

EXHIBIT 2

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
FIRST SUPPLEMENTAL RESPONSES TO ALTRIA CLIENT SERVICES LLC, PHILIP
MORRIS USA, INC., AND PHILIP MORRIS PRODUCTS S.A.'S THIRD SET OF
REQUESTS FOR ADMISSION (NOS. 108-111)**

Pursuant to Federal Rules of Civil Procedure 26 and 36, RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, "Reynolds") hereby further 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. 108-111) as follows.

**PRELIMINARY STATEMENT AND OBJECTIONS TO DEFINITIONS AND
INSTRUCTION**

Reynolds incorporates and reiterates its preliminary statement and objections to the Definitions and Instructions.

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.

FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 108 (Mar. 29, 2021):

Subject to and without waiving its objections, based upon Reynolds's reasonable inquiry and on information and belief, Reynolds further responds:

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. *See* March 24, 2021 Expert Report of Travis Blalock ¶¶ 159-67; *see also* Reynolds's Supplemental Response to Interrogatory No. 28 (Mar. 29, 2021).

Reynolds denies 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 Reynolds applies the claims. *See* March 24, 2021 Expert Report of Travis Blalock ¶¶ 159-67; *see also* Reynolds's Supplemental Response to Interrogatory No. 28 (Mar. 29, 2021).

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.

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 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 as those claims are construed and asserted by Defendants.

FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 109 (Mar. 29, 2021):

Subject to and without waiving its objections, based upon Reynolds's reasonable inquiry and on information and belief, Reynolds further responds:

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. *See* March 24, 2021 Expert Report of Travis Blalock ¶¶ 159-67.

Reynolds denies 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 Reynolds applies the claims. *See* March 24, 2021 Expert Report of Travis Blalock ¶¶ 159-67; *see also* Reynolds's Supplemental Response to Interrogatory No. 28 (Mar. 29, 2021).

REQUEST FOR ADMISSION NO. 110:

Admit that JUUL does not make, use, sell, offer for sale, and/or import into the United States and has not 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 denies that JUUL does not make, use, sell, offer for sale, and/or import into the United States and has not 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.

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