUANDONG; BALDER, EDWINApplication No./Patent No.: 13/999,652 Filed/Issue Date: 2014-03-15Titled: Electronic cigaretteVapor Corp. _____, a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose one of options 1, 2, 3 or 4 below):1. ☒ The assignee of the entire right, title, and interest.2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):☐ The extent (by percentage) of its ownership interest is _____. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose one of options A or B below):A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel: 036425, Frame 0950, or for which a copy thereof is attached.B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

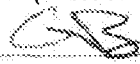
☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature


Greg Brauser

Printed or Typed Name

Date

16/72/15
President

Title or Registration Number

[Page 2 of 2]

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	24130255
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	57860
Filer:	Geoffrey Adam Lottenberg
Filer Authorized By:	
Attorney Docket Number:	GC012
Receipt Date:	19-NOV-2015
Filing Date:	14-MAR-2014
Time Stamp:	11:41:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	9840ADS_111915.pdf	1561337 ee709e8361eb085aad97aded3c0812b364b943c5	no	7

Warnings:

Information:

2	Power of Attorney	9840POA_Assignee.pdf	180057 c7aa6092bed34f9415a98a2745d5e208e23bc5e8	no	2
Warnings:					
Information:					
3	Assignee showing of ownership per 37 CFR 3.73	9840POA_Statement.pdf	165659 f18c078803c02a7584ebda1555ccd832199090d5	no	3
Warnings:					
Information:					
Total Files Size (in bytes):			1907053		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Inventor Information:

Inventor 1					Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	GILBERT		CYPHERT		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Phoenix	State/Province	AZ	Country of Residence i	US
Mailing Address of Inventor:					
Address 1		1941 W. Mitchell			
Address 2					
City	Phoenix	State/Province	AZ		
Postal Code	85015	Country i	US		
Inventor 2					Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	XUANDONG		HUANG		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	Guanghan, Sichuan	Country of Residence i	CN		
Mailing Address of Inventor:					
Address 1		Liuzhou Road, # 78			
Address 2		Section 3			
City	Guanghan, Sichuan	State/Province			
Postal Code	618300	Country i	CN		
Inventor 3					Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	EDWIN		BALDER		

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Mesa	State/Province	AZ	Country of Residence i	US
Mailing Address of Inventor:					
Address 1	530 S. Alma School Road				
Address 2	#45				
City	Mesa	State/Province	AZ		
Postal Code	85210	Country i	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	22235		
Email Address	info@mhdpatents.com	Add Email	Remove Email

Application Information:

Title of the Invention	Electronic Cigarette		
Attorney Docket Number	12320.9840	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

Filing By Reference :

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country i

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	22235		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78. When referring to the current application, please leave the application number blank.			
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13999652	Claims benefit of provisional	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).			
Remove			
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Applicant 1				Remove	
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.					
Clear					
☒ Assignee		☐ Legal Representative under 35 U.S.C. 117		☐ Joint Inventor	
☐ Person to whom the inventor is obligated to assign.			☐ Person who shows sufficient proprietary interest		
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:					
Name of the Deceased or Legally Incapacitated Inventor :					
If the Applicant is an Organization check here. ☒					
Organization Name		Vapor Corp.			
Mailing Address Information:					
Address 1		3001 Griffin Rd.			
Address 2					
City		Dania Beach	State/Province		FL
Country ⁱ	US	Postal Code		33312	
Phone Number			Fax Number		
Email Address					
Additional Applicant Data may be generated within this form by selecting the Add button. Add					

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.	
Assignee 1	
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.	
Remove	
If the Assignee or Non-Applicant Assignee is an Organization check here. ☒	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Organization Name	Vapor Corp.
-------------------	-------------

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1	3001 Griffin Rd.		
Address 2			
City	Dania Beach	State/Province	FL
Country i	US	Postal Code	33312
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature	/geoffrey lottenberg/			Date (YYYY-MM-DD)	2015-11-19
First Name	Geoffrey	Last Name	Lottenberg	Registration Number	65925
Additional Signature may be generated within this form by selecting the Add button.					Add

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

CONFIRMATION NO. 9639
MISCELLANEOUS NOTICE



Date Mailed: 11/30/2015

A communication which cannot be delivered in electronic form has been mailed to the applicant.



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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

CONFIRMATION NO. 9639

57860
 PETER MARTINEZ
 P.O. BOX 131313
 CARLSBAD, CA 92013



Cc: MALIN HALEY DIMAGGIO & BOWEN, P.A.
 1936 S ANDREWS AVENUE
 FORT LAUDERDALE, FL 33316

Date Mailed: 11/30/2015

DENIAL OF REQUEST FOR POWER OF ATTORNEY

The request for Power of Attorney filed 11/19/2015 is acknowledged. However, the request cannot be granted at this time for the reason stated below.

- ☐ The Power of Attorney you provided did not comply with the new Power of Attorney rules that became effective on June 25, 2004. See 37 CFR 1.32.
- ☐ The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.
- ☐ The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(c) has not been received.
- ☐ The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
- ☐ The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.
- ☐ The signature(s) of _____, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor(s).
- ☐ The person(s) appointed in the Power of Attorney is not registered to practice before the U.S. Patent and Trademark Office.
- ☐ Only one Customer Number can be designated for the Power of Attorney in an application. The Customer Number that was captured is the first Customer Number provided on the Power of Attorney document.
- ☐ A request under 37 CFR 1.48 to add an inventor was granted in this application, however, no power of attorney consistent with the power of attorney granted by the originally named inventive entity has been



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received. Thus, the addition of the inventor has resulted in the loss of power of attorney in the application. See 37 CFR 1.32(e).

- ☒ The power of attorney has not been accepted because the party who is giving power of attorney has not been identified. Power of attorney may only be signed by the applicant for patent (37 CFR 1.42) or the patent owner. A patent owner who was not the applicant must appoint any power of attorney in compliance with 37 CFR 3.71 and 3.73. See 37 CFR 1.32(b)(4).
- ☐ The power of attorney from the inventors has not been accepted because it is a copy from a prior national application for which benefit is claimed and the continuing application names an inventor who was not named as an inventor in the prior application.
- ☐ The power of attorney from the inventors has not been accepted because the power of attorney must be signed by the applicant for patent. See 37 CFR 1.32(b)(4).
- ☒ Any request to correct or update the name of the applicant must include an application data sheet (ADS) in compliance with 37 CFR 1.76 specifying the correct or updated name of the applicant in the applicant information section. Any request to change the applicant after an original applicant has been specified under 37 CFR 1.46(b) must include a new ADS in compliance with 37 CFR 1.76 specifying the applicant in the applicant information section and comply with 37 CFR 3.71 and 3.73. See 37 CFR 1.46(c).

Any inquiries regarding this notice should be directed to the Application Assistance Unit at 571-272-4200.



Application Assistance Unit
571-272-4200

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:



Practitioners associated with Customer Number:

22235

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:



The address associated with Customer Number:

22235

OR

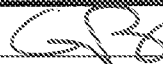
Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address: Vapor Corp.
3001 GRIFFIN RD
DANIA BEACH, FL 33312

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	10/22/15
Name	Greg Brauser	Telephone	
Title	President		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: CYPHERT, GILBERT; HUANG, XUANDONG; BALDER, EDWINApplication No./Patent No.: 13/999,652 Filed/Issue Date: 2014-03-15Titled: Electronic cigaretteVapor Corp. _____, a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose one of options 1, 2, 3 or 4 below):1. ☒ The assignee of the entire right, title, and interest.2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):☐ The extent (by percentage) of its ownership interest is _____. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose one of options A or B below):A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel: 036425, Frame 0950, or for which a copy thereof is attached.B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

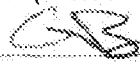
☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature


Greg Brauser

Printed or Typed Name

Date

16/72/15
President

Title or Registration Number

[Page 2 of 2]

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	24270045
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	57860
Filer:	Geoffrey Adam Lottenberg
Filer Authorized By:	
Attorney Docket Number:	GC012
Receipt Date:	04-DEC-2015
Filing Date:	14-MAR-2014
Time Stamp:	16:38:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	9840ADS_120415.pdf	436328 3c59c0f2534da828a863b1539720136cafca1d86	no	7

Warnings:

Information:

This is not an USPTO supplied ADS fillable form					
2	Power of Attorney	9840POA_Assignee.pdf	180057 c7aa6092bed34f9415a98a2745d5e208e23bc5e8	no	2
Warnings:					
Information:					
3	Assignee showing of ownership per 37 CFR 3.73	9840POA_Statement.pdf	165659 f18c078803c02a7584ebda1555ccd832199090d5	no	3
Warnings:					
Information:					
Total Files Size (in bytes):			782044		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Inventor Information:

Inventor 1					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	GILBERT		CYPHERT			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	Phoenix	State/Province	AZ	Country of Residenceⁱ	US	
Mailing Address of Inventor:						
Address 1	1941 W. Mitchell					
Address 2						
City	Phoenix	State/Province	AZ			
Postal Code	85015	Countryⁱ	US			
Inventor 2					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	XUANDONG		HUANG			
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service						
City	Guanghan, Sichuan	Country of Residenceⁱ	CN			
Mailing Address of Inventor:						
Address 1	Liuzhou Road, # 78					
Address 2	Section 3					
City	Guanghan, Sichuan	State/Province				
Postal Code	618300	Countryⁱ	CN			
Inventor 3					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	EDWIN		BALDER			

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service			
City	Mesa	State/Province	AZ
Country of Residence		US	

Mailing Address of Inventor:

Address 1	530 S. Alma School Road		
Address 2	#45		
City	Mesa	State/Province	AZ
Postal Code	85210	Country	US
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add			

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence information of this application.	
Customer Number	22235
Email Address	info@mhdpatents.com Add Email Remove Email

Application Information:

Title of the Invention	Electronic Cigarette		
Attorney Docket Number	12320.9840	Small Entity Status Claimed ☒	
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

Filing By Reference :

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.											
<table border="1"> <tr> <td>Please Select One:</td> <td>☒ Customer Number</td> <td>☐ US Patent Practitioner</td> <td>☐ Limited Recognition (37 CFR 11.9)</td> </tr> <tr> <td>Customer Number</td> <td colspan="3">22235</td> </tr> </table>				Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)	Customer Number	22235		
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)								
Customer Number	22235										

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.			
When referring to the current application, please leave the application number blank.			
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13999652	Claims benefit of provisional	61852336	2013-03-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).			
Remove			
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Applicant 1			
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.			
Clear			
☒ Assignee		☐ Legal Representative under 35 U.S.C. 117	
☐ Person to whom the inventor is obligated to assign.		☐ Person who shows sufficient proprietary interest	
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:			
Name of the Deceased or Legally Incapacitated Inventor :			
If the Applicant is an Organization check here. ☒			
Organization Name		Vapor Corp.	
Mailing Address Information For Applicant:			
Address 1		3001 Griffin Rd.	
Address 2			
City		Dania Beach	State/Province
Country		US	FL
Postal Code		33312	
Phone Number		Fax Number	
Email Address			
Additional Applicant Data may be generated within this form by selecting the Add button.			

