

**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

**[PROPOSED] ORDER GRANTING COUNTERCLAIM PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Upon consideration of Counterclaim Plaintiffs' Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A.'s Motion for Summary Judgment, it is hereby

ORDERED that Counterclaim Plaintiffs' Motion for Summary Judgment shall be, and hereby is, **GRANTED**. The Court **ENTERS** partial summary judgment in favor of Counterclaim Plaintiffs of (1) no inequitable conduct regarding U.S. Patent No. 6,803,545 (Twelfth Affirmative Defense and Counterclaim I); (2) no invalidity regarding U.S. Patent No. 10,420,374 based on Counterclaim Defendants' defenses that rely on Chinese Utility Model Patent CN 201482667 (Liu); and (3) 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).

IT IS SO ORDERED this _____ day of June, 2021.

United States District Judge