

EXHIBIT 6
(PUBLIC)

CONTAINS CONFIDENTIAL BUSINESS INFORMATION
SUBJECT TO PROTECTIVE ORDER

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.

Civil Action No. 1:20-cv-393

AMENDED AND SUPPLEMENTED OPENING EXPERT REPORT
OF STACY EHRLICH



Stacy Ehrlich

4/26/21

April 26, 2021

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limits, battery end of discharge voltage, battery maximum charging current, battery maximum discharging current, battery upper limits charging voltage, PDU voltage operating range, and PDU current operating range.¹⁴⁵

91. FDA’s review of the IQOS PMTA confirms that the Agency examines closely information related to battery performance and safety “to ensure product consistency and reduce concerns of malfunction.”¹⁴⁶

92. In public presentations, FDA has likewise emphasized that its PMTA review includes analysis of “[b]attery use and foreseeable misuse leading to overheating [stet], fire, and explosion during operation, charging, storage, and transportation.”¹⁴⁷

93. [REDACTED]

[REDACTED] While I offer no opinion on whether that [REDACTED]

94. I understand that the technology described in the ‘545 Patent prevents the battery from providing inconsistent power and thus ensures that the user inhales a consistent aerosol from puff-to-puff and through the life of the cartridge. Consistent puffs and uniform delivery, particularly of nicotine, contribute to user satisfaction, which can facilitate switching to potentially

¹⁴⁵ Prepublication PMTA Rule at 176; *FDA Marks Historic Public Health Milestone with Finalization of Two Key Rules for Companies Seeking to Market New Tobacco Products*, FDA (Jan. 19, 2021), <https://www.fda.gov/news-events/press-announcements/fda-marks-historic-public-health-milestone-finalization-two-key-rules-companies-seeking-market-new>.

¹⁴⁶ See, e.g., 1199_RESP00011697-1199_RESP00011818 at 1199_RESP00011721, 1723, 1725, 1757, 1759, 1787.

¹⁴⁷ See *Premarket Tobacco Product Application Content Overview*, FDA at 11 (Oct. 28, 2019), <https://www.fda.gov/media/133445/download>.

[REDACTED]