IN THE 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. 1:20-cy-00393-LO-TCB

REDACTED

MEMORANDUM IN SUPPORT OF REYNOLDS'S MOTION *IN LIMINE* NO. 9 TO EXCLUDE EVIDENCE, ARGUMENT, OR TESTIMONY RELATING TO INCORRECT IMAGES, DIAGRAMS, DRAWINGS, OR DESCRIPTIONS OF THE VUSE ALTO <u>CARTRIDGE</u>



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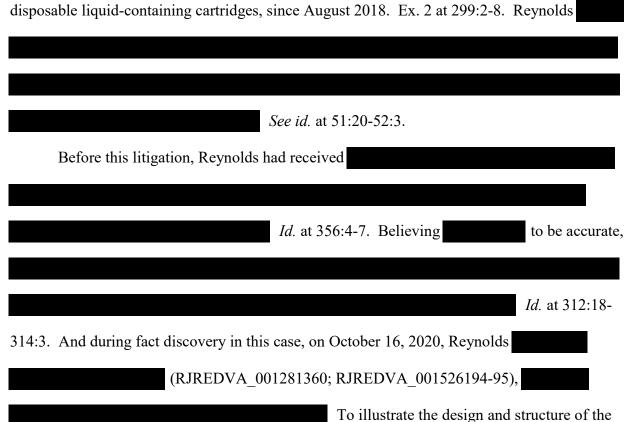
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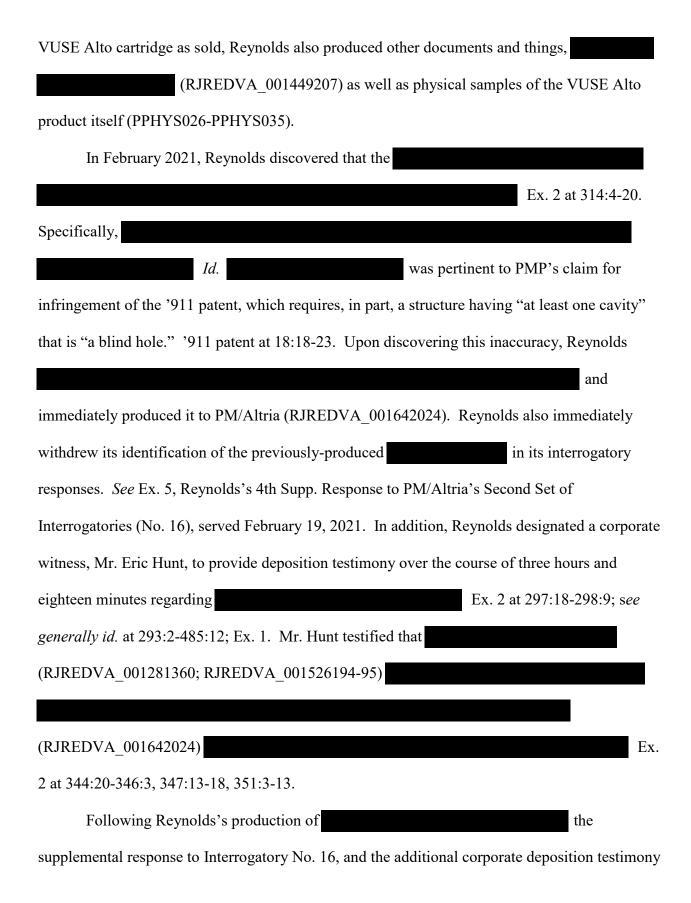


INTRODUCTION

RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company ("Reynolds") respectfully move in limine to preclude Altria Client Services LLC ("ACS"), Philip Morris USA, Inc. ("PM USA"), and Philip Morris Products S.A. ("PMP") (collectively, "PM/Altria") from introducing any evidence or argument relating to incorrect images, diagrams, drawings, or descriptions of the VUSE Alto cartridge; ; or any testimony relating to incorrect images, diagrams, drawings, or descriptions of the VUSE Alto cartridge. BACKGROUND PMP asserts U.S. Patent No. 10,104,911 (the "'911 patent") against Reynolds's VUSE Alto product. Reynolds has sold its VUSE Alto product, which includes a power unit and disposable liquid-containing cartridges, since August 2018. Ex. 2 at 299:2-8. Reynolds See id. at 51:20-52:3. Before this litigation, Reynolds had received









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