

# EXHIBIT A

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

<b>ALTRIA CLIENT SERVICES, LLC,</b>	)	
	)	
<b>et al.,</b>	)	Civil Action
	)	No. 1:20-cv-00393-LO-TCB
<b>Plaintiffs,</b>	)	
	)	June 10, 2022
<b>v.</b>	)	9:13 a.m.
	)	
<b>RAI STRATEGIC HOLDINGS, INC.,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**DAY 2 - MORNING SESSION  
TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE LEONIE M. BRINKEMA,  
UNITED STATES DISTRICT COURT JUDGE**

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1 Q. Okay. And the examiner, just to the right of that,  
2 that's Elliott S. Ruddle. Do you see that?

3 A. I do.

4 Q. And just under that, Number 3, it says, "Primary, Lynne  
5 Anderson." Do you see that?

6 A. Yes.

7 Q. Now, "primary examiner," that means senior examiner at  
8 the Patent Office. Do you understand that?

9 A. Yes.

10 Q. Now, examiners at the Patent Office like Mr. Ruddle and  
11 Ms. Anderson have expertise in the art of the patent application  
12 they're reviewing, right?

13 A. Yes.

14 Q. So we can safely assume that the '911 Patent examiners  
15 here have expertise in the art of the '911 Patent, right?

16 A. Yes.

17 Q. And because they have expertise in the '911 Patent's art,  
18 we can assume that examiners understand the '911 Patent's  
19 claims, right?

20 A. Yes.

21 MR. SOBOLSKI: Well, let's go to page 4 -- I'm sorry, page  
22 5. And blow up on the screen so the jury can see the part that  
23 says "the examiner suggested structure" -- and can we bring that  
24 up, Mr. Smith, blow up that part of it so we can all see it.

25 BY MR. SOBOLSKI:

1 about, right?

2 **A.** Well, in the application it says "toroid," and here it  
3 said "toroidal." It's talking about a toroidal shape.

4 **Q.** Let's bring up that language from Claim 13, Mr. Kodama.

5 All right. Now let's put up Figure 6 of the '911 Patent  
6 that we were just looking at. Do you see that?

7 **A.** Yes.

8 **Q.** Now, that's exactly what Figure 6 of the '911 Patent  
9 shows, right, "the at least one cavity is a blind hole has a  
10 toroidal shape," correct?

11 **A.** That's Figure 6, but I would not call that a blind hole.  
12 Based upon my experience in the industry, that is not a blind  
13 hole. That would be what we call an annular groove.

14 **Q.** It's just not what the examiners called it, right?

15 **A.** Well, unfortunately, I believe the examiners might have  
16 used the wrong wording there. They actually used "blind cavity"  
17 instead of "blind hole." In industry, we would not call that  
18 area shaded in yellow a blind hole, it would be an annular  
19 groove or some other shape.

20 **Q.** In other words, you think the experts got it wrong.

21 **A.** I think they might have chosen the wrong wording in their  
22 reply, yes.

23 **Q.** Let's talk about the shape of the Alto device.

24 MR. SOBOLSKI: We can take that down.

25 BY MR. SOBOLSKI:

1 A. That's correct.

2 Q. In fact, the Han reference doesn't have any specific  
3 dimensions, right?

4 A. That's correct.

5 Q. None, right?

6 A. That's correct.

7 Q. Okay. And then you also talk about the Xia reference,  
8 right?

9 A. Yes.

10 MR. SOBOLSKI: Let's bring Xia up. I think it's RX 369.

11 BY MR. SOBOLSKI:

12 Q. Now, you're not -- do you have it, sir?

13 A. I'm trying to find it.

14 Q. Take your time, please.

15 A. I'm sorry.

16 Q. Do you have it?

17 A. Yes, I have it.

18 Q. Now, you aren't the first person to consider the '911  
19 Patent in view of Xia, correct?

20 A. That's correct.

21 Q. In fact, Xia is one of those references that the Patent  
22 Office examiner already considered before allowing the '911  
23 Patent, right?

24 A. Yes, it was in the file history of the patent.

25 Q. The examiners actually considered Xia before allowing the

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