

EXHIBIT 8

**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. 1:20cv00393-LO-TCB

**RAI STRATEGIC HOLDINGS, INC. AND R.J. REYNOLDS VAPOR COMPANY'S
OBJECTIONS AND RESPONSES TO ALTRIA CLIENT SERVICES LLC, PHILIP
MORRIS USA, INC., AND PHILIP MORRIS PRODUCTS S.A.'S SECOND SET OF
REQUESTS FOR PRODUCTION (NOS. 158-188)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, "Reynolds") hereby respond to Altria Client Services LLC, Philip Morris USA, Inc., and Philip Morris Products S.A.'s (collectively, "Defendants" or "Counterclaim Plaintiffs") Second Set of Requests for Production (Nos. 158-188) as follows.

PRELIMINARY STATEMENT

Reynolds has not yet completed discovery relating to this case, and while it has made reasonable investigation for responsive information, its investigation of the facts is continuing. Reynolds objects and responds to these Requests for Production as it interprets and understands each request as set forth. Reynolds's objections and responses to these requests are made without prejudice to Reynolds's right to supplement, correct, or otherwise modify the objections and responses to the extent permitted under the Federal Rules of Civil Procedure, the Local Rules for the U.S. District Court for the Eastern District of Virginia, or any other applicable rule or

Vibe™, VUSE Ciro®, and VUSE Alto® devices and their associated flavor packs identified in Defendants’/Counterclaim Plaintiffs’ Counterclaims and in their Response to Reynolds’s Interrogatory No. 8.

3. Reynolds objects to Defendants’/Counterclaim Plaintiffs’ definition of “Counterclaim Asserted Patent(s)” as overly broad to the extent that definition includes patents that Defendants/Counterclaim Plaintiffs have not asserted in this case, or non-patent references such as patent applications. In responding to these requests, Reynolds shall construe Counterclaim Asserted Patents to refer to U.S. Patent No. 9,814,265, U.S. Patent No. 10,555,556, U.S. Patent No. 10,104,911, U.S. Patent No. 6,803,545, and U.S. Patent No. 10,420,374.

4. Reynolds objects to Defendants’/Counterclaim Plaintiffs’ definition of “RJR Covered Product(s)” as overly broad to the extent it includes products made by third parties.

REQUESTS FOR PRODUCTION

REQUEST NO. 158:

All Documents concerning any license, covenant not to sue, and release of rights granted; any offer or attempt to license, covenant, or release of rights (whether or not the offer or attempt has resulted in a license, covenant, or release); and any other agreement (including, but not limited to, settlement agreements, joint development agreements, valuations, or undertakings) relating to any RJR Asserted Patent, electronic cigarette technology, or any subject matter that Plaintiffs contend is comparable to the RJR Asserted Patents.

OBJECTIONS:

Reynolds objects to this request to the extent it seeks information protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, or any other applicable privilege or immunity. Reynolds objects to this request as overly broad, unduly burdensome, and seeking information that is not relevant to any claim or defense in this case to the extent it seeks “All” Documents concerning any license, covenant not to sue, and release of rights granted; any offer or attempt to license, covenant, or release of rights (whether or not the

offer or attempt has resulted in a license, covenant, or release); and any other agreement (including, but not limited to, settlement agreements, joint development agreements, valuations, or undertakings) relating to any RJR Asserted Patent, electronic cigarette technology, or any subject matter that Plaintiffs contend is comparable to the RJR Asserted Patents. The burden and expense of complying with the requested discovery far outweighs any likely benefit of obtaining that discovery, and therefore is not proportional to the needs of this case. Reynolds objects to this request as overly broad, unduly burdensome, and seeking information that is not relevant to any claim or defense in this case to the extent it seeks information relating to Defendants'/Counterclaim Plaintiffs' overly broad definition of the term "Plaintiffs." For instance, this request seeks information regarding entities on whose behalf Reynolds lacks the authority and information to respond and regarding entities that have no involvement or relevance to any claims or defenses in this action. Reynolds objects to this request on the grounds that it is vague and ambiguous, including without limitation, in its use of the phrase "electronic cigarette technology," which is subject to multiple interpretations.

RESPONSE:

Subject to and without waiving the foregoing objections, Reynolds responds as follows: Reynolds has produced or will produce non-privileged any license, covenant not to sue, and release of rights granted; any offer or attempt to license, covenant, or release of; and any other agreement relating to the '268 or '542 patents or electronic cigarette technology, that are within its possession, custody, or control located pursuant to a reasonable and diligent search, to the extent that any such Documents exist.

REQUEST NO. 159:

All agreements, licenses, or contracts entered into by Plaintiffs related to any patents or patented technologies concerning electronic cigarettes that Plaintiffs have licensed, including but

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2020, the foregoing was served on counsel for Defendants/Counterclaim Plaintiffs using the following designated email address: pmiedva.lwteam@lw.com.

Dated: November 4, 2020

/s/ David M Maiorana
David M. Maiorana (VA Bar No. 42334)
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