

Ravula, Kumar (CH)

From: Michalik, John M. <jmichalik@JonesDay.com>
Sent: Wednesday, April 27, 2022 2:47 PM
To: Ravula, Kumar (CH); Sobolski, Greg (Bay Area); Smith, Alexis Adian; RJREDVA; cmolster@molsterlaw.com
Cc: #C-M PMIEDVA - LW TEAM; anish.desai@weil.com; adrian.percer@weil.com; Elizabeth.Weiswasser@weil.com; Stephanie.Adamakos@weil.com; sutton.ansley@weil.com
Subject: RE: Case No. 1:20-cv-00393-LO-TCB (E.D. Va.) - Claim/Prior Art Reduction

Kumar - -

We see no need to file a supplemental paper repeating the prior art combinations we already jointly submitted last week. It is unclear what remains to meet and confer about.

John M. Michalik
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***Please note our new address effective April 25, 2022**

From: SurendraKumar.Ravula@lw.com <SurendraKumar.Ravula@lw.com>
Sent: Wednesday, April 27, 2022 1:08 PM
To: Michalik, John M. <jmichalik@JonesDay.com>; Greg.Sobolski@lw.com; Smith, Alexis Adian <asmith@jonesday.com>; RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Cc: pmiedva.lwteam@lw.com; anish.desai@weil.com; adrian.percer@weil.com; Elizabeth.Weiswasser@weil.com; Stephanie.Adamakos@weil.com; sutton.ansley@weil.com
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**** External mail ****

John:

Thanks for the response. Will RJR agree to a supplemental filing that articulates the proposed prior art combinations for the 911 patent as you have below?

Please let us know by 4 pm CT today. If RJR will not agree to a supplemental filing, please confirm that you are available for a meet and confer at 4 pm CT today. If I do not hear back, we will open the line at 4 pm CT with the dial-in info from my earlier email today.

Thanks,
Kumar

Kumar Ravula

Pronouns: he/him/his

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From: Michalik, John M. <jmichalik@JonesDay.com>

Sent: Wednesday, April 27, 2022 11:32 AM

To: Ravula, Kumar (CH) <SurendraKumar.Ravula@lw.com>; Sobolski, Greg (Bay Area) <Greg.Sobolski@lw.com>; Smith, Alexis Adian <asmith@jonesday.com>; RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com

Cc: #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>; anish.desai@weil.com; adrian.percer@weil.com; Elizabeth.Weiswasser@weil.com; Stephanie.Adamakos@weil.com; sutton.ansley@weil.com

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Kumar - -

Your email incorrectly counts the number of prior art combinations Reynolds may present at trial for the 3 asserted claims of the '911 patent. For claim 11, Xia or Cho or Han in combination with Shizumu constitutes 3 prior art combinations. For claim 2, Xia or Cho or Han in combination with Shizumu and either Murphy or Egilmex constitutes 6 prior art combinations. And for claim 12, Cho or Han in combination with Shizumu in further view of Xia constitutes 2 additional prior art combinations. That is a total of 11 combinations across 3 asserted claims, which is consistently found to be a reasonable number in the case law we previously cited in our briefing on our motion to reduce the number of claims for trial (see Dkt. 1154). We trust this resolves your complaint.

John M. Michalik

Partner

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***Please note our new address effective April 25, 2022**

From: SurendraKumar.Ravula@lw.com <SurendraKumar.Ravula@lw.com>

Sent: Wednesday, April 27, 2022 11:09 AM

To: Greg.Sobolski@lw.com; Smith, Alexis Adian <asmith@jonesday.com>; Michalik, John M.

<jmichalik@JonesDay.com>; RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com

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**** External mail ****

Counsel

Having continued to receive no response, we will open the line at 2 PM CT and make ourselves available to meet and confer on the issue raised below. Please use the following dial-in:

1-877-205-3155
180102

Thanks,
Kumar

Kumar Ravula
Pronouns: he/him/his

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From: Ravula, Kumar (CH) <[SurendraKumar.Ravula@lw.com](mailto:S SurendraKumar.Ravula@lw.com)>
Sent: Tuesday, April 26, 2022 2:33 PM
To: Sobolski, Greg (Bay Area) <Greg.Sobolski@lw.com>; Smith, Alexis Adian <asmith@jonesday.com>; Michalik, John M. <jmichalik@JonesDay.com>; RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Cc: #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>; anish.desai@weil.com; adrian.percer@weil.com; Elizabeth.Weiswasser@weil.com; Stephanie.Adamakos@weil.com; sutton.ansley@weil.com
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Counsel: Please let us know when you are available for a meet and confer today or tomorrow. We are generally available. Thanks.

