

EXHIBIT 9

CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER

**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

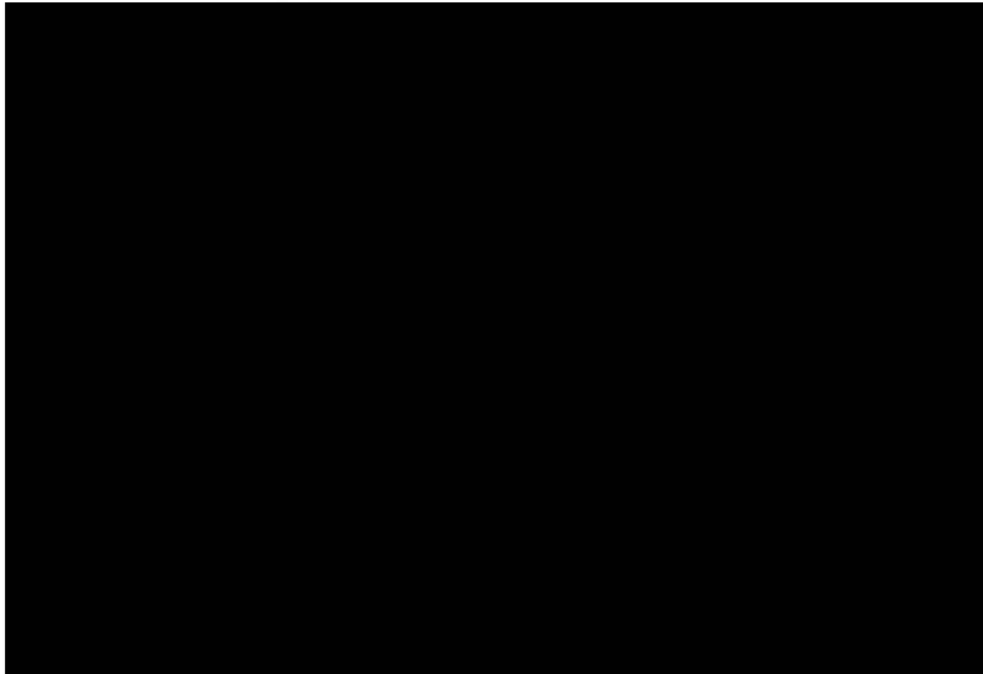
SUPPLEMENTAL AND AMENDED RESPONSIVE EXPERT REPORT OF

KELLY R. KODAMA REGARDING U.S. PATENT NO. 10,104,911

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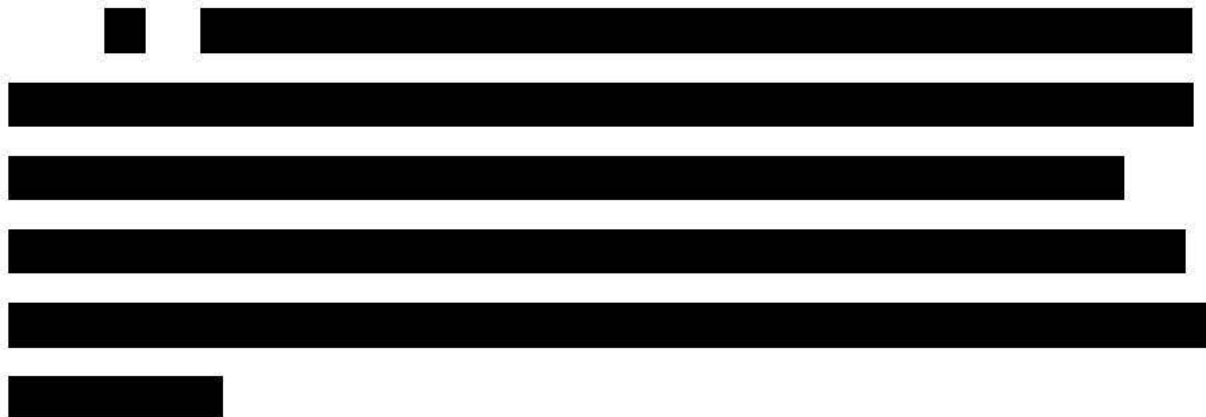


(Abraham Supp. Rpt. at ¶ 25, annotated.)

38. As best understood, Dr. Abraham opines that two cavities are formed between the two inwardly-extending protrusions and the respective sides of the Alto cartomizer holder tap.

(Abraham Supp. Report ¶¶ 16-23.)

39. Dr. Abraham’s opinion finding a “cavity” is based on cross-sectional images and teardown photos of the Alto product that present an incomplete view of the protrusions and the cartomizer holder tap. Considering the entirety of the cartomizer holder tap structure, the areas Dr. Abraham identifies are not “cavities” as disclosed and claimed in the ’911 patent.



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] those

spaces cannot be considered a “cavity” as a POSITA would understand the common English meaning of the term.

42. My inspection of the Alto product, the Alto engineering drawings, and the Alto CAD files all confirm that the Alto does not include the claimed “cavity.” [REDACTED]

[REDACTED]

[REDACTED]

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