

# **EXHIBIT 1**

## **(PUBLIC)**

**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

**RESPONSIVE EXPERT REPORT OF KELLY R. KODAMA**  
**REGARDING U.S. PATENT NO. 10,104,911**

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Abraham provides no evidence to support these statements about Reynolds's "knowledge" or the basis for his "understanding," and he fails to explain how these assertions would, in any event, establish that Reynolds possessed a specific intent to encourage its customers to infringe any claim of the '911 patent.

176. For these reasons, I disagree with Dr. Abraham's opinion regarding alleged induced infringement of the '911 patent.

**XII. Non-Infringing Alternatives**

177. In my assessment of the '911 patent, I have also been asked for my opinion as to whether there would have been non-infringing alternatives available to Reynolds at the time the '911 Patent issued on October 23, 2018. I understand this analysis may be relevant to certain damages issues.

178. Every claim of the '911 patent requires, inter alia:

1. An aerosol generating system for heating a liquid aerosol-forming substrate, the system comprising: an aerosol-forming chamber; and

leakage prevention means configured to prevent or reduce leakage of liquid aerosol condensate from the aerosol generating system, wherein the leakage prevention means comprises at least one cavity in a wall of the aerosol-forming chamber, for collecting liquid condensate formed from the aerosol-forming substrate, and

wherein the at least one cavity is a blind hole recessed in the wall of the aerosol-forming chamber and has an open end, a closed end, and a longitudinal direction extending between the open end and the closed end, and

wherein the at least one cavity has a largest cross-sectional dimension  $x$  taken along a cross-section of the cavity in a direction perpendicular to the longitudinal direction of the cavity, where  $x$  is 0.5 mm, or 1 mm, or between 0.5 mm and 1 mm.

179. Dr. Abraham opines that the current design of the Solo (G1 and G2), Vibe, and Ciro infringe the '911 patent.

[REDACTED]

[REDACTED]

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[REDACTED]

■ [REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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