

**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

**JOINT STATUS REPORT**

Pursuant to the Court's Order (Dkts. 426, 432), the parties submit a joint status report to notify the Court of two decisions from the Patent Trial and Appeals Board (PTAB) regarding Defendants' challenge to Plaintiffs' asserted U.S. Patent No. 10,492,542 ("the '542 patent").

On January 13, 2021, the PTAB instituted post-grant review of all the claims of the '542 patent in PGR2020-00071 and denied the petition for inter partes review of the '542 patent in IPR2020-01188 as premature in view of the PTAB's institution of post-grant review. Copies of the PTAB decisions are attached as Exhibits 1 and 2.

The Parties have not yet heard back from the PTAB on Defendants' rehearing request for their challenge to Plaintiffs' asserted U.S. Patent No. 9,814,268 ("the '268 patent"). The Parties will advise the Court within three days of when a decision is received. Dkts. 426, 432.

Dated: January 19, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of January, 2021, 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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