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.	
Assignee 1	
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.	
If the Assignee or Non-Applicant Assignee is an Organization check here. ☒	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12320.9840
		Application Number	
Title of Invention	Electronic Cigarette		

Organization Name	Vapor Corp.
-------------------	-------------

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1	3001 Griffin Rd.		
Address 2			
City	Dania Beach.	State/Province	FL
Country ⁱ	US	Postal Code	33312
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Signature	/geoffrey lottenberg/		Date (YYYY-MM-DD)	2015-11-19	
First Name	Geoffrey	Last Name	Lottenberg	Registration Number	65925

Additional Signature may be generated within this form by selecting the Add button.

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

57860
PETER MARTINEZ
P.O. BOX 131313
CARLSBAD, CA 92013

CONFIRMATION NO. 9639
POWER OF ATTORNEY NOTICE



Date Mailed: 12/30/2015

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2015.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ltaba/



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	GC012

22235
Malin Haley DiMaggio & Bowen, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

CONFIRMATION NO. 9639
POA ACCEPTANCE LETTER



Date Mailed: 12/30/2015

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2015.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ltaba/



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/999,652	03/14/2014	1747	1000	GC012	20	3

22235

Malin Haley DiMaggio & Bowen, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

CONFIRMATION NO. 9639
REPLACEMENT FILING RECEIPT



Date Mailed: 12/30/2015

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Gilbert Cyphert, Phoenix, AZ;
Xuandong Huang, Guanghan, CHINA;
Edwin Balder, Mesa, AZ;

Applicant(s)

Vapor Corp., Dania Beach, FL;

Assignment For Published Patent Application

Vapor Corp., Dania Beach, FL

Power of Attorney: The patent practitioners associated with Customer Number 22235

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/852,336 03/15/2013

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: No

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/31/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/999,652**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** MICRO ENTITY ****

Title

Electronic Cigarette

Preliminary Class

131

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/999,652	03/14/2014	Gilbert Cyphert	12320.9840	9639

22235 7590 02/25/2016
Malin Haley DiMaggio & Bowen, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

EXAMINER

YAARY, ERIC

ART UNIT	PAPER NUMBER
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1747

NOTIFICATION DATE	DELIVERY MODE
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02/25/2016

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@mhdpatents.com

Office Action Summary	Application No. 13/999,652	Applicant(s) CYPHERT ET AL.	
	Examiner ERIC YAARY	Art Unit 1747	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 3/14/2014 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 3/14/2014.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “the retractable tip member moveable relative to the casing”, “the retractable tip member coupled to an actuator element located adjacent to the casing”, “the LED enclosing the distal end of the casing”, and “at least one sealing element located between the heating assembly and an interior surface of the casing”.

Claim Rejections - 35 USC § 112

3. The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14-15 and 18-20 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
5. Claim 14 recites the limitation “the battery”. Claim 18 recites the limitation “the cylindrical casing”. There is insufficient antecedent basis for these limitations in the claims. Claims 19-20 depend from claim 18 and are rejected accordingly.
6. Regarding claim 15, it is unclear if “and a combination of two or more fluids” is limited to the previously recited fluids or any two combined fluids. For examination purposes, “and a combination of two or more fluids” will be interpreted as “or a combination thereof” to limit the claim to combinations of the recited fluids.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

9. Claims 1-2 and 6 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian (US 2014/0000638) in view of Alarcon (US 2011/0265806).

10. **Regarding claim 1**, Sebastian [Fig. 1] teaches an electronic cigarette, comprising: a shell 15 (casing) comprising a first chamber (section to the left of demarcation line A) and a second chamber (section to the right of demarcation line A) [0030, 0071], the two chambers located sequentially within the casing; a battery 40 located in the first chamber [0078]; a reservoir 205 (fluid containing member) located in the second chamber [0080, 0089-0090]; an aerosolization zone including a heating element 50 (heating assembly) located in the second chamber [0078, 0080]; a transport element 300 (fluid passageway) communicating between the fluid containing member 205 and the heating assembly [0080-0081]; and an air inlet 17 provided on an external wall of the casing [0081].

11. Sebastian teaches a sealed air flow path (air passage) communicating between the first and second chambers [0089], but does not explicitly teach the air passage is a tube element passing through a sealing element forming a partition between the first and second chambers. Alarcon teaches an

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electronic cigarette comprising an air flow path 122 having a tubular shape, i.e. a tube element providing an air passage between the air inlet 120 and the heating assembly 46, and a sealing wall forming a partition between first and second chambers, i.e. structured to prevent fluid from passing from the second chamber into the first chamber [0046, 0069-0070; Fig. 1A and 2A]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Sebastian to include a sealing element forming a partition between the first and second chambers and a tube element communicating between the air inlet and the heating assembly, i.e. between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber, in order to provide an air passage between the first and second chambers while the components in each chamber are safely sealed off from each other and functions of the components are isolated from each other. [Alarcon 0069; Sebastian 0089].

12. **Regarding claim 2**, Sebastian teaches the fluid passageway 300 communicating between the fluid containing member 205 and the heating assembly 50 comprises a fiber element having a first distal end communicating with the fluid containing member, and a second distal end communicating with the heating assembly [0080, 0093; Fig. 1].

13. **Regarding claim 6**, Sebastian teaches a filter apparatus located in the mouth end of the electronic cigarette [0081], i.e. in a distal end of the casing.

14. **Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian and Alarcon as applied to claim 1 above, and further in view of Levin (US 2013/0298905).**

15. Modified Sebastian teaches the heating element can be provided in a variety of forms [0050] but a bulb element is not taught. Levin teaches an electronic cigarette wherein the heating element is a bulb element including a filament (wire) that communicates with the battery [0049, 0065]. It would have been obvious to one of ordinary skill in the art at the time of invention to include this heating element in the heating assembly of modified Sebastian to yield the same, predictable result of vaporization.

16. **Claims 4-5 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian and Alarcon as applied to claim 1 above, and further in view of Monsees (US 2013/0042865).**

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17. Modified Sebastian is silent to a retractable tip member. Monsees teaches an electronic cigarette comprising a retractable mouthpiece (tip member) located at a distal end of the casing, i.e. moveable relative to the casing, and a push-push mechanism configured to toggle the tip member between a retracted and an "on" position, i.e. an actuator element located adjacent to the casing [0089, 0091], which would have been obvious to one of ordinary skill in the art at the time of invention to include in the electronic cigarette of modified Sebastian to yield the same, predictable result of protecting the mouthpiece when not in use.

18. **Claims 7-11 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian and Alarcon as applied to claim 1 above, and further in view of Tucker (US 2013/0192620).**

19. **Regarding claim 7**, Sebastian teaches a filter apparatus located in the mouth end of the electronic cigarette [0081], i.e. in a distal end of the casing. A filter apparatus comprising two elements is not taught. Tucker teaches an electronic cigarette including a filter apparatus comprising two elements 340 and 342 allowing aerosol the passage of aerosol, i.e. structured to allow the passage of air [0121, 0139; Fig. 20]. It would have been obvious to one of ordinary skill in the art at the time of invention to include this filter apparatus in the electronic cigarette of modified Sebastian to providing filtration and resistance to draw and as well as a space to disperse additives [0116, 0119, 0121].

20. **Regarding claims 8-11**, modified Sebastian does not teach a removable sleeve. Tucker discloses a removable sleeve positioned about a portion of an exterior of the casing, located around an exterior of the casing, the removable sleeve comprising a plurality of slots (apertures) so the smoker can rotate the sleeve such that the air inlets are at least partially blocked by the sleeve assembly so as to adjust the resistance to draw and/or ventilation of the electronic cigarette if desired [0087]. The apertures are interpreted as being capable of containing at least one medicament. It would have been obvious to one of ordinary skill in the art at the time of invention to include this sleeve with the electronic cigarette of modified Sebastian for the above reasons.

21. **Claims 12-13, 15, and 17 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Alarcon in view of Monsees.**

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22. **Regarding claim 12**, Alarcon teaches an electronic cigarette comprising a housing 110 (casing) comprising a first chamber (interior of 100A) and a second chamber (interior of 100B), the two chambers located sequentially within the casing [0045-0046, 0069; Fig. 1A and 2A]. A retractable tip member is not taught. Monsees teaches an electronic cigarette comprising a retractable mouthpiece (tip member) located at a distal end of the casing, i.e. moveable relative to the casing, and a push-push mechanism configured to toggle the tip member between a retracted and an "on" position, i.e. an actuator element coupled to the retractable tip member [0089, 0091], which would have been obvious to one of ordinary skill in the art at the time of invention to include in the electronic cigarette of Alarcon to yield the same, predictable result of protecting the mouthpiece when not in use.

23. **Regarding claim 13**, Alarcon teaches a battery 130 located in the first chamber, a liquid container 140 (fluid containing member) located in the second chamber, and a vaporizing chamber 124 (heating assembly) located in the second chamber [0046, 0050; Fig. 1A and 2A].

24. **Regarding claim 15**, Alarcon teaches a liquid container 140 (fluid containing member) located in the second chamber, with a fluid containing nicotine located within the fluid containing member [0046, 0074, Fig. 1A and 2A].

25. **Regarding claim 17**, Alarcon teaches an LED 134 coupled to a distal end of the casing and enclosing the distal end of the casing [0056; Fig. 2A-2B].

26. **Claim 14 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Alarcon and Monsees as applied to claim 12 above, and further in view of Levin.**

27. Alarcon teaches a vaporizing chamber 124 (heating assembly) located in the second chamber [0046; Fig. 1A and 2A]. A bulb element is not taught. Levin teaches an electronic cigarette wherein the heating element is a bulb element including a filament (wire) that communicates with the battery [0049, 0065]. It would have been obvious to one of ordinary skill in the art at the time of invention to include this heating element in the heating assembly of modified Alarcon to yield the same, predictable result of vaporization.

