

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

PHILIP MORRIS PRODUCTS S.A.

Plaintiff,

v.

R.J. REYNOLDS VAPOR COMPANY

Defendant.

Case No. 1:20-cv-00393-LO-TCB

**PHILIP MORRIS' MOTION *IN LIMINE* TO PRECLUDE REYNOLDS FROM
PRESENTING IMPROPER ARGUMENTS REGARDING THE ALTO'S MOUTHPIECE**

Philip Morris respectfully moves the Court *in limine* to preclude Reynolds from arguing or suggesting that if the jury finds the black tip of the accused VUSE Alto meets the “mouthpiece” limitation recited in the asserted claims of the '265 patent, they may find non-infringement with no further analysis. The grounds for this motion are set forth in the accompanying Memorandum in Support of Philip Morris's Motion *in Limine* to Preclude Reynolds from Presenting Improper Arguments Regarding the Alto's Mouthpiece, filed concurrently herewith. A proposed order granting the requested relief is attached.

Dated: June 14, 2022

Respectfully submitted,

By: /s/ Maximilian A. Grant

Maximilian A. Grant (VSB No. 91792)

max.grant@lw.com

Lawrence J. Gotts (VSB No. 25337)

lawrence.gotts@lw.com

Matthew J. Moore (*pro hac vice*)

matthew.moore@lw.com

Jamie Underwood (*pro hac vice*)

jamie.underwood@lw.com

LATHAM & WATKINS LLP

555 Eleventh Street, N.W., Suite 1000

Washington, DC 20004

Telephone: (202) 637-2200

Facsimile: (202) 637-2201

Clement J. Naples (*pro hac vice*)

clement.naples@lw.com

LATHAM & WATKINS LLP

885 Third Avenue

New York, NY 10022-4834

Tel: (212) 906-1200; Fax: (212) 751-4864

Gregory J. Sobolski (*pro hac vice*)

greg.sobolski@lw.com

LATHAM & WATKINS LLP

505 Montgomery Street, Suite 2000

San Francisco, CA 94111

Telephone: (415) 391-0600

Facsimile: (415) 395-8095

*Counsel for Plaintiff Philip Morris Products
S.A.*

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 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.

/s/ Maximilian A. Grant _____

Maximilian A. Grant (VSB No. 91792)

max.grant@lw.com

LATHAM & WATKINS LLP

555 Eleventh Street, N.W., Ste. 1000

Washington, DC 20004

Tel: (202) 637-2200; Fax: (202) 637-2201