

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. REYNOLDS VAPOR COMPANY

Petitioner

v.

PHILIP MORRIS PRODUCTS S.A.,

Patent Owner

IPR2021-00826
U.S. Patent No. 9,814,265

NOTICE OF *SOTERA* STIPULATION

The following *Sotera* stipulation was made in the co-pending district court case on September 22, 2021.

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September 22, 2021

VIA E-MAIL

Maximilian A. Grant, Esq.
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
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Re: RAI Strategic Holdings, Inc. v. Altria Client Services LLC
Case No. 1:20-cv-00393-LO-TCB (E.D. Va.)

Dear Max:

Plaintiffs RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (“Reynolds”) hereby stipulate that, if the Patent Trial and Appeal Board (“PTAB”) institutes the pending *inter partes* review petition in IPR2021-00826 challenging the patentability of claims 1, 3–5, 8, and 17 of U.S. Patent Number 9,814,265, then Reynolds will not pursue as to the challenged claims any ground raised or that could have been reasonably raised in the IPR in the above-captioned litigation, 1:20-cv-00393.

To avoid any doubt, if the PTAB declines institution of IPR2021-00826, Reynolds reserves the right to pursue these invalidity grounds in the parallel litigation.

Very truly yours,



David M. Maiorana

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