

EXHIBIT V

From: Michalik, John M.
Sent: Tuesday, June 1, 2021 6:46 PM
To: Jennifer.Koh@lw.com; pmiedva.lwteam@lw.com
Cc: RJREDVA; cmolster@molsterlaw.com
Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

Jennifer - -

Reynolds confirms it will not pursue a claim of inequitable conduct on the '545 patent. Reynolds does not withdraw the Liao reference as prior art to the '374 patent.

With respect to the issues raised in your prior email, Reynolds will not pursue estoppel, acquiescence, waiver, or unclean hands with respect to the '911 patent; Reynolds will not pursue estoppel, acquiescence, waiver, or unclean hands with respect to the '556 patent; Reynolds will not pursue unclean hands with respect to the '545 patent; Reynolds will not pursue estoppel, waiver, or acquiescence with respect to the '374 patent; and Reynolds will not pursue estoppel, waiver, or acquiescence with respect to the '265 patent. Reynolds will not pursue its limitation on damages defense for the PMP patents. Reynolds will not pursue its extraterritorial claims defense.

For its part, Reynolds intends to move for summary judgment of no willful infringement of any asserted patent and summary judgment of invalidity of the '374 patent. In addition, please confirm tonight if Counterclaim-Plaintiffs are dropping any claims or infringement theories from its infringement allegations for the '911 patent. Otherwise, Reynolds intends to move for summary judgment of noninfringement (literal or under the doctrine of equivalents) of the '911 patent. We assume Counterclaim-Plaintiffs oppose Reynolds's motion. Otherwise, we are available to meet and confer at 9 am PT as you propose.

John M. Michalik
Partner
[JONES DAY® - One Firm WorldwideSM](#)
77 West Wacker
Chicago, Illinois 60601-1692
Office +1.312.269.4215
Mobile +1.312.315.5926
jmichalik@jonesday.com

From: Jennifer.Koh@lw.com <Jennifer.Koh@lw.com>
Sent: Tuesday, June 1, 2021 3:16 PM
To: RJREDVA <RJREDVA@jonesday.com>
Cc: pmiedva.lwteam@lw.com
Subject: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

**** External mail ****

Counsel,

Please confirm whether Reynolds will withdraw its claim of inequitable conduct on the '545 patent, and whether Reynolds will withdraw the "Liao" reference as prior art to the '374 patent. If Reynolds does not agree, we intend to seek summary judgment. Further, since Reynolds has not withdrawn its other affirmative defenses identified in our May 14 email, we plan to seek summary judgment on those defenses as well. We assume Reynolds opposes a motion for summary judgment on these

issues, otherwise, please confirm your availability to meet and confer on these issues tomorrow at 9 a.m. PT.

Regards,
Jennifer

Jennifer Koh

LATHAM & WATKINS LLP
12670 High Bluff Drive
San Diego, CA 92130
Direct Dial: +1.858.523.3949
Email: jennifer.koh@lw.com
<https://www.lw.com>

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at www.lw.com.