



(12) **United States Design Patent**
Tucker et al.

(10) **Patent No.:** **US D844,221 S**
(45) **Date of Patent:** **** *Mar. 26, 2019**

(54) **ELECTRONIC SMOKING ARTICLE**

CPC A24F 47/00; A24F 47/002; A24F 47/004;
A24F 47/006; A24F 47/008
See application file for complete search history.

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(56) **References Cited**

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U.S. PATENT DOCUMENTS

539,839 A 5/1895 Voron
1,013,157 A 1/1912 Hadaway, Jr.
1,514,682 A 11/1924 Wilson

(Continued)

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FOREIGN PATENT DOCUMENTS

(*) Notice: This patent is subject to a terminal dis-
claimer.

BE 421623 A 6/1937
CN 87104459 A 2/1988

(Continued)

(**) Term: **15 Years**

OTHER PUBLICATIONS

(21) Appl. No.: **29/554,836**

U.S. Office Action dated Sep. 25, 2017 for U.S. Appl. No. 29/554,552.
(Continued)

(22) Filed: **Feb. 16, 2016**

Related U.S. Application Data

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Pierce, P.L.C.

(60) Continuation of application No. 29/511,909, filed on
Dec. 15, 2014, now Pat. No. Des. 750,319, which is
a division of application No. 29/469,741, filed on Oct.
14, 2013, now Pat. No. Des. 722,196, which is a
(Continued)

(57) **CLAIM**

The ornamental design for an electronic smoking article, as
shown and described.

(51) **LOC (11) Cl.** **27-01**

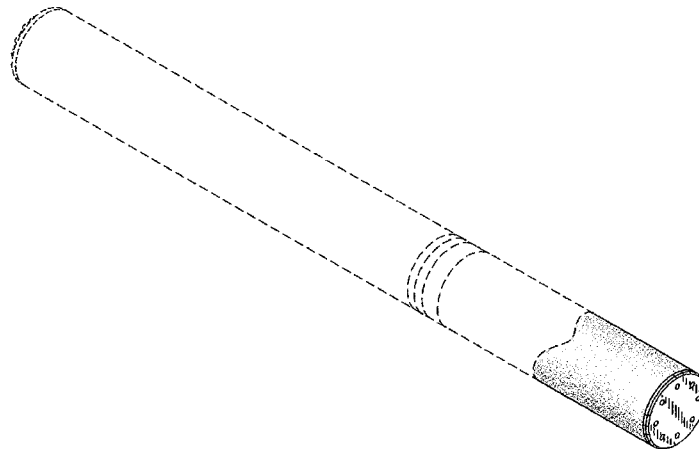
(52) **U.S. Cl.**
USPC **D27/101**

(58) **Field of Classification Search**
USPC D27/103–105, 108, 125, 172, 174–176,
D27/183, 186–192, 194, 100, 101, 170,
D27/163–165, 184, 185; D34/2;
206/242–276; D3/11, 215, 220, 226–230,
D3/265, 266; 4/258, 259, 267, 271, 283;
131/270–273, 329, 330, 194, 189, 347,
131/360–365; D24/110, 113; D19/77,
D19/81, 84; D28/73–77, 83, 85

DESCRIPTION

FIG. 1 is a perspective view of an electronic smoking article
showing our new design.
FIG. 2 is side elevational view thereof, the other side being
a mirror image.
FIG. 3 is an end elevational view thereof; and,
FIG. 4 is a cross-sectional view taken along the line 4-4
shown in FIG. 3.
The broken line showing illustrates portions of the electronic
smoking article which form no part of the claimed design.

1 Claim, 2 Drawing Sheets



Related U.S. Application Data

division of application No. 29/443,134, filed on Jan.
14, 2013, now Pat. No. Des. 691,765.

(56)

References Cited

U.S. PATENT DOCUMENTS

1,771,366 A	7/1930	Wyss et al.	4,765,347 A	8/1988	Sensabaugh, Jr. et al.
1,968,509 A	7/1934	Tiffany	4,804,002 A	2/1989	Herron
2,057,353 A	10/1936	Whittlemore, Jr.	4,941,486 A	7/1990	Dube et al.
2,104,266 A	1/1938	McCormick	4,945,929 A	8/1990	Egilmex
D125,122 S	2/1941	Urben	4,981,522 A	1/1991	Nichols et al.
2,406,275 A	8/1946	Wejnarth	4,991,606 A	2/1991	Serrano et al.
2,442,004 A	5/1948	Hayward-Butt	5,016,656 A	5/1991	McMurtrie
2,558,127 A	6/1951	Downs	5,040,552 A	8/1991	Schleich et al.
2,836,183 A	5/1958	Fay et al.	5,042,510 A	8/1991	Curtiss et al.
2,907,686 A	10/1959	Siegel	5,045,237 A	9/1991	Washburn
2,971,039 A	2/1961	Western	5,060,671 A	10/1991	Counts et al.
2,972,557 A	2/1961	Toulmin, Jr.	5,076,296 A	12/1991	Nystrom et al.
2,974,669 A	3/1961	Ellis	5,085,804 A	2/1992	Washburn
D193,753 S	10/1962	Watts et al.	5,093,894 A	3/1992	Deevi et al.
3,062,218 A	11/1962	Temkovits	5,095,921 A	3/1992	Losee et al.
3,200,819 A	8/1965	Gilbert	5,116,298 A	5/1992	Bondancili et al.
3,255,760 A	6/1966	Selker	5,137,578 A	8/1992	Chan
3,258,015 A	6/1966	Ellis et al.	5,139,594 A	8/1992	Rabin
3,356,094 A	12/1967	Ellis et al.	5,144,962 A	9/1992	Counts et al.
3,363,633 A	1/1968	Weber	5,144,964 A	9/1992	Demain
3,396,733 A	8/1968	Allseits et al.	5,157,242 A	10/1992	Hetherington et al.
3,402,723 A	9/1968	Hu	5,159,940 A	11/1992	Hayward et al.
3,482,580 A	12/1969	Hollabaugh	5,179,966 A	1/1993	Losee et al.
3,521,843 A	7/1970	Toth	5,224,498 A	7/1993	Deevi et al.
3,559,300 A	2/1971	Fox	5,228,460 A	7/1993	Sprinkel et al.
3,587,573 A	6/1971	Flack	5,235,157 A	8/1993	Blackburn
3,608,560 A	9/1971	Briskin et al.	5,249,586 A	10/1993	Morgan et al.
D223,879 S	6/1972	Chernack	5,269,327 A	12/1993	Counts et al.
3,681,018 A	8/1972	Knauff	5,274,214 A	12/1993	Blackburn
3,720,235 A	3/1973	Schrock	5,285,050 A	2/1994	Blackburn
3,738,374 A	6/1973	Bennett	5,322,075 A	6/1994	Deevi et al.
3,744,496 A	7/1973	McCarty et al.	5,353,813 A	10/1994	Deevi et al.
D229,725 S	12/1973	Berger	5,369,723 A	11/1994	Counts et al.
D229,788 S	1/1974	Berger	5,388,594 A	2/1995	Counts et al.
D229,789 S	1/1974	Berger	5,396,911 A	3/1995	Casey, III et al.
D229,790 S	1/1974	Berger	5,408,574 A	4/1995	Deevi et al.
3,789,840 A	2/1974	Rosenblatt	5,473,251 A	12/1995	Mori