28. **Claim 16 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Alarcon and Monsees as applied to claim 12 above, and further in view of Tucker.**

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29. **Regarding claim 16**, modified Alarcon does not teach a removable sleeve. Tucker discloses a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of slots (apertures) so the smoker can rotate the sleeve such that the air inlets are at least partially blocked by the sleeve assembly so as to adjust the resistance to draw and/or ventilation of the electronic cigarette if desired [0087]. It would have been obvious to one of ordinary skill in the art at the time of invention to include this sleeve with the electronic cigarette of modified Alarcon for the above reasons.

30. Claim 18 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian in view of Alarcon.

31. Sebastian [Fig. 1] teaches an electronic cigarette, comprising: a cylindrical shell 15 (casing) comprising a first chamber (section to the left of demarcation line A) and a second chamber (section to the right of demarcation line A) [0030, 0071], the two chambers located sequentially within the casing; a battery 40 located in the first chamber [0078]; a reservoir 205 (fluid containing member) located in the second chamber [0080, 0089-0090]; an aerosolization zone including a heating element 50 (heating assembly) located in the second chamber [0078, 0080]; a transport element 300 (fluid passageway) communicating between the fluid containing member 205 and the heating assembly [0080-0081]; and an air inlet 17 provided on an external wall of the casing [0081].

32. Sebastian teaches a sealed air flow path (air passage) communicating between the first and second chambers [0089], but does not explicitly teach the air passage is a tube element passing through a sealing element forming a partition between the first and second chambers. Alarcon teaches an electronic cigarette comprising an air flow path 122 having a tubular shape, i.e. a tube element providing an air passage between the air inlet 120 and the heating assembly 46, and a sealing wall forming a partition between first and second chambers, i.e. structured to prevent fluid from passing from the second chamber into the first chamber [0046, 0069-0070; Fig. 1A and 2A]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Sebastian to include a sealing element forming a partition between the first and second chambers and a tube element communicating between the air inlet and the heating assembly, i.e. between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second

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chamber, in order to provide an air passage between the first and second chambers while the components in each chamber are safely sealed off from each other and functions of the components are isolated from each other. [Alarcon 0069; Sebastian 0089].

33. Sebastian teaches an air pressure switch 30 located in the first chamber [0037, 0078; Fig. 1]. A printed circuit board (PCB) is not taught. Alarcon teaches that components may be integrated as a PCB to reduce size and manufacturing costs and simplify the manufacturing process [0057]. It would have been obvious to one of ordinary skill in the art at the time of invention to include a PCB in the first chamber with the air pressure switch for the above reasons, and thus communicating with the air pressure switch. Sebastian teaches an LED 19 coupled to a first distal end of the cylindrical casing [0047, 0079, Fig. 1], wherein the lights become lit with each puff [0047]. The LED would thus communicate with the PCB including the air pressure switch (puff sensor). Sebastian does not teach the LED encloses the first distal end of the cylindrical casing. Alarcon teaches an LED 134 coupled to a distal end of the casing and enclosing the distal end of the casing [0056; Fig. 2A-2B]. It would have been obvious to one of ordinary skill in the art at the time of invention to provide the LED in modified Sebastian in this configuration to yield the same, predictable result of providing various visual indications to the users.

34. **Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian and Alarcon as applied to claim 18 above, and further in view of Scatterday (US 2013/0247924).**

35. Modified Sebastian is silent to a sealing element located between the heating assembly and an interior surface of the casing. Scatterday teaches an electronic cigarette comprising an insulation sleeve located between the internal device components and the interior surface of the casing [0025]. This insulation sleeve is interpreted as a sealing element and would have been obvious to one of ordinary skill in the art at the time of invention to provide between the heating assembly and an interior surface of the casing in modified Sebastian for the benefit of insulating the heating assembly.

36. **Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian and Alarcon as applied to claim 18 above, and further in view of Monsees.**

37. Modified Sebastian is silent to a retractable tip member. Monsees teaches an electronic cigarette comprising a retractable mouthpiece (tip member) located at a distal end of the casing, i.e. moveable

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relative to the casing, which would have been obvious to one of ordinary skill in the art at the time of invention to include in the electronic cigarette of modified Sebastian to yield the same, predictable result of protecting the mouthpiece when not in use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YAARY whose telephone number is (571)272-3273. The examiner can normally be reached on Monday to Friday, 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael H. Wilson can be reached on 517-270-3882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC YAARY/
Examiner, Art Unit 1747

/MICHAEL H WILSON/
Supervisory Patent Examiner, Art Unit 1747

Notice of References Cited	Application/Control No. 13/999,652		Applicant(s)/Patent Under Reexamination CYPHERT ET AL.	
	Examiner ERIC YAARY		Art Unit 1747	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2011/0265806 A1	11-2011	ALARCON; RAMON	A24F47/00	131/273
*	B	US-2013/0042865 A1	02-2013	MONSEES; James	A61M15/06	128/203.27
*	C	US-2013/0192620 A1	08-2013	Tucker; Christopher S.	H01C17/00	131/329
*	D	US-2013/0247924 A1	09-2013	Scatterday; Mark	A61M15/06	131/329
*	E	US-2013/0298905 A1	11-2013	Levin; Jason R.	A24F47/008	128/202.21
*	F	US-2014/0000638 A1	01-2014	Sebastian; Andries Don	A24F47/008	131/328
	G	US-				
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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CONFIRMATION NO. 9639

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
13/999,652	03/14/2014	131	1747	12320.9840		
APPLICANTS Vapor Corp., Dania Beach, FL; INVENTORS Gilbert Cyphert, Phoenix, AZ; Xuandong Huang, Guanghan, CHINA; Edwin Balder, Mesa, AZ; ** CONTINUING DATA ***** This appln claims benefit of 61/852,336 03/15/2013 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** MICRO ENTITY ** 03/31/2014						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and Acknowledged <u>/Eric Yaary/</u> Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY AZ	SHEETS DRAWINGS 9	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 3
ADDRESS Malin Haley DiMaggio & Bowen, P.A. 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316 UNITED STATES						
TITLE Electronic Cigarette						
FILING FEE RECEIVED 1000	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Carlsbad, California

INFORMATION DISCLOSURE STATEMENT

Copies of the U.S. patents and U.S. patent application publications listed on the enclosed form PTO/SB/08 are not enclosed, in accordance with the waiver of the requirement of 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and U.S. patent application

publication for all U.S. national patent applications filed after June 30, 2003 that appears in the Official Gazette Notice (Week No. 31) dated August 5, 2003 and entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003."

Enclosed is a translated abstract of Chinese patent CN102423145.

It is respectfully requested that the documents listed on the enclosed form PTO/SB/08 be (1) fully considered by the U.S. Patent and Trademark Office in the examination of the present application; and (2) printed on any patent which may issue on this application. It is also respectfully requested that a copy of the enclosed form PTO/SB/08, as considered and initialed by the Examiner, be returned to the undersigned with the next communication in accordance with M.P.E.P. § 609.

Respectfully submitted,

March 14, 2014

Date



Peter R. Martinez
Reg. No.: 42,845

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	to be assigned
Filing Date	March 14, 2014
First Named Inventor	Gilbert CYPHERT
Art Unit	to be assigned
Examiner Name	to be assigned
Attorney Docket Number	GC012

Sheet	1	of	1
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature	/ERIC YAARY/	Date Considered	01/20/2016
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	"13999652"	US-PGPUB; USPAT	OR	ON	2016/01/19 15:06
S2	1080	a24f47/008.cpc.	US-PGPUB; USPAT	OR	ON	2016/01/19 15:16
S3	159	S2 and morris.as.	US-PGPUB; USPAT	OR	ON	2016/01/19 15:18
S4	475	S2 and air near5 (passage passageway channel path pathway)	US-PGPUB; USPAT	OR	ON	2016/01/19 15:21
S5	189	S2 and (air near5 (passage passageway channel path pathway)) near5 (chamber compartment section cartridge rod)	US-PGPUB; USPAT	OR	ON	2016/01/19 15:23
S6	104	S2 and airflow near5 (passage passageway channel path pathway)	US-PGPUB; USPAT	OR	ON	2016/01/19 15:45
S7	97	"7832410"	US-PGPUB; USPAT	OR	ON	2016/01/19 15:47
S8	43	(gilbert near2 cyphert) (xuandong near2 huang) (edwin near2 balder)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/19 15:47
S9	207	a24f47/008.cpc. and seal\$3 near9 (chamber compartment section)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/19 15:53
S10	63	S2 and reynolds.as.	US-PGPUB; USPAT	OR	ON	2016/01/19 16:03
S11	386	a24f47/008.cpc. and filter	US-PGPUB; USPAT	OR	ON	2016/01/20 08:53
S12	57	a24f47/\$.cpc. and bulb	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 09:13
S13	34	a24f47/\$.cpc. and bulb same heat\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 09:13
S14	24	(bulb near20 heat\$3) near20 (wire near20 vaporiz\$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 09:15

S15	119	vaporiz\$5 and ((bulb near20 heat\$3) near20 wire)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 09:16
S16	8	a24f47/\$.cpc. and bulb same filament	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 09:20
S17	140	a24f47/\$.cpc. and retract\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 10:06
S18	102	a24\$.cpcl. and retract\$4 near9 (tip mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 10:10
S19	123	a61m15/\$.cpc. and retract\$4 near5 (mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 10:21
S20	355	a24f47/008.cpc. and sleeve	US-PGPUB; USPAT	OR	ON	2016/01/20 11:03
S21	360	a24\$.cpcl. and (slid\$4 slideably slidingly) near5 (tip mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 11:21
S22	351	a24f47/\$.cpc. and extend\$4 near5 (tip mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/01/20 11:23
S23	425	a24f47/\$.cpc. and led	US-PGPUB; USPAT	OR	ON	2016/01/20 12:45
S24	214	a24f47/008.cpc. and (switch sens\$3) same (pcb "circuit board")	US-PGPUB; USPAT	OR	ON	2016/01/20 12:51
S25	247	a24f47/008.cpc. and seal\$3 near9 (heat\$3 vaporiz\$5 atomiz\$5)	US-PGPUB; USPAT	OR	ON	2016/01/20 13:15

EAST Search History (Interference)

<This search history is empty>

1/ 20/ 2016 1:30:42 PM
C:\ Users\ eyaary\ Documents\ EAST\ Workspaces\ 13999652.wsp

Search Notes 	Application/Control No. 13999652	Applicant(s)/Patent Under Reexamination CYPHERT ET AL.
	Examiner ERIC YAARY	Art Unit 1747

