


EXHIBIT 2

Case Clip(s) Detailed Report
Wednesday, June 08, 2022, 7:31:01 PM

PMI v. RJR EDVa Trial

 Figlar, James (Vol. 01) - 06/24/2021

1 CLIP (RUNNING 00:04:55.711)

 Figlar,J_062421_ALL_TRIMMED



JF-ALL2-FINAL 15 SEGMENTS (RUNNING 00:04:55.711)

1. PAGE 6:20 TO 6:21 (RUNNING 00:00:00.810)

20 Q. Can you please just state your
21 full name and address for the record.

2. PAGE 6:22 TO 6:22 (RUNNING 00:00:01.549)

22 A. James Neil Figlar. I'm currently

3. PAGE 7:03 TO 7:05 (RUNNING 00:00:08.690)

03 Q. And who's your employer?
04 A. My employer was R.J. Reynolds. I
05 retired just late last year at the end of 2020.

4. PAGE 132:21 TO 133:01 (RUNNING 00:00:06.427)

21 Q. Does Reynolds keep track of Philip
22 Morris and Altria patents?
00133:01 A. Yes.

5. PAGE 133:03 TO 133:10 (RUNNING 00:00:24.592)

03 A. And not to just -- yes, Altria, we
04 look at the full patent landscape, depending on
05 the category. So, S'mores in there, NJoy, all
06 the big players, all the manufacturers, we keep
07 a close eye on the patent literature, and it's
08 very active. Reynolds has lots of patents as
09 well. So, I mean, we're all active in patenting
10 technology.

6. PAGE 133:11 TO 133:13 (RUNNING 00:00:06.237)

11 Q. So Reynolds was aware of all the
12 patents asserted in this case before the case
13 was filed then, correct?

7. PAGE 133:16 TO 134:02 (RUNNING 00:00:29.455)

16 A. I mean, in terms of the -- the
17 specific ones, probably so. We've probably seen
18 them. We've probably seen all of these patents,
19 yeah.
20 Q. These specific patents you mean?
21 A. In all likelihood they were known
22 to or had been seen by people at Reynolds.
00134:01 Q. How many people at Reynolds review
02 competitor patents?

8. PAGE 134:05 TO 134:17 (RUNNING 00:00:42.576)

05 A. I don't know how many people are
06 actively doing it on a daily basis, but you have
07 part of Reynolds' legal team looks at that. I
08 know we have at least two lawyers that are
09 in-house lawyers for Reynolds that are in
10 patents. And then plus we have outside counsel
11 that provides information.
12 And then typically what happens,

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13 and what used to happen at least on a monthly
14 basis, is every time there's a new iteration of
15 patent publications, the lawyers would compile
16 it and send it out to the scientists and people
17 like myself and others --

9. PAGE 135:06 TO 135:15 (RUNNING 00:00:23.320)

06 A. There is a process and an email
07 goes out and you have the opportunity to open up
08 that file and look at all the patents that have
09 issued in that month by all the competitors in
10 the category. And that's all it is, just an
11 information sharing exercise, is what I'm
12 talking about.

13 Q. Understood. Who sends out that
14 email?

15 A. In-house, in-house counsel.

10. PAGE 137:06 TO 137:08 (RUNNING 00:00:09.512)

06 Q. Who received this email?

07 A. Most -- a lot of people in R&D
08 working on technology.

11. PAGE 137:14 TO 137:22 (RUNNING 00:00:27.488)

14 Q. And this is just something the
15 legal team would just send out on their own
16 every month?

17 A. I mean, it was simply just what
18 published in the US Patent and World Patent
19 literature on that basis, based on our product
20 category. So it was literally the abstracts of
21 the patents.

22 Q. Okay. And why would they send it?

12. PAGE 138:07 TO 139:05 (RUNNING 00:01:00.775)

07 A. Again, this is not an evaluation.
08 This is simply -- it was like broadcast news.
09 Here's what came out of the patent offices, WTO
10 and US Patent Office. Here are the abstracts,
11 here's the categories. Our patents would be in
12 there and everybody else in the industry is what
13 I'm talking about.