3,804,100 A	4/1974	Fariello	5,498,855 A	3/1996	Deevi et al.
3,875,476 A	4/1975	Crandall et al.	5,505,214 A	4/1996	Collins et al.
3,878,041 A	4/1975	Leitnaker et al.	D375,159 S	10/1996	Johansson
3,886,954 A	6/1975	Hannema et al.	5,591,368 A	1/1997	Fleischhauer et al.
3,889,690 A	6/1975	Guarnieri	5,592,955 A	1/1997	Keritsis
3,895,219 A	7/1975	Richerson et al.	5,595,706 A	1/1997	Sikka et al.
3,943,941 A	3/1976	Boyd et al.	5,611,360 A	3/1997	Tang
D240,541 S	7/1976	Rupert	5,613,504 A	3/1997	Collins et al.
4,016,061 A	4/1977	Wasa et al.	5,724,997 A	3/1998	Smith et al.
4,068,672 A	1/1978	Guerra	5,743,251 A	4/1998	Howell et al.
4,077,784 A	3/1978	Vayrynen	5,865,185 A	2/1999	Collins et al.
4,083,372 A	4/1978	Baden	5,878,752 A	3/1999	Adams et al.
4,098,725 A	7/1978	Yamamoto et al.	5,935,975 A	8/1999	Rose et al.
4,110,260 A	8/1978	Yamamoto et al.	6,155,268 A	12/2000	Takeuchi
4,131,119 A	12/1978	Blasutti	6,196,218 B1	3/2001	Voges
4,141,369 A	2/1979	Burruss	D453,854 S	2/2002	Verhoeven-Koster
4,164,230 A	8/1979	Pearlman	6,598,607 B2	7/2003	Adiga et al.
4,193,411 A	3/1980	Faris et al.	6,715,487 B2	4/2004	Nichols et al.
4,209,026 A	6/1980	Dock	6,772,756 B2	8/2004	Shayan
4,215,708 A	8/1980	Bron	6,854,470 B1	2/2005	Pu
4,219,032 A	8/1980	Tabatznik et al.	7,131,599 B2	11/2006	Katase
4,246,913 A	1/1981	Ogden et al.	7,167,641 B2	1/2007	Tam et al.
4,256,945 A	3/1981	Carter et al.	7,458,374 B2	12/2008	Hale et al.
4,259,970 A	4/1981	Green, Jr.	D590,988 S	4/2009	Hon
4,331,166 A	5/1982	Hale	D590,989 S	4/2009	Hon
4,340,072 A	7/1982	Bolt et al.	D590,990 S	4/2009	Hon
D270,097 S	8/1983	Minkevitch	D590,991 S	4/2009	Hon
4,419,302 A	12/1983	Nishino et al.	D613,902 S	4/2010	Kaljura
4,457,319 A	7/1984	Lamb et al.	D614,346 S	4/2010	Lik
4,493,331 A	1/1985	Porenski, Jr.	7,726,320 B2	6/2010	Robinson et al.
4,517,996 A	5/1985	Vester	D623,351 S	9/2010	Kirkeby
4,649,944 A	3/1987	Houck, Jr. et al.	D624,238 S	9/2010	Turner
4,687,008 A	8/1987	Houck, Jr. et al.	7,789,089 B2	9/2010	Dube et al.
			7,810,508 B2	10/2010	Wyss-Peters et al.
			7,832,410 B2	11/2010	Hon
			7,845,359 B2	12/2010	Montaser
			7,878,962 B2	2/2011	Karles et al.
			D638,194 S	5/2011	Lichstein
			7,938,124 B2	5/2011	Izumiya et al.
			D642,330 S	7/2011	Turner
			7,997,280 B2	8/2011	Rosenthal
			D646,431 S	10/2011	Awty et al.

