

EXHIBIT C

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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.