Sent with BlackBerry Work
(www.blackberry.com)

From: Ravula, Kumar (CH) <[SurendraKumar.Ravula@lw.com](mailto:S SurendraKumar.Ravula@lw.com)>
Date: Monday, Apr 25, 2022, 10:53 AM
To: Sobolski, Greg (Bay Area) <Greg.Sobolski@lw.com>, Smith, Alexis Adian <asmith@jonesday.com>, Michalik, John M. <jmichalik@JonesDay.com>, RJREDVA <RJREDVA@jonesday.com>, cmolster@molsterlaw.com
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Counsel:

Counterclaim Plaintiffs object to the number of prior art combinations identified by RJR for the asserted claims of the '911 patent. See Dkt. 1197. In particular, RJR has identified at least 18 combinations for just claim 2 of the '911 Patent, at least 6 combinations for claim 11, and at least 10 combinations for claim 12. Indeed, some of these combinations were not even disclosed by Mr. Kodama in his expert reports.

Please let us know if RJR is willing to narrow its identification to no more than 3 combinations per asserted claim, none of which are undisclosed by Mr. Kodama. If not, please let us know when you are available for a meet and confer anytime tomorrow or Wednesday.

Thanks,
Kumar

Kumar Ravula

Pronouns: he/him/his

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Sent: Wednesday, April 20, 2022 5:18 PM
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Cc: #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>; anish.desai@weil.com; adrian.percer@weil.com; Elizabeth.Weiswasser@weil.com; Stephanie.Adamakos@weil.com; sutton.ansley@weil.com
Subject: RE: Case No. 1:20-cv-00393-LO-TCB (E.D. Va.) - Claim/Prior Art Reduction

Thanks, Lexi. Without waiving our rights, you can e-sign for Max and Liz on behalf of plaintiffs.

Thanks,
Greg

From: Smith, Alexis Adian <asmith@jonesday.com>
Date: Wednesday, Apr 20, 2022, 3:10 PM
To: Sobolski, Greg (Bay Area) <Greg.Sobolski@lw.com>, Michalik, John M. <jmichalik@JonesDay.com>, RJREDVA <RJREDVA@jonesday.com>, cmolster@molsterlaw.com <cmolster@molsterlaw.com>
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Subject: FW: Case No. 1:20-cv-00393-LO-TCB (E.D. Va.) - Claim/Prior Art Reduction

Greg,

I checked with our team again and we agree it is appropriate to omit Liu in the last line of the submission. Please find the updated version attached and please confirm PM & Altria's consent to file.

Regards,
Lexi

Alexis Smith (Lexi) ([bio](#))
Partner

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Greg,

The February 24, 2021 Blalock Report expressly relies on Liu for an alleged obviousness combination of claims 16, 18, 20, 24, and 25. His opinion reads as follows:

688. A POSITA would understand that Pan is configured to “selectively actuate a heater.” “When the puffing stops, the microprocessor instructs the electric power source to stop supplying the electricity current, and the vaporizing process stops.” Pan at 3:23-34. As I explained in Section XI(i), a POSITA would have been motivated to further combine Pan, Liu, and McLaughlin with Gourlay. In particular, a POSITA would have been motivated to use Gourlay’s capacitive pressure sensor and oscillator with Pan’s electronic cigarette.

Thus, the combination has been disclosed for more than a year. We trust this resolves your concern. Please confirm your consent to file the joint pleading.

Regards,
Lexi

Alexis Smith (Lexi) ([bio](#))
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**** External mail ****

Alexis,

Thanks for the response. I don’t follow adding Liu back in. The Blalock report (including at paragraph 688) does not disclose any part of Liu being relied on for alleged obviousness of claims 16, 18, 20, 24, and 25. That’s the reason why we removed it, figuring it was an inadvertent typo. What’s the basis for adding Liu now?

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