(56)

References Cited

U.S. PATENT DOCUMENTS

D651,338 S 12/2011 Awty et al.
 8,079,371 B2 12/2011 Robinson et al.
 D652,987 S 1/2012 Kaljura
 D653,390 S 1/2012 Kaljura
 D653,802 S 2/2012 Kaljura
 D655,036 S 2/2012 Zhou
 8,118,161 B2 2/2012 Guerrero et al.
 8,127,772 B2 3/2012 Montaser
 8,156,944 B2 4/2012 Han
 8,157,918 B2 4/2012 Becker et al.
 8,205,622 B2 6/2012 Pan
 D666,355 S 8/2012 Alelov
 D862,257 8/2012 Alelov
 8,314,591 B2 11/2012 Terry et al.
 D685,522 S 7/2013 Potter et al.
 8,495,998 B2 7/2013 Schennum
 8,499,766 B1 8/2013 Newton
 8,539,959 B1 9/2013 Scatterday
 D691,324 S 10/2013 Saliman
 D691,765 S 10/2013 Tucker et al.
 D691,766 S 10/2013 Tucker et al.
 D692,613 S 10/2013 Morreale
 8,550,068 B2 10/2013 Terry et al.
 D695,449 S 12/2013 Tucker et al.
 D722,196 S 2/2015 Tucker et al.
 D724,262 S 3/2015 Hearn et al.
 D724,781 S 3/2015 Hearn et al.
 D725,822 S 3/2015 Liu
 D726,364 S 4/2015 Weigensberg
 D726,365 S 4/2015 Weigenberg
 D727,564 S 4/2015 LaForge et al.
 D727,565 S 4/2015 LaForge et al.
 D728,154 S 4/2015 Lavanchy et al.
 9,004,073 B2 4/2015 Tucker et al.
 D728,852 S 5/2015 Hearn et al.
 D729,439 S 5/2015 Scatterday
 D738,036 S 9/2015 Tucker et al.
 D738,566 S 9/2015 Tucker et al.
 D738,567 S 9/2015 Tucker et al.
 D743,097 S * 11/2015 Tucker D27/101
 D748,323 S * 1/2016 Tucker D27/101
 D749,780 S * 2/2016 Bramley D27/169
 D750,834 S 3/2016 Wei
 D750,835 S 3/2016 Wei
 D753,872 S 4/2016 Mittersinker et al.
 D754,919 S 4/2016 Alarcon et al.
 D756,564 S * 5/2016 Yerkic-Husejnovic D27/194
 D759,296 S 6/2016 Abroff et al.
 D763,503 S * 8/2016 Bramley D27/101
 D767,820 S 9/2016 Jordan et al.
 D767,822 S 9/2016 Jordan et al.
 D770,086 S * 10/2016 Tucker D27/101
 D770,676 S 11/2016 Bennett et al.
 D774,693 S 12/2016 Liu
 D779,725 S * 2/2017 Bramley D27/170
 D780,993 S * 3/2017 Bramley D27/170
 D782,108 S * 3/2017 Jordan D27/167
 D797,369 S 9/2017 Yamada et al.
 D797,990 S * 9/2017 Hawes D27/162
 D798,447 S 9/2017 Leather
 D802,207 S 11/2017 Bramley et al.
 D803,475 S 11/2017 Scheiber
 D804,090 S 11/2017 Verleur et al.
 D804,091 S 11/2017 Fornarelli
 2002/0005207 A1 1/2002 Wrenn et al.
 2004/0020500 A1 2/2004 Wrenn et al.
 2004/0099266 A1 5/2004 Cross et al.
 2005/0016550 A1 1/2005 Katase
 2005/0016553 A1 1/2005 Iannuzzi
 2005/0175331 A1 8/2005 Tam et al.
 2006/0191546 A1 8/2006 Takano et al.
 2006/0196518 A1 9/2006 Hon
 2006/0254604 A1 11/2006 Martinez Fernandez
 2007/0095357 A1 5/2007 Besso et al.
 2007/0267031 A1 11/2007 Hon

2007/0267032 A1 11/2007 Shan
 2008/0092912 A1 4/2008 Robinson et al.
 2008/0230052 A1 9/2008 Montaser
 2008/0276947 A1 11/2008 Martzel
 2009/0007925 A1 1/2009 Rasouli et al.
 2009/0044816 A1 2/2009 Rasouli et al.
 2009/0126745 A1 5/2009 Hon
 2009/0151717 A1 6/2009 Bowen et al.
 2009/0162294 A1 6/2009 Werner
 2009/0188490 A1 7/2009 Han
 2009/0230117 A1 9/2009 Fernando et al.
 2009/0272379 A1 11/2009 Thorens et al.
 2010/0031968 A1 2/2010 Sheikh et al.
 2010/0083959 A1 4/2010 Siller
 2010/0126505 A1 5/2010 Rinker
 2010/0200008 A1 8/2010 Taieb
 2010/0206317 A1 8/2010 Albino et al.
 2010/0307518 A1 12/2010 Wang
 2011/0011396 A1 1/2011 Fang
 2011/0036346 A1 2/2011 Cohen et al.
 2011/0036363 A1 2/2011 Urtsev et al.
 2011/0088707 A1 4/2011 Hajaligol
 2011/0094523 A1 4/2011 Thorens et al.
 2011/0120455 A1 5/2011 Murphy
 2011/0120482 A1 5/2011 Brenneise
 2011/0155153 A1 6/2011 Thorens et al.
 2011/0209717 A1 9/2011 Han
 2011/0220134 A1 9/2011 Duke et al.
 2011/0232654 A1 9/2011 Mass
 2011/0245493 A1 10/2011 Rabinowitz et al.
 2011/0265806 A1 11/2011 Alarcon et al.
 2011/0277756 A1 11/2011 Terry et al.
 2011/0277757 A1 11/2011 Terry et al.
 2011/0277760 A1 11/2011 Terry et al.
 2011/0277761 A1 11/2011 Terry et al.
 2011/0277764 A1 11/2011 Terry et al.
 2011/0277780 A1 11/2011 Terry et al.
 2011/0303231 A1 12/2011 Li et al.
 2011/0304282 A1 12/2011 Li et al.
 2012/0006342 A1 1/2012 Rose et al.
 2012/0090629 A1 4/2012 Turner et al.
 2012/0111347 A1 5/2012 Hon
 2012/0118301 A1 5/2012 Montaser
 2012/0145169 A1 6/2012 Wu
 2012/0167906 A1 7/2012 Gysland
 2012/0186593 A1 * 7/2012 Grano A24D 3/041
 131/202
 2012/0186594 A1 7/2012 Liu
 2012/0199146 A1 8/2012 Marangos
 2012/0199663 A1 8/2012 Qiu
 2012/0211015 A1 8/2012 Li et al.
 2012/0230659 A1 9/2012 Goodman et al.
 2012/0260927 A1 10/2012 Liu
 2012/0285475 A1 11/2012 Liu
 2012/0312313 A1 12/2012 Frija
 2012/0318283 A1 12/2012 Watanabe et al.
 2012/0318882 A1 12/2012 Abehasera
 2013/0014772 A1 1/2013 Liu
 2013/0019887 A1 1/2013 Liu
 2013/0025609 A1 1/2013 Liu
 2013/0032159 A1 2/2013 Capuano
 2013/0081642 A1 4/2013 Safari
 2013/0118509 A1 5/2013 Richardson
 2013/0192623 A1 8/2013 Tucker et al.
 2013/0213418 A1 8/2013 Tucker et al.
 2013/0213419 A1 8/2013 Tucker et al.
 2014/0238421 A1 8/2014 Shapiro
 2016/0044964 A1 2/2016 Liu
 2016/0143354 A1 5/2016 Liu
 2016/0183589 A1 6/2016 Born et al.
 2016/0235115 A1 8/2016 Han

FOREIGN PATENT DOCUMENTS

CN 1016567 B 5/1992
 CN 277799 5/2006
 CN 2777995 Y 5/2006
 CN 101322579 A 12/2008
 CN 201571500 U 9/2010

(56)

References Cited

FOREIGN PATENT DOCUMENTS

CN	201709398	U	1/2011
CN	201789924	U	4/2011
CN	201797997	U	4/2011
CN	102106611	A	6/2011
CN	201860753	U	6/2011
CN	102166044	A	8/2011
CN	201986689	U	9/2011
CN	202014571		10/2011
CN	202014571	U	10/2011
CN	202014572	U	10/2011
CN	202026802		10/2011
CN	202026802	U	11/2011
CN	202026804	U	11/2011
CN	20223305	U	5/2012
CN	20223307		5/2012
CN	20223307	U	5/2012
DE	3640917	A1	8/1988
DE	3735704	A1	5/1989
EM	000054630-0001		9/2003
EM	000054630-0002		9/2003
EM	000084876-0001		1/2004
EM	000084876-0002		1/2004
EM	000084876-0003		1/2004
EM	000084876-0004		1/2004
EM	000084876-0005		1/2004
EM	000084876-0006		1/2004
EM	000084876-0007		1/2004
EM	000084876-0008		1/2004
EM	000084876-0009		1/2004
EM	000084876-0010		1/2004
EM	000084876-0011		1/2004
EM	000084876-0012		1/2004
EM	000084876-0013		1/2004
EM	000084876-0014		1/2004
EM	000084876-0015		1/2004
EM	000084876-0016		1/2004
EM	000084876-0017		1/2004
EM	001025779-0001		11/2008
EM	002272559-0007		7/2013
EP	0117355	A2	9/1984
EP	0277519	A2	8/1988
EP	0295122	A2	12/1988
EP	0358 002	A2	3/1990
EP	0358114	A2	3/1990
EP	0430566	A2	6/1991
EP	0438862	A2	7/1991
EP	0608783	A1	8/1994
EP	0845220	A1	6/1998
EP	0893071	A1	1/1999
EP	1128741	A1	9/2001
EP	1618803	A1	1/2006
EP	1736065	A1	12/2006
EP	2113178	A1	11/2009
NL	8201585	A	11/1982
WO	WO-86/02528	A1	5/1986
WO	WO-95/02970	A1	2/1995
WO	WO-00/28843	A1	5/2000
WO	WO-2004/043175	A1	5/2004
WO	WO-2004/080216	A1	9/2004
WO	WO-2004/095955	A1	11/2004
WO	WO-2005/099494	A1	10/2005
WO	WO-2007/066374	A1	6/2007
WO	WO-2007/078273	A1	7/2007
WO	WO-2007/098337	A2	8/2007
WO	WO-2007/131449	A1	11/2007
WO	WO-2007/131450	A1	11/2007
WO	WO-2007/141668	A2	12/2007
WO	WO-2008/055423	A1	5/2008
WO	WO-2010/091593	A1	8/2010

WO	WO-2010/145468	A1	12/2010
WO	WO-2011/121326	A2	10/2011
WO	WO-2011/124033	A1	10/2011
WO	WO-2011/146372	A2	11/2011
WO	WO-2012/088675	A1	7/2012
WO	WO-2012/109371	A2	8/2012
WO	WO-2012/129787	A1	10/2012
WO	WO-2012/129812	A1	10/2012
WO	WO-2012/142293	A2	10/2012

OTHER PUBLICATIONS

Brazilian Office Action and partial English translation thereof dated Sep. 5, 2016.

EM-00054630-0001-000054630-0002, Sep. 30, 2003, Verhoeven-Koster.

International Search Report and Written Opinion for PCT/US13/24211 dated Mar. 19, 2013. (10 pages).

International Search Report and Written Opinion for PCT/US13/24219 dated Mar. 14, 2013. (13 pages).

International Search Report and Written Opinion for PCT/US13/24229 dated Mar. 19, 2013. (16 pages).

International Search Report and Written Opinion for PCT/US13/24215 dated Mar. 19, 2013. (11 pages).

International Search Report and Written Opinion for PCT/US13/24228 dated Mar. 21, 2013. (8 pages).

