

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NJOY, LLC,
NJOY HOLDINGS, INC.,
Petitioners,

v.

JUUL LABS, INC.,
Patent Owner

Case IPR2024-00231
U.S. Patent No. 10,130,123

PATENT OWNER'S UPDATED EXHIBIT LIST

EXHIBIT LIST

No.	Exhibit
2001	Declaration of John Collins, Ph.D.
2002	<i>Curriculum vitae</i> of John Collins, Ph.D.
2003	JUUL System FDA Premarket Tobacco Product Application, produced as JLI-NJOY-ITC1368-01159601
2004	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945391 ¹
2005	Photo of JUUL System, produced as JLI-NJOY-ITC1368-02013494
2006	Photo of JUUL System, produced as JLI-NJOY-ITC1368-02013502
2007	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945377
2008	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945372
2009	“American Cancer Society Position Statement on Electronic Cigarettes,” produced as JLI-NJOY-ITC1368-02013557
2010	World Health Organization, Tobacco Fact Sheet, retrieved from https://www.who.int/news-room/fact-sheets/detail/tobacco
2011	Gottlieb, “Healthy Innovation, Safer Families: FDA’s 2018 Strategic Policy Roadmap,” produced as JLI-NJOY-ITC1368-02013568

¹ Several exhibits listed here were produced in the parallel ITC investigation, *In the Matter of: Certain Vaporizer Devices, Cartridges Used Therewith and Components Thereof*, ITC Investigation No. 337-TA-1368. Although those exhibits are labeled with the designation “Confidential Business Information Subject to Protective Order,” Patent Owner certifies that among these exhibits, with the exception of Exhibits 2003, 2025, 2026, and 2041, none of them contain Confidential Business Information.

2012	Nitzkin, “The Case in Favor of E-Cigarettes for Tobacco Harm Reduction,” Int. J. Environ. Res. Public Health 2014, produced as JLI-NJOY-ITC1368-02013655
2013	Gottlieb & Zeller, “A Nicotine-Focused Framework for Public Health,” N Engl J Med 2017, produced as JLI-NJOY-ITC1368-02013549
2014	Hall & Doran, “How Much Can the USA Reduce Health Care Costs by Reducing Smoking?” PLoS Med 13 (May 10, 2016)
2015	Center for Disease Control and Prevention, Smoking & Tobacco Use: Costs and Expenditures, retrieved from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/cost-and-expenditures.html
2016	Center for Disease Control and Prevention, Smoking Cessation: Fast Facts, retrieved from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/cessation/smoking-cessation-fast-facts/index.html
2017	Chaiton et al., “Estimating the number of quit attempts it takes to quit smoking successfully in a longitudinal cohort of smokers,” BMJ Open 2016
2018	Lee & Kahende, “Factors Associated With Successful Smoking Cessation in the United States, 2000,” American Journal of Public Health, Vol. 97, No. 8 (Aug. 2007)
2019	Tolentino, “The Promise of Vaping and the Rise of JUUL,” The New Yorker, May 14, 2018, produced as JLI-NJOY-ITC1368-02013685
2020	Cig20-schematic (Jan. 11, 2012), produced as JLI-NJOY-ITC1368-02013708
2021	Center for Disease Control and Prevention, Electronic Cigarettes, produced as JLI-NJOY-ITC1368-02013560
2022	Brose et al., “Is the use of electronic cigarettes while smoking associated with smoking cessation attempts, cessation and reduced cigarette consumption? A survey with a 1-year follow-up,” Addiction 110 (2015)
2023	U.S. Pat. Pub. No. 2009/0272379
2024	Corrected Post-Trial Proposed Findings of Fact and Conclusions of Law of Respondents Altria Group, Inc. and JUUL Labs, Inc., <i>In the Matter of Altria Group, Inc.</i> , before the FTC Office of Administrative Law Judges, Dkt. No. 9393
2025	Excerpts from Deposition Transcript of Adam Bowen, ITC No. 337-TA-1368 (Dec. 14, 2023)

2026	Excerpts from Deposition Transcript of James Monsees, ITC No. 337-TA-1368 (Jan. 18, 2024)
2027	Hines, “Vape King Juul Wants Everyone To Chill Out,” Bloomberg Businessweek
2028	Peebles, “Popular e-cigarette Juul’s sales have surged almost 800 percent over the past year,” CNBC (Jul. 2, 2018), produced as JLI-NJOY-ITC1368-02013602
2029	Zaleski, “E-Cigarette Maker Juul Labs Is Raising \$1.2 Billion,” produced as JLI-NJOY-ITC1368-02013564
2030	Chambers, “Imperial Takes on Juul as Big Tobacco Faces Upstart Rival,” Bloomberg (Jul. 4, 2018)
2031	Robinson, “How a startup behind the ‘iPhone of vaporizers’ reinvented the e-cigarette and generated \$224 million in sales in a year,” Business Insider (Nov. 21, 2017), produced as JLI-NJOY-ITC1368-02013607
2032	“Our Evening With blu: Takeaways from Imperial Brands’ E-Cig Event,” Wells Fargo Securities Equity Research (Mar. 28, 2018), produced as JLI-NJOY-ITC1368-02013571
2033	“Tobacco: Latest Consumer Anecdotes Still Consistent: iQOS and JUUL Stand Out,” Piper Jaffray (Feb. 14, 2018)
2034	“Nielsen: Tobacco All Channel Data Thru 8/10 – Cig Vol Declines Hold Steady,” Wells Fargo Securities Equity Research (Aug. 20, 2019), produced as JLI-NJOY-ITC1368-02013619
2035	“Innovation Invigorates Inhalables,” Cowen and Company Equity Research (July 22, 2016), produced as JLI-NJOY-ITC1368-02013586
2036	“Big Tobacco Finds a Friend in the FDA, Today,” Cowen Equity Research (Sep. 12, 2018), produced as NJOYITC00148578
2037	“Three Key Take-aways From Our JUUL City Scanner Analysis,” Morgan Stanley (Sep. 10, 2018)
2038	“Is JUUL Hype Overblown?” Morgan Stanley (Jun. 26, 2018), produced as JLI-NJOY-ITC1368-01332225
2039	“Latest US Scanner Data Show Improving Trends for Cigarettes, JUUL,” Piper Jaffray (May 15, 2018)
2040	“PAX Finds Its Crown JUUL,” Cowen and Company (Sept. 22, 2016)
2041	Excerpts from Deposition Transcript of Vittal Kadapakkam, ITC No. 337-TA-1368 (Jan. 9, 2024)

2042	<i>In the Matter of Certain Electronic Nicotine Delivery Systems and Components Thereof</i> , Investigation No. 337-TA-1139, Final Initial Determination
2043	August 7, 2018 Letter to Dr. S. Gottlieb from American Academy of Pediatrics et al.
2044	“Top Juul-Compatible Pods on the Market,” Vapor City: Price Comparