

EXHIBIT 9

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ALTRIA CLIENT SERVICES,)	
LLC,)	
et al.,)	Civil Action
)	No. 1:20-cv-00393-LO-TCB
Plaintiffs,)	
)	June 8, 2022
v.)	8:51 a.m.
)	
RAI STRATEGIC HOLDINGS, INC.,)	
et al.,)	
)	
Defendants.)	
)	

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

APPEARANCES:

For the Plaintiffs: **Maximilian Antony Grant, Esq.**
Latham & Watkins LLP (DC)
555 11th Street, NW
Suite 1000
Washington, DC 20004-1304
202-637-2200
Email: Max.grant@lw.com

Clement Joseph Naples, Esq.
Latham & Watkins, LLP
885 Third Avenue 25th Floor
New York, NY 10022
212-906-1200
Email: Dement.naples@lw.com

Gregory K. Sobolski, Esq.
Latham & Watkins, LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
202-637-2267
Email: Max.grant@lw.com

APPEARANCES: (Cont.)

For the Plaintiffs:

Thomas W. Yeh, Esq.

Latham & Watkins LLP (CA)
355 South Grand Avenue
Suite 100
Los Angeles, CA 90071-1560
213-891-8050
Email: Thomas.yeh@lw.com

Matthew John Moore, Esq.

Latham & Watkins LLP (DC)
555 11th Street, NW
Suite 1000
Washington, DC 20004-1304
202-637-2200
Email: Matthew.moore@lw.com

Dale Chang, Esq.

Latham & Watkins LLP (CA)
355 South Grand Avenue
Suite 100
Los Angeles, CA 90071-1560
213-891-8050
Email: Dale.chang@lw.com

Elizabeth Stotland Weiswasser, Esq.

Weil Gotshal & Manges, LLP (NY-NA)
767 5th Avenue
New York, NY 10153
212-310-8000
Email: Elizabeth.weiswasser@weil.com

For the Defendants:

Charles Bennett Molster, III, Esq.

The Law Offices of Charles B. Molster
III, PLLC
2141 Wisconsin Avenue NW, Suite M
Washington, DC 20007
703-346-1505
Email: Cmolster@molsterlaw.com

Stephanie Ethel Parker, Esq.

Jones Day (GA)
1420 Peachtree Street, NE
Suite 800
Atlanta, GA 30309
404-521-3939
Email: Sparker@jonesday.com

APPEARANCES: (Cont.)

For the Defendants:

Michael Shamus Quinlan, Esq.

Jones Day (OH-NA)
901 Lakeside Avenue
Cleveland, OH 44114-1190
216-586-3939
Fax: 216-579-0212
Email: Msquinlan@jonesday.com

Jason Todd Burnette, Esq.

Jones Day (GA)
1420 Peachtree Street, NE
Suite 800
Atlanta, GA 30309
404-521-3939
Email: Jburnette@jonesday.com

David Michael Maiorana, Esq.

Jones Day (OH)
901 Lakeside Ave
Cleveland, OH 44114
216-586-3939
Fax: 216-579-0212
Email: Dmaiorana@jonesday.com

Court Reporter:

Scott L. Wallace, RDR, RMR, CRR

Official Court Reporter
United States District Court
401 Courthouse Square
Alexandria, VA 2231-5798
202-277-3739
scottwallace.edva@gmail.com

Proceedings reported by machine shorthand, transcript produced by computer-aided transcription.

1 MR. BURNETTE: That's why they are not publicly traded.

2 THE COURT: Okay.

3 But is -- but British American -- I'm sorry. British
4 Tobacco is traded on European markets?

5 MR. BURNETTE: Yes, Your Honor.

6 THE COURT: Okay. All right. I want to just make sure,
7 the defendant is not raising any design-around arguments as to
8 these two patents, correct?

9 MR. BURNETTE: I believe that's correct, Your Honor. We
10 have an agreement with plaintiffs' counsel on that, and I believe
11 that has resulted in some of the deposition designations being
12 removed.

13 THE COURT: Okay. That's good. And while you're there,
14 there is a request for injunctive relief; is that correct? Or is
15 that no longer in the case?

16 MR. GRANT: That's correct.

17 THE COURT: All right. And that comes to the Court, not
18 to the jury, correct?

19 MR. BURNETTE: That's right. And we have a stipulation, I
20 believe, Your Honor, that nobody's going to mention the
21 possibility of an injunction to the jury because, Your Honor's
22 correct, that is an issue solely for the Court.

23 THE COURT: All right. Now, are there any witnesses --
24 because in some of your discussions there were statements made
25 that this issue might only be related to injunctive relief.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.