

**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 (Dkt. 452), the parties submit a joint status report of the PTAB's decision regarding Plaintiffs' asserted U.S. Patent No. 9,814,268 ("the '268 patent").

On December 15, 2020, Defendant Philip Morris Products, S.A., filed its Request for Rehearing of the Board's Decision Denying Institution (Exhibit 1). Plaintiff RAI Strategic Holdings, Inc. did not request leave to file an opposition.

The Parties have not yet heard back from the PTAB on Defendant's rehearing request. The Parties will advise the Court within three days of when a decision is received. Dkts. 426, 432.

Dated: February 10, 2021

Stephanie E. Parker  
JONES DAY  
1420 Peachtree Street, N.E.  
Suite 800  
Atlanta, GA 30309  
Telephone: (404) 521-3939  
Facsimile: (404) 581-8330  
Email: separker@jonesday.com

Anthony M. Insogna  
JONES DAY  
4655 Executive Drive  
Suite 1500  
San Diego, CA 92121  
Telephone: (858) 314-1200  
Facsimile: (844) 345-3178  
Email: aminsogna@jonesday.com

William E. Devitt  
JONES DAY  
77 West Wacker  
Suite 3500  
Chicago, IL 60601  
Telephone: (312) 269-4240  
Facsimile: (312) 782-8585  
Email: wdevitt@jonesday.com

Sanjiv P. Laud  
JONES DAY  
90 South Seventh Street  
Suite 4950  
Minneapolis, MN 55402  
Telephone: (612) 217-8800  
Facsimile: (844) 345-3178  
Email: slaud@jonesday.com

Respectfully submitted,

/s/ David M. Maiorana  
David M. Maiorana (VA Bar No. 42334)  
Ryan B. McCrum  
JONES DAY  
901 Lakeside Avenue  
Cleveland, OH 44114  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212  
Email: dmaiorana@jonesday.com  
Email: rbmccrum@jonesday.com

John J. Normile  
JONES DAY  
250 Vesey Street  
New York, NY 10281  
Telephone: (212) 326-3939  
Facsimile: (212) 755-7306  
Email: jjnormile@jonesday.com

Alexis A. Smith  
JONES DAY  
555 South Flower Street  
Fiftieth Floor  
Los Angeles, CA 90071  
Telephone: (213) 243-2653  
Facsimile: (213) 243-2539  
Email: asmith@jonesday.com

Charles Bennett Molster , III  
The Law Offices of Charles B. Molster III PLLC  
2141 Wisconsin Ave Nw Suite M  
Washington, DC 20007  
Telephone: 703-346-1505  
Email: Cmolster@molsterlaw.com

*Counsel for Plaintiffs RAI Strategic Holdings,  
Inc. and R.J. Reynolds Vapor Company*

Gregory K. Sobolski  
greg.sobolski@lw.com  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
Tel: (415) 391-0600; Fax: (415) 395-8095

Brenda L. Danek  
brenda.danek@lw.com  
LATHAM & WATKINS LLP  
330 North Wabash Avenue, Suite 2800  
Chicago, IL 60611  
Tel: (312) 876-7700; Fax: (312) 993-9767

By: /s/ Maximilian A Grant  
Maximilian A. Grant (VSB No. 91792)  
max.grant@lw.com  
Matthew J. Moore  
matthew.moore@law.com  
LATHAM & WATKINS LLP  
555 Eleventh Street, N.W., Suite 1000  
Washington, DC 20004  
Tel: (202) 637-2200; Fax: (202) 637-2201

Clement J. Naples  
clement.naples@lw.com  
LATHAM & WATKINS LLP  
885 Third Avenue  
New York, NY 10022-4834  
Tel: (212) 906-1200; Fax: (212) 751-4864

*Counsel for Defendants-Counterclaim Plaintiffs  
Philip Morris Products S.A., Altria Client  
Services LLC, and Philip Morris USA, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of February, 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.

*/s/ Maximilian A. Grant*

Maximilian A. Grant (VSB No. 91792)

max.grant@lw.com

LATHAM & WATKINS LLP

555 Eleventh Street, N.W., Ste. 1000

Washington, DC 20004

Tel: (202) 637-2200; Fax: (202) 637-2201