



**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

PHILIP MORRIS PRODUCTS S.A.,

Plaintiff,

v.

R.J. REYNOLDS VAPOR COMPANY,

Defendant.

Civil Action No. 1:20-cv-393-LMB-TCB

VERDICT FORM

I. U.S. PATENT NO. 9,814,265 (Compact Heater)

Question 1 – Literal Infringement: Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds has literally infringed any of the following claims of the '265 Patent?

VUSE Alto

Claim 1
(independent)

✓ Yes

 No

Claim 4
(dependent)

✓ Yes

 No

Question 2 – Infringement by the Doctrine of Equivalents: Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds infringed by the doctrine of equivalents any of the following claims of the '265 Patent?

VUSE Alto

Claim 1
(independent)

 Yes

 No

Claim 4
(dependent)

 Yes

 No

Answer Question 3 below only if you have found at least one claim of the '265 Patent is infringed. If there are no such claims, move on to Part II.

Question 3 – Damages: What sum of money did Philip Morris prove by a preponderance of the evidence would be adequate compensation for Reynolds's infringement of the '265 patent. Provide the amount below in dollars and cents.

\$ 8 million

(Running Royalty for Past Infringement of the '265 Patent through December 31, 2021)

II. U.S. PATENT NO. 10,104,911 (Leakage Preventer)

Question 1 – Literal Infringement: Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds has literally infringed any of the following claims of the '911 Patent with respect to any of the following products?

VUSE Solo G2

| | | |
|--------------------------|--------------|------------------|
| Claim 1 (independent) | <u>✓</u> Yes | <u> </u> No |
| Claim 11 (dependent) | <u>✓</u> Yes | <u> </u> No |
| Claim 13 (dependent) | <u>✓</u> Yes | <u> </u> No |

VUSE Alto

| | | |
|--------------------------|-------------------|-------------|
| Claim 1 (independent) | <u> </u> Yes | <u>✓</u> No |
| Claim 2 (dependent) | <u> </u> Yes | <u>✓</u> No |
| Claim 11 (dependent) | <u> </u> Yes | <u>✓</u> No |
| Claim 12 (dependent) | <u> </u> Yes | <u>✓</u> No |

Question 2 – Infringement by the Doctrine of Equivalents: Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds has infringed by the doctrine of equivalents any of the following claims of the '911 Patent with respect to VUSE Alto only?

VUSE Alto

| | | |
|--------------------------|-----------|-------------------|
| Claim 1 (independent) | _____ Yes | <u>✓</u> _____ No |
| Claim 2 (dependent) | _____ Yes | <u>✓</u> _____ No |
| Claim 11 (dependent) | _____ Yes | <u>✓</u> _____ No |
| Claim 12 (dependent) | _____ Yes | <u>✓</u> _____ No |

Question 3 – Invalidity: Do you find that Reynolds has proven by clear and convincing evidence that any of the following claims of the '911 Patent are invalid as obvious?

| | | |
|--------------------------|-----------|-------------------|
| Claim 1 (independent) | _____ Yes | <u>✓</u> _____ No |
| Claim 2 (dependent) | _____ Yes | <u>✓</u> _____ No |
| Claim 11 (dependent) | _____ Yes | <u>✓</u> _____ No |
| Claim 12 (dependent) | _____ Yes | <u>✓</u> _____ No |
| Claim 13 (dependent) | _____ Yes | <u>✓</u> _____ No |

Answer Question 4 below only if you have found at least one claim of the '911 Patent is infringed and not invalid. If there are no such claims, you have completed your deliberations and the foreperson should sign this verdict form.

Question 4 – Damages: What sum of money did Philip Morris prove by a preponderance of the evidence would be adequate compensation for Reynolds's infringement of the '911 patent. Provide the amount below in dollars and cents.

\$ 2,759,755

(Running Royalty for Past Infringement of the '911 Patent through December 31, 2021)

Please sign the form below.

Jury Foreperson (signed): _____

Date: June 15 2022

Foreperson's Name (printed): _