

EXHIBIT 75

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

RAI STRATEGIC HOLDINGS, INC.,)	
)	
et al.,)	Civil Action
)	No. 1:20-cv-00393-LO-TCB
Plaintiffs,)	
)	March 17, 2022
v.)	2:00 p.m.
)	
ALTRIA CLIENT SERVICES, LLC,)	
)	
et al.,)	
)	
Defendants.)	

**TRANSCRIPT OF MOTION HEARING PROCEEDINGS
BEFORE THE HONORABLE LIAM O'GRADY,
UNITED STATES DISTRICT COURT JUDGE**

APPEARANCES:

For the Counterclaim
Plaintiffs:

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

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

William Sutton Ansley, Esq.
Weil, Gotshal & Manges
2001 M Street, NW
Suite 600
Washington, DC 20036
202-682-7000
Email: Sutton.Ansley@weil.com

1 and otherwise a hypothetical negotiation wouldn't be a
2 hypothetical negotiation at the time of our first infringement,
3 it would be the hypothetical negotiated at the negotiation at the
4 time of trial. So what -- I think you are telling me
5 Dr. Sullivan should be allowed to use the latest data that he had
6 when he formed his opinion in his report; is that right?

7 MR. BURNETTE: Yes, Your Honor, that is what we say.

8 THE COURT: You think that that's legally sound? You
9 know, that you've got legally sound basis for that?

10 MR. BURNETTE: Yes, Your Honor. Yes, Your Honor, we do.
11 As viewed as a hypothetical negotiation, the Book of Wisdom does
12 permit --

13 THE COURT: The Book of Wisdom is worth as much as
14 Dr. Goldschneider's report that there should be 25 percent
15 royalty on every infringing product. That went by the wayside,
16 as far as I can tell, a while ago, for good reasons. Wasn't his
17 name Goldschneider? Do you remember?

18 MR. BURNETTE: I do not know.

19 THE COURT: You may not have even -- that predates all of
20 you. There was an expert out there that said 25 percent to
21 everybody, and it caught fire and for about three or four years
22 25 percent was the rate. And we were like, why? And it was
23 because Dr. Goldschneider said it. That's how I feel about the
24 Book of Wisdom. You have to get a little more finite than that.
25 So all right. I understand your position.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Scott L. Wallace, RDR-CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Scott L. Wallace

Scott L. Wallace, RDR, CRR
Official Court Reporter

3/21/22

Date