

Patent Infringement Analysis Report

CATALOGUE

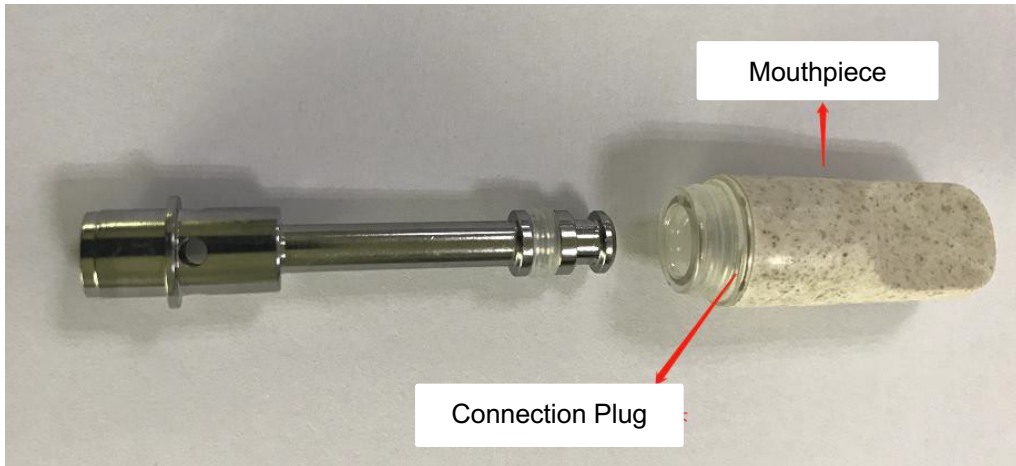
I. Determination of structural features of infringement analysis object (the C3 Product).....	1
II. Patent infringement analysis report	3
[Patent infringement analysis report on whether the infringement analysis object, that is, the C3 product, of the AVD company falls within the patent protection scope of ZL201621129802.3]	3
1. Infringement analysis purpose	3
2. Infringement analysis conclusion	3
3. Infringement analysis reason	3
3.1 Infringement analysis subject	3
3.1.1 Patent ZL201621129802.3	3
3.1.2 Claims	4
3.2 Description of analysis and comparison process	5
3.2.1 Legal basis	5
3.2.2 Infringement analysis principle	5
3.2.3 Comparative analysis of the analysis object and the patent	6

I. Determination of Structural Features of Infringement Object (the Locking Mouthpiece)

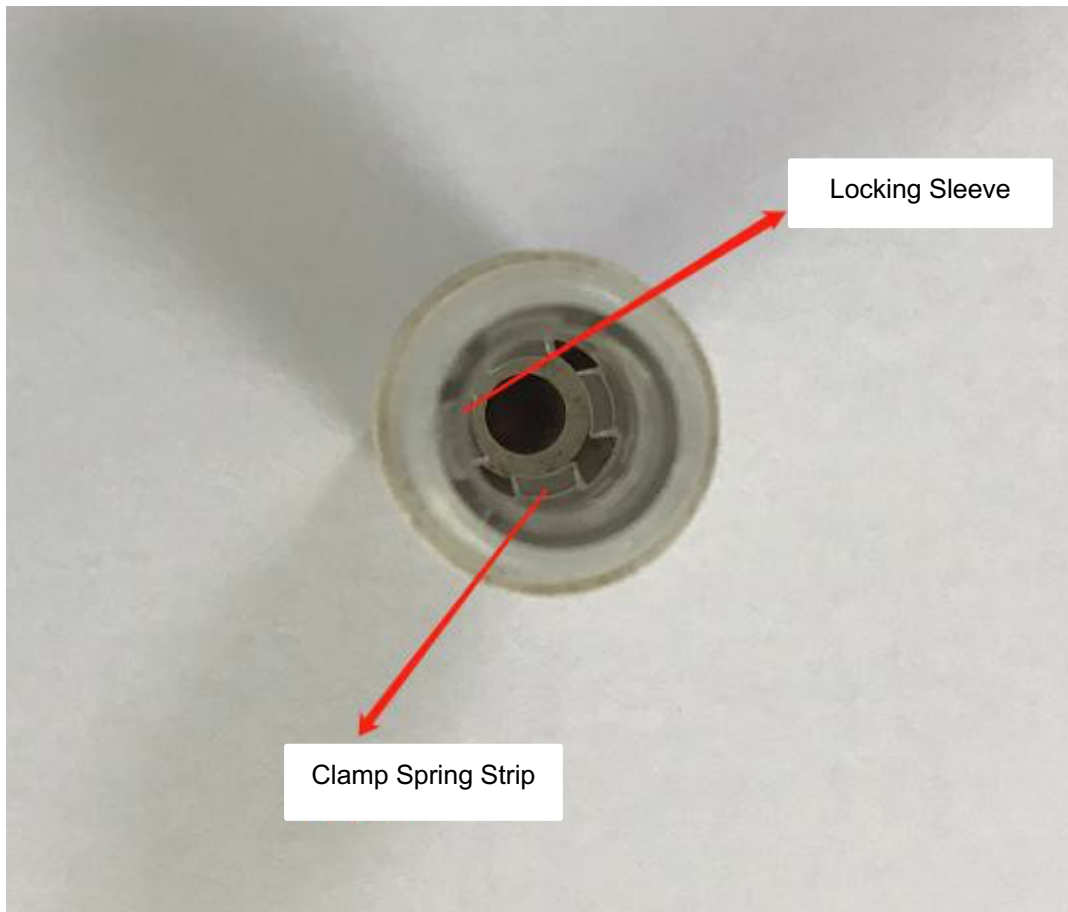
Pattern 1



Pattern 2



Pattern 3



II. Patent Infringement Analysis Report

[Patent infringement analysis report on whether the infringement object, that is, the C3 product, of the AVD company falls within the patent protection scope of ZL201621129802.3]

1. Infringement Analysis Purpose

This report is to analyze whether the infringement object, that is, the C3 product, of the AVD company (hereinafter referred to as the analysis object) infringes the utility model patent of the People's Republic of China patent number ZL201621129802.3 owned by SHENZHEN BUDDY TECHNOLOGY DEVELOPMENT CO., LTD. (hereinafter referred to as patent No.023).

2. Infringement Analysis Conclusion

The analyzed object falls within the protection scope of claim 1 of the patent No.023, and the implementation of the analyzed object will infringe the rights of the patent No.023.

3. Infringement Analysis Reason

3.1 Infringement Analysis Subject

3.1.1 ZL201621129802.3 Patent

Patent Number: L201621129802.3 (corresponding US Patent No. 9,999,254 B2)

Authorized Announcement Number: CN 206119181 U

Patent Name: Mouthpiece with a Locking Mechanism, Electronic Cigarette Atomizer and Electronic Cigarette

Inventor: Liu Xiang

Application date: October 17, 2016 (US Filed Date: Jan 13, 2017)

Date of Patent: April 26, 2017 (US: June 19, 2018)

Patentee: SHENZHEN BUDDY TECHNOLOGY DEVELOPMENT CO., LTD.

Patent Status: Patent right maintained

3.1.2 Claims

1. A Mouthpiece with a Locking Mechanism ("the locking mouthpiece"), comprising a mouthpiece(2), wherein a locking sleeve (21) is fixedly arranged in the mouthpiece's inner cavity (2), two or more clamp spring strips (211) are arranged at the tip of the inner part of the locking sleeve (21), and a connection plug (212) is arranged at the end of the outer part of the locking sleeve (21).
2. "The locking mouthpiece" according to claim 1, wherein the locking sleeve (21) is fixed in the inner cavity of the mouthpiece (2) by ultrasonic welding.
3. "The locking mouthpiece" according to claim 2, wherein a first seal (213) is sleeved on the outer wall of the connection plug (212).
4. An electronic cigarette atomizer, comprising an atomizer body (1) and a mouthpiece, wherein the atomizer body (1) has an oil chamber (3), a center post (4) extending outward which is placed in the oil chamber (3), with a locking hook on the end (41), and "the locking mouthpiece" according to claim 1 or 2 or 3. The center post (4) is inserted into the locking sleeve (21) of the "the locking mouthpiece" and is in interference fit with the locking sleeve (21), the locking hook (41) abuts against the end of the clamp spring strip (211) of "the locking mouthpiece", so as to form a locking connection between the atomizer body (1) and the "the locking mouthpiece", and the connection plug (212) of "the locking mouthpiece" is inserted into the oil chamber (3), so as to seal the oil chamber (3).
5. According to claim 4, the electronic cigarette atomizer has the features as follows: the outer wall of the center post (4) is provided with ribs (42), and the center post (4) is in interference fit with the locking sleeve (21) through the ribs (42).
6. The electronic cigarette atomizer according to claim 4, wherein the end part of the locking hook (41) is provided with a latch (43).
7. The electronic cigarette atomizer according to claim 4 or 5 or 6, wherein the atomizer body (1) comprises a glass tube (11) and metal base (12), which are connected with each other, an atomizer base (13) and an atomizer chamber (14) are arranged in the glass tube (11), the gas guide tube (4) is inserted into the atomizer chamber (14), the atomizer base (13) is sleeved on the outer side of a connecting part of the atomizer chamber (14) and the center post (4), a second seal (15) is arranged between the atomizer chamber (14) and the inner wall of the glass tube (11), the atomizer chamber (14), the outer wall of the atomizer base (13), the outer wall of the center post (4) and the inner wall of the glass tube (11) are surrounded to form the oil chamber (3), a ceramic coil (16) is placed in the atomizer chamber (14), an anode connector (17) is arranged in the metal base (12), and the anode of the ceramic coil(16) is electrically connected with the anode connector (17).
8. The electronic cigarette atomizer according to claim 7, wherein the anode connector (17) comprises an insulator (171) and a pin (172) that is inserted and fixed in the insulator (171), the metal base (12) and the pin (172) are both made of metal, and the anode of the ceramic coil (16) is electrically connected to the metal base (12) and the pin (172), respectively.
9. An electronic cigarette, comprising an electronic cigarette atomizer and a battery, wherein

the electronic cigarette atomizer is the atomizer according to any one of claims 4 to 8.

3.2 Description of analysis and comparison process

3.2.1 Legal basis

Paragraph 1 of Article 59 of the Patent Law of the People's Republic of China stipulates that the protection scope of the patent right for invention or utility model shall be subject to the contents of the claims, and the specification and attached drawings may be used for explaining the contents of the claims. Article 7 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Patent Infringement Dispute Cases stipulates that the People's Court shall examine all the technical features recorded in the claims claimed by the obligee when determining whether the alleged infringing technical solution falls within the protection scope of the patent right. Where the alleged infringing technical solution contains the same or equivalent technical features as all the technical features recorded in the claims, the People's Court shall determine that it falls within the protection scope of the patent right; and compared with all the technical features recorded in the claims, if the technical features of the alleged infringing technical solution lack more than one technical feature recorded in the claims, or if more than one technical feature are not the same and are not equivalent, the People's Court shall determine that it does not fall within the protection scope of the patent right.

3.2.2 Infringement analysis principle

According to the provisions of the above laws and judicial interpretations, there are the following analysis principles:

The same infringement: that is, the infringement in the meaning of words, which means that the alleged infringing technical solution contains the same corresponding technical features as all the technical features recorded in the claims.

Equivalent infringement: in the judgment of patent infringement, if the same infringement is not tenable, it shall be judged whether equivalent infringement is constituted. The equivalent infringement means that the alleged infringing technical solution has one or more technical features that are literally different from the corresponding technical features in the claims, but belong to equivalent features, therefore it shall be determined that the alleged infringing technical solution falls within the protection scope of the patent right.

3.2.3 Comparative analysis of the analysis object and the patent

Claim 1:

A plug-in locking type cigarette holder, comprising a mouthpiece (2), wherein a locking sleeve (21) is fixedly arranged in the inner cavity of the mouthpiece (2), two or more clamp spring strips (211) are arranged at the inner end part of the locking sleeve (21), and a connection plug (212) is arranged at the outer end part of the locking sleeve (21).

The comparison is as follows:

Technical content of claim 1	Technical content of the analysis object	Is it the same?	Is it equivalent?
A. A Mouthpiece with a Locking Mechanism, comprising a mouthpiece (2).	The C3 product is an electronic cigarette atomizer, which has a mouthpiece with a locking mechanism.	Yes	-
B. A locking sleeve (21) is fixed in the mouthpiece (2).	A locking sleeve is placed in the mouthpiece part of the C3 product.	Yes	-

<p>C. Two or more clamp spring strips (211) are arranged at the inner end part of the locking sleeve (21).</p>	<p>1) Four elastic buckles are fixed inside the locking sleeve, and the elastic buckles are used for being buckled on the latch. The function of the four elastic buckles of the C3 product is exactly the same as that of the clamp spring strips described in the patent No.023, and its function and purpose are to realize the locking connection between the atomizer body and the cigarette holder through the locking hook (hanging platform).</p> <p>2) The specification of the patent No.023 describes that "two or more clamp spring strips (211) are arranged at the inner end part of the locking sleeve (21), and the locking hook (41) abuts against the end face of the clamp spring strip (211), so as to form the locking connection between the atomizer body (1) and the mouthpiece (2), the firm connection of the two main structures, that is, the atomizer body (1) and the mouthpiece (2), is carried out by an automatic locking mechanism of the clamp spring strip (211), and it has the advantages that the mouthpiece is connected quickly and firmly, and the structure is simple. The specification of the patent No.023 has described the function of the clamp spring strip, its function is to secure the connection by using the automatic locking of the clamp spring strip and the locking hook, and the combination of the elastic buckle and the latch in the C3 product completely conforms to the locking principle mentioned above.</p>	<p>Yes</p>	<p>-</p>
<p>D. A connection plug (212) is placed at the end of the outer part of the locking sleeve (21).</p>	<p>The C3 product does not have a connection plug.</p>	<p>Yes</p>	<p>-</p>

Conclusion	The analysis object, that is, the C3 product, contains the same or equivalent corresponding technical features as all the technical features recorded in claim 1, and thus falls within the protection scope of the patent No. 023.
-------------------	---

In summary, the analysis object falls within the protection scope of claim 1 of the patent No.023, and the implementation of the analysis object will infringe the rights of the patent No.023 of SHENZHEN BUDDY TECHNOLOGY DEVELOPMENT CO., LTD.