

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

**RAI STRATEGIC HOLDINGS, INC. AND
R.J. REYNOLDS VAPOR COMPANY**

Plaintiffs,

v.

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

Defendants.

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

**DEFENDANTS' PARTIAL MOTION TO DISMISS PLAINTIFFS'
COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Altria Client Services LLC (“ACS”), Philip Morris USA Inc. (“PMUSA”), and Philip Morris Products S.A. (“PMP”) (collectively, “Defendants”) move to dismiss the direct infringement claims of Counts One and Two of the Complaint filed by RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, “Plaintiffs”) pursuant to Fed. R. Civ. P. 12(b)(6). As set forth in the Memorandum in Support of Defendants’ Partial Motion to Dismiss Plaintiffs’ Complaint for Patent Infringement, Plaintiffs fail to state a claim of infringement against Defendants upon which relief can be granted.

Pursuant to Local Rule 7(e), (j), the undersigned counsel hereby certifies that counsel for the parties conferred telephonically on June 26, 2020, and this motion is submitted opposed by Plaintiffs.

WHEREFORE, for the reasons set forth more fully in the Memorandum in Support of this Motion, Defendants respectfully request that the Court grant this motion. A proposed order for

the Court's consideration accompanies this motion.

Dated: June 29, 2020

Respectfully submitted,

/s/ Maximilian A. Grant

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2020, 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:

/s/ Maximilian A. Grant

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