

EXHIBIT 57

CONFIDENTIAL BUSINESS INFORMATION

Transcript of Kara Calderon, Corporate Designee & Individually 1 (1 to 4)

Conducted on November 12, 2020

<p style="text-align: center;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF VIRGINIA 3 Alexandria Division</p> <p>4 -----X 5 RAI STRATEGIC HOLDINGS, INC. : Case No. 6 and R.J. REYNOLDS VAPOR : 1:20-cv-00393-L0-TCB 7 COMPANY, : 8 Plaintiffs and : 9 Counterclaim Defendants, : 10 v. : 11 ALTRIA CLIENT SERVICES LLC; : 12 PHILIP MORRIS USA INC.; and : 13 PHILIP MORRIS PRODUCTS S.A., : 14 Defendants and : 15 Counterclaim Plaintiffs. : 16 -----X</p> <p>17 CONFIDENTIAL BUSINESS INFORMATION</p> <p>18 SUBJECT TO PROTECTIVE ORDER</p> <p>19 Videotaped Deposition of RJRV, 20 By and through its Corporate Representative 21 KARA CALDERON 22 And in her Individual Capacity 23 Conducted Virtually 24 Thursday, November 12, 2020 25 8:01 a.m. PDT</p> <p>26 Job No.: 333437 27 Pages: 1 - 349 28 Reported By: Charlotte Lacey, RPR, CSR No. 14224</p>	<p style="text-align: center;">3</p> <p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF PLAINTIFFS AND COUNTERCLAIM</p> <p>3 DEFENDANTS:</p> <p>4 J. THOMAS VITT, ESQUIRE</p> <p>5 ALEXIS ADIAN SMITH, ESQUIRE</p> <p>6 JONES DAY</p> <p>7 Wells Fargo Center, 90 South 7th Street</p> <p>8 Minneapolis, Minnesota 55402</p> <p>9 (612) 217-8800</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANTS AND COUNTERCLAIM</p> <p>12 PLAINTIFFS:</p> <p>13 BRETT M. SANDFORD, ESQUIRE</p> <p>14 LATHAM & WATKINS, LLP</p> <p>15 140 Scott Drive</p> <p>16 Menlo Park, California 94025</p> <p>17 (650) 328-4600</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 Dan Lohaus, Videographer</p> <p>21 Joshua Tubbs, AV Technician</p> <p>22</p>
<p style="text-align: center;">2</p> <p>1 VIDEOTAPED DEPOSITION OF KARA CALDERON, CONDUCTED</p> <p>2 VIRTUALLY.</p> <p>3</p> <p>4 Pursuant to notice, before Charlotte Lacey, 5 Certified Shorthand Reporter in and for the State of 6 California.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</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 style="text-align: center;">4</p> <p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 KARA CALDERON</p> <p>4 Examination by Mr. Sandford 9</p> <p>5</p> <p>6 I N D E X O F E X H I B I T S</p> <p>7 EXHIBITS DESCRIPTION PAGE</p> <p>8 Exhibit 1 Defendants' Notice of Deposition of 14 9 Kara Calderon</p> <p>10 Exhibit 2 Plaintiffs' Objections and Responses 15 11 to Defendants' Notice of Deposition 12 Pursuant to Fed. R. Civ. P. 30(b)(6)</p> <p>13 Exhibit 3 Kara Calderon LinkedIn profile 44</p> <p>14 Exhibit 4 Typewritten notes 130</p> <p>15 Exhibit 5 Vuse Product Requirements Document, 137 16 Bates number RJREDVA_000835874 17 through 876</p> <p>18 Exhibit 6 Vuse Business Case 11/1/2013, Bates 153 19 number RJREDVA_000786522 through 660</p> <p>20 Exhibit 7 Vuse 2014 - 2015 Operating Plan, 189 21 Bates number RJREDVA_000762923 22 through 001</p>

