

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PHILIP MORRIS PRODUCTS S.A.,)	
)	
Plaintiff,)	
)	
v.)	1:20-cv-393 (LMB/WEF)
)	
R.J. REYNOLDS VAPOR COMPANY,)	
)	
Defendant.)	

ORDER

Pending before the Court are R.J. Reynolds Vapor Company’s (“Reynolds”) Renewed Motion to Seal [Dkt. No. 1458], Philip Morris Products S.A.’s (“Philip Morris”) Renewed Motion to Seal [Dkt. No. 1463], and Reynolds’ Renewed Motion to Seal Exhibits Entered into Evidence at Trial [Dkt. No. 1477] (collectively, “Motions to Seal”). Finding that the parties have established a basis for maintaining the requested documents and material under seal because they contain confidential business and proprietary information, the Motions to Seal are GRANTED.

Reynolds has provided a list of the trial exhibits that it seeks to seal, identified in Exhibit B of its motion [Dkt. No. 1477-2], and has requested that several of the exhibits be sealed only in part (i.e., PX-125, PX-668, PX-676, PX-677, PX-345, PX-387, PX-643, RX-1199) (“partially-sealed trial exhibits”). Reynolds mailed a USB thumb drive to the Court containing proposed redactions for the partially-sealed trial exhibits and requested that the Court redact the public versions of those exhibits. Although the proposed redactions are appropriate, the Court will not redact the public versions of the partially-sealed trial exhibits because that is the party’s responsibility. Instead, Reynolds must redact the partially-sealed trial exhibits and submit them to Philip Morris, which will have one (1) week to object to the redactions. If Philip Morris does

not object to the redactions,¹ Reynolds must promptly send physical copies of the redacted exhibits to the Clerk's Office, which will place the unredacted exhibits under seal and maintain the redacted exhibits in the public record. Reynolds should not file any redacted or unredacted trial exhibits electronically on CM/ECF. Accordingly, it is hereby

ORDERED that the trial exhibits identified in Exhibit B of Reynolds' Renewed Motion to Seal Exhibits Entered into Evidence at Trial, which is attached to this Order, and the unredacted versions of the parties' briefing on Philip Morris' Motion for a Permanent Injunction, or Alternatively, an Ongoing Royalty, along with the specified exhibits (i.e., Philip Morris' Exhibits 5, 18, 23-24, 27, 38, 41, 43-44, 47-48, 56, 65-66, 76, 78; Reynolds' Exhibits 1-4, 10-14, 19, 25, 28-31, 39, 42, 44), be maintained under seal until further order; and it is further


ORDERED that Philip Morris and Reynolds promptly file a complete public version of their briefing on Philip Morris' Motion for a Permanent Injunction, or Alternatively, an Ongoing Royalty, containing the redacted memoranda, see [Dkt. Nos. 1462, 1465, 1466], the redacted versions of the sealed exhibits, and all other exhibits that are not under seal; and its further

ORDERED that Reynolds promptly submit the redacted versions of its partially-sealed trial exhibits to the Clerk's Office in accordance with the aforementioned directions.

The Clerk is directed to maintain the USB thumb drive under seal in the records of this civil action, indicate on the docket sheet when the redacted trial exhibits have been received, and forward copies of this Order to counsel of record.

Entered this 20th day of July, 2023.

Alexandria, Virginia



Leonie M. Brinkena
United States District Judge

¹ Reynolds has indicated that Philip Morris "does not oppose" its motion to seal the trial exhibits. [Dkt. No. 1477] at 2.