

**IN THE 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-LMB-TCB

**ORDER APPROVING JOINT STIPULATION FOR STAY OF EXECUTION ON
JUDGMENT OF PLAINTIFF PHILIP MORRIS PRODUCTS S.A.'S CLAIMS IN LIEU
OF SUPERSEDEAS BOND PURSUANT TO LOCAL RULE 62(B)**

Pursuant to Federal Rule of Civil Procedure 62 and Local Rule 62(B), Plaintiff Philip Morris Products, S.A. (“Philip Morris”) and Defendant R.J. Reynolds Vapor Company (“Reynolds”) submit this agreed order for approval of the parties’ joint stipulation regarding a stay of execution in lieu of a supersedeas or appeal bond. *See* L.R. 62(B) (providing that “[i]n lieu of any appeal bond, the parties may stipulate with respect to any agreement or undertaking,” and requiring that “[a]ll such stipulations must be approved by the Court and filed in the record.”). In support, the parties recite and stipulate as follows:

WHEREAS the Court entered Judgment on June 15, 2022 in favor of Philip Morris on Philip Morris’ claims for infringement of U.S. Patent Nos. 10,104,911 and 9,814,265, including an award of compensatory damages (Dkt. 1362) (the “Judgment”);

WHEREAS execution on the Judgment is presently stayed pursuant to Federal Rule of Civil Procedure 62(a);

WHEREAS Reynolds and Philip Morris have stipulated to prejudgment interest, post-judgment interest, and supplemental damages (Dkt. 1373), and interest on such amounts and the

amount of the Judgment are accruing and will continue to accrue during any stay of execution on and any proceedings to enforce the Judgment;

WHEREAS the parties agree that a stay of execution on and proceedings to enforce the Judgment (including payment of costs, accruing ongoing royalties, and interest which has accrued and shall continue to accrue) pending resolution of any post-Judgment motions and appeal is appropriate; and

WHEREAS, in the interest of avoiding unnecessary expense, the parties have agreed to dispense with the requirement that Reynolds provide a supersedeas bond or other security in order to stay execution on and proceedings to enforce the Judgment,

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Reynolds shall not be required to provide a supersedeas bond or other security as a condition of staying execution on the Judgment or proceedings to enforce it pending the Court's resolution of all post-Judgment motions filed and any appeal taken by either party.

2. Philip Morris shall not make any attempt or effort to execute on or enforce the Judgment—or payment of any ongoing royalties, costs, or interest that has accrued or continues to accrue thereon—before 14 days after the final termination of all appeals in this case, including proceedings in the U.S. Court of Appeals for the Federal Circuit or the expiration of time to file a petition to the United States Supreme Court for a writ of certiorari.

3. Philip Morris is entering into this Stipulation in the interest of avoiding unnecessary burden and expense. Nothing in this stipulation stays the accounting of damages for the period of January 1, 2022 to June 15, 2022 (*see* Dkt. 1373 at 1-2; FED. R. CIV. P. 62(c)(1)) or shall be used against Philip Morris in connection with its request for permanent injunctive relief or, alternatively, an ongoing royalty to compensate Philip Morris for any future infringement.

4. This Stipulation shall not be used outside of this litigation for any purpose.

ENTERED this ____ day of July, 2022.

United States District Court Judge

For Defendant R.J. Reynolds Vapor Company: For Plaintiff Philip Morris Products S.A.:

/s/ David M. Maiorana

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 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/ David M. Maiorana

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