

EXHIBIT 3

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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

**SECOND AMENDED AND SUPPLEMENTAL OPENING EXPERT REPORT OF JOHN
ABRAHAM RELATING TO US PATENT NOS. 10,104,911 AND 10,555,556**

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

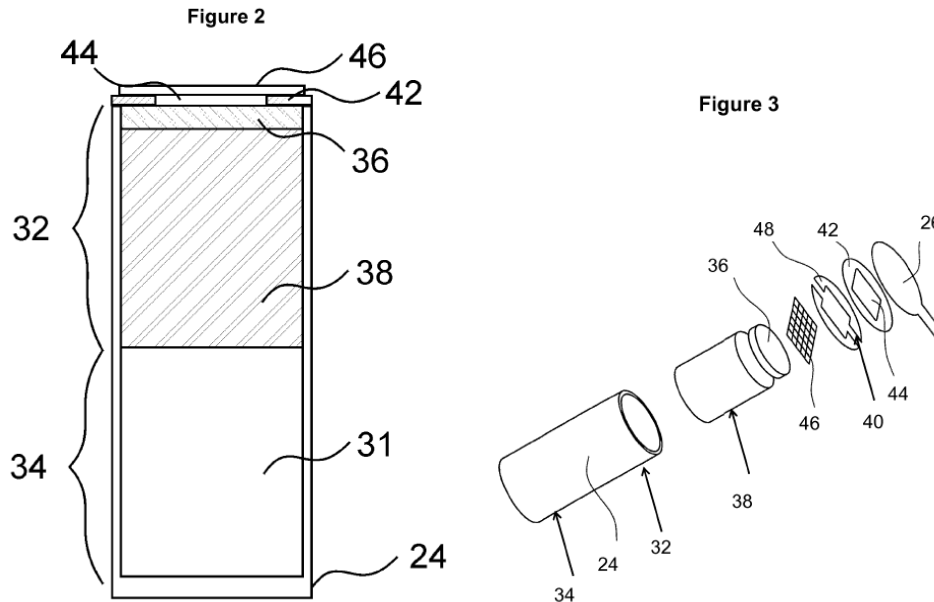
[REDACTED]

[REDACTED]

274. The polypropylene tube is a “housing having an opening” based on the plain and ordinary meaning of the term because it (i) houses other components and (ii) includes an aperture or hole, which is the plain and ordinary meaning of “opening.” This is consistent with the ’556 Patent, which shows an “opening 44” in Figure 2 (the “opening” shown is further “defined by the

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substrate”). ’556 Patent at 12:4-9. The ’556 Patent also describes an “open end” with an “aperture 44” in Figure 3. *Id.* at 12:46-47.



’556 Patent at Figs. 2 and 3.

275. To the extent Reynolds argues that the polypropylene tube does not include an “opening,” I disagree for several reasons.

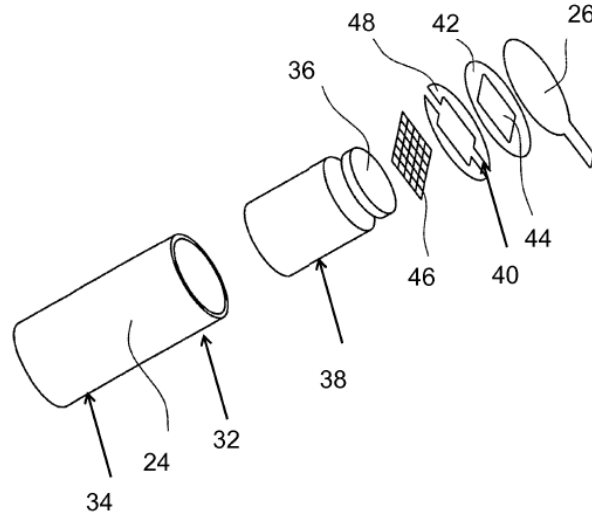
276. First, Reynolds’ corporate representative testified that the tub includes an opening. *See also* Hunt Dep. Tr. at 149:10-150:3 (the “polypropylene tube” has an end that is “open” when unassembled).

277. Second, to the extent Reynolds argues that the polypropylene tube does not include an opening [REDACTED]

[REDACTED] this would be inconsistent with the disclosures of the ’556 Patent. For example, as shown in Figure 3 of the ’556 Patent, the patent teaches that “[t]he housing 24 has an open end” (or “aperture”) even where it may be “covered by a removable cover 26.” ’556 Patent at 12:33-47.

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Figure 3



'556 Patent at Fig. 3.

278. Third, the VUSE Vibe air flow path shows that air flows through the “opening” I identified [REDACTED]

[REDACTED] In any event, as the '556 Patent contemplates, an “opening” may be covered by something else, but is still an “opening.”

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