

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

PHILIP MORRIS PRODCUTS S.A.,)	
)	
)	Civil Action
Counterclaim Plaintiff,)	No. 1:20-cv-00393-LMB/TCB
)	
v.)	June 8, 2022
)	1:55 p.m.
R.J. REYNOLDS VAPOR COMPANY,)	
)	
)	
Counterclaim Defendant.)	
)	
)	

**VOLUME 1 - AFTERNOON SESSION
TRANSCRIPT OF JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE LEONIE M. BRINKEMA,
UNITED STATES DISTRICT COURT JUDGE**

APPEARANCES:

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1 Q. Is there any other additional information in the '911
2 Patent record that confirms that Figures 4 and 6 each have blind
3 holes?

4 A. Yes, there is.

5 MR. SOBOLSKI: Let's turn to the next demonstrative,
6 please, Number 16.

7 BY MR. SOBOLSKI:

8 Q. And what have you shown here, Dr. Abraham?

9 A. Well, what I'm showing on the bottom -- the two images
10 are Figures 4 and Figure 6 of the patent, and on the bottom is
11 part of an interview summary with the patent examiner. It's PX
12 8A at 16296, and this is an interview summary, so this is what
13 the patent examiner said after having an interview with the
14 applicants.

15 And I've got to tell you -- I have 16 patents; I've gone
16 through these interviews before -- they're very thorough -- and
17 the patent examiner wrote a summary, and here's what the patent
18 examiner said:

19 "The two blind holes of Figures 3 and 4 and/or the blind
20 hole being toroid of Figures 5 and 6," so the patent examiner
21 agrees that both of these figures show a blind hole, and I want
22 to take a moment to explain what a toroid is. I mean, that's
23 not a word we commonly hear. That just means doughnut. It's a
24 doughnut-shaped hole, but the technical term for it is a toroid.
25 So one of the reasons I know that these two figures have blind

1 holes is because the personality examiner said so, and I agree
2 with the patent examiner.

3 Q. Thank you, Dr. Abraham. The '911 leakage preventer
4 patent teaches still further ways to design these cavities that
5 are blind holes?

6 A. Yes, it does.

7 Q. Let's look at that. Let's go to Demonstrative 17,
8 please, and please explain to the jury these additional ways.

9 A. On your screen you see Figures 4 and 6 of the patent, and
10 these are figures we're familiar with. Underneath the figures
11 you see text that explains the figures, and the text is from
12 PX 3 at column 11, lines 28 through 33, and column 12, line 40
13 through 50.

14 And what the -- the other engineering aspect that the
15 '911 Patent has is their size. The patent tells us how big they
16 should be, and it even tells us how to make the measurement. As
17 you'll notice in those images, the patent is showing us how to
18 make the measurements, and it's telling us to make the
19 measurements from one wall to another across the cavity.

20 Q. Why do those dimensions and the way they're measured
21 matter?

22 A. Well, because the distance between the walls -- that's
23 the cross-section of dimension -- that's the dimension that
24 tells you or that holds the liquid. There's something called
25 capillary action, and capillary action is generated at walls, so

1 Q. Please go ahead, explain what you've shown here.

2 A. On this -- on the screen, which is page 37 of my
3 demonstrative, you see PX 262A -- that's that CAD file you've
4 seen a gazillion times -- and we also see PX 36 at 19758, and
5 I'm showing the measurement.

6 And I measured the cross-sectional dimension of the
7 cavity, and I found that it was between .5 and 1 millimeters,
8 and, therefore, it's in the claimed range of the patent, and I
9 also made my measurement perpendicular to the longitudinal
10 direction, so the yellow and the white arrows are perpendicular.

11 Q. Now, this part of Claim 1 that you're talking about here
12 on Slide 37, Dr. Abraham, this largest cross-sectional
13 dimension, is that a sort of size? Can you explain to the jury
14 what that refers to?

15 A. Yeah, that is the wall-to-wall size of the cavity, so
16 we've been talking about these cavities that trap and hold
17 liquid, and the relevant and critical dimension is the size from
18 one wall to another, and that's how I made the measurement.

19 Q. And is there a dispute in this case by Reynolds about
20 what the largest cross-sectional dimension is, what the size of
21 that cavity is in the Solo G2?

22 A. Yes, there is a dispute.

23 Q. Let's turn to the next demonstrative, sir, and explain
24 for the jury what that dispute is about the size of the cavity
25 in the Solo G2?

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