

EXHIBIT 9

Sandford, Brett (Bay Area)

From: Watson, Thomas (SD)
Sent: Friday, February 18, 2022 9:29 AM
To: RJREDVA@jonesday.com; cmolster@molsterlaw.com
Cc: #C-M PMIEDVA - LW TEAM
Subject: RAI Strategic Holdings, Inc. v. Altria Client Services LLC - Case No. 1:20-cv-00393-LO-TCB (E.D. Va.)
Attachments: Draft Stip re Higgins Unavailability.docx

Counsel,

In light of the RJR's statement in its opposition to MIL No. 13 that it "does not oppose MIL 13," please confirm that RJR accepts the attached stipulation. If RJR does not agree, please identify why not, and provide your availability to meet and confer on February 22, 2022.

Thanks,
Tom

B. Thomas Watson

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RAI STRATEGIC HOLDINGS, INC. and
R.J. REYNOLDS VAPOR COMPANY

Plaintiffs and Counterclaim
Defendants,

v.

ALTRIA CLIENT SERVICES LLC; PHILIP
MORRIS USA INC.; and PHILIP MORRIS
PRODUCTS S.A.,

Defendants and Counterclaim
Plaintiffs.

Case No. 1:20-cv-00393-LO-TCB

**STIPULATION REGARDING UNAVAILABILITY OF
INVENTOR CHARLES HIGGINS**

Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (collectively “PMI/Altria”), and RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively “RJR”) hereby submit this proposed stipulation regarding the unavailability of inventor Charles Higgins.

WHEREAS, on January 21, 2022, PMI/Altria filed its Motion in Limine No. 13 to preclude RJR from referencing the absence of one of the inventors of U.S. Patent No. 6,803,545, Charles Higgins, at trial;

WHEREAS, on February 11, 2022, RJR filed its response to PMI/Altria’s Motion in Limine No. 13, agreeing “it does not oppose MIL 13” and that this motion can be resolved with no counsel or witness commenting on Mr. Higgins’s unavailability or reasons therefor;

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. The parties agree not to comment on or mention Mr. Higgin’s unavailability or the reasons therefor at trial.

SO ORDERED this _____ day of _____, 2022.

The Honorable Liam O’Grady
U.S. District Court Judge

Dated: February __, 2022

Respectfully submitted,

/s/ DRAFT

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/s/ DRAFT

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