

**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. 1:20-cv-00393-LO-TCB

**COUNTERCLAIM PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56(a), Local Rule 56, and the Court's Scheduling Order (Dkt. 99), Counterclaim Plaintiffs Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (collectively, "PMP/Altria") respectfully move for summary judgment on certain counterclaims and affirmative defenses of RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, "Counterclaim Defendants"). As set forth in the Memorandum in Support of PMP/Altria's Motion for Summary Judgment, PMP/Altria seeks summary judgment on three issues: (1) summary judgment of no inequitable conduct (Twelfth Affirmative Defense and Counterclaim I) with respect to U.S. Patent No. 6,803,545; (2) partial summary judgment of no invalidity with respect to U.S. Patent No. 10,420,374; and (3) summary judgment of no Equitable Defenses (Fifth Affirmative Defense), no Limitation of Damages (Sixth Affirmative Defense), no

Ensnarement (Eighth Affirmative Defense), and no Extraterritorial Claims (Eleventh Affirmative Defense). The grounds for this motion are contained in the memorandum submitted herewith. A proposed order is attached.

Counsel for PMP/Altria conferred with counsel for Counterclaim Defendants regarding this issue on June 1-2, 2021. Counterclaim Defendants stated that they oppose this motion.

Dated: June 2, 2021

Respectfully submitted,

*/s/ Maximilian A. Grant*

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Plaintiffs Altria Client Services LLC, Philip  
Morris USA Inc., and Philip Morris  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of June, 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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