

**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-cv-00393-LO-TCB

**REYNOLDS'S MOTION *IN LIMINE* NO. 10 TO EXCLUDE EVIDENCE OR  
ARGUMENT THAT REYNOLDS INFRINGED OR HAS BEEN ACCUSED OF  
INFRINGING THIRD-PARTY PATENTS**

Pursuant to the Court's Scheduling Order (Dkt. No. 820), RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, "Reynolds") respectfully moves this Court *in limine* to preclude Altria Client Services LLC, Philip Morris USA Inc, and Philip Morris Products S.A. (collectively, "PM/Altria") from soliciting or offering at trial the following:

1. Any evidence or argument that Reynolds infringed or has been accused of infringing third-party patents, with a limited carve-out related solely to damages for the Fontem-Reynolds Settlement Agreement, for which both parties would be limited to discussion within the scope of their disclosed expert opinions.

The grounds for this motion are set forth in the accompanying Memorandum in Support of Reynolds's Motion *in Limine* No. 10. A proposed order granting the requested relief is attached.

Dated: January 21, 2022

Respectfully submitted,

Stephanie E. Parker  
JONES DAY  
1420 Peachtree Street, N.E.  
Suite 800  
Atlanta, GA 30309  
Telephone: (404) 521-3939  
Facsimile: (404) 581-8330  
Email: separker@jonesday.com

Anthony M. Insogna  
JONES DAY  
4655 Executive Drive  
Suite 1500  
San Diego, CA 92121  
Telephone: (858) 314-1200  
Facsimile: (844) 345-3178  
Email: aminsogna@jonesday.com

William E. Devitt  
JONES DAY  
77 West Wacker  
Suite 3500  
Chicago, IL 60601  
Telephone: (312) 269-4240  
Facsimile: (312) 782-8585  
Email: wdevitt@jonesday.com

Sanjiv P. Laud  
JONES DAY  
90 South Seventh Street  
Suite 4950  
Minneapolis, MN 55402  
Telephone: (612) 217-8800  
Facsimile: (844) 345-3178  
Email: slaud@jonesday.com

/s/ David M. Maiorana  
David M. Maiorana (VA Bar No. 42334)  
Ryan B. McCrum  
JONES DAY  
901 Lakeside Ave.  
Cleveland, OH 44114  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212  
Email: dmaiorana@jonesday.com  
Email: rbmccrum@jonesday.com

John J. Normile  
JONES DAY  
250 Vesey Street  
New York, NY 10281  
Telephone: (212) 326-3939  
Facsimile: (212) 755-7306  
Email: jjnormile@jonesday.com

Alexis A. Smith  
JONES DAY  
555 South Flower Street  
Fiftieth Floor  
Los Angeles, CA 90071  
Telephone: (213) 243-2653  
Facsimile: (213) 243-2539  
Email: asmith@jonesday.com

Charles B. Molster  
THE LAW OFFICES OF  
CHARLES B. MOLSTER, III PLLC  
2141 Wisconsin Avenue, N.W. Suite M  
Washington, DC 20007  
Telephone: (202) 787-1312  
Email: cmolster@molsterlaw.com

*Counsel for RAI Strategic Holdings, Inc. and  
R.J. Reynolds Vapor Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of January, 2022, 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.

/s/ David M. Maiorana

David M. Maiorana (VA Bar No. 42334)

JONES DAY

901 Lakeside Ave.

Cleveland, OH 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Email: dmaiorana@jonesday.com

*Counsel for RAI Strategic Holdings, Inc. and  
R.J. Reynolds Vapor Company*