CPC- SEARCHED		
Symbol	Date	Examiner
A24F47/008	1/20/16	EY

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor and EAST	1/20/16	EY

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	13/999,652
Filing Date	03/15/2014
First Named Inventor	Gilbert Cyphert
Title	ELECTRONIC CIGARETTE
Art Unit	1747
Examiner Name	Yaary, Eric
Attorney Docket Number	12320-4070US

SIGNATURE of Applicant or Patent Practitioner

Signature	/Geoffrey A. Lottenberg/	Date (Optional)	
Name	Geoffrey A. Lottenberg	Registration Number	65,925
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

141630

OR

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

☐ The address associated with the above-mentioned Customer Number

OR

☒ The address associated with Customer Number: 141630

OR

Firm or Individual Name				
Address				
City	State	Zip		
Country				
Telephone	Email			

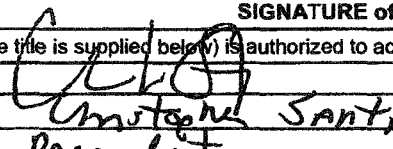
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

VAPOR CORP

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature	Date (Optional)
	7/5/16
Name	
Title	

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: Vapor CorpApplication No./Patent No.: 13/999,655 Filed/Issue Date: 03/14/2014Titled: Electronic Cigarette, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose one of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose one of options A or B below):

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 031425, Frame 0959, or for which a copy thereof is attached.
- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

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5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
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6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
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☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Geoffrey A. Lottenberg/

July 5, 2016

Signature

Date

Geoffrey A. Lottenberg

65925

Printed or Typed Name

Title or Registration Number

Electronic Acknowledgement Receipt

EFS ID:	26261787
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	22235
Filer:	Geoffrey Adam Lottenberg/Kimberly Taylor
Filer Authorized By:	Geoffrey Adam Lottenberg
Attorney Docket Number:	12320.9840
Receipt Date:	05-JUL-2016
Filing Date:	14-MAR-2014
Time Stamp:	21:19:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA_12320-4070US.pdf	418290	no	2
			f424ef90672cc09f3279d7c29b848745e7afc c88		

Warnings:

Information:					
2	Assignee showing of ownership per 37 CFR 3.73	373_VAPOR_12320-4070US.pdf	1701690	no	2
			3892f56df34e658e7ea0303d928b65b317c5a9da		
Warnings:					
Information:					
Total Files Size (in bytes):			2119980		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	12320-4070US

CONFIRMATION NO. 9639

POA ACCEPTANCE LETTER



141630
Geoffrey A. Lottenberg
Lewis Brisbois Bisgaard and Smith LLP
110 SE 6th Street
Suite 2600
Ft. Lauderdale, FL 33301

Date Mailed: 07/15/2016

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/05/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/zabrahah/



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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/999,652	03/14/2014	Gilbert Cyphert	12320.9840

22235
Malin Haley DiMaggio & Bowen, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

CONFIRMATION NO. 9639
POWER OF ATTORNEY NOTICE



Date Mailed: 07/15/2016

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/05/2016.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/zabraha/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CYPHERT, Gilbert et al.	)	
	)	
Serial No.: 13/999,652	)	Confirmation No: 9639
	)	
Filed: March 14, 2014	)	Group Art Unit: 1747
	)	
Entitled: ELECTRONIC CIGARETTE	)	Examiner: YAARY, Eric
	)	
	)	
	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 21, 2016

Filed Electronically

RESPONSE AND AMENDMENT

Sir:

In response to the Office Action dated February 25, 2016, please consider the remarks below. Applicant appreciates the Examiner's comments which are addressed herein. This response is filed within five months of the Office Action under applicable rules; therefore, a two-month extension of time is requested and the appropriate fee submitted herewith. The Commissioner is authorized to charge any additional fees due or credit any overpayment to the credit card on file.

Please amend the claims as shown on pages 2-5.

Remarks begin on page 6.

AMENDMENTS TO THE CLAIMS

Please amend the claims (~~striketrough~~ or double brackets indicating deletion and underline indicating insertion) as follows:

1. (currently amended) An electronic cigarette, comprising:

a casing comprising a first chamber and a second chamber, the two chambers located sequentially within the casing;

a battery located in the first chamber;

a fluid containing member located in the second chamber;

a heating assembly located in the second chamber, the heating assembly comprising a bulb containing a heating wire in communication with the battery;

a fluid passageway communicating between the fluid containing member and the heating assembly;

a tube element communicating between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber and affixed to the bulb, the tube element providing an air passage between the first and second chambers;

a sealing element forming a partition between the first and second chambers, ~~the sealing element structured to prevent a fluid from passing from the second chamber into the first chamber;~~
and

an air inlet provided on an external wall of the casing[.];

wherein the heating wire heats the glass bulb, and wherein the glass bulb heats fluid introduced to and coming in contact with the bulb through the fluid passageway.

2. (currently amended) The electronic cigarette of claim 1, where the fluid passageway ~~communicating between the fluid containing member and the heating assembly~~ comprises a fiber

element having a first distal end communicating with the fluid containing member, and a second distal end communicating with the heating assembly.

3. (currently amended) The electronic cigarette of claim 1, wherein said bulb comprises tempered glass ~~further comprising a bulb element located in the heating assembly, the bulb element including a wire that communicates with the battery.~~

4. (currently amended) The electronic cigarette of claim 1, further comprising a retractable tip member located at a distal end of the casing, ~~the retractable tip member moveable relative to the casing.~~

5. (cancelled)

6. (original) The electronic cigarette of claim 1, further comprising a filter apparatus located in a distal end of the casing.

7. (original) The electronic cigarette of claim 1, further comprising a filter apparatus located in a distal end of the casing, the filter apparatus comprising two elements structured to allow the passage of air.

8. (original) The electronic cigarette of claim 1, further comprising a removable sleeve positioned about a portion of an exterior of the casing.

9. (original) The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing.

10. (original) The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of apertures.

11. (original) The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of apertures, the apertures capable of containing at least one medicament.

12. – 14. (cancelled)

15. (currently amended) The electronic cigarette of claim 12, ~~further comprising a fluid containing member located in the second chamber, with a fluid located within the fluid containing member,~~ wherein the fluid is selected from a group consisting of: a glycol fluid, a fluid containing nicotine, a water-based "regular" cigarette flavored fluid, a water-based "menthol" cigarette flavored fluid, and combinations thereof ~~a combination of two or more fluids.~~

16. - 17. (cancelled)

18. (currently amended) An electronic cigarette, comprising:

a casing comprising a first chamber and a second chamber, the two chambers located sequentially within the casing;

a battery located in the first chamber;

a fluid containing member located in the second chamber;

a heating assembly located in the second chamber, the heating assembly comprising a bulb containing a heating wire in communication with the battery;

a fluid passageway communicating between the fluid containing member and the heating assembly;

a tube element communicating between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber and affixed to the bulb, the tube element providing an air passage between the first and second chambers;

a sealing element forming a partition between the first and second chambers, ~~the sealing element structured to prevent a fluid from passing from the second chamber into the first chamber;~~
~~an air pressure switch located in the first chamber;~~

a printed circuit board located in the first chamber, the electronic circuit board communicating with the air pressure switch; and

a light-emitting diode (LED) coupled to a first distal end of the ~~cylindrical~~ casing, the LED ~~enclosing~~ forming an end cap at the first distal end of the cylindrical casing and communicating with the printed circuit board[[.]]; and

wherein the heating wire heats the glass bulb, and wherein the glass bulb heats fluid introduced to and coming in contact with the bulb through the fluid passageway.

19. (cancelled)

20. (currently amended) The electronic cigarette of claim 18, further comprising a retractable tip member located at a distal end of the casing, ~~the retractable tip member moveable relative to the casing.~~

REMARKS

The Office Action mailed February 25, 2016 has been received and reviewed. Applicant thanks the Examiner for a thorough examination of the claims. By the present Response and Amendment, Claims 1-4, 15, 18 and 20 have been amended to clarify the claimed subject matter. Claims 5, 12-14, 16-17, and 19 have been cancelled. Claims 6-11 remain original. Specifically, independent claims 1 and 18 have been amended to more specifically claim the structure of the heating assembly so as to include a bulb and heating wire arrangement. Applicant believes such amendments overcome the §103 rejections.

Applicant states that no new matter has been introduced by way of the amendments to the claims. Support for such amendments may be found throughout the specification but in particular in paragraphs 37 and 38 and the original figures. Applicant addresses each of the issues raised in the Office Action, and respectfully requests reconsideration of the claims of record.

I. Specification

The Examiner has objected to the specification as failing to provide proper antecedent basis for certain claim elements. Applicant has amended and/or cancelled the claimed subject matter so as to obviate this objection.

II. Claim Rejections – 35 U.S.C. §112

The Examiner has rejected claims 14-15 and 18-20 under §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant has cancelled claim 14 and has amended claims 15 and 18 to correct the antecedent basis and clarity issues pointed out by the Examiner. In light of the amendments, Applicant respectfully requests that this rejection be withdrawn.

III. Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected claims 1-20 as obvious in view of various combinations of U.S. Patent Application Publication No. 2014/0000638 to *Sebastian*, U.S. Patent Application Publication No. 2011/0265806 to *Alarcon*, U.S. Patent Application Publication No. 2013/0298905 to *Levin*, U.S. Patent Application Publication No. 2013/0042865 to *Monsees*, U.S. Patent Application Publication No. 2013/0192620 to *Tucker*, and U.S. Patent Application Publication No. 2013/0247924 to *Scatterday*. Applicant respectfully traverses.

A rationale to support a conclusion that a claim would have been obvious is that *all the claimed elements were known in the prior art* and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 401 (2007); see also, *KSR International Co. v. Teleflex Inc.*, 550 U.S. at 415-417 (2007) citing *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152 (1950), *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63 (1969), and *Sakraida v. AG Pro., Inc.*, 425 U.S. 273, 282 (1976).

Independent claims 1 and 18 have been amended to require a heating assembly comprising a bulb containing a heating wire, wherein the tube element is affixed to the heating wire, and wherein fluid is introduced to the bulb through the fluid passageway and heated by the bulb, which bulb is heated by the heating wire. The prior art, whether read alone or in combination, is entirely devoid of this configuration. As noted by the Examiner, *Sebastian* does not disclose the use of a bulb. Likewise, none of *Alarcon*, *Monsees*, *Tucker*, or *Scatterday* discloses the use of a bulb vaporization or heating device. *Alarcon* discloses only a “solid-state

heater...located in the vaporizing chamber.” *Alarcon* at para. [0046]. *Monsees* describes a low-heat vaporizer that uses a “polyamide thin film circuit heater.” *Monsees* at para. [0091]. *Tucker* uses a wire coil heater surrounding a wick. *Tucker* at para. [0090]. *Scatterday* discloses only a “heating element” generally of no specific type or configuration.

