

EXHIBIT 8

From: Orlady, Will (DC)
Sent: Wednesday, June 2, 2021 10:44 PM
To: 'Michalik, John M.'; Koh, Jennifer (SD); #C-M PMIEDVA - LW TEAM
Cc: RJREDVA; cmolster@molsterlaw.com
Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

Counsel,

You do not have our permission to file. The stipulation as drafted is unduly slanted in RJR's favor. It does not reflect the meritless nature of the defenses you have decided to drop on the eve of the Court's summary judgment deadline. Your timing is unfortunate as you knew we would have to spend our client's resources preparing summary judgment briefing to dispose of these defenses. Your unduly late email at 6:46 PM last night prevented the parties from having adequate time to work out a stipulation. Accordingly, we will file our summary judgment motion with the court, and we will keep an open line of communication to get a stipulation that reflects a judgment to which counterclaim-defendants are entitled.

Regards,
Will Orlady

Will Orlady
Pronouns: he/him/his

LATHAM & WATKINS LLP
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.3391 | M: +1.213.760.6738

From: Michalik, John M. <jmichalik@JonesDay.com>
Sent: Wednesday, June 2, 2021 7:24 PM
To: Orlady, Will (DC) <Will.Orlady@lw.com>; Koh, Jennifer (SD) <Jennifer.Koh@lw.com>; #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>
Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

Will --

Per my email below, attached please find a draft joint stipulation of dismissal and proposed order. Please let us know if we have your permission to file.

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: Michalik, John M. <jmichalik@JonesDay.com>
Sent: Wednesday, June 2, 2021 5:28 PM
To: Will.Orlady@lw.com; Jennifer.Koh@lw.com; pmiedva.lwteam@lw.com
Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

Will --

We do not agree it is appropriate or necessary to stipulate to judgment on the defenses Reynolds has indicated it does not intend to pursue. The cases you cite present a different procedural posture from our case where Reynolds, in an effort to streamline the case, has confirmed it will not pursue the defenses identified in my email yesterday. Further, your proposed stipulated judgment regarding Reynolds's counterclaim for inequitable conduct contains inaccuracies. Accordingly, you do not have our consent to file your proposed stipulation. We will prepare an appropriate stipulation of dismissal of that claim.

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

From: Will.Orlady@lw.com <Will.Orlady@lw.com>
Sent: Wednesday, June 2, 2021 3:43 PM
To: Michalik, John M. <jmichalik@JonesDay.com>; Jennifer.Koh@lw.com; pmiedva.lwteam@lw.com
Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

**** External mail ****

Counsel,

PMP/Altria is entitled to judgment on the defenses and related counterclaim for two reasons. First, you have admitted they are meritless and unsupported by any facts. Second, Courts (including Judge O'Grady) enter judgment in favor of plaintiffs where a defendant fails to prove their affirmative defenses. *See, e.g., TecSec, Inc. v. Adobe Sys.*, 326 F. Supp. 3d 105, 111 (E.D. Va. 2018) (J. O'Grady); *see also David's Bridal, Inc. v. House of Brides, Inc.*, No. 06-5660 (SRC), 2010 WL 323306, at *12 (D.N.J. Jan. 20, 2010) ("Plaintiff's cross-motion for partial summary judgment is granted and, **as to this affirmative defense [of nominative fair use], Judgment is entered** in Plaintiff's favor."). Accordingly, PMP and Altria are entitled to judgment. Please confirm by 6:30 PM ET whether we have your consent to file the stipulated judgment.

Now is not the appropriate time for Counterclaim-plaintiffs to evaluate further narrowing the case for trial based on dropping existing asserted claims and that assessment is confirmed by the basis you disclosed last night for Reynolds' anticipated dispositive motion. PMP/Altria will be prepared to try a focused case, as confirmed by our estimate of necessary days to conduct the trial, which is less than that of Reynolds.

Regards,
Will Orlady

Will Orlady

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.3391 | M: +1.213.760.6738

From: Michalik, John M. <jmichalik@JonesDay.com>

Sent: Wednesday, June 2, 2021 2:02 PM

To: Or lady, Will (DC) <Will.Orlady@lw.com>; Koh, Jennifer (SD) <Jennifer.Koh@lw.com>; #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>

Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com

Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

Will - -

Please provide support or authority for your position that Altria/PM are entitled to “judgment” on the defenses Reynolds no longer plans to pursue.

In addition, we received no response to our inquiry last night (or from May 18) asking if Counterclaim-Plaintiffs intend to drop any of their asserted claims. Please confirm Counterclaim-Plaintiffs still intend to try all 45 asserted patent claims in the April 2022 jury trial.

John M. Michalik

Partner

[JONES DAY® - One Firm Worldwide™](#)

77 West Wacker

Chicago, Illinois 60601-1692

Office +1.312.269.4215

Mobile +1.312.315.5926

jmichalik@jonesday.com

From: Will.Orlady@lw.com <Will.Orlady@lw.com>

Sent: Wednesday, June 2, 2021 11:35 AM

To: Michalik, John M. <jmichalik@JonesDay.com>; Jennifer.Koh@lw.com; pmiedva.lwteam@lw.com

Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com

Subject: RE: RAI Strategic Holdings v. Altria Client Services (EDVa) - Summary Judgment

**** External mail ****

Counsel,

Please find attached a stipulated judgment memorializing the suggestion in your 6:46pm email last night that Reynolds will not pursue certain affirmative defenses and a related counterclaim at trial. Please let us know by 2 PM ET whether we have your consent to file. To be clear, we’re happy to consider non-substantive edits, but PMP/Altria are entitled to “judgment” and the stipulation will reflect that, so no need for edits on the form of the relief.

Best,

Will Or lady

Will Or lady

Pronouns: he/him/his

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.3391 | M: +1.213.760.6738

From: Michalik, John M. <jmichalik@JonesDay.com>
Sent: Tuesday, June 1, 2021 6:46 PM
To: Koh, Jennifer (SD) <Jennifer.Koh@lw.com>; #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>
Cc: RJREDVA <RJREDVA@jonesday.com>; 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

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.