

**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-LMB-WEF-TCB

JOINT STIPULATION OF DISMISSAL OF THE 238 AND 268 PATENTS

Plaintiffs RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively “Reynolds”), Defendants and Counterclaim Plaintiffs Altria Client Services LLC and Philip Morris USA Inc. (collectively “Altria”), and Defendant and Counterclaim Plaintiff Philip Morris Products S.A. (“PMP”), by and through their counsel of record, hereby stipulate and move the Court to dismiss Reynolds’s claim relating to U.S. Patent No. 9,839,238 (the “238 patent”) and to dismiss all claims and counterclaims relating to U.S. Patent No. 9,814,268 (the “268 patent”), with each party bearing its own attorneys’ fees, expenses, and costs, as follows:

- Reynolds’s Count One for infringement of the 268 patent and Count Two for infringement of the 238 patent (Dkt. 52); Altria’s Counterclaim III for non-infringement of the 268 patent (Dkt. 193); and PMP’s Counterclaim IV for non-infringement of the 268 patent (Dkts. 463 & 473, made effective by Dkt. 483) are all dismissed WITH PREJUDICE;

- Altria's Counterclaims IV for invalidity of the 268 patent & VIII for unenforceability of the 268 patent (Dkt. 193) and PMP's Counterclaims V for invalidity of the 268 patent & VIII for unenforceability of the 268 patent (Dkts. 463 & 473, made effective by Dkt. 483) are all dismissed WITHOUT PREJUDICE.

IT IS SO ORDERED.

ENTERED this ____ day of _____, 2023.

Alexandria, Virginia

Leonie M. Brinkema
United States District Judge

Dated: April 24, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2023, a true and correct copy of the foregoing was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

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