While *Levin* does disclose a bulb heater, the configuration is entirely different than that of the presently claimed invention. Specifically, *Levin* incorporates a bulb heater as part of a “micro-convection heater that rapidly dissipates heat into the air passing over it.” *Levin* at para. [0049]. *Levin* states that “in response to an inhalation by a user, the power source energizes a heating element of the heat portion so as to heat air flow to a desired vaporization temperature.” *Levin* at Abstract. This convection-oven style configuration is the exact opposite of the claimed configuration which uses a fluid passageway to draw fluid to and in contact with the bulb (heated by a wire) to heat the fluid. The claimed configuration relies on conduction heat (physical contact), not convection (air flow) heat, in order to vaporize the fluid introduced thereto. In any event, *Levin* has no fluid passageway, instead using an open space configuration where solid or gel burning material is disposed. Accordingly, *Levin* teaches away from the claimed invention and cannot be modified under *KSR* in such a way to function as a conduction heater as such a modification would destroy the essential structure, function, and purpose of the convection-oven style invention therein. Further still, no combination of *Levin* with any of the prior art would result in the claimed invention nor would any such combination be possible without destroying the structure and function of each respective invention – no reference discloses or even suggests a glass bulb conduction heater that comes in direct contact with the fluid to carry out vaporization.

Based on the foregoing, independent claims 1 and 18 are not obvious in view of any combination of the prior art. All remaining claims depend on claims 1 and 18 and, therefore, are axiomatically allowable.

CONCLUSION

Based on the Amendment and Remarks herein, it is believed that the Applicants have addressed all the matters raised by the Examiner, and the instant case and Claims of record are in condition for allowance. Applicants earnestly solicit early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicants' undersigned attorney at (954) 828-0357.

Respectfully submitted,

/Geoffrey Lottenberg/

Geoffrey Lottenberg, Reg. No. 65,925

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Electronic Patent Application Fee Transmittal				
Application Number:		13999652		
Filing Date:		14-Mar-2014		
Title of Invention:		Electronic Cigarette		
First Named Inventor/Applicant Name:		Gilbert Cyphert		
Filer:		Geoffrey Adam Lottenberg/Kimberly Taylor		
Attorney Docket Number:		12320-4070US		
Filed as Micro Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	3252	1	150	150
Miscellaneous:				
Total in USD (\$)				150

Electronic Acknowledgement Receipt

EFS ID:	26422382
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	141630
Filer:	Geoffrey Adam Lottenberg/Kimberly Taylor
Filer Authorized By:	Geoffrey Adam Lottenberg
Attorney Docket Number:	12320-4070US
Receipt Date:	21-JUL-2016
Filing Date:	14-MAR-2014
Time Stamp:	18:13:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 150
RAM confirmation Number	072216INTEFSW18145700
Deposit Account	0821
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response_12320-4070US.pdf	657667	yes	9
			4ce2c880ca809a0e2788835a6791d955626c3f0d		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal Letter		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	9	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30140	no	2
			89356420f49cc5fedee1d33470eccc406f0253dd		
Warnings:					
Information:					
Total Files Size (in bytes):			687807		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/999,652	Filing Date 03/14/2014	☐ To be Mailed
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ENTITY: ☐ LARGE ☐ SMALL ☒ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	07/21/2016	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X \$20 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X \$105 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
						TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
VENICE WILLIAMS

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/999,652	03/14/2014	Gilbert Cyphert	12320-4070US	9639
141630	7590	08/09/2016	EXAMINER	
Geoffrey A. Lottenberg			YAARY, ERIC	
Lewis Brisbois Bisgaard and Smith LLP			ART UNIT	
110 SE 6th Street			PAPER NUMBER	
Suite 2600			1747	
Ft. Lauderdale, FL 33301			MAIL DATE	
			DELIVERY MODE	
			08/09/2016	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 13/999,652	Applicant(s) CYPHERT ET AL.	
	Examiner ERIC YAARY	Art Unit 1747	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/21/2016.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-4,6-11,15,18 and 20 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-4,6-11,15,18 and 20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

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DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 18 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 6-11, 15, 18, and 20 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
5. Claims 1 and 18 recite the limitation "the glass bulb" and "the air pressure switch". There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1-2, 6, 15, and 18 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian (US 2014/0000638) in view of Alarcon (US 2011/0265806) and Hunter (US 4,074,111).**

8. **Regarding claim 1**, Sebastian [Fig. 1] teaches an electronic cigarette, comprising: a shell 15 (casing) comprising a first chamber (section to the left of demarcation line A) and a second chamber (section to the right of demarcation line A) [0030, 0071], the two chambers located sequentially within the casing; a battery 40 located in the first chamber [0078]; a reservoir 205 (fluid containing member) located in the second chamber [0080, 0089-0090]; an aerosolization zone including a heating element 50 (heating assembly) located in the second chamber [0078, 0080]; a transport element 300 (fluid

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passageway) communicating between the fluid containing member 205 and the heating assembly [0080-0081]; and an air inlet 17 provided on an external wall of the casing [0081].

9. Sebastian teaches a sealed air flow path (air passage) communicating between the first and second chambers [0089], but does not explicitly teach the air passage is a tube element passing through a sealing element forming a partition between the first and second chambers. Alarcon teaches an electronic cigarette comprising an air flow path 122 having a tubular shape, i.e. a tube element providing an air passage between the air inlet 120 and the heating assembly 46, and a sealing wall forming a partition between first and second chambers [0046, 0069-0070; Fig. 1A and 2A]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Sebastian to include a sealing element forming a partition between the first and second chambers and a tube element communicating between the air inlet and the heating assembly, i.e. between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber, in order to provide an air passage between the first and second chambers while the components in each chamber are safely sealed off from each other and functions of the components are isolated from each other. [Alarcon 0069; Sebastian 0089].

10. Sebastian teaches the heating assembly comprises a heating wire 50 in communication with the battery 40 [0078, 0080]. The heating wire heats fluid introduced to and coming in contact with the heating wire through the fluid passageway [0051, 0095, 0112]. A bulb is not taught. Hunter teaches a medicament vaporizer comprising a glass bulb containing a heating filament (wire), wherein the heating wire heats the glass bulb, and wherein the glass bulb heats fluid introduced to and coming in contact with the bulb [abstract; col 1, lines 5-14, 53-68; Fig. 1-4]. Thus, this is a known alternative to the heating assembly of modified Sebastian for the same purpose of medicament fluid vaporization. See [0057] of Sebastian. As it is prima facie obvious to substitute art recognized equivalents known for the same purpose, it would have been obvious to one of ordinary skill in the art at the time of invention to alternatively use a heating assembly in modified Sebastian comprising a bulb containing a heating wire in communication with the battery to achieve predictable results.

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11. **Regarding claim 2**, Sebastian teaches the fluid passageway 300 communicating between the fluid containing member 205 and the heating assembly 50 comprises a fiber element having a first distal end communicating with the fluid containing member, and a second distal end communicating with the heating assembly [0080, 0093; Fig. 1].

12. **Regarding claim 6**, Sebastian teaches a filter apparatus located in the mouth end of the electronic cigarette [0081], i.e. in a distal end of the casing.

13. **Regarding claim 15**, Sebastian teaches a fluid containing nicotine [0057].

14. **Regarding claim 18**, see the rejection of claim 1 above. Regarding the additional limitations of claim 18, Sebastian teaches an air pressure switch 30 located in the first chamber [0037, 0078; Fig. 1]. A printed circuit board (PCB) is not taught. Alarcon teaches that components may be integrated as a PCB to reduce size and manufacturing costs and simplify the manufacturing process [0057]. It would have been obvious to one of ordinary skill in the art at the time of invention to include a PCB in the first chamber with the air pressure switch for the above reasons, and thus communicating with the air pressure switch. Sebastian teaches an LED 19 coupled to a first distal end of the cylindrical casing [0047, 0079, Fig. 1], wherein the lights become lit with each puff [0047]. The LED would thus communicate with the PCB including the air pressure switch (puff sensor). Sebastian does not teach the LED encloses the first distal end of the casing. Alarcon teaches an LED 134 coupled to a distal end of the casing and forming an end cap at the distal end of the casing [0056; Fig. 2A-2B]. It would have been obvious to one of ordinary skill in the art at the time of invention to provide the LED in modified Sebastian in this configuration to yield the same, predictable result of providing various visual indications to the users.

15. **Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian, Alarcon, and Hunter as applied to claim 1 above, and further in view of Wurster (US 4,508,991)**

16. Modified Sebastian does not teach the glass bulb is tempered. Wurster teaches a glass bulb that is tempered to avoid the hazard of glass cracks [col. 3, 64-68]. It would have been obvious to one of ordinary skill in the art at the time of invention to use a tempered glass bulb in modified Sebastian for these reasons.

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17. **Claims 4 and 20 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian, Alarcon, and Hunter as applied to claims 1 and 18 above, and further in view of Monsees (US 2013/0042865).**

18. Modified Sebastian is silent to a retractable tip member. Monsees teaches an electronic cigarette comprising a retractable mouthpiece (tip member) located at a distal end of the casing [0089, 0091], which would have been obvious to one of ordinary skill in the art at the time of invention to include in the electronic cigarette of modified Sebastian to achieve the same, predictable result of protecting the mouthpiece when not in use.

19. **Claims 7-11 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious over Sebastian and Alarcon as applied to claim 1 above, and further in view of Tucker (US 2013/0192620).**

20. **Regarding claim 7**, Sebastian teaches a filter apparatus located in the mouth end of the electronic cigarette [0081], i.e. in a distal end of the casing. A filter apparatus comprising two elements is not taught. Tucker teaches an electronic cigarette including a filter apparatus comprising two elements 340 and 342 allowing aerosol the passage of aerosol, i.e. structured to allow the passage of air [0121, 0139; Fig. 20]. It would have been obvious to one of ordinary skill in the art at the time of invention to include this filter apparatus in the electronic cigarette of modified Sebastian to providing filtration and resistance to draw and as well as a space to disperse additives [0116, 0119, 0121].