“Cigarro eletrônico 6pcs Cartuchos a pronta entrega para todo o brasil!!!”, Forquilha, CE, Brasil, Oct. 22, 2011, pp. 1-3.

European Document No. 001025779-0001, Timmermans, Ludovicus Josephine F., Office for Harmonization in the Internal Market (OHIM), Aug. 27, 2015, pp. 1-3.

European Document No. 000054630-0001, Verhoeven-Kostner, Bernardina Maria, Office for Harmonization in the Internal Market (OHIM), Aug. 31, 2015, pp. 1-3.

<http://www.tecmundo.com.br/saude/11335-o-que-e-cigarro-eletronico-e-por-que-ele-e-proibido-.htm>.

<http://cigatronico.blogspot.com.br> (visited on Jan. 8, 2016).

<http://sergiolc.blogs.sapo.pt/175029.html> (visited on Oct. 19, 2015).

Russian Office Action dated Apr. 11, 2017 issued in corresponding Russian Application No. 2016503504/49.

U.S. Notice of Allowance for corresponding U.S. Appl. No. 29/554,326 dated Jan. 18, 2018.

Brazilian Intermediary Opinion for corresponding Brazilian Application No. BR302013003369-4 and Partial English translation thereof dated Feb. 21, 2018.

U.S. Notice of Allowance for corresponding U.S. Appl. No. 29/553,863 dated Feb. 26, 2018.

Office Action for corresponding U.S. Appl. No. 29/557,503.

Notice of Allowance dated Jul. 24, 2013 in U.S. Appl. No. 29/443,128.

Notice of Allowance dated Sep. 29, 2015 in U.S. Appl. No. 29/469,749.

Notice of Allowance dated Feb. 9, 2018 in U.S. Appl. No. 29/554,326.

Canadian Office Action dated Dec. 18, 2014 issued in Canadian Patent Application No. 157560.

Notice of Allowance dated Jul. 19, 2013 in U.S. Appl. No. 29/443,136.

Notice of Allowance dated Sep. 25, 2015 in U.S. Appl. No. 29/469,750.

Notice of Allowance dated Jan. 14, 2016 in U.S. Appl. No. 29/473,662.

Notice of Allowance dated Jun. 28, 2016 in U.S. Appl. No. 29/473,662.

Notice of Allowance dated Jul. 6, 2017 in U.S. Appl. No. 29/580,456.

Canadian Office Action dated Oct. 4, 2014 issued in Canadian Patent Application No. 156127.

Brazilian Office Action dated May 9, 2016 issued in corresponding Brazilian Application No. 302014001648-2.

* cited by examiner

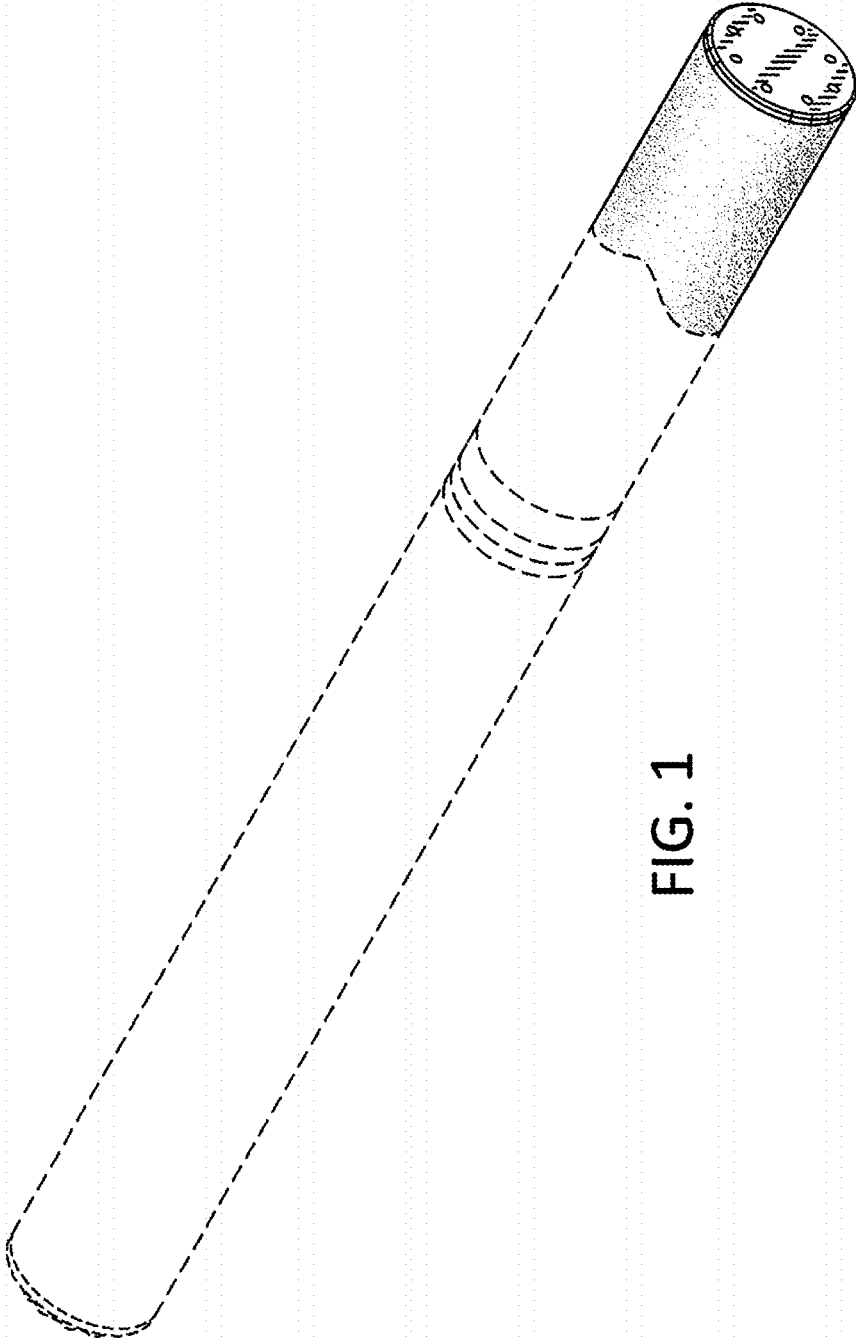


FIG. 1

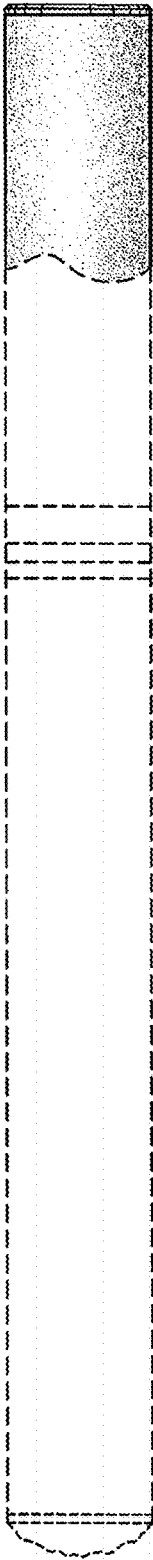


FIG. 2

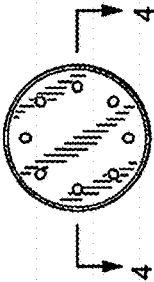


FIG. 3

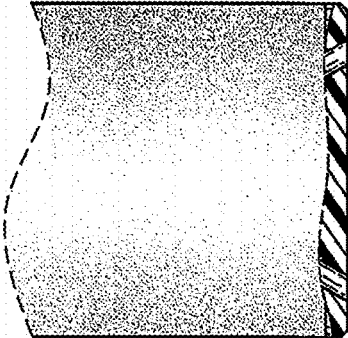


FIG. 4