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JP393414:dlh
629000-850001

April 9, 2020

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street S.W.
Washington, DC 20436

Re: *Certain Tobacco Heating Articles and Components Thereof*

Dear Secretary Barton:

In accordance with the Commission's Temporary Change to Filing Procedures dated March 16, 2020, Complainants, RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company (collectively "Complainants") are e-filing the following documents in support of Complainants' request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as Amended:

1. A non-confidential Complaint with both non-confidential and confidential exhibits, pursuant to Commission Rule 210.8(a)(1)(i);
2. A non-confidential Statement of Public Interest, pursuant to Commission Rule 210.8(b);
3. Certified copies of the involved United States Patent Nos. 9,839,238 ("the '238 patent"), 9,901,123 ("the '123 patent"), and 9,930,915 ("the '915 patent") listed as Exhibits 1-3 in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9)(i);
4. Certified copies of each of the assignments for the '238, '123 and '915 patents listed as Exhibits 4-6 in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9)(ii);
5. Certified copies of the prosecution histories of the '238, '123 and '915 patents listed as Appendices A, C and E in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(c)(1);

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6. Reference documents identified in the prosecution histories of the '238, '123 and '915 patents listed as Appendices B, D and F in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(c)(2);

7. A letter of certification, pursuant to Commission Rules 201.6(b) and 210.5(d), requesting confidential treatment of information appearing in Confidential Exhibits 7, 40, 42, 44, and 49 to the verified non-confidential Complaint.

Because we are filing this complaint electronically, Physical Exhibits 1 to 7, and original certified copies of the '238, '123 and '915 patents and file histories are available upon request.

Please contact me if you have any questions about this request. Thank you for your attention to this matter.

Respectfully submitted,



David M. Maiorana

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Re: *Certain Tobacco Heating Articles and Components Thereof*

Dear Secretary Barton:

Jones Day represents Complainants, RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company and R.J. Reynolds Tobacco Company (collectively “Complainants”) in its action pursuant to Section 337 of the Tariff Act of 1930, as Amended.

Pursuant to Commission Rules 201.6(b) and 210.5(d), Complainants respectfully request confidential treatment of Confidential Exhibits 7, 40, 42, 44, and 49 to the Complaint.

The information for which confidential treatment is sought is propriety and not otherwise publicly available. Specifically, Confidential Exhibits 7, 40, 42, 44, and 49 contain proprietary commercial information regarding the tobacco heating articles at issue, Complainants’ patented technology and its infringement by the proposed Respondents, as well as Complainants’ investments and employment activities made in furtherance of its domestic industry under 19 U.S.C. § 1337(a)(3).

The Commission has routinely held that this type of information qualifies as confidential business information pursuant to Rule 201.6(a) because:

- 1) It is not publicly available;
- 2) Unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainants; and
- 3) The disclosure of such information could impair the Commission’s ability to obtain information necessary to perform its statutory function.

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Respectfully submitted,



David M. Maiorana

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

In the Matter of

CERTAIN TOBACCO HEATING
ARTICLES AND COMPONENTS
THEREOF

Inv. No. 337-TA-_____

COMPLAINANTS' STATEMENT ON PUBLIC INTEREST

Pursuant to U.S. International Trade Commission ("Commission") Rule 19 C.F.R. § 210.8(b), Complainants RAI Strategic Holdings, Inc. ("RAI"), R.J. Reynolds Vapor Company ("RJR"), and R.J. Reynolds Tobacco Company ("RJRT") (collectively, "Complainants") respectfully submit this Statement on Public Interest with respect to the remedial orders they seek against proposed Respondents Altria Client Services LLC ("ACS"), Altria Group, Inc. ("AGI"), Philip Morris USA, Inc. ("PM USA"), Philip Morris International Inc. ("PMI"), and Philip Morris Products S.A. ("PMP") ("Proposed Respondents").

Complainants seek a permanent, limited exclusion order, specifically directed to Proposed Respondents and their agents, prohibiting from entry into the United States certain tobacco heating articles and components thereof that infringe one or more of U.S. Patent No. 9,839,238 ("the '238 patent"), U.S. Patent No. 9,901,123 ("the '123 patent"), and U.S. Patent No. 9,930,915 ("the '915 patent") (collectively, "the Asserted Patents"). Complainants also seek a cease and desist order pursuant to 19 U.S.C. § 1337(f). The Commission's grant of these remedial orders will serve the public interest.

I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST

There is a strong public interest in protecting intellectual property rights. *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chip, Power Control*

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