14 So on a quarterly basis you would
15 get this report. It was just a compilation of
16 the abstracts of the patents, so that people had
17 an awareness of what was happening in the
18 business.

19 I mean, a lot of them, most of the
20 patents actually is about how to make a better
21 cigarette maker, how to make a new flywheel spin
22 faster for cigarette makers and things like
00139:01 that, but it covered the whole category. So
02 that's how you become aware of what's happening
03 from a patent perspective.

04 Q. And why do you think this email
05 was circulated within Reynolds?

13. PAGE 139:10 TO 139:16 (RUNNING 00:00:27.025)

10 A. Again, it is information as a
11 technology development company you need to be
12 aware of. Where are people, what are we getting
13 cleared, what are people doing? It's a good
14 place to get ideas on where the industry is
15 going, where technology is going. It's

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16 important to be up to date on patents.

14. PAGE 213:14 TO 213:15 (RUNNING 00:00:07.071)

14 Q. How much money do you estimate
15 Reynolds spent on the PMTA for the Alto?


15. PAGE 214:02 TO 214:07 (RUNNING 00:00:20.184)

02 A. Okay. In terms of our overall
03 budget over the course of the last five years,
04 it has been in the hundreds of millions of
05 dollars for all of Vuse products. So a portion
06 of that, certainly tens of millions. Tens of
07 millions for Alto, for sure.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:04:55.711)

Case Clip(s) Detailed Report
Wednesday, June 08, 2022, 7:34:02 PM

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 **Figlar, James (Vol. 01) - 06/03/2022**

1 CLIP (RUNNING 00:01:46.880)

 Figlar,J_060322_ALL_TRIMMED



JF-ALL4-FINAL 9 SEGMENTS (RUNNING 00:01:46.880)

1. PAGE 30:10 TO 30:16 (RUNNING 00:00:17.521)

10 Q And as you sit here today, your best
11 recollection as of the end of 2020 is Reynolds
12 spent, you know, 10- to \$20 million on the Ciro,
13 Vibe, and Alto PMTAs --
14 A Each.
15 Q -- is that fair?
16 A Each.

2. PAGE 56:20 TO 57:02 (RUNNING 00:00:09.680)

20 Q I'm just asking you that -- just
21 confirming, the Ciro, the Vibe, and the Solo,
22 those have all been cleared for sale by the FDA,
00057:01 correct?
02 A Correct. Alto has not, that is correct.

3. PAGE 58:12 TO 58:15 (RUNNING 00:00:10.655)

12 Now, if the FDA decides it's not going to
13 clear the Alto for sale in the U.S., then Reynolds
14 will have to take that product off the market,
15 correct?

4. PAGE 58:18 TO 58:18 (RUNNING 00:00:02.715)

18 A That would be the law, correct.

5. PAGE 60:01 TO 60:03 (RUNNING 00:00:07.749)

00060:01 Q So absent FDA authorization, Reynolds
02 cannot keep the Vuse products on the market,
03 correct?

6. PAGE 60:06 TO 60:19 (RUNNING 00:00:42.346)

06 A No. No. They don't have authorization
07 now. They have the -- FDA has not rendered a
08 decision on Alto. The FDA says they will not
09 exercise enforcement discretion on products that
10 were legally sold in the United States if the
11 companies have submitted a lawful PMTA by the
12 deadline, September 2020.
13 Reynolds did that so, therefore, the
14 agency is not going to exercise enforcement
15 discretion until they render a decision on the
16 application. They have not rendered a decision on
17 the application so, therefore, Reynolds can
18 continue to sell that product until such a
19 decision is made.

7. PAGE 65:13 TO 65:14 (RUNNING 00:00:04.998)

13 Q Would you consider the Vuse products in
14 this case successful products?

8. PAGE 69:09 TO 69:09 (RUNNING 00:00:00.651)

09 A Yes.

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