21. **Regarding claims 8-11**, modified Sebastian does not teach a removable sleeve. Tucker discloses a removable sleeve positioned about a portion of an exterior of the casing, located around an exterior of the casing, the removable sleeve comprising a plurality of slots (apertures) so the smoker can rotate the sleeve such that the air inlets are at least partially blocked by the sleeve assembly so as to adjust the resistance to draw and/or ventilation of the electronic cigarette if desired [0087]. The apertures are interpreted as being capable of containing at least one medicament. It would have been obvious to one of ordinary skill in the art at the time of invention to include this sleeve with the electronic cigarette of modified Sebastian for the above reasons.

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Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YAARY whose telephone number is (571)272-3273. The examiner can normally be reached on Monday to Friday, 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael H. Wilson can be reached on 517-270-3882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC YAARY/
Examiner, Art Unit 1747

/MICHAEL H WILSON/
Supervisory Patent Examiner, Art Unit 1747

Notice of References Cited	Application/Control No. 13/999,652		Applicant(s)/Patent Under Reexamination CYPHERT ET AL.	
	Examiner ERIC YAARY		Art Unit 1747	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-4,074,111 A	02-1978	Hunter; William G.	A61L9/03	392/393
*	B	US-4,508,991 A	04-1985	Wurster; Ewald	H01K1/32	313/579
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 13999652	Applicant(s)/Patent Under Reexamination CYPHERT ET AL.
	Examiner ERIC YAARY	Art Unit 1747

CPC- SEARCHED		
Symbol	Date	Examiner
A24F47/008	1/20/16	EY

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor and EAST	1/20/16	EY
EAST	8/4/16	EY

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S26	29	a24f47/008.cpc. and bulb	US-PGPUB; USPAT	OR	ON	2016/08/04 12:17
S29	364	A61L2209/12.cpc.	US-PGPUB; USPAT	OR	ON	2016/08/04 12:25
S30	212	392/393.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/04 12:41
S32	63	S30 and (coil\$3 wire filament\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/04 12:41
S33	58	"128".clas. and bulb same vaporiz\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/04 14:24
S34	136	"392".clas. and bulb same vaporiz\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/04 14:31
S35	57	bulb and vaporiz\$5 and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/08/04 14:48
S36	6	"392".clas. and bulb and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/08/04 14:48
S37	35	"219".clas. and bulb and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/08/04 14:49
S38	1	"131".clas. and bulb and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/08/04 14:50
S39	95	bulb same (temper\$3 near9 glass)	US-PGPUB; USPAT	OR	ON	2016/08/04 14:51
S40	22	(toughen\$3 temper\$3) near20 glass near20 bulb near20 heat	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/04 15:02
S41	5	a24f.cpcl. and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/08/04 15:05
S42	43	"392".clas. and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/08/04 15:05
S43	380	(temper\$3 near9 glass) near20 (heat near5 (withstand\$3 resist\$4))	US-PGPUB; USPAT	OR	ON	2016/08/04 15:06
S44	41	S43 and vaporiz\$5	US-PGPUB; USPAT	OR	ON	2016/08/04 15:08

EAST Search History (Interference)

< This search history is empty >

8/ 4/ 2016 3:31:57 PM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CYPHERT, Gilbert et al.	)	
	)	
Serial No.: 13/999,652	)	Confirmation No: 9639
	)	
Filed: March 14, 2014	)	Group Art Unit: 1747
	)	
Entitled: ELECTRONIC CIGARETTE	)	Examiner: YAARY, Eric
	)	
	)	
	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 10, 2016

Filed Electronically

REQUEST FOR ACCEPTANCE OF FEE DEFICIENCY UNDER 37 C.F.R. §1.28

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.28, Applicant hereby submits this Request for Acceptance of Fee Deficiency.

The instant application was filed on March 14, 2014 with Applicant claiming Micro entity status. A Non-final Office Action was mailed February 25, 2016. Applicant filed a Response to Office Action on July 21, 2016 with a two-month extension of time fee payment. After filing the Office Action response, the undersigned became aware that the applicant was originally filed rightfully claiming micro-entity status and thereafter was assigned to Applicant, which is a small entity. As a result, on July 21, 2016 Applicant inadvertently transmitted the micro entity extension of time fee of \$150.00 when the small entity fee should have been paid. Accordingly, Applicant hereby requests acceptance of a fee deficiency submission, as set forth in the below itemization

Patent
Appl. No. 13/999,652
CYPHERT, Gilbert, et al.

mandated by 37 C.F.R. §1.28:

Erroneously Paid Fee Paid As Micro Entity: Extension of Time 2 Months

Current Fee Amount for Issue Fee for Small Entity: \$300.00

Micro-Entity Fee Paid on July 21, 2016: \$150.00

Deficiency Amount Owed: \$150.00

Total Deficiency Payment Owed: \$150.00

The Total Deficiency Payment Owed of \$150.00 is hereby submitted. Accordingly, Applicant believes the requirements of 37 C.F.R. §1.28 for acceptance of the fee deficiency has been met. Applicant further requests that, pursuant to 37 C.F.R. §1.28(c)(3), this request be considered a notification of loss of entitlement to micro-entity status and that the Office records be fully updated to reflect the entity status as "SMALL".

Should there be any questions, comments, or concerns, the undersigned would appreciate a telephone conference to expedite this matter.

Respectfully submitted,

/Geoffrey Lottenberg/

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Electronic Patent Application Fee Transmittal

Application Number:	13999652			
Filing Date:	14-Mar-2014			
Title of Invention:	Electronic Cigarette			
First Named Inventor/Applicant Name:	Gilbert Cyphert			
Filer:	Geoffrey Adam Lottenberg/Kimberly Taylor			
Attorney Docket Number:	12320-4070US			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$150 paid	2252	1	150	150
Miscellaneous:				
Total in USD (\$)				150

Electronic Acknowledgement Receipt

EFS ID:	26608688
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	141630
Filer:	Geoffrey Adam Lottenberg/Kimberly Taylor
Filer Authorized By:	Geoffrey Adam Lottenberg
Attorney Docket Number:	12320-4070US
Receipt Date:	10-AUG-2016
Filing Date:	14-MAR-2014
Time Stamp:	19:22:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 150
RAM confirmation Number	081116INTEFSW19242900
Deposit Account	0821
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Deficiency_request_12320-4070.pdf	134529	no	2
			879261e0116bc2bbb1330889707f4869e52e0e49		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30141	no	2
			eb0bc3fc94280f6a62919894081bf25bf8491799		
Warnings:					
Information:					
Total Files Size (in bytes):			164670		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY.DOCKET NO./TITLE	REQUEST ID
13/999,652	03/14/2014	Vapor Corp.	12320-4070US	24341

Acknowledgement of Loss of Entitlement to Micro Entity Status

The entity status change request below filed through Private PAIR on 08/31/2016 has been accepted.

CERTIFICATIONS:

Change of Entity Status:

× Applicant asserting small entity status. See 37 CFR 1.27.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

This portion must be completed by the signatory or signatories making the entity status change in accordance with 37 CFR 1.4(d)(4).

Signature:	/Geoffrey A. Lottenberg/
Name:	Geoffrey A. Lottenberg
Registration Number:	65925

AMENDMENTS TO THE CLAIMS

Please amend the claims (~~striketrough~~ or double brackets indicating deletion and underline indicating insertion) as follows:

1. (currently amended) An electronic cigarette, comprising:

a casing comprising a first chamber and a second chamber, the two chambers located sequentially within the casing;

a battery located in the first chamber;

a fluid containing member located in the second chamber;

a heating assembly located in the second chamber, the heating assembly comprising a bulb containing a heating wire in communication with the battery;

a fluid passageway communicating between the fluid containing member and the heating assembly;

a tube element communicating between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber and affixed to the bulb, the tube element providing an air passage between the first and second chambers;

a sealing element forming a partition between the first and second chambers; and

an air inlet provided on an external wall of the casing;

wherein the heating wire heats the ~~glass~~ bulb, and wherein the ~~glass~~ bulb heats fluid introduced to and coming in contact with the bulb through the fluid passageway.

2. (previously presented) The electronic cigarette of claim 1, where the fluid passageway comprises a fiber element having a first distal end communicating with the fluid containing member, and a second distal end communicating with the heating assembly.

3. (previously presented) The electronic cigarette of claim 1, wherein said bulb comprises tempered glass.
4. (previously presented) The electronic cigarette of claim 1, further comprising a retractable tip member located at a distal end of the casing.
5. (cancelled)
6. (original) The electronic cigarette of claim 1, further comprising a filter apparatus located in a distal end of the casing.
7. (original) The electronic cigarette of claim 1, further comprising a filter apparatus located in a distal end of the casing, the filter apparatus comprising two elements structured to allow the passage of air.
8. (original) The electronic cigarette of claim 1, further comprising a removable sleeve positioned about a portion of an exterior of the casing.
9. (original) The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing.
10. (original) The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of apertures.
11. (original) The electronic cigarette of claim 1, further comprising a removable sleeve located around an exterior of the casing, the removable sleeve comprising a plurality of apertures, the apertures capable of containing at least one medicament.
12. – 14. (cancelled)
15. (previously presented) The electronic cigarette of claim 1, wherein the fluid is selected from a group consisting of: a glycol fluid, a fluid containing nicotine, a water-based "regular" cigarette flavored fluid, a water-based "menthol" cigarette flavored fluid, and combinations thereof.
16. - 17. (cancelled)

18. (previously presented) An electronic cigarette, comprising:

a casing comprising a first chamber and a second chamber, the two chambers located sequentially within the casing;

a battery located in the first chamber;

a fluid containing member located in the second chamber;

a heating assembly located in the second chamber, the heating assembly comprising a bulb containing a heating wire in communication with the battery;

a fluid passageway communicating between the fluid containing member and the heating assembly;

a tube element communicating between the first and second chambers, with a first distal end of the tube element located in the first chamber, and a second distal end of the tube element located in the second chamber and affixed to the bulb, the tube element providing an air passage between the first and second chambers;

a sealing element forming a partition between the first and second chambers;

a printed circuit board located in the first chamber, the electronic circuit board communicating with ~~the~~ an air pressure switch; and

a light-emitting diode (LED) coupled to a first distal end of the casing, the LED forming an end cap at the first distal end of the cylindrical casing and communicating with the printed circuit board; and

wherein the heating wire heats the glass bulb, and wherein the glass bulb heats fluid introduced to and coming in contact with the bulb through the fluid passageway.

19. (cancelled)

20. (previously presented) The electronic cigarette of claim 18, further comprising a retractable tip member located at a distal end of the casing.

