

Exhibit 23

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RAI STRATEGIC HOLDINGS, INC. and
R.J. REYNOLDS VAPOR COMPANY

Plaintiffs and Counterclaim
Defendants,

v.

ALTRIA CLIENT SERVICES LLC; PHILIP
MORRIS USA INC.; and PHILIP MORRIS
PRODUCTS S.A.

Defendants and Counterclaim
Plaintiffs.

Case No. 1:20-cv-00393-LO-TCB

**PHILIP MORRIS PRODUCTS S.A.'S THIRD SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO PLAINTIFFS' SECOND SET OF INTERROGATORIES (NO. 14)**

1350, 1368 (Fed. Cir. 2017) (“[A]n alleged infringer who challenges the patentee’s compliance with § 287 bears an initial burden of production to articulate the products it believes are unmarked ‘patented articles’ subject to § 287.”). Nevertheless, Philip Morris is not presently aware of any Product made by Philip Morris that practices or embodies any purported invention described or claimed in the PMP Asserted Patents and subject to the marking requirements of 35 U.S.C. § 287.

Philip Morris’s investigation is ongoing, and Philip Morris’s response is based on information reasonably available to Philip Morris at this time, and may require subsequent amendment, modification, or supplementation. Fed. R. Civ. P. 26(e). Philip Morris reserves the right to supplement and/or amend this response as further information becomes available, and/or after responsive, non-privileged documents are otherwise produced.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14 (Oct. 23, 2020):

Philip Morris incorporates its prior objections and response to Interrogatory No. 14, and further states as follows:

Reynolds has not articulated the products that it believes are unmarked and therefore this interrogatory is premature. *Arctic Cat Inc. v. Bombardier Recreational Products Inc.*, 876 F.3d 1350, 1368 (Fed. Cir. 2017) (“[A]n alleged infringer who challenges the patentee’s compliance with § 287 bears an initial burden of production to articulate the products it believes are unmarked ‘patented articles’ subject to § 287.”). Nevertheless, Philip Morris is not presently aware of any product made by Philip Morris, or any former or current owners and/or licensees of the PMP Asserted Patents (’265, ’556, and ’911 patents), that practices or embodies any purported invention described or claimed in the PMP Asserted Patents and subject to the marking requirements of 35 U.S.C. § 287.

Dated: April 6, 2021

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