

EXHIBIT F

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

RAI STRATEGIC HOLDINGS, INC. AND R.J.
REYNOLDS VAPOR COMPANY

Plaintiff,

v.

ALTRIA CLIENT SERVICES LLC; PHILIP
MORRIS USA, INC.; and PHILIP MORRIS
PRODUCTS S.A.

Defendants.

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

**STIPULATED JUDGMENT FOR DEFENDANTS ON COUNTERCLAIM AND
AFFIRMATIVE DEFENSES**

Plaintiffs-Counterclaim Defendants RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (“Reynolds”) and Defendant-Counterclaim Plaintiffs Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (“PMP/Altria”) (together, the “Parties”) hereby submit this proposed Stipulated Judgment For Defendants On Counterclaim and Affirmative Defenses on which PMP/Altria is entitled to judgment in its favor.¹

WHEREAS, on October 30, 2020 Reynolds asserted a Counterclaim and affirmative defense that U.S. Patent No. 6,803,545 is unenforceable for inequitable conduct before the U.S. Patent and Trademark Office;

WHEREAS, on August 3, 2020 Reynolds has asserted various other Affirmative Defenses (identified below);

WHEREAS, on November 13, 2020 PMP/Altria answered Reynolds’s inequitable conduct Counterclaim and responded to the identified Reynolds Affirmative Defenses throughout discovery;

WHEREAS, Reynolds has come forward with no factual support for its inequitable conduct Counterclaim and Affirmative Defense;

WHEREAS, Reynolds has come forward with no factual support for the identified Affirmative Defenses;

WHEREAS, on June 1, 2021, after the close of business, Reynolds has stated that it will “not pursue” such Counterclaim and Affirmative Defenses;

NOW, THEREFORE, the Parties hereby stipulate to judgment as follows:

¹ Courts routinely enter judgment in plaintiffs’ favor on defendants’ affirmative defenses and related counterclaims. *See, e.g., TecSec, Inc. v. Adobe Sys.*, 326 F. Supp. 3d 105, 111 (E.D. Va. 2018) (“TecSec is awarded summary judgment on Adobe’s affirmative defense of laches.”) (J. O’Grady).

1. Judgment is entered in favor of PMP/Altria of no inequitable conduct regarding Reynolds's Twelfth Affirmative Defense and Counterclaim I with respect to U.S. Patent No. 6,803,545.

2. Judgment is entered in favor of PMP/Altria regarding Reynolds's Fifth Affirmative Defense with respect to U.S. Patent No. 10,104,911.

3. Judgment is entered in favor of PMP/Altria regarding Reynolds's Fifth Affirmative Defense with respect to U.S. Patent No. 10,555,556.

4. Judgment is entered in favor of PMP/Altria regarding Reynolds's unclean hands affirmative defense (Fifth Affirmative Defense) with respect to U.S. Patent No. 6,803,545.

5. Judgment is entered in favor of PMP/Altria regarding Reynolds's estoppel, waiver, and acquiescence affirmative defenses (Fifth Affirmative Defense) with respect to U.S. Patent No. 10,420,374.

6. Judgment is entered in favor of PMP/Altria regarding Reynolds's estoppel, waiver, and acquiescence affirmative defenses (Fifth Affirmative Defense) with respect to U.S. Patent No. 9,814,265.

7. Judgment is entered in favor of PMP/Altria regarding Reynolds's Sixth Affirmative Defense of limitation on damages pursuant to 35 U.S.C. §§ 286 and 287 with respect to Philip Morris Products S.A.'s infringement claims based on U.S. Patent Nos. 9,814,265, 10,555,556, and 10,104,911.

8. Judgment is entered in favor of PMP/Altria regarding Reynolds's Eleventh Affirmative Defense of extraterritorial claims.

SO ORDERED this _____ day of _____, 2021.

The Honorable Liam O'Grady
U.S. District Court Judge

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