

**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

**[PROPOSED] ORDER GRANTING REYNOLDS'S MOTION TO EXCLUDE CERTAIN  
EXPERT OPINIONS OF JOSEPH C. MCALEXANDER**

Upon consideration of Reynolds's Motion to Exclude Certain Expert Opinions of Joseph C. McAlexander, PM/Altria's Response, Reynolds's Reply, and arguments of the parties, IT IS HEREBY ORDERED that Reynolds's motion is GRANTED, and it is further ORDERED that PM/Altria shall not solicit or offer at trial opinions from Mr. McAlexander on the following topics:

1. Federal regulation of tobacco products, including the FDA's review of Reynolds's Pre-Market Tobacco Product Applications ("PMTAs");
2. The invention story of the technology underlying the 6,803,545 and 10,420,374 patents;
3. Secondary considerations of non-obviousness based on non-technical opinions regarding state of mind, motive, or intent or an unreliable methodology;
4. PM/Altria's claims for induced and contributory infringement based on non-technical opinions regarding state of mind, motive, or intent; and
5. PM/Altria's claims that the accused products infringe the 6,803,545 and 10,420,374 patents under the doctrine of equivalents.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2022.

Alexandria, Virginia

---