

**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.

Civil Action No. 1:20-cv-393-LO-TCB

**JOINT IDENTIFICATION OF ISSUES FOR MAY 20 HEARING**

In addition to the motions and substantive issues the Court may address at the May 20th hearing, the parties jointly identify the following list of logistical issues that the parties hope to raise with the Court at the May 20 hearing in order to obtain the Court's guidance.

Joint issues

1. Confirm the days the Court will hold trial.
2. Confirm the order of trial will follow the typical order based on the burden of proof—namely, (1) Philip Morris will present on infringement, willfulness, and damages; (2) Reynolds will present its invalidity case and rebuttal to infringement, willfulness, and damages; and (3) Philip Morris will present its rebuttal case on invalidity (and as Philip Morris contends damages).
3. Jury selection process.
4. The Court's COVID-19 policies.

5. Exhibits, including whether the Court wants to receive a physical set of exhibits.
6. Witness binders.
7. All parties jointly request that the Court will play the patent video as part of preliminary instructions, as all parties proposed in the joint proposed preliminary jury instructions (*see, e.g.*, Dkt. 1240-1 at 6).
8. Courtroom setup, including whether and when the parties' technical representatives can jointly review the technology in advance of trial.
9. Whether the Court will permit the parties to bring laptop computers and/or cell phones into court during trial.

Additional issue Philip Morris intends to raise

1. Whether the Court will permit either party to discuss non-relevant activities related to making COVID vaccines.

Additional issue Reynolds intends to raise

1. How the Court will treat the parties confidential business information.

Dated: May 19, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of May, 2022, a true and correct copy of the foregoing was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

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