

Exhibit A

(Public)

**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.

Case No.: 1:20cv00393-LO-TCB

**PLAINTIFFS RAI STRATEGIC HOLDINGS, INC. AND R.J. REYNOLDS VAPOR
COMPANY'S FIFTH SET OF REQUESTS FOR PRODUCTION TO DEFENDANTS
ALTRIA CLIENT SERVICES LLC, PHILIP MORRIS USA, INC., AND PHILIP
MORRIS PRODUCTS S.A. (NOS. 277-332)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs RAI Strategic Holdings, Inc. ("RAI") and R.J. Reynolds Vapor Company ("RJR") (collectively, "Plaintiffs"), by their undersigned attorneys, hereby request Defendants Altria Client Services LLC ("ACS"), Philip Morris USA, Inc. ("PM USA"), and Philip Morris Products S.A. ("PMP") (collectively, "Defendants") respond in writing and produce the Documents and things requested below in accordance with the Definitions and Instructions contained herein, and serve such documents on Plaintiffs' counsel, Jones Day, 901 Lakeside Avenue, Cleveland, Ohio 44114, within the time prescribed by the Federal Rules of Civil Procedure.

DEFINITIONS

1. "ACS" shall each mean and refer to Altria Client Services LLC, including without limitation all of its corporate locations, and all predecessors, predecessors-in-interest, and all past

or present directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in joint venture, licensing agreements, or partnership relationships with ACS, and others acting on behalf of ACS.

2. “Altria Accused Product” or “Altria Accused Products” shall mean any and all electric tobacco heating device systems and the associated tobacco sticks sold for use with the device systems. The tobacco heating device systems and components thereof shall include Defendants’ IQOS[®] System Holder and Charger (“IQOS[®] system”). For avoidance of doubt, the holder, charger and all compatible tobacco sticks (such as, but not limited to, IQOS[®] HEETS, Marlboro[™] HeatSticks, Marlboro[™] Fresh Menthol HeatSticks, or Marlboro[™] Smooth Menthol HeatSticks) should be considered components of the respective tobacco heating device systems, and thus are included in the meaning of “Altria Accused Product” or “Altria Accused Products.” Components further shall include any smaller breakdown of parts, if applicable, to the IQOS[®] system and associated tobacco sticks.

3. “Altria Asserted Patents” means each and any of United States Patent No. 9,814,265 (“the ’265 patent”), United States Patent No. 10,555,556 (“the ’556 patent”), United States Patent No. 10,104,911 (“the ’911 patent”), United States Patent No. 6,803,545 (“the ’545 patent”), and United States Patent No. 10,420,374 (“the ’374 patent”).

4. “Communication” or “Communications” means every manner or method of disclosure or transfer or exchange of information, whether orally or by Document, and whether face-to-face, by telephone, mail, electronic mail, personal delivery, facsimile, or otherwise.

5. “Defendants,” “Counterclaim Plaintiffs” “You,” or “Your” shall mean and refer to ACS, PM USA, and PMP.

6. “Document” or “Documents” has the broadest meaning consistent with Federal Rule of Civil Procedure 34 and applicable case law, and includes electronically stored information as specified in Federal Rule of Civil Procedure 34. Any draft or non-identical copy is a separate Document within the meaning of this term.

7. “Identify,” “Identifying,” “Identity,” or “Identification,” when used with respect to any natural Person, shall mean that the following information shall be provided: the Person’s full name; last known home address; last known business address and telephone number; last known title or occupation; and last known employer.

8. “Identify,” “Identifying,” “Identity,” or “Identification,” when used with respect to any legal entity, such as a corporation, company, or Person other than a natural person, shall mean that the following information shall be provided: the entity’s name; the place of incorporation or organization; the principal place of business; and the nature of the business conducted by that legal entity.

9. “Identify,” “Identifying,” “Identity,” or “Identification,” when used with respect to a Document, subject to the option to produce records under Federal Rule of Civil Procedure 33(d), shall mean to provide information sufficient to locate that Document, including but not limited to the following: the Bates range, the date appearing on such Document or, if no date appears thereon, the approximate date the Document was prepared; the identifying code number, file number, title, or label of such Document; a general description of such Document (e.g., letter, memorandum, drawing); the title or heading; the number of pages of which such Document consists; the name of each Person who signed or authorized the Document; the name of each addressee; the name of each Person having possession, custody, or control of such Document; if the Document existed at one time but does not presently exist, the reason(s) why it no longer exists and the Identity of the

last Person having custody of it; and, if the Document is in a foreign language, whether an English translation of the Document exists, whether partial or complete.

10. “Infringe,” “Infringing,” “Infringed,” or “Infringement” are broadly defined to include direct infringement, indirect infringement, contributory infringement, induced infringement, literal infringement and/or infringement under the doctrine of equivalents.

11. “Person” or “Persons” shall mean any natural person, legal entity or any business entity, including but not limited to any proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person’s behalf.

12. “Plaintiffs” shall mean and refer to RAI and RJRV.

13. “PM USA” shall mean and refer to Philip Morris USA, Inc., including without limitation all of its corporate locations, and all past or present directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in joint venture, licensing agreements, or partnership relationships with PM USA, and others acting on behalf of PM USA.

14. “PMP” shall mean and refer to Philip Morris Products S.A., including without limitation all of its corporate locations, and all past or present directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in joint venture, licensing agreements, or partnership relationships with PMP, and others acting on behalf of PMP.

15. “Product” or “Products” shall mean a machine, manufacture, apparatus, device, instrument, mechanism, appliance, composition of matter, assemblage of components/parts (either individually or collectively), process, or method which are designed to function together electrically, mechanically, chemically, or otherwise, to achieve a particular function or purpose,

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.