

EXHIBIT 5

**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

**PLAINTIFF R.J. REYNOLDS VAPOR COMPANY'S THIRD NOTICE OF RULE
30(B)(6) DEPOSITION TO DEFENDANT PHILIP MORRIS PRODUCTS S.A.**

Please take notice that Plaintiff R.J. Reynolds Vapor Company ("RJR"), pursuant to Federal Rule of Civil Procedure 30(b)(6), will take the deposition of Defendant Philip Morris Products S.A. ("PMP") through persons designated by PMP to testify on its behalf with respect to the topics listed in Schedule A hereto, at the offices of Jones Day, 51 Louisiana Ave., N.W., Washington, D.C. 20001, beginning on August 6, 2021, at 9:00 a.m. (Eastern) or at a time and place to be agreed upon by the parties and continuing from day to day, excluding weekends, until completed. The deposition shall be upon oral examination before an officer appointed or designated under Federal Rule of Civil Procedure 28, and shall be recorded by audio-visual and stenographic means.

Dated: June 11, 2021

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Respectfully submitted,

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*Counsel for Plaintiffs RAI Strategic Holdings, Inc.
and R.J. Reynolds Vapor Company*

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2021, the foregoing was served on counsel for Defendants using the following designated email address: pmiedva.lwteam@lw.com.

Dated: June 11, 2021

/s/ David M Maiorana

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**SCHEDULE A TO PLAINTIFF R.J. REYNOLDS VAPOR COMPANY'S THIRD
NOTICE OF RULE 30(B)(6) DEPOSITION TO DEFENDANT PHILIP MORRIS
PRODUCTS S.A.**

DEFINITIONS

1. "ACS" shall each mean and refer to Altria Client Services LLC, including without limitation all of its corporate locations, and all predecessors, predecessors-in-interest, and all past or present directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in joint venture, licensing agreements, or partnership relationships with ACS, and others acting on behalf of ACS.

2. "Compatible Tobacco Stick" or "Compatible Tobacco Sticks" means all compatible tobacco sticks, and each version thereof, for use with any version of the IQOS[®] System, including but not limited to, IQOS[®] HEETS, Marlboro[™] HeatSticks, Marlboro[™] Fresh Menthol HeatSticks, or Marlboro[™] Smooth Menthol HeatSticks. This definition shall further include any smaller breakdown of parts, if applicable, for all Compatible Tobacco Sticks.

3. "IQOS[®] System" or "IQOS[®] Systems" means the IQOS[®] electric tobacco heating device systems, including the holder, charger, and each version thereof. This definition shall further include any smaller breakdown of parts, if applicable, for the IQOS[®] System.

4. "IQOS[®] Product" or "IQOS[®] Products" means the IQOS[®] System and Compatible Tobacco Sticks, including all versions thereof. This definition shall further include any smaller breakdown of parts, if applicable, for all IQOS[®] Products.

5. "PM USA" shall mean and refer to Philip Morris USA, Inc., including without limitation all of its corporate locations, and all past or present directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in joint venture, licensing agreements, or partnership relationships with PM USA, and others acting on behalf of PM USA.

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