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January 27, 2022

VIA ECF FILING

The Honorable Liam O’Grady
United States District Judge
Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314

Re: *RAI Strategic Holdings, Inc. et al. v. Altria Client Services LLC et al.*,
No. 1:20-cv-393-LO-TCB (E.D. Va.)

Dear Judge O’Grady:

We write on behalf of Plaintiffs Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (“PMI/Altria”) to respectfully request clarification regarding the status of two of PMI/Altria’s motions for summary judgment: (i) no invalidity concerning U.S. Patent No. 10,420,374 and (ii) no equitable defenses (estoppel, acquiescence, and waiver) as to U.S. Patent No. 6,803,545 and no ensnarement. These motions were filed as Docket Entry 695.

To date, the Court has issued two orders concerning the parties’ summary judgment motions. *See* Dkts. 803, 804. Neither, however, specifically addressed the issues above from PMI/Altria’s motions. In particular, on August 5, 2021, the Court entered an: “ORDER denying [688] and [695] Motion for Summary Judgment (See Order for Details).” Dkt. 803. While citing Docket Entry 695, the enclosed order addressed only Reynolds’ motions, not any of PMI/Altria’s motions. The following day, the Court issued another order denying PMI/Altria’s summary judgment motions as to counterclaims and defenses that Reynolds moved to dismiss from the case. Dkt. 804. That order, however, did not address the issues above from PMI/Altria’s motions.

Should the Court wish to hear further argument on these issues, PMI/Altria would be happy to do so at or prior to the March 4, 2022 hearing on the parties’ *in limine* and *Daubert* motions.

Sincerely,

/s/ Maximilian A. Grant

Maximilian A. Grant
of LATHAM & WATKINS LLP