

# EXHIBIT 16

**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

**ALTRIA CLIENT SERVICES LLC, PHILIP MORRIS USA INC., AND  
PHILIP MORRIS PRODUCTS S.A.'S FIRST SET OF REQUESTS FOR PRODUCTION  
(NOS. 1-157)**

Pursuant to Rules 34 and 26 of the Federal Rules of Civil Procedure, Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. request that RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company respond in writing and produce the documents and things requested below within thirty (30) days of service, or at such other time and place as the parties may agree upon, at the offices of Latham & Watkins LLP, 555 Eleventh Street NW, Suite 1000, Washington, DC 20004.

**DEFINITIONS**

The following definitions and instructions apply to these requests as well as other discovery requests that may be propounded to Plaintiffs, including interrogatories and requests for admission.

1. The terms “You,” “Plaintiffs,” “Counterclaim Defendants,” and “RJR” refer collectively to RAI Strategic Holdings, Inc. (“RAI”) and R.J. Reynolds Vapor Company (“RJR”), their predecessors-in-interest, subsidiaries, joint ventures, affiliates, and other legal entities that are wholly or partially owned or controlled by RAI, RJRV, and/or R.J. Reynolds Tobacco Company, either directly or indirectly, and the principals, directors, officers, owners, members, representatives, employees, agents, consultants, accountants, and attorneys of these same entities.

2. The terms “Defendants” and “Counterclaim Plaintiffs” refer collectively to Altria Client Services LLC (“ACS”), Philip Morris USA Inc. (“PM USA”), and Philip Morris Products S.A. (“PMP”).

3. References to this “lawsuit,” “case,” or “action” mean the above-captioned action.

4. References to an “ITC Investigation” mean the International Trade Commission investigation entitled *In the Matter of Certain Tobacco Heating Articles and Components Thereof*, Inv. No. 337-TA-1199.

5. The term “Documents” includes all things within the meaning and scope of that term as used in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure, and the Federal Rules of Evidence, including all Communications.

6. “Thing” shall mean any tangible item, including without limitation, models, prototypes and samples of any device or apparatus or product.

7. “Accused Product(s)” means any of Counterclaim Plaintiffs’ products that Counterclaim Defendants contend infringe any RJR Asserted Claims, including but not limited to the IQOS System and associated tobacco sticks identified in ¶¶ 20-33 of the Amended Complaint.

8. The term “Alternative Product(s)” means any product, whether supplied by Counterclaim Defendants or a Third party, that Counterclaim Defendants contend constitute an acceptable, non-infringing alternative for purposes of damages in this case.

9. “RJR Accused Product(s)” refers to any RJR Product that Counterclaim Plaintiffs contend infringe any Counterclaim Asserted Claim(s), including but not limited to the VUSE VIBE, VUSE SOLO, VUSE CIRO, and VUSE ALTO devices, as well as Flavor Packs and power units associated with those products.

10. The “’268 patent” means U.S. Patent No. 9,814,268.

11. The “’542 patent” means U.S. Patent No. 10,492,542.

12. The “RJR Asserted Patent(s)” means the ’268 patent and the ’542 patent, collectively, any other patent that may be added to this litigation by Plaintiffs, and the applications that led to the issuance of any of the foregoing patents.<sup>1</sup>

13. The “’265 patent” means U.S. Patent No. 9,814,265.

14. The “’556 patent” means U.S. Patent No. 10,555,556.

15. The “’911 patent” means U.S. Patent No. 10,104,911.

16. The “’545 patent” means U.S. Patent No. 6,803,545.

17. The “’374 patent” means U.S. Patent No. 10,420,374.

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<sup>1</sup> RJR has additionally asserted U.S. Patent Nos. 9,839,238 (“the ’238 patent”); 9,901,123 (“the ’123 patent”); and 9,930,915 (“the ’915 patent”). These patents have been stayed until the determination of the International Trade Commission in *In the Matter of Certain Tobacco Heating Articles and Components Thereof* (Inv. No. 337-TA-1199) becomes final. Once the stay is lifted, the term “RJR Asserted Patent(s),” as used in this document, will further encompass the ’238 patent, ’123 patent, and ’915 patent.

18. The “Counterclaim Asserted Patent(s)” means the ’265 patent, the ’556 patent, the ’911 patent, the ’545 patent, and the ’374 patent, collectively, any other patent that may be added to this litigation by Counterclaim Plaintiffs, and the applications that led to the issuance of any of the foregoing patents.

19. “RJR Asserted Claim(s)” mean each claim of each RJR Asserted Patent that Plaintiffs allege Defendants infringe, either directly or indirectly, literally or by the doctrine of equivalents.

20. “Counterclaim Asserted Claim(s)” means each asserted claim of each Counterclaim Asserted Patent.

21. “RJR Covered Product(s)” refers to any Product that Plaintiffs contend practices or embodies any purported invention described or claimed in the RJR Asserted Patents, including any Products made by Plaintiffs or third parties.

22. The term “Communication” means every manner or method of the disclosure, transfer, or exchange of information, whether orally, electronically, or by Document, and whether face to face or by telephone, mail, facsimile, E-mail, video, instant message, internet Communication, or otherwise.

23. “Product” means any machine, manufacture, apparatus, device, system, process, service, method, or instrumentality which is designed to function together electrically, mechanically, chemically, or otherwise, to achieve a particular function or purpose, including those offered for sale, sold, imported, or under development.

24. “Components” means a constituent part of a device, including, but not limited to, assemblies, subassemblies, modules, individual integrated devices, Software, Processors, and/or application specific integrated circuits.

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