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. 1:20cv00393-LO-TCB

RAI STRATEGIC HOLDINGS, INC. AND R.J. REYNOLDS VAPOR COMPANY'S OBJECTIONS AND RESPONSES TO ALTRIA CLIENT SERVICES LLC, PHILIP MORRIS USA, INC., AND PHILIP MORRIS PRODUCTS S.A.'S THIRD SET OF REQUESTS FOR ADMISSION (NOS. 108-115)

Pursuant to Federal Rules of Civil Procedure 26 and 36, RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, "Reynolds") hereby respond to Altria Client Services LLC, Philip Morris USA, Inc., and Philip Morris Products S.A.'s (collectively, "Defendants" or "Counterclaim Plaintiffs") Third Set of Requests for Admission (Nos. 108-115) as follows.

PRELIMINARY STATEMENT

Reynolds has not yet completed discovery relating to this case, and while it has made reasonable investigation for responsive information, its investigation of the facts is continuing. Reynolds objects and responds to these Requests for Admission as it interprets and understands each request as set forth. Reynolds's objections and responses to these requests are made without prejudice to Reynolds's right to supplement, correct, or otherwise modify the objections and responses to the extent permitted under the Federal Rules of Civil Procedure, the Local Rules for

the U.S. District Court for the Eastern District of Virginia, or any other applicable rule or regulation.

Reynolds objects to the requests to the extent that they seek information subject to the attorney-client privilege, attorney work product immunity, the common interest privilege, or any other applicable privilege or immunity against disclosure. Such information will not be provided in response to the requests, and any inadvertent disclosure shall not be deemed a waiver of any privilege, work product protection, or other protection.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

Reynolds objects to the Definitions and Instructions to the extent that they seek to impose obligations on Reynolds more extensive than those required by the Federal Rules of Civil Procedure or the Local Civil Rules for the U.S. District Court for the Eastern District of Virginia, and specifically objects as follows:

1. Reynolds objects to the definition of "You," "Plaintiffs," "Counterclaim Defendants," and "RJR" as overly broad and unduly burdensome because it incorporates entities and individuals that are not a party to this case and on whose behalf Reynolds lacks the authority and information to respond. Reynolds objects to the terms "You," "Plaintiffs," "Counterclaim Defendants," and "RJR" as overly broad and unduly burdensome to the extent they purport to include either RAI Strategic Holdings, Inc.'s or R.J. Reynolds Vapor Company's predecessors-in-interest, parents, subsidiaries, joint ventures, affiliates, assigns, attorneys, other affiliated or related businesses, and other legal entitles whether wholly or partially owned or controlled by either RAI Strategic Holdings, Inc. or R.J. Reynolds Vapor Company. Reynolds objects to the definition of "You," "Plaintiffs," "Counterclaim Defendants," and "RJR" as overly broad and unduly burdensome to the extent they purport to include the principals, directors, officers, owners,

members, representatives, employees, agents, consultants, accountants, and attorneys of either RAI Strategic Holdings, Inc. or R.J. Reynolds Vapor Company who are acting outside of their roles with respect to either of those companies. In responding to these requests, Reynolds shall construe "You," "Plaintiffs," "Counterclaim Defendants," and "RJR" to refer to RAI Strategic Holdings, Inc. or R.J. Reynolds Vapor Company.

2. Reynolds objects to Defendants'/Counterclaim Plaintiffs' definition of "RJR Accused Product(s)" as vague and ambiguous insofar as that definition includes products beyond the RJR Accused Products that have been specifically identified by Defendants/Counterclaim Plaintiffs in their Counterclaims. In responding to these requests, Reynolds shall construe RJR Accused Products to refer to the VUSE Solo®, VUSE Vibe™, VUSE Ciro®, and VUSE Alto® devices and their associated flavor packs identified in Defendants'/Counterclaim Plaintiffs' Counterclaims.

3. Reynolds objects to Defendants'/Counterclaim Plaintiffs' definition of "Counterclaim Asserted Patent(s)" as overly broad to the extent that definition includes patents that Defendants/Counterclaim Plaintiffs have not asserted in this case, or non-patent references such as patent applications. In responding to these requests, Reynolds shall construe Counterclaim Asserted Patents to refer to U.S. Patent No. 9,814,265, U.S. Patent No. 10,555,556, U.S. Patent No. 10,104,911, U.S. Patent No. 6,803,545, and U.S. Patent No. 10,420,374.

4. Reynolds objects to Defendants'/Counterclaim Plaintiffs' Instruction Nos. 2 and 9 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim or defense in this case to the extent they seek information from entities and individuals that are not a party to this case and on whose behalf Reynolds lacks the authority and information to respond.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 108:

Admit that JUUL makes, uses, sells, offers for sale, and/or imports into the United States and has made, used, sold, offered for sale, and/or imported into the United States one or more Products that practices one or more claims of the '545 Patent.

OBJECTIONS:

Reynolds objects to this Request to the extent it requires Reynolds to admit or deny the Request based on information that is not in Reynolds's possession. Reynolds objects to this Request as seeking disputed legal and factual contentions. Reynolds objects to this Request as an improper substitute for discovery devices such as interrogatories or requests for production. *See Erie Ins. Prop. & Cas. Co. v. Johnson*, 272 F.R.D. 177, 183 (S.D. W. Va. 2010) (noting that Rule 36(a) requests "are not a discovery device" (quoting *Harris v. Koenig*, 271 F.R.D. 356, 372 (D.D.C. 2010))). Reynolds objects to this Request as an improper compound request.

RESPONSE:

Subject to and without waiving its objections, based upon Reynolds's reasonable inquiry and on information and belief, Reynolds admits that JUUL makes, uses, sells, offers for sale, and/or imports into the United States and has made, used, sold, offered for sale, and/or imported into the United States one or more Products that practices one or more claims of the '545 Patent as those claims are construed and asserted by Defendants.

REQUEST FOR ADMISSION NO. 109:

Admit that JUUL makes, uses, sells, offers for sale, and/or imports into the United States or has made, used, sold, offered for sale, and/or imported into the United States one or more Products that practices one or more claims of the '545 Patent.

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