

**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.**

Civil Action No. 1:20-cv-393

**DEFENDANTS' PARTIAL MOTION TO STAY PLAINTIFFS' CLAIMS
REGARDING U.S. PATENT NOS. 9,814,268 AND 10,492,542**

Defendants Altria Client Services, LLC (“ACS”), Philip Morris USA Inc. (“PM USA”), and Philip Morris Products S.A. (“PMP”) (collectively, “Defendants”), by counsel hereby move to stay Counts One and Five of the Amended Complaint (Dkt. 52) filed by RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, “Plaintiffs”) alleging infringement of U.S. Pat. Nos. 9,814,268 and 10,432,542. As set forth in the Memorandum in Support of Partial Motion to Stay, the Court should exercise its inherent authority and discretion to stay Plaintiffs’ claims of infringement regarding these two patents pending resolution of related PTAB proceedings. Alternatively, should the Court be inclined not to grant the stay until further proceedings in the PTAB, Defendants respectfully request that the Court rule that it will grant a stay upon institution of the pending PTAB petitions for either or both of the ’268 or ’542 patents.

Pursuant to Local Rule 7(e), (j), the undersigned counsel hereby certifies that counsel for the parties conferred telephonically on November 25, 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: November 27, 2020

Respectfully submitted,

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Plaintiffs Altria Client Services LLC, Philip
Morris USA Inc., and Philip Morris
Products S.A.*

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 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:

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