

**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

REYNOLDS'S AMENDED TRIAL EXHIBIT LIST

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's Scheduling Orders (Dkt. Nos. 97, 99, 461, 535, and 680), R.J. Reynolds Vapor Company ("Reynolds") submits the amended list of exhibits attached as Exhibit A that Reynolds intends to offer in the trial on claims related to United States Patent Numbers 6,803,545, 9,814,265, 10,104,911, 10,420,374, and 10,555,556 asserted by Altria Client Services LLC ("ACS"), Philip Morris USA, Inc. ("PM USA"), and Philip Morris Products S.A. ("PMP"), other than those solely for impeachment or rebuttal. Reynolds reserves the right to submit a new, amended, or supplemental list of exhibits on issues related to PMP's equitable claim for injunctive relief as discovery is ongoing. Reynolds also reserves the right to submit a new, amended, or supplemental list of exhibits for subsequent trial on claims related to Reynolds's United States Patent Nos. 9,814,238, 9,901,123, 9,930,915, and 10,492,542. Reynolds reserves the right to offer, or not offer, as an exhibit at trial any item listed herein. Reynolds reserves the right to object to the offering as an exhibit at trial any item listed herein by ACS, PM USA, and PMP. Reynolds reserves the right to offer as an exhibit at

trial any item designated by ACS, PM USA, and PMP or listed by ACS, PM USA, and PMP on their exhibit list. Reynolds reserves the right to offer for rebuttal or impeachment items that are not identified on this list.

Reynolds also reserves the right to supplement, amend, or otherwise modify this exhibit list as appropriate, including but not limited to the right to supplement this list with any late-produced or late-served documents or based on ACS, PM USA, and PMP's trial presentation, as may be appropriate. Inclusion on this list is neither an admission nor a representation as to the admissibility of or relevance to any issue of any item. Reynolds's identification of exhibits is subject to and without waiver of its motions *in limine*, motions to exclude certain evidence, *Daubert* motions and challenges to experts, and any dispositive motions, including Reynolds's Motion for Partial Summary Judgment dated June 2, 2021. By listing an item, Reynolds is neither representing nor admitting that it has the burden of proof on any topic to which that item relates. Reynolds reserves the right to offer demonstratives for opening statements and closing argument, and to use demonstratives during witness examinations. Reynolds reserves the right to present excerpts from any exhibit identified on either party's exhibit list as a demonstrative at trial as appropriate. Reynolds reserves the right to request redaction of any of the exhibits.

Dated: July 2, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2021, a true and correct copy of the foregoing was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

Dated: July 2, 2021

/s/ David M Maiorana

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