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1 **A. I don't know that I saw anything that --**
 2 **that specifically calls that out. It's just the**
 3 **naming that has come over time.**
 4 Q. Okay. Yeah. I was just curious because
 5 it seems like the way you broke down those four
 6 products into being tanks, pod mods, and cigalike
 7 products, that the naming convention for the
 8 consumable follows how you categorize those
 9 products. Does that make sense?
 10 **A. Yeah, yeah. The -- it's not called a**
 11 **pod across all four. It's not called a cartridge**
 12 **across all four. Yup.**
 13 Q. All right. Okay. But the product type,
 14 meaning whether it's a cigalike, a pod mod, or a
 15 tank, is a factor that influences a consumer's
 16 purchasing decision, right?
 17 **A. The product type, whether it is a**
 18 **cigalike or a pod mod or a tank, is one of the**
 19 **factors that a consumer would choose one product**
 20 **over another.**
 21 Q. Is the brand of the device a factor that
 22 influences a consumer's purchasing decision?

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1 **A. In -- in recalling some of the research**
 2 **I've seen is that brand does sometimes play a role**
 3 **in consumer choice, specifically in regards to a**
 4 **trusted brand or a quality brand.**
 5 Q. And the cost of the device as well is a
 6 factor that influences a consumer's purchasing
 7 decision, right?
 8 **A. For -- for some consumers, cost/value**
 9 **could potentially play a role into why they would**
 10 **choose one product over another. So, again, we're**
 11 **ticking them off. There are a variety of reasons**
 12 **why consumers choose -- yup.**
 13 Q. Right. Right. I just want to walk
 14 through one. I understand that.
 15 You mentioned cigalike. Can you
 16 describe what that term means to you?
 17 **A. Well, I don't know that I have seen**
 18 **anything that directly calls it. But I think, you**
 19 **know, common sense and personal experience, it**
 20 **looks like a cigarette. Its intent was to deliver**
 21 **like a cigarette, you know, to migrate people,**
 22 **switch adult tobacco consumers from combustibles**

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1 **to vapor.**
 2 Q. And why is it important for the -- for
 3 the vapor product to have an -- to feel like a
 4 cigarette?
 5 **A. So from -- from what I've seen in -- in**
 6 **the research, familiarity.**
 7 Q. And so based on your experience,
 8 consumers find it important to have a vaping
 9 product that feels like the cigarettes that they
 10 used to smoke before transitioning; is that right?
 11 MR. VITT: Objection to form.
 12 **A. Some consumers, right? Again, broad --**
 13 **broad consumer base, what is good for you is**
 14 **different for me, which is different from Mr. Vitt**
 15 **is -- so for some consumers, a familiar experience**
 16 **is an important factor for them. For other**
 17 **consumers, they do not want a familiar experience.**
 18 **They want something completely different. So it**
 19 **really comes down to individual choice.**
 20 Q. But at least for some consumers, a
 21 familiar experience, in terms of the vaping device
 22 feeling like a traditional combustible cigarette,

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1 is important to them; is that fair?
 2 **A. Based off of the research that -- that**
 3 **I've gone through, for some consumers, a familiar**
 4 **experience, a cigalike experience is -- is**
 5 **something that they look for.**
 6 Q. All right. And you mentioned -- or
 7 we've been discussing a cigarette, but is the same
 8 true for a cigar? So, for example, for at least
 9 some consumers, is a familiar experience, in terms
 10 of the vaping device feeling like a traditional
 11 cigar, important to them, as opposed to a
 12 cigarette?
 13 **A. Yeah, I don't recall ever seeing**
 14 **anything where -- where there was any compare done**
 15 **to -- to a cigar. So I -- I don't recall the --**
 16 **that I've seen anything that indicates anything**
 17 **about a cigar.**
 18 Q. Okay. And putting aside whether you've
 19 seen it in a document or not, which I think is
 20 what you're referring to, based on your
 21 experience, is that -- is whether the vaping
 22 product feels like a traditional cigar a -- a

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1 Q. And the second -- the first
 2 characteristic is "big performance" described
 3 for --
 4 **A. Yes.**
 5 Q. -- the Alto?
 6 **A. Yep.**
 7 Q. And the second characteristic that is
 8 being emphasized by RJRV on its website for the
 9 Alto is "small package," right?
 10 **A. Small package.**
 11 MR. SANDFORD: Can we bring up tab 19,
 12 please, Josh.
 13 AV TECHNICIAN: Stand by.
 14 (Deposition Exhibit 13 was marked for
 15 identification.)
 16 AV TECHNICIAN: Exhibit 13 is on screen
 17 and in the share folder.
 18 MR. SANDFORD: Okay. And if you can
 19 give the witness control for -- for this exhibit,
 20 that's fine.
 21 Q. And, Ms. Calderon, it's a long document,
 22 so -- I mean, feel free to flip through it, but I

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1 don't want to waste too much time here. Get you
 2 out of here earlier.
 3 **A. Yeah. And with this, if you don't mind,**
 4 **I'll use the printout version that I have. Can we**
 5 **just scroll through to make sure we are both**
 6 **looking at the same one real quick?**
 7 Q. Yes, that's fine.
 8 **A. Okay. Okay.**
 9 **Okay. Yeah, we have the same document**
 10 **here. So I just wanted to make sure we had the**
 11 **same document.**
 12 Q. Okay. And you've seen Exhibit 13
 13 before?
 14 **A. Yes, sir.**
 15 Q. What is Exhibit 13?
 16 **A. Exhibit 13 is a general market**
 17 **assessment of a variety of different vapor**
 18 **products.**
 19 Q. And does R.J. -- and do you know who
 20 created this document?
 21 **A. So -- so there was a division at the**
 22 **time called RAI innovations, and -- and they**

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1 **researched with strategy and planning to do a**
 2 **market assessment on a variety of products through**
 3 **a -- through a third party, and -- and that is who**
 4 **put this document together.**
 5 Q. Okay. Does RAI innovation still exist?
 6 You referred to them in the past tense.
 7 **A. No, sorry.**
 8 Q. When did they stop existing?
 9 **A. I don't -- I don't recall.**
 10 Q. Okay. And what is the purpose of
 11 creating market assessments like the one shown in
 12 Exhibit 13?
 13 **A. So for the -- the purpose of this**
 14 **research, if we go down to the next slide, it's --**
 15 **it's very clear that "the purpose of this research**
 16 **is to understand the appeal and performance of Bo,**
 17 **Airtop, myJET (3.0), myJET (5.0), and TF16 among**
 18 **adult lapsed vapor ATCs and Juul AVCs in order to**
 19 **inform and guide internal decisions."**
 20 Q. Okay. And do you understand the
 21 descriptors there, starting with Bo and ending
 22 with TF16, what products those pertain to?

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1 **A. Yes. And if you go to the next page,**
 2 **page 3, there -- there is a -- a small image of**
 3 **each of those products as a descriptor.**
 4 Q. Right. It's hard to see in -- in the
 5 version that was produced to us --
 6 **A. Oh, I'm sorry. You guys wanted me to --**
 7 **I should scroll for you. There you go.**
 8 Q. So looking at the page ending in Bates
 9 610, you see a reference TF16. What product is
 10 that?
 11 **A. Yes. That is the product that is**
 12 **currently known as Vuse Alto.**
 13 Q. Okay. And then if you turn to the next
 14 page ending in Bates number 611. Do you see that?
 15 Can you please turn to that?
 16 **A. Yes. Yes.**
 17 Q. On the second bullet there -- well --
 18 and this slide is -- is describing the key
 19 takeaways and recommendations from this -- the
 20 market assessment, right?
 21 **A. Yes.**
 22 Q. Okay. And in the second bullet in the

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Conducted on November 12, 2020


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CERTIFICATE OF SHORTHAND REPORTER

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I, Charlotte Lacey, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 15th of November, 2020.


Charlotte Lacey, RPR, CSR #14224