

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-LO-TCB

**PMI/ALTRIA'S *DAUBERT* MOTION TO EXCLUDE THE OPINIONS OF RJR'S
DAMAGES EXPERT, DR. RYAN SULLIVAN**

Pursuant to the Court's Scheduling Order, Plaintiffs Altria Client Services, LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (collectively, "PMI/Altria") respectfully move the Court to exclude the opinions of Defendants RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Co.'s (collectively, "RJR") damages expert, Dr. Ryan Sullivan. Specifically, PMI/Altria respectfully request that the Court exclude Dr. Sullivan's reasonable royalty analysis and opinions for the '545, '265, '911, and '374 Patents for the reasons set forth in the brief accompanying PMI/Altria's motion to exclude. PMI/Altria also separately request that the Court exclude Dr. Sullivan's design around opinions for the '265 and '911 Patents.

Counsel for PMI/Altria conferred with counsel for RJR regarding these issues via email and telephone, including on January 11, 2022. Counsel for RJR stated that they oppose the aforementioned motion.

Dated: January 21, 2022

Respectfully submitted,

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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:

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