

EXHIBIT O

**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

**PLAINTIFFS RAI STRATEGIC HOLDINGS, INC. AND R.J. REYNOLDS VAPOR
COMPANY'S SECOND SET OF REQUESTS FOR ADMISSION TO DEFENDANTS
ALTRIA CLIENT SERVICES LLC, PHILIP MORRIS USA, INC., AND PHILIP
MORRIS PRODUCTS S.A. (NOS. 16-52)**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Plaintiffs RAI Strategic Holdings, Inc. ("RAI") and R.J. Reynolds Vapor Company ("RJR") (collectively, "Plaintiffs"), by their undersigned attorneys, hereby request Defendants Altria Client Services LLC ("ACS"), Philip Morris USA, Inc. ("PM USA"), and Philip Morris Products S.A. ("PMP") (collectively, "Defendants") separately answer each request for admission set forth below in accordance with the Definitions and Instructions contained herein, and serve such documents on Plaintiffs' counsel, Jones Day, 901 Lakeside Avenue, Cleveland, Ohio 44114, within the time prescribed by the Federal Rules of Civil Procedure.

DEFINITIONS

1. "ACS" shall each mean and refer to Altria Client Services LLC, including without limitation all of its corporate locations, and all predecessors, predecessors-in-interest, and all past

REQUEST NO. 22

Admit that a heater assembly comprising a coil of heater wire wound around an elongate wick soaked in liquid aerosol-forming substrate was known in the prior art before the earliest priority date of the '556 Patent.

REQUEST NO. 23

Admit that use of a lithium ion battery necessarily damages the battery.

REQUEST NO. 24

Admit that use of a lithium ion battery does not necessarily damage the battery.

REQUEST NO. 25

Admit that limiting the discharge of current from a lithium ion battery necessarily prevents damage to the battery.

REQUEST NO. 26

Admit that limiting the discharge of current from a lithium ion battery does not necessarily prevent damage to the battery.

REQUEST NO. 27

Admit that U.S. Patent No. 5,372,148 ("McCafferty") qualifies as prior art to the '545 patent under 35 U.S.C. § 102(b) (pre-AIA).

REQUEST NO. 28

Admit that U.S. Patent No. 4,947,874 ("Brooks") qualifies as prior art to the '545 patent under 35 U.S.C. § 102(b) (pre-AIA).

REQUEST NO. 29

Admit that PM USA is the successor in interest to Philip Morris Incorporated with respect to the '545 patent.

REQUEST NO. 30

Admit that neither the inventors of the '545 patent nor Philip Morris Incorporated disclosed U.S. Patent No. 5,372,148 (“McCafferty”) to the U.S. Patent and Trademark Office in the prosecution of the '545 patent.

REQUEST NO. 31

Admit that neither the inventors of the '545 patent nor Philip Morris Incorporated disclosed U.S. Patent No. 4,947,874 (“Brooks”) to the U.S. Patent and Trademark Office in the prosecution of the '545 patent.

REQUEST NO. 32

Admit that either the inventors of U.S. Patent No. 5,372,148 (“McCafferty”) or Philip Morris Incorporated disclosed U.S. Patent No. 4,947,874 (“Brooks”) to the U.S. Patent and Trademark Office in the prosecution of U.S. Patent No. 5,372,148 (“McCafferty”).

REQUEST NO. 33

Admit that Philip Morris Incorporated was aware of U.S. Patent No. 5,372,148 (“McCafferty”) during the prosecution of the '545 patent.

REQUEST NO. 34

Admit that Philip Morris Incorporated was aware of U.S. Patent No. 4,947,874 (“Brooks”) before the filing of the '545 patent.

REQUEST NO. 35

Admit that the word “flexible” does not appear in application No. PCT/IB2010/052949.

REQUEST NO. 36

Admit that the '265 Patent does not disclose dimensions of a cross-section of a cigarette.

REQUEST NO. 37

Dated: September 23, 2020

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Respectfully submitted,

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