

**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

PHILIP MORRIS PRODUCTS S.A.'S THIRD AMENDED TRIAL EXHIBIT LIST

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's Scheduling Orders (Dkt. Nos. 97, 99, 461, 535, and 680), Philip Morris Products S.A. ("PMP") submits the third amended list of exhibits attached as Exhibit A that PMP intends to offer in the trial on claims related to United States Patent Numbers 9,814,265 and 10,104,911, other than those solely for impeachment or rebuttal. PMP reserves the right to submit a new, amended, or supplemental list of exhibits on issues related to PMP's equitable claim for injunctive relief, which is currently held in abeyance. PMP also reserves the right to submit a new, amended, or supplemental list of exhibits for subsequent trial on claims related to Reynolds's United States Patent Nos. 9,814,238, 9,901,123, 9,930,915, and 10,492,542. PMP reserves the right to offer, or not offer, as an exhibit at trial any item listed herein. PMP reserves the right to object to the offering as an exhibit at trial any item listed herein by Reynolds. PMP reserves the right to offer as an exhibit at trial any item

designated or listed by Reynolds on their exhibit list. PMP reserves the right to offer for rebuttal or impeachment items that are not identified on this list.

PMP also reserves the right to supplement, amend, or otherwise modify this exhibit list as appropriate, including but not limited to the right to supplement this list with any late produced or late-served documents or based on Reynold's trial presentation, as may be appropriate. Inclusion on this list is neither an admission nor a representation as to the admissibility of or relevance to any issue of any item. By listing an item, PMP is neither representing nor admitting that it has the burden of proof on any topic to which that item relates.

PMP reserves the right to offer demonstratives for opening statements and closing argument, and to use demonstratives during witness examinations. PMP reserves the right to present excerpts from any exhibit identified on either party's exhibit list as a demonstrative at trial as appropriate. PMP reserves the right to request redaction of any of the exhibits.

Further, PMP reserves the right to supplement, amend, or otherwise modify this exhibit list as appropriate based on further exchanges between the parties or rulings from the Court.

Dated: June 7, 2022

Respectfully submitted,

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