

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PHILIP MORRIS PRODUCTS S.A.,)	
)	
Plaintiff,)	
)	
v.)	1:20-cv-393 (LMB/WEF)
)	
R.J. REYNOLDS VAPOR COMPANY,)	
)	
Defendant.)	

ORDER

For the reasons stated in open court, R.J. Reynolds Vapor Company (“Reynolds”)’s Motion for Entry of Judgment Under Rule 54(b) (“Motion”) [Dkt. No. 1478] is GRANTED, Philip Morris Products S.A.’s (“Philip Morris) Cross-Motion to Lift the Stay as to U.S. Patent No. 9,901,123 [Dkt. No. 1483] is DENIED, and it is hereby

ORDERED that because entry of final judgment under Fed. R. Civ. P. 58 was not proper given that Reynolds’ claims have not been adjudicated and are stayed, the Order and Judgment entered on March 30, 2023 [Dkt. Nos. 1456, 1557] be and are AMENDED to provide that the Order be and is certified as a final judgment under Fed. R. Civ. P. 54(b) and that the Court finds no just reason for delaying entry of judgment and appeal; and it is further

ORDERED that Reynolds’ claims as to United States Patent Nos. 9,901,123, 9,930,915, and 10,492,542 remain stayed until further order of this Court. The parties are directed to submit a status report within three (3) days of issuance of the United States Court of Appeals for the Federal Circuit’s decision on the pending appeals.

The Clerk is directed to amend the Judgment entered on March 30, 2023 [Dkt. No. 1557] to a judgment pursuant to Fed. R. Civ. P. 54(b) and forward copies of this Order to counsel of record.

Entered this 1st day of May, 2023.

Alexandria, Virginia

lmb

/s/ Leonie M. Brinkema
United States District Judge