

EXHIBIT 1

**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. 1:20-cv-00393-LO-TCB

**ALTRIA CLIENT SERVICES LLC, PHILIP MORRIS USA, INC., AND
PHILIP MORRIS PRODUCTS S.A.'S SECOND SET OF
INTERROGATORIES (NOS. 19-21)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. request that RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company answer each interrogatory set forth below separately and fully, in writing and under oath, in accordance with the definitions and instructions contained herein, within thirty (30) days after service of the interrogatories. Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. request that RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company make any production of documents in connection with answers to these interrogatories at the office of Latham & Watkins LLP, 555 Eleventh Street NW, Suite 1000, Washington, DC 20004.

DEFINITIONS

As used herein and all further interrogatories, unless specified otherwise, the following definitions apply:

1. The terms “You,” “Plaintiffs,” “Counterclaim Defendants,” and “RJR” refer collectively to RAI Strategic Holdings, Inc. (“RAI”) and R.J. Reynolds Vapor Company (“RJR”), their predecessors-in-interest, subsidiaries, joint ventures, affiliates, and other legal entities that are wholly or partially owned or controlled by RAI, RJRV, and/or R.J. Reynolds Tobacco Company, either directly or indirectly, and the principals, directors, officers, owners, members, representatives, employees, agents, consultants, accountants, and attorneys of these same entities.

2. The terms “Defendants” and “Counterclaim Plaintiffs” refer collectively to Altria Client Services LLC (“ACS”), Philip Morris USA Inc. (“PM USA”), and Philip Morris Products S.A. (“PMP”).

3. References to this “lawsuit,” “case,” or “action” mean the above-captioned action.

4. The “’265 patent” means U.S. Patent No. 9,814,265.

5. The “’556 patent” means U.S. Patent No. 10,555,556.

6. The “’911 patent” means U.S. Patent No. 10,104,911.

7. The “’545 patent” means U.S. Patent No. 6,803,545.

8. The “’374 patent” means U.S. Patent No. 10,420,374.

9. The “Counterclaim Asserted Patent(s)” means the ’265 patent, the ’556 patent, the ’911 patent, the ’545 patent, and the ’374 patent, collectively, any other patent that may be added to this litigation by Counterclaim Plaintiffs, and the applications that led to the issuance of any of the foregoing patents.

10. “Counterclaim Asserted Claim(s)” means each asserted claim of each Counterclaim Asserted Patent.

11. The “’268 patent” means U.S. Patent No. 9,814,268.

12. The “’542 patent” means U.S. Patent No. 10,492,542.

13. The “RJR Asserted Patent(s)” means the ’268 patent, and the ’542 patent collectively, any other patent that may be added to this litigation by Plaintiffs in amended pleadings, and the applications that led to any of the foregoing patents.¹

14. “RJR Asserted Claim(s)” mean each claim of each RJR Asserted Patent that Plaintiffs allege Defendants infringe, either directly or indirectly, literally or by the doctrine of equivalents.

15. “Infringe,” “infringing,” “infringed,” or “infringement” means direct infringement, indirect infringement, contributory infringement, induced infringement, literal infringement and/or infringement under the doctrine of equivalents.

16. “Prior Art” is used in these Interrogatories in the same sense that it is used in 35 U.S.C. §§ 102 or 103 and includes without limitation, any patent, publication, physical device, prototype, knowledge, use, sale, offer for sale, any documents or other items evidencing any of the foregoing, and/or any other act or event defined in 35 U.S.C. § 102, taken singly or in combination, and having or occurring at a date such as to be potentially relevant under any subsection of 35 U.S.C. §§ 102 or 103.

¹ RJR has 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”). These 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 “RJR Asserted Patent(s),” as used in this document, will further encompass the ’238 patent, ’123 patent, and ’915 patent.

17. “RJR Accused Product(s)” refers to any RJR Product Counterclaim Plaintiffs contend infringe any Counterclaim Asserted Claim(s), including but not limited to the VUSE VIBE, VUSE SOLO, VUSE CIRO, and VUSE ALTO devices, as well as Flavor Packs and power units associated with those products.

18. “Accused Product(s)” means any of Counterclaim Plaintiffs’ products that Counterclaim Defendants contend infringe any RJR Asserted Claims, including but not limited to the IQOS System and associated tobacco sticks identified in ¶¶ 20-33 of the Amended Complaint.

19. “RJR Covered Product(s)” refers to any Product that Plaintiffs contend practices or embodies any purported invention described or claimed in the RJR Asserted Patents, including any Products made by Plaintiffs or third parties.

20. “Product” means any machine, manufacture, apparatus, device, system, process, service, method, or instrumentality which is designed to function together electrically, mechanically, chemically, or otherwise, to achieve a particular function or purpose, including those offered for sale, sold, imported, or under development.

21. “Person” or “individual” means any natural person.

22. “Document” is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure. A draft or non-identical copy is a separate document within the meaning of this term. By way of illustration, and without limitation, documents include at least the following: originals, drafts, and all non-identical copies of memoranda, reports, notes, graphs, laboratory notebooks, correspondence, interoffice communications, letters, diaries, calendars, photographs, motion pictures, sketches, drawings, promotional material, technical papers, printed publications, patents, records, reports, and all other writings, as well as all non-paper information storage means such as

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