

EXHIBIT 11

**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

**PLAINTIFFS RAI STRATEGIC HOLDINGS, INC. AND R.J. REYNOLDS VAPOR
COMPANY'S TENTH SET OF REQUESTS FOR PRODUCTION TO DEFENDANT
PHILIP MORRIS PRODUCTS S.A. (NOS. 375-394)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs RAI Strategic Holdings, Inc. ("RAI") and R.J. Reynolds Vapor Company ("RJR") (collectively, "Plaintiffs"), by their undersigned attorneys, hereby request Defendant Philip Morris Products S.A. ("PMP") respond in writing and produce the Documents and things requested below in accordance with the Definitions and Instructions contained herein, and serve such documents on Plaintiffs' counsel, Jones Day, 901 Lakeside Avenue, Cleveland, Ohio 44114, within fourteen days as required by the Court's March 12, 2021, Order (Dkt. No. 483).

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. “Altria Accused Product” or “Altria Accused Products” shall mean any and all electric tobacco heating device systems and the associated tobacco sticks sold for use with the device systems. The tobacco heating device systems and components thereof shall include Defendants’ IQOS[®] System Holder and Charger (“IQOS[®] system”). For avoidance of doubt, the holder, charger and all compatible tobacco sticks (such as, but not limited to, IQOS[®] HEETS, Marlboro[™] HeatSticks, Marlboro[™] Fresh Menthol HeatSticks, or Marlboro[™] Smooth Menthol HeatSticks) should be considered components of the respective tobacco heating device systems, and thus are included in the meaning of “Altria Accused Product” or “Altria Accused Products.” Components further shall include any smaller breakdown of parts, if applicable, to the IQOS[®] system and associated tobacco sticks.

3. “Altria Asserted Patents” means each and any of United States Patent No. 9,814,265 (“the ’265 patent”), United States Patent No. 10,555,556 (“the ’556 patent”), United States Patent No. 10,104,911 (“the ’911 patent”), United States Patent No. 6,803,545 (“the ’545 patent”), and United States Patent No. 10,420,374 (“the ’374 patent”).

4. “Communication” or “Communications” means every manner or method of disclosure or transfer or exchange of information, whether orally or by Document, and whether face-to-face, by telephone, mail, electronic mail, personal delivery, facsimile, or otherwise.

5. “Defendants,” “Counterclaim Plaintiffs” “You,” or “Your” shall mean and refer to ACS, PM USA, and PMP.

6. “Document” or “Documents” has the broadest meaning consistent with Federal Rule of Civil Procedure 34 and applicable case law, and includes electronically stored information

as specified in Federal Rule of Civil Procedure 34. Any draft or non-identical copy is a separate Document within the meaning of this term.

7. “Person” or “Persons” shall mean any natural person, legal entity or any business entity, including but not limited to any proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person’s behalf.

8. “Plaintiffs” shall mean and refer to RAI and RJRV.

9. “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.

10. “PMP” shall mean and refer to Philip Morris Products S.A., 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 PMP, and others acting on behalf of PMP.

11. “Product” or “Products” shall mean a machine, manufacture, apparatus, device, instrument, mechanism, appliance, composition of matter, assemblage of components/parts (either individually or collectively), process, or method which are designed to function together electrically, mechanically, chemically, or otherwise, to achieve a particular function or purpose, including those offered for sale, sold, or under development. “Product” or “Products” shall further include all “Altria Accused Products” or “Reynolds Accused Products” as defined in this section.

12. “Relate to,” “Related to,” “Relating to,” or “Concerning” shall mean in any way concerning, constituting, comprising, containing, setting forth, summarizing, reflecting, stating, describing, recording, noting, embodying, mentioning, studying, analyzing, evaluating, discussing, contemplating, or referencing a specified subject either directly or indirectly.

13. “Reynolds Accused Product” or “Reynolds Accused Products” shall mean (i) the VUSE Vibe™ power unit and associated flavor packs; (ii) the VUSE Alto® power unit and associated flavor packs; (iii) the VUSE Ciro® power unit and associated flavor packs, and/or (iv) VUSE Solo® power unit and associated flavor packs.

14. “Reynolds Asserted Patents” means each and any of United States Patent No. 9,814,268 (“the ’268 patent”) and United States Patent No. 10,492,542 (“the ’542 patent”).¹

15. “The ’268 patent” means United States Patent No. 9,814,268.

16. “The ’542 patent” means United States Patent No. 10,492,542.

17. “The ’265 patent” means United States Patent No. 9,814,265.

18. “The ’556 patent” means United States Patent No. 10,555,556.

19. “The ’911 patent” means United States Patent No. 10,104,911.

20. “The ’545 patent” means United States Patent No. 6,803,545.

21. “The ’374 patent” means United States Patent No. 10,420,374.

¹ Plaintiffs have additionally asserted U.S. Patent Nos. 9,839,238 (“the ’238 patent”); 9,901,123 (“the ’123 patent”); and 9,930,915 (“the ’915 patent”). Those patents have been stayed until the determination of the International Trade Commission in *In the Matter of Certain Tobacco Heating Articles and Components Thereof* (Inv. No. 337-TA-1199) becomes final. Once the stay is lifted, the term “Reynolds Asserted Patent(s),” as used in this document, will further encompass the ’238 patent, ’123 patent, and ’915 patent.

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