

EXHIBIT 8 (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. 10,555,556

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[REDACTED]

(RJREDVA_001022592-593.)

54. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

55. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

56. I analyzed the VUSE Vibe product to understand its structure, which included disassembling and photographing its components. In addition, I reviewed dimensioned engineering drawings and computer-aided design (CAD) files provided by Reynolds.

57. The general methodology used to perform this analysis was as follows: first, I unpacked the VUSE Vibe product and took photographs using the camera on a smartphone (iPhone 12). I photographed the exterior of the device and packaging. I then disassembled the components to examine the internal structure of the device. I disassembled the device using pliers and tweezers to remove the components as intact as possible. Smartphone imaging was suitable for identifying the components within the device.

IX. Analysis – '556 Patent

58. Dr. Abraham contends that: [REDACTED]

[REDACTED]

[REDACTED] (Abraham Opening Rpt. at ¶ 264.)

59. Below, I explain how the VUSE Vibe product does not meet all the limitations of independent claim 1, and therefore the Vibe product necessarily does not meet the limitations of dependent claims 3-8 and 15.

A. The Vibe Does Not Infringe The Asserted Claims of the '556 Patent

60. In my opinion, the VUSE Vibe product does not infringe the asserted claims of the '556 patent identified by Dr. Abraham.

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