

**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

REYNOLDS'S TRIAL EXHIBIT LIST

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's Scheduling Orders (Dkt. 97, 99, 461, 535), R.J. Reynolds Vapor Company ("Reynolds") submits the list of exhibits attached as Exhibit A that Reynolds intends to offer in the trial on claims related to United States Patent Numbers 6,803,545, 9,814,265, 10,104,911, 10,420,374, and 10,555,556 asserted by Altria Client Services LLC ("ACS"), Philip Morris USA, Inc. ("PM USA"), and Philip Morris Products S.A. ("PMP"), other than those solely for impeachment or rebuttal. Reynolds reserves the right to submit a new, amended, or supplemental list of exhibits on issues related to PMP's equitable claim for injunctive relief. Reynolds also reserves the right to submit a new, amended, or supplemental list of exhibits for subsequent trial on claims related to Reynolds's United States Patent Nos. 9,814,238, 9,901,123, 9,930,915, and 10,492,542. Reynolds reserves the right to offer, or not offer, as an exhibit at trial any item listed herein. Reynolds reserves the right to object to the offering as an exhibit at trial any item listed herein by ACS, PM USA, and PMP. Reynolds reserves the right to offer as an exhibit at trial any item designated by ACS, PM USA, and PMP

or listed by ACS, PM USA, and PMP on their exhibit list. Reynolds reserves the right to offer for rebuttal or impeachment items that are not identified on this list.

Reynolds also reserves the right to supplement, amend, or otherwise modify this exhibit list as appropriate, including but not limited to the right to supplement this list with any late-produced or late-served documents or based on ACS, PM USA, and PMP's trial presentation, as may be appropriate. Inclusion on this list is neither an admission nor a representation as to the admissibility of or relevance to any issue of any item. Reynolds's identification of exhibits is subject to and without waiver of its motions *in limine*, motions to exclude certain evidence, *Daubert* motions and challenges to experts, and any dispositive motions. By listing an item, Reynolds is neither representing nor admitting that it has the burden of proof on any topic to which that item relates. Reynolds reserves the right to offer demonstratives for opening statements and closing argument, and to use demonstratives during witness examinations. Reynolds reserves the right to present excerpts from any exhibit identified on either party's exhibit list as a demonstrative at trial as appropriate. Reynolds reserves the right to request redaction of any of the exhibits.

Dated: May 21, 2021

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 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.

Dated: May 21, 2021

/s/ David M Maiorana

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Exhibit No.	Beginning Bates	Ending Bates	Document Description
RX-0001	RJREDVA_001485751	RJREDVA_001485761	U.S. Pat. No. 6,803,545 (Blake)
RX-0002	RJREDVA_001626527	RJREDVA_001626541	U.S. Pat. No. 10,104,911 (Thorens)
RX-0003	RJREDVA_001642770	RJREDVA_001642779	U.S. Pat. No. 9,814,265 (Rinker)
RX-0004	RJREDVA_001642420	RJREDVA_001642445	U.S. Pat. No. 10,420,374 (Liu)
RX-0005	RJREDVA_001642446	RJREDVA_001642462	U.S. Pat. No. 10,555,556 (Malgat)
RX-0006	DEF_PUB_EDVA000014678	DEF_PUB_EDVA000014889	File History for U.S. Patent Application No. 10/161,639 (U.S. Pat. No. 6,803,545)
RX-0007	DEF_PUB_EDVA000015567	DEF_PUB_EDVA000016366	File History for U.S. Patent Application No. 13/990,067 (U.S. Pat. No. 10,104,911)
RX-0008	DEF_PUB_EDVA000014890	DEF_PUB_EDVA000015566	File History for U.S. Patent Application No. 14/344,026 (U.S. Pat. No. 9,814,265)
RX-0009	DEF_PUB_EDVA000016367	DEF_PUB_EDVA000018530	File History for U.S. Patent Application No. 14/793,453 (U.S. Pat. No. 10,420,374)
RX-0010	DEF_PUB_EDVA000018531	DEF_PUB_EDVA000019660	File History for U.S. Patent Application No. 15/117,663 (U.S. Pat. No. 10,555,556)
RX-0011			File History for U.S. Pat. No. 9,072,321
RX-0012			Stipulation (Joint) re: Authentication of 3rd Party Documents
RX-0013			Joint Pre-Trial Stipulation, 4-9-21
RX-0014			Joint Stipulation of Uncontested Facts dated May 21, 2021
RX-0015	1199_RESP00006267	1199_RESP00006289	U.S. Pat. No. 5,095,921 (Losee et al)
RX-0016	1199_RESP00006331	1199_RESP00006343	U.S. Pat. No. 5,224,498 (Deevi et al)
RX-0017	1199_RESP00006344	1199_RESP00006354	U.S. Pat. No. 5,249,586 (Morgan et al)
RX-0018	1199_RESP00006355	1199_RESP00006368	U.S. Pat. No. 5,261,424 (Sprinkel)
RX-0019	1199_RESP00010295	1199_RESP00010300	FDA, "2018 NYTS Data: A Startling Rise in Youth E-cigarette Use"
RX-0020	1199_RESP00010301	1199_RESP00010422	FDA PMTA Coversheet: Technical Project Lead Review (TPL) PMP SA 5/15/17
RX-0021	1199_RESP00010423	1199_RESP00010462	USITC Publication 1022, December 1979 - In the Matter of Certain Automatic Crankpin Grinders - Investigation No. 337-TA-60

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