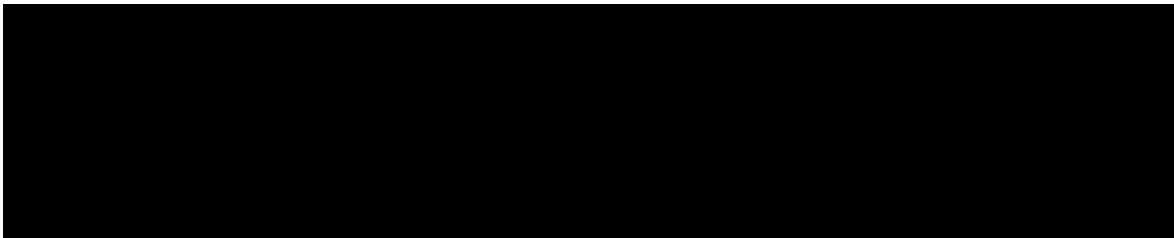


Exhibit A

Exhibit 15



Transcript of Nicholas Ray Gilley, Corporate Designee & Individually 1 (1 to 4)
 Conducted on December 3, 2020

<p style="text-align: center;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division</p> <p>2</p> <p>3 RAI STRATEGIC HOLDINGS, INC. : x and R.J. REYNOLDS VAPOR : Case No. COMPANY, : 1:20 cv 00393 LO TCB : Plaintiffs and : Counterclaim Defendants, : v. : ALTRIA CLIENT SERVICES LLC; : PHILIP MORRIS USA INC.; and : PHILIP MORRIS PRODUCTS S.A., : Defendants and : Counterclaim Plaintiffs. : x</p> <p>9</p> <p>10</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13</p> <p>14 Videotaped Deposition of RAI STRATEGIC HOLDINGS, INC. and R.J. REYNOLDS VAPOR COMPANY By and through its Corporate Representative NICHOLAS RAY GILLEY And in his Individual Capacity Conducted Virtually Thursday, December 3, 2020 7:07 a.m. PST</p> <p>23 Job No.: 337459 24 Pages: 1 283 25 Reported By: Rhonda Norberg, CSR No. 9265, CCRR No. 185</p> <p style="text-align: center;">2</p> <p>1 CONFIDENTIAL Videotaped Deposition of NICHOLAS RAY GILLEY, conducted virtually.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 Pursuant to notice, before Rhonda Norberg, Certified Shorthand Reporter No. 9265, CCRR No. 185 in and for the State of California.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS AND COUNTERCLAIM DEFENDANTS:</p> <p>4</p> <p>5 J. THOMAS VITT, ESQUIRE</p> <p>6 JONES DAY</p> <p>7 90 South Seventh Street</p> <p>8 Suite 4950</p> <p>9 Minneapolis, Minnesota 55402</p> <p>10 612.217.8800</p> <p>11</p> <p>12 ON BEHALF OF THE DEFENDANTS AND COUNTERCLAIM PLAINTIFFS:</p> <p>13</p> <p>14 BRETT M. SANDFORD, ESQUIRE</p> <p>15 LATHAM & WATKINS</p> <p>16 140 Scott Drive</p> <p>17 Menlo Park, California 94025</p> <p>18 650.328.4600</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>21 JOSHUA TUBBS, VIDEOCONFERENCE TECHNICIAN</p> <p>22 ADAM NUDELMAN, VIDEOGRAPHER</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">4</p> <p style="text-align: center;">I N D E X</p> <p>1</p> <p>2</p> <p>3 WITNESS: NICHOLAS RAY GILLEY</p> <p>4 EXAMINATION PAGE</p> <p>5 BY MR. SANDFORD 9</p> <p>6 BY MR. SANDFORD CONTINUED 89</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 EXHIBIT NO. DESCRIPTION PAGE</p> <p>10 1 Plaintiffs' Objections and 10 Responses to Defendants' Notice of Deposition Pursuant to Fed. R. Civ. P. 30 b 6</p> <p>14 2 Deposition Transcript of Nicholas 12 Gilley, September 23, 2020</p> <p>16 3 Deposition Transcript of Nicholas 13 Gilley, July 10, 2018.</p> <p>18 4 Deposition Transcript of Nicholas 13 Gilley, June 26, 2020</p> <p>20 5 R.J. Reynolds Vapor Company's 20 Second Supplemental Objections and Responses to Plaintiff's Second Set of Interrogatories Nos. 6 13</p> <p>24 6 Monthly Detailed Financial 45 Statement, R.J. Reynolds</p>
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Transcript of Nicholas Ray Gilley, Corporate Designee & Individually 32 (125 to 128)
Conducted on December 3, 2020

25

1 Blu e-vapor product during the 2013 to 2018 time
2 frame?
3 MR. VITT: Objection. It's -- objection to
4 form. It's tough as to time. Right? The whole
5 time, did it change? It's kind of an unfair
6 question.
7 MR. SANDFORD: You can answer if you can,
8 Mr. Gilley.
9 THE WITNESS: It -- it would -- it would be
10 dependent on the time frame and the market
11 conditions when you're talking about a five-year
12 period.
13 MR. SANDFORD: Let's look at 2018, then.
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

26

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q You're familiar with a company named Juul,
10 right?
11 A Yes.
12 Q And Juul released its first e-vapor product
13 in the United States around 2015, roughly?
14 A I think that's correct.
15 Q Okay. Since the time that Juul released
16 its first e-vapor product in the United States, RJRV
17 and Juul have directly competed in the United States
18 e-vapor market, right?
19 A That is correct.
20 Q And Juul currently is RJRV's biggest
21 competitor in the U.S. e-vapor market, right?
22 A Yes, that's correct.
23 Q And for how long has Juul been RJRV's
24 biggest competitor in the U.S. e-vapor market,
25 approximately?

27

1 A Probably the last two or three years.
2 Q So at least let's say -- let me ask a
3 different question.
4 Juul has been RJRV's biggest competitor in
5 the U.S. e-vapor market for the years 2019 and 2020,
6 correct?
7 A That is correct.
8 Q And Juul's currently the leader in terms of
9 sales in the United States e-vapor market, right?
10 A That is correct.
11 Q And are you aware that Altria invested in
12 Juul in December 2018?
13 A Yes.
14 Q Okay. And since it invested in Juul in
15 December of 2018, RJRV has been competing directly
16 with Altria in the United States e-vapor market,
17 correct?
18 MR. VITT: Objection to form, misstates the
19 evidence.
20 THE WITNESS: Can -- can you restate the
21 time frame again, please?
22 MR. SANDFORD: Sure.
23 Q Since -- well, since Altria invested in
24 Juul -- since -- let me -- since the time that
25 Altria made its investment in Juul, Altria has

28

1 competed directly with RJRV via Juul in the
2 United States e-vapor market, correct?
3 MR. VITT: Objection to form, misstates the
4 facts.
5 THE WITNESS: Based on my understanding of
6 their arrangement, Altria has a minority investment
7 in the Juul business, but the Juul company and
8 entity remains intact and remains the competitor to
9 the RJR Vapor Company.
10 BY MR. SANDFORD:
11 Q Well, sales of RJRV's Vuse products cut
12 into Juul's market share -- correct? -- in the
13 e-vapor market?
14 A Potentially.
15 Q Why "potentially"?
16 A Well, it depends on how the industry
17 performs. It is possible that we both could grow
18 and then it would be subject to who is growing the
19 fastest, I guess, at that point.
20 "Cut in" is a relative term. I guess I'm
21 not following exactly what you mean by that.
22 Q Okay. Let's switch gears a little bit.
23 RJRV believes that the Vuse products are
24 directly competitive with iQOS in the United States,
25 correct?

Transcript of Nicholas Ray Gilley, Corporate Designee & Individually 33 (129 to 132)
Conducted on December 3, 2020

29

1 A That is correct.

2 Q And the Vuse products have directly

3 competed in the United States with iQOS since iQOS

4 was released in October 2019, correct?

5 A That is correct.

6 Q And R.J. -- well, the Reynolds --

7 Reynolds -- let me take a step back.

8 Reynolds also sells heat-not-burn products,

9 right?

10 A R.J. Reynolds Tobacco Company has a

11 heat-not-burn product in the market.

12 Q Right.

13 RJRV doesn't have any heat-not-burn

14 products, correct?

15 A Not to my knowledge, correct.

16 Q Are all the heat-not-burn products that are

17 sold under the Reynolds umbrella sold by RJRTC?

18 A Yes, that's correct.

19 Q And which heat-not-burn products are

20 currently offered for sale in the United States by

21 RJRTC?

22 A R.J. Reynolds Tobacco Company currently has

23 an Eclipse-branded heat-not-burn product available

24 for sale in the United States.

25 Q Is the Eclipse heat-not-burn product the

30

1 only heat-not-burn product that RJRTC is currently

2 selling in the U.S.?

3 A Based on my knowledge, that's correct.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

3

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q Okay. RJRTC's Eclipse product competes

13 directly with iQOS in the United States, correct?

14 A The RJR -- I'm sorry, the R.J. Reynolds

15 Tobacco Company Eclipse product is a heat-not-burn

16 product which is similar in nature to the iQOS

17 product in the United States, and so it would be a

18 competitive product.

19 Q RJRTC's heat-not-burn Eclipse product

20 competes directly with iQOS in the United States,

21 right?

22 MR. VITT: Asked and answered.

23 THE WITNESS: Correct, it would be a

24 competitive product.

25 (Court reporter clarification.)

32

1 THE WITNESS: I said "Correct, it would be

2 a competitive product."

3 BY MR. SANDFORD:

4 Q When was RJRTC's Eclipse heat-not-burn

5 product introduced into the market?

6 MR. VITT: I think that's beyond the scope.

7 You can answer if you know.

8 THE WITNESS: I don't know.

9 BY MR. SANDFORD:

10 Q Do you have a -- okay.

11 Can we mark Tab 30, please, Josh?

12 THE VIDEOCONFERENCE TECHNICIAN: Stand by.

13 (Exhibit No. 16 was marked for

14 identification by the court

15 reporter; attached hereto.)

16 THE VIDEOCONFERENCE TECHNICIAN: Exhibit 16

17 is onscreen and ready.

18 BY MR. SANDFORD:

19 Q Do you have Exhibit 16 in front of you,

20 Mr. Gilley?

21 A Yes.

22 Q Do you recognize Exhibit 16?

23 A Yes, I do.

24 Q What is it?

25 A It is the shipment to retail report for

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