REMARKS

The Office Action mailed August 9, 2016 has been received and reviewed. Applicant thanks the Examiner for a thorough examination of the claims. By the present Response and Amendment, claims 1 and 18 have been amended to address the Examiner's §112 rejection. Applicant states that no new matter has been introduced by way of the amendments to the claims. Applicant addresses each of the issues raised in the Office Action, and respectfully requests reconsideration of the claims of record.

I. Claim Rejections – 35 U.S.C. §112

The Examiner has rejected claims 1-4, 6-11, 15, 18, and 20 under §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant has amended claims 1 and 18 to correct “the glass bulb” to “the bulb” and “the air pressure switch” to “an air pressure switch.” In light of these amendments, Applicant respectfully requests that this rejection be withdrawn.

II. Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected claims 1-2, 6, 15, and 18 as obvious in view of U.S. Patent Application Publication No. 2014/0000638 to *Sebastian*, U.S. Patent Application Publication No. 2011/0265806 to *Alarcon*, and in further view of U.S. Patent No. 4,074,111 to *Hunter*. Applicant respectfully traverses.

A rationale to support a conclusion that a claim would have been obvious is that *all the claimed elements were known in the prior art* and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co KSR*

International Co. v. Teleflex Inc., 550 U.S. 398, 401 (2007); see also, *KSR* 550 U.S. at 415-417 (2007) citing *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152 (1950), *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63 (1969), and *Sakraida v. AG Pro., Inc.*, 425 U.S. 273, 282 (1976). Moreover, in order for a reference to be proper for use in an obviousness rejection under 35 U.S.C. §103, the reference must be *analogous art* to the claimed invention. *In re Bigio*, 381 F.3d 1320, 1325, 72 USPQ2d 1209, 1212 (Fed. Cir. 2004)

The Examiner concedes that neither *Sebastian* or *Alarcon* disclose, teach, or suggest the use of a bulb heating element as required by independent claims 1 and 18. The Examiner contends that *Hunter* accounts for the deficiencies in the other references in that it discloses a “medicament vaporizer comprising a glass bulb containing a heating filament, wherein heating the wire heats the bulb and wherein the glass bulb heats fluid introduced to and coming into contact with the bulb.” Applicant respectfully submits that the present claims are not obvious because (1) the prior art does not disclose essential elements of claims 1 and 18; (2) *Hunter* does not teach a “medicament vaporizer” that is in anyway analogous to the electronic cigarette of the presently claimed invention; and (3) *Hunter* cannot be combined with *Sebastian* or any other prior art without destroying the structure and function of the individual inventions.

First, none of the prior art whether alone or in combination disclose each and every element of the claimed invention. Specifically, the art fails to show an tube wherein the seconded of the tube is affixed to the bulb heater. *Sebastian* has no air tube, and *Alarcon* has no heating bulb whatsoever. *Alarcon* also does not support or retain any heating element and in fact shows a heater that is distal and separate from the air tube (See Fig. 1A). Accordingly, independent claims 1 and 18 are not obvious in view of the prior art.

Second, Applicant respectfully submits that the *Hunter* patent does not qualify as prior art under 35 U.S.C. § 103 because it is not analogous to the invention of independent claims 1 and 18, as presently presented. It is beyond dispute that the Office may only rely on analogous art to support an obviousness rejection. *Innovation Toys, LLC, v. MGA Entertainment, Inc.*, No. 2010-1290, slip op. at 12 (Fed. Cir. 2011); *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004); *In re Clay*, 966 F.2d 656, 658 (Fed. Cir. 1992). While the scope of analogous prior art may sometimes be wide, the Federal Circuit has confirmed that it is not without limit. *See In re Klein*, 647 F.3d 1343 (Fed. Cir. 2011)(reversing the BPAI’s judgment of obviousness after concluding that no less than five prior art references relied upon by the BPAI were non-analogous).

The test for analogous art is very specific. Art is non-analogous unless it is: (1) from the same field of endeavor as the claimed invention; or (2) reasonably pertinent to the particular problem faced by the inventor. *In re Bigio*, 381 F.3d at 1325; *In re Wood and Eversole*, 599 F.2d 1032, 1036 (CCPA 1979). Thus, an art citation that is not from the same field of endeavor as a claimed invention MUST be “reasonably pertinent” to the problem addressed by the inventor. Art is “reasonably pertinent” when it would “logically commend itself” to an inventor’s attention in considering his problem. *In re Icon Health and Fitness, Inc.*, 496 F.3d 1374, 1379-80 (Fed. Cir. 2007)(citing *In re Clay*, 966 F.2d 656, 658-59 (Fed. Cir. 1992)). *See also* MPEP § 2141.01(a). Conversely, when art is directed to a different purpose than a claimed invention, an inventor would have less motivation or occasion to consider it. *See In re Clay*, 966 F.2d at 658-59.

Turning to the present rejection, it is evident that the *Hunter* patent and the device of claims 1 and 18 are not directed to the same field of endeavor. There can be no reasonable dispute that *Hunter*’s “fragrance device in which perfume, essence, or crystals may be placed” is

not in the same field of endeavor as the electronic cigarette of the present invention. The present invention is a personal inhalation and smoking apparatus designed to be placed directly at the user's mouth for direct inhalation into the lungs. The *Hunter* reference is not an electronic cigarette or inhalation device of any kind. Therefore, the issue here is whether the *Hunter* patent is reasonably pertinent to the problem addressed by the Applicant. Applicant submits that it is not.

The problem solved in the instant invention is to provide an electronic cigarette or vaporizer that heats an inhalation fluid without the fluid coming into direct contact with the heating wire. Rather, the fluid is drawn through a fluid passageway to the surface of the bulb, which bulb is heated from the inside by a heating wire. The fluid avoids contact with the heating wire entirely and, therefore, produces a safe and more effective smoking experience as there is no reaction between the heating wire and fluid. Accordingly, Applicant respectfully submits that the Smith patent is not reasonably pertinent because it neither (1) addresses the same problem nor (2) serves the same purpose as the device of claims 1 and 18. Thus, the *Hunter* patent would not have logically commended itself to the Applicant's attention. *See In re Clay*, 966 F.2d at 659 (when a reference "is directed to a different purpose, the inventor would accordingly, have had less motivation or occasion to consider it.").

The *Hunter* patent is directed to a glass shroud that is designed to be placed over an ordinary light bulb such that a fragrance can be disposed and retained against the light bulb. The shroud is epoxied to the light bulb to make a liquid tight seal. The purpose of this arrangement, as noted in *Hunter* is to "provide a device...in which various fragrances or the like can be permeated through the area within which the light bulb is being used..." *See Hunter* at col. 1, lines 14-17. Conversely, the present invention is not designed to "permeate fragrances" but rather uses a targeted structure to draw inhalation fluid from a separate reservoir to the surface of

the bulb for vaporization and inhalation through an air passageway of the electronic cigarette. The fluid does not simply sit around the light bulb, nor does the claimed bulb function to “permeate” the fluid or any fragrances. Accordingly, it would be unreasonable to conclude the presently presented claims 1 and 18 and the *Hunter* patent relates to the same problem or serves the same purpose. In sum, the *Hunter* patent is non-analogous to the claimed invention, does not qualify as prior art under 35 U.S.C. § 103, and cannot support the rejection of independent claims 1 and 18 under 35 U.S.C. § 103.

Third, in addition to being non-analogous art, *Hunter* cannot be combined with *Sebastian*, *Alacron*, or any other prior art without destroying the respective methods and functions of the the individual inventions. Specifically, the device in *Sebastian* requires a wicking action between a reservoir bottle and a heating coil. The wick carries the liquid from the reservoir to the heating wire. In order to combine *Hunter* with *Sebastian*, the entirety of the vaporization assembly in *Sebastian* would have to be removed and replaced with a bulb surround by a shroud with liquid stored disposed in the shroud. This would necessarily eliminate the critical reservoir, wick, and heating wire that are crucial to the wicking action methodology required in *Sebastian*. There is simply no way to combine *Hunter* with *Sebastian* in a manner that retains the wicking methods and functions of the device in *Sebastian*. Likewise, *Alacron* utilizes a “micro liquid screen” to pass the liquid from a reservoir to a heater. This pass-through drawing action is incompatible with the static shroud configuration required in *Hunter*. Any combination of *Hunter* with these references is impossible and would be, in fact, impermissible hindsight in view of the present presented claimed invention. Because any such combination of the prior art would destroy the effective method and functions of the independent inventions,

the §103 rejection violates the principles set forth in *KSR* and its progeny and cannot be maintained.

Based on the foregoing, independent claims 1 and 18 are not obvious in view of any combination of *Sebastian*, *Alarcon*, and/or *Hunter*. All remaining claims depend on claims 1 and 18 and, therefore, are axiomatically allowable.

Claims 3, 4, 7-11, and 20 have been rejected in view of *Sebastian*, *Alarcon*, *Hunter* and various combinations of *Wruster* (U.S. 4,508,991), *Monsees* (U.S. 2013/0042865), and *Tucker* (U.S. 2013/0192620). None of the latter three references account for the deficiencies in the primary references as none teach or suggest a bulb heater-enabled electronic cigarette required of independent claims 1 and 18. As claims 1 and 18 are not-obvious as noted above and all remaining claims depend therefrom, all pending claims are non-obvious and allowable.

CONCLUSION

Based on the Amendment and Remarks herein, it is believed that the Applicants have addressed all the matters raised by the Examiner, and the instant case and Claims of record are in condition for allowance. Applicants earnestly solicit early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicants' undersigned attorney at (954) 828-0357.

Respectfully submitted,

/Geoffrey Lottenberg/

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Electronic Acknowledgement Receipt

EFS ID:	26806013
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	141630
Filer:	Geoffrey Adam Lottenberg/Kimberly Taylor
Filer Authorized By:	Geoffrey Adam Lottenberg
Attorney Docket Number:	12320-4070US
Receipt Date:	31-AUG-2016
Filing Date:	14-MAR-2014
Time Stamp:	18:14:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment_12320-4070US. pdf	821158	yes	10
			1aaf447285f78d737fb3f29f041673a40fac8 826		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Transmittal Letter	1	1
	Applicant summary of interview with examiner	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	10
Warnings:			
Information:			
Total Files Size (in bytes):		821158	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CYPHERT, Gilbert et al.	)	
	)	
Serial No.: 13/999,652	)	Confirmation No: 9639
	)	
Filed: March 14, 2014	)	Group Art Unit: 1747
	)	
Entitled: ELECTRONIC CIGARETTE	)	Examiner: YAARY, Eric
	)	
	)	
	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 31, 2016

Filed Electronically

RESPONSE AND AMENDMENT

Sir:

In response to the Office Action dated August 9, 2016, please consider the remarks below. Applicant appreciates the Examiner's comments which are addressed herein. This response is filed within three months of the Office Action under applicable rules; therefore, no extension of time has been requested. The Commissioner is authorized to charge any additional fees due or credit any overpayment to the credit card on file.

Please amend the claims as shown on pages 2-4.

Remarks begin on page 5.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/999,652	Filing Date 03/14/2014	☐ To be Mailed
---	---	----------------------------------	---------------------------------------

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	08/31/2016	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X \$40 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	X \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
TOTAL ADD'L FEE						

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
JAMES TUNSTALL

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

141630 7590 09/28/2016
Geoffrey A. Lottenberg
Lewis Brisbois Bisgaard and Smith LLP
110 SE 6th Street
Suite 2600
Ft. Lauderdale, FL 33301

EXAMINER

YAARY, ERIC

ART UNIT

PAPER NUMBER

1747

DATE MAILED: 09/28/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

13/999,652

03/14/2014

Gilbert Cyphert

12320-4070US

9639

TITLE OF INVENTION: Electronic Cigarette

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	12/28/2016

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

141630 7590 09/28/2016
Geoffrey A. Lottenberg
Lewis Brisbois Bisgaard and Smith LLP
110 SE 6th Street
Suite 2600
Ft. Lauderdale, FL 33301

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/999,652	03/14/2014	Gilbert Cyphert	12320-4070US	9639

TITLE OF INVENTION: Electronic Cigarette

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	12/28/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
YAARY, ERIC	1747	131-329000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____ (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____ 3 _____
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/999,652	03/14/2014	Gilbert Cyphert	12320-4070US	9639

141630 7590 09/28/2016
Geoffrey A. Lottenberg
Lewis Brisbois Bisgaard and Smith LLP
110 SE 6th Street
Suite 2600
Ft. Lauderdale, FL 33301

EXAMINER

YAARY, ERIC

ART UNIT PAPER NUMBER

1747

DATE MAILED: 09/28/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/999,652	Applicant(s) CYPHERT ET AL.	
	Examiner ERIC YAARY	Art Unit 1747	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/31/2016.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-4,6-11,15,18 and 20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
--	--

/ERIC YAARY/ Examiner, Art Unit 1747	/MICHAEL H WILSON/ Supervisory Patent Examiner, Art Unit 1747
---	--

Art Unit: 1747

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Allowable Subject Matter

2. **Claims 1-4, 6-11, 15, 18, and 20 are allowed.**

3. The following is an examiner's statement of reasons for allowance: Applicant's arguments filed 8/31/2016 have been fully considered and are persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YAARY whose telephone number is (571)272-3273. The examiner can normally be reached on Monday to Friday, 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael H. Wilson can be reached on 517-270-3882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC YAARY/
Examiner, Art Unit 1747

/MICHAEL H WILSON/
Supervisory Patent Examiner, Art Unit 1747

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CYPHERT, Gilbert et al.	)	
	)	
Serial No.: 13/999,652	)	Confirmation No: 9639
	)	
Filed: March 14, 2014	)	Group Art Unit: 1747
	)	
Entitled: ELECTRONIC CIGARETTE	)	Examiner: YAARY, Eric
	)	
	)	
	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 31, 2016

Filed Electronically

RESPONSE AND AMENDMENT

Sir:

In response to the Office Action dated August 9, 2016, please consider the remarks below. Applicant appreciates the Examiner's comments which are addressed herein. This response is filed within three months of the Office Action under applicable rules; therefore, no extension of time has been requested. The Commissioner is authorized to charge any additional fees due or credit any overpayment to the credit card on file.

Please amend the claims as shown on pages 2-4.

Remarks begin on page 5.

Search Notes 	Application/Control No. 13999652	Applicant(s)/Patent Under Reexamination CYPHERT ET AL.
	Examiner ERIC YAARY	Art Unit 1747

CPC- SEARCHED		
Symbol	Date	Examiner
A24F47/008	1/20/16	EY

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor and EAST	1/20/16	EY
EAST	8/4/16	EY
Updated Search	9/9/16	EY

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
A24F	47/008	9/9/16	EY
A61M	15/06	"	"
392	386-406	"	"

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	1	"13999652"	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L3	1397	a24f47/008.cpc.	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L4	176	L3 and morris.as.	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L5	618	L3 and air near5 (passage passageway channel path pathway)	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L6	245	L3 and (air near5 (passage passageway channel path pathway)) near5 (chamber compartment section cartridge rod)	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L7	161	L3 and airflow near5 (passage passageway channel path pathway)	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L8	122	"7832410"	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L9	43	(gilbert near2 cyphert) (xuandong near2 huang) (edwin near2 balder)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L10	305	a24f47/008.cpc. and seal\$3 near9 (chamber compartment section)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L11	72	L3 and reynolds.as.	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L12	466	a24f47/008.cpc. and filter	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L13	62	a24f47/\$.cpc. and bulb	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L14	36	a24f47/\$.cpc. and bulb same heat\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L15	26	((bulb near20 heat\$3) near20 (wire near20 vaporiz\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L16	123	vaporiz\$5 and ((bulb near20 heat\$3) near20 wire)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49

L17	9	a24f47/\$.cpc. and bulb same filament	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L18	169	a24f47/\$.cpc. and retract\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L19	112	a24\$.cpcl. and retract\$4 near9 (tip mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L20	131	a61m15/\$.cpc. and retract\$4 near5 (mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L21	463	a24f47/008.cpc. and sleeve	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L22	383	a24\$.cpcl. and (slid\$4 slideably slidingly) near5 (tip mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L23	417	a24f47/\$.cpc. and extend\$4 near5 (tip mouth mouthpiece)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L24	564	a24f47/\$.cpc. and led	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L25	283	a24f47/008.cpc. and (switch sens\$3) same (pcb "circuit board")	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L26	326	a24f47/008.cpc. and seal\$3 near9 (heat\$3 vaporiz\$5 atomiz\$5)	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L27	30	a24f47/008.cpc. and bulb	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L28	366	A61L2209/12.cpc.	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L29	212	392/393.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L30	63	L29 and (coil\$3 wire filament\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L31	58	"128".clas. and bulb same vaporiz\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L32	136	"392".clas. and bulb same vaporiz\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L33	57	bulb and vaporiz\$5 and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L34	6	"392".clas. and bulb and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49

L35	35	"219".clas. and bulb and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L36	1	"131".clas. and bulb and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L37	95	bulb same (temper\$3 near9 glass)	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L38	24	(toughen\$3 temper\$3) near20 glass near20 bulb near20 heat	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/09 08:49
L39	5	a24f.opcl. and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L40	43	"392".clas. and temper\$3 near9 glass	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L41	384	(temper\$3 near9 glass) near20 (heat near5 (withstand\$3 resist\$4))	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49
L42	41	L41 and vaporiz\$5	US-PGPUB; USPAT	OR	ON	2016/09/09 08:49

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L43	4	(a24f47/008 a61m15/06).cpc. and bulb.clm.	US-PGPUB	OR	ON	2016/09/09 08:53
L44	9	(392/386-406).ccls. and bulb.clm.	US-PGPUB	OR	ON	2016/09/09 08:54

9/ 9/ 2016 9:05:09 AM
C:\ Users\ eyaary\ Documents\ EAST\ Workspaces\ 13999652.wsp

Issue Classification 	Application/Control No. 13999652	Applicant(s)/Patent Under Reexamination CYPHERT ET AL.
	Examiner ERIC YAARY	Art Unit 1747

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	-	17												
2	2	12	18												
3	3	-	19												
4	4	13	20												
-	5														
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-	12														
-	13														
-	14														
11	15														
-	16														

/ERIC YAARY/ Examiner.Art Unit 1747 (Assistant Examiner)	9/9/2016 (Date)	Total Claims Allowed: 13	
/MICHAEL H WILSON/ Supervisory Patent Examiner.Art Unit 1747 (Primary Examiner)	09/19/2016 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

141630 7590 09/28/2016
Geoffrey A. Lottenberg
Lewis Brisbois Bisgaard and Smith LLP
110 SE 6th Street
Suite 2600
Ft. Lauderdale, FL 33301

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/999,652	03/14/2014	Gilbert Cyphert	12320-4070US	9639

TITLE OF INVENTION: Electronic Cigarette

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	12/28/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
YAARY, ERIC	1747	131-329000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Geoffrey A. Lottenberg

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

VAPOR CORP.

DANIA BEACH, FLORIDA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

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- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Geoffrey A. Lottenberg/

Date 12/01/2016

Typed or printed name Geoffrey A. Lottenberg

Registration No. 65,925

Electronic Patent Application Fee Transmittal				
Application Number:		13999652		
Filing Date:		14-Mar-2014		
Title of Invention:		Electronic Cigarette		
First Named Inventor/Applicant Name:		Gilbert Cyphert		
Filer:		Geoffrey Adam Lottenberg/Kimberly Taylor		
Attorney Docket Number:		12320-4070US		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	27671968
Application Number:	13999652
International Application Number:	
Confirmation Number:	9639
Title of Invention:	Electronic Cigarette
First Named Inventor/Applicant Name:	Gilbert Cyphert
Customer Number:	141630
Filer:	Geoffrey Adam Lottenberg/Kimberly Taylor
Filer Authorized By:	Geoffrey Adam Lottenberg
Attorney Docket Number:	12320-4070US
Receipt Date:	01-DEC-2016
Filing Date:	14-MAR-2014
Time Stamp:	20:22:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 480
RAM confirmation Number	120216INTEFSW20241200
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The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	ISSUE_FEE_12320-4070.pdf	179324	no	1
			5266d67f6c400f67d0b5a770a16057fd65244d86		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30280	no	2
			1fd7601891fbcf5a34bb879714838e83b6227b91		
Warnings:					
Information:					
Total Files Size (in bytes):			209604		
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/999,652	01/10/2017	9538788	12320-4070US	9639

141630 7590 12/21/2016
Geoffrey A. Lottenberg
Lewis Brisbois Bisgaard and Smith LLP
110 SE 6th Street
Suite 2600
Ft. Lauderdale, FL 33301

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 112 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Gilbert Cyphert, Phoenix, AZ;
Vapor Corp., Dania Beach, FL;
Xuandong Huang, Guanghan, CHINA;
Edwin Balder, Mesa, AZ;

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