

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.

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1:20-cv-393 (LMB/WEF)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, Phillip Morris' Motion for a Permanent Injunction or, Alternatively, an Ongoing Royalty [Dkt. No. 1405] is DENIED as to the request for a permanent injunction and GRANTED IN PART as to the request for an ongoing royalty, and it is hereby

ORDERED that plaintiff Philip Morris Products S.A. be and is awarded an ongoing royalty of 1.8% of net sales of infringing VUSE Alto cartridges for the remaining life of United States Patent No. 9,814,265, and an ongoing royalty of 2.2% of net sales of infringing VUSE Solo G2 cartridges for the remaining life of United States Patent No. 10,104,911, all royalties to be paid by defendant R.J. Reynolds Vapor Company quarterly and accompanied by an accounting of infringing sales.

Although the parties' experts agree that the second hypothetical negotiation occurs on the date of the jury's verdict, which was June 15, 2022, the parties have stipulated to extending the jury's damages award through and including June 15, 2022. See [Dkt. Nos. 1413, 1414, 1415]. Accordingly, it is further

ORDERED that the ongoing royalty will begin to run as of June 16, 2022.

In addition, because the Memorandum Opinion cites from sealed material and the parties have not yet filed revised motions to seal pursuant to the Court's March 22, 2023 Order [Dkt. No. 1454], the opinion has been temporarily issued under seal pending resolution of the sealing issues. Accordingly, it is further


ORDERED that the parties jointly review the Memorandum Opinion and propose redactions, consistent with their revised motions to seal, within seven (7) days of the date of this Order.

This Order constitutes the Final Judgment in this civil action for appellate purposes.

The Clerk is directed to forward copies of this Order and the accompanying Memorandum Opinion to counsel of record, enter judgment pursuant to Fed. R. Civ. P. 58 in plaintiff Philip Morris Products S.A.'s favor, and close this civil action.

Entered this th30 day of March, 2023.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge