

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

JOINT PRE-TRIAL STIPULATION

Plaintiffs and Counterclaim Defendants RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, “Reynolds”), and Defendants and Counterclaim Plaintiffs Altria Client Services LLC (“ACS”) and Philip Morris USA Inc. (“PM USA”) (collectively “the Parties”) respectfully submit this Joint Pre-Trial Stipulation. This stipulation shall not be used outside of this litigation for any purpose.

The Parties stipulate as follows:

1. ACS owns United States Patent No. 10,420,374 (“the ’374 Patent”).
2. Reynolds drops and will not pursue its Sixth Affirmative Defense (Limitation on Damages under 35 U.S.C. § 287, *see, e.g.*, Dkt. 70 at 18) for the ’374 Patent.
3. PM USA owns United States Patent No. 6,803,545 (“the ’545 Patent”).
4. PM USA drops its claim for pre-suit damages for infringement of the ’545 Patent, and will not pursue any claim for damages arising from alleged acts of infringement of the ’545 Patent occurring before June 29, 2020.

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