

Filed on behalf of: Philip Morris Products, S.A.

Entered: January 5, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PHILIP MORRIS PRODUCTS, S.A.,  
Petitioner,

v.

RAI STRATEGIC HOLDINGS, INC.,  
Patent Owner.

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Case IPR2020-01602  
Patent 9,901,123

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**PETITIONER'S UPDATED EXHIBIT LIST**

Pursuant to 37 C.F.R. § 42.63(e), Petitioner Philip Morris Products, S.A.

respectfully submits the following current exhibit list:

<b>Ex.</b>	<b>Description</b>
1001	U.S. Patent No. 9,901,123 (“the ’123 Patent”)
1002	File History for U.S. Patent No. 9,901,123
1003	Declaration of Stewart Fox in Support of Petition for <i>Inter Partes</i> Review of ’123 Patent (“Fox Decl.”)
1004	Curriculum Vitae of Stewart Fox
1005	Chinese Patent No. CN 2719043 (“Hon”) (including certified English translation and original Chinese version of the patent document)
1006	U.S. Patent No. 4,947,874 (“Brooks”)
1007	U.S. Patent No. 2,057,353 (“Whittemore”)
1008	European Patent Publication No. EP 0845220 (“Susa”)
1009	U.S. Patent No. 4,284,089 (“Ray”)
1010	<i>Chemical and Biological Studies on New Cigarette Prototypes that Heat Instead of Burn Tobacco</i> , R. J. Reynolds Tobacco Company Monograph (1988) (“RJR monograph”) (excerpts) (markings on exhibit appeared in the used copy purchased by counsel)
1011	U.S. Patent No. 4,793,365 (“Sensabaugh”)
1012	Letter from Robert B. Swierupski, Director, National Commodity Specialist Division, to Mark Weiss, Weiss & Moy, P.C. regarding tariff classification ruling (Aug. 22, 2006), <a href="https://rulings.cbp.gov/ruling/M85579">https://rulings.cbp.gov/ruling/M85579</a>
1013	Webpages from Beijing SBT Ruyan Technology & Development Corp., Sbtry.cn (archived at web.archive.org, 2005-2006, with affidavit)
1014	International Patent Publication No. WO 98/57556 (“Biggs”)

Ex.	Description
1015	Webpages from E-cig.com (archived at web.archive.org, 2006-2007, with affidavit)
1016	Complainants RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company's Revised Infringement Claim Chart for U.S. Patent No. 9,901,123 from ITC Inv. No. 337-TA-1199 (Ex. 42)
1017	RESERVED
1018	Barbara Demick, <i>A High-Tech Approach to Getting a Nicotine Fix</i> , L.A. Times (Apr. 25, 2009), <a href="https://www.latimes.com/archives/la-xpm-2009-apr-25-fg-china-cigarettes25-story.html">https://www.latimes.com/archives/la-xpm-2009-apr-25-fg-china-cigarettes25-story.html</a>
1019	Philip Morris U.S.A. interoffice correspondence from R.H. Mofitt to K. Torrence regarding operational analysis of SBT Ruyan Atomizing Nicotine Inhaler (Sept. 27, 2004), <a href="https://www.industrydocuments.ucsf.edu/docs/fnpb0219">https://www.industrydocuments.ucsf.edu/docs/fnpb0219</a>
1020	Philip Morris U.S.A. interoffice correspondence from R.H. Moffitt to K. Torrence regarding operational analysis of SBT Ruyan Atomizing Nicotine Inhaler (Sept. 27, 2004) (original)
1021	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,365,742 Pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42, <i>R.J. Reynolds Vapor Co. v. Fontem Holdings I B.V.</i> , IPR2016-01268 (July 2, 2016) ("RJR Pet.")
1022	Final Written Decision, <i>R.J. Reynolds Vapor Co. v. Fontem Holdings I B.V.</i> , IPR2016-01268, Paper 63 (Dec. 19, 2017) ("RJR FWD")
1023	Kevin Hatch, et al., <i>Preliminary Evaluation of a Commercially Available Electric Aerosol Inhaler from China</i> (Sept. 14, 2006) ("RJR Teardown"), available at <a href="https://www.industrydocuments.ucsf.edu/docs/nyvy0228">https://www.industrydocuments.ucsf.edu/docs/nyvy0228</a>
1024	Email exchange among Carolyn Carpenter, John Robinson et al. regarding electric cigarette, available at <a href="https://www.industrydocuments.ucsf.edu/docs/nsxy0228">https://www.industrydocuments.ucsf.edu/docs/nsxy0228</a>

Ex.	Description
1025	Hon Lik, <i>I Was Sure That the Electronic Cigarette Would be Welcomed with Open Arms</i> , Sciences et Avenir (Oct. 7, 2013) <a href="https://www.sciencesetavenir.fr/sante/i-was-sure-that-the-electronic-cigarette-would-be-welcomed-with-open-arms_26020">https://www.sciencesetavenir.fr/sante/i-was-sure-that-the-electronic-cigarette-would-be-welcomed-with-open-arms_26020</a> (updated Oct. 18, 2013)
1026	U.S. Patent No. 7,117,867 (“Cox”)
1027	U.S. Patent No. 4,735,217 (“Gerth”)
1028	European Patent Publication No. EP 1,618,803 (“Hon-803”)
1029	U.S. Patent No. 5,388,574 (“Ingebretsen”)
1030	U.S. Patent No. 6,095,153 (“Kessler”)
1031	U.S. Patent No. 4,449,541 (“Mays”)
1032	U.S. Patent No. 8,950,587 (“Thomson”)
1033	George Wypych, <i>Handbook of Polymers</i> (2d ed. 2016)
1034	Written Opinion of the International Searching Authority in International Application No. PCT/US2007/081461
1035	U.S. Patent No. 1,968,509 (“Tiffany”)
1036	U.S. Patent No. 5,692,525 (“Counts”)
1037	Order Granting Defendants’ Unopposed Motion to Invoke the Statutory Stay of Plaintiffs’ Claims Relating to U.S. Patent Nos. 9,839,238, 9,901,123, and 9,930,915 Pursuant to 28 U.S.C. § 1659, <i>RAI Strategic Holdings, Inc. v. Altria Client Services LLC</i> , No. 1:20-cv-00393-LO-TCB (E.D. Va. June 19, 2020), ECF No. 27
1038	Order No. 8, <i>Certain Laser-driven Light Sources, Subsystems Containing Laser-driven Light Sources, and Products Containing Same</i> , Inv. No. 337-TA-983 (U.S.I.T.C., Mar. 3, 2016)
1039	Email from counsel for Altria Client Services LLC et al. to counsel for RAI Strategic Holdings, Inc. et al. and U.S.I.T.C. regarding Inv. No. 337-TA-1199 (Jan. 29, 2021)

Ex.	Description
1040	Declaration of Jonathan M. Strang in Response to Patent Owner's Objections to Petitioner's Exhibits [ <i>served, not filed</i> ]
1041	Declaration of Dr. Robert H. Sturges, <i>R.J. Reynolds Vapor Co. v. Fontem Holdings I B.V.</i> , IPR2016-01268, Ex. 1015 (July 1, 2016) ("Sturges Decl.")
1042	Transcript of October 1, 2021 Deposition of Charles E. Clemens ("Clemens Dep.")
1043	Petitioner's Demonstratives

Respectfully submitted,

Dated: January 5, 2022

By: / Jonathan M. Strang /

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