

EXHIBIT 6

**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

REYNOLDS'S IDENTIFICATION OF MOTION *IN LIMINE* TOPICS

Pursuant to the Court's Order Granting Joint Motion For Scheduling Order (Dkt. 801), RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, "Reynolds") hereby identify the list of topics on which they intend to move *in limine*. Reynolds's review is ongoing, and Reynolds reserves the right to supplement, amend, subtract from, and/or modify this list of initial topics for motions *in limine* prior to January 14, including after reviewing PMP/Altria's list of topics for motion *in limine*. Reynolds also reserves the right to submit additional motion *in limine* topics related to PMP's claim for injunctive relief because no schedule or procedure for trial of that issue has been set, and the Court has stayed expert discovery on that issue. Reynolds identifies these topics for motions *in limine* without prejudice to Reynolds's right to object to any other evidence or arguments made at trial to the extent permitted under the Federal Rules of Evidence or any other applicable rules or Court orders.

- No reference to any VUSE products as allegedly being illegal or unlawful
- No reference to youth vaping or alleged targeting of the VUSE products to youths

- No reference to the alleged harms of vaping
- No evidence or argument regarding Reynolds's activity pre-issuance of a given patent in support of alleged willful infringement of such patent
- No evidence or argument regarding the PTAB's denials or institutions of *inter partes* review proceedings on any of the asserted Altria or PMP patents
- No evidence or argument regarding Reynolds's not relying on an opinion of counsel
- No evidence or argument that any VUSE products allegedly infringe any claim of the '545 patent on the basis that JUUL and/or NuMark allegedly practiced that patent
- No reference to the location in China of Reynolds's suppliers of any VUSE products
- No evidence or argument relating to incorrect images, diagrams, drawings, or descriptions of the VUSE Alto cartridge; references to incorrect images, diagrams, drawings, or descriptions of the VUSE Alto cartridge in Reynolds's PMTA; or any testimony relating to incorrect images, diagrams, drawings, or descriptions of the VUSE Alto cartridge
- No evidence or argument that Reynolds infringed or has been accused of infringing third-party patents
- No offering of any opinions by an expert that were not previously disclosed in expert reports
- No evidence or argument regarding any request for or alleged entitlement to issuance of an injunction
- No evidence or argument regarding any request for or alleged entitlement to an award of treble damages or attorneys' fees
- No evidence or argument regarding: (1) any jury study or focus study groups that have been conducted by any party, (2) the use by any party of a shadow jury during trial, or (3) the use by any party of jury consultants
- No references to objections or sidebar comments by counsel during depositions
- No evidence or argument relating to motions *in limine*, that the Court has made a ruling in response to motions *in limine*, suggesting or inferring that the parties have moved to prohibit proof, or that the Court has excluded proof on any particular matters
- No reference to any objections made by the parties in answers to interrogatories, responses to requests for production, hearings, depositions, or at trial
- No reference to the purported success of IQOS outside of the U.S.

Dated: December 3, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December 2021, the foregoing was served on counsel for Defendants/Counterclaim Plaintiffs using the following designated email address: pmiedva.lwteam@lw.com.

/s/ David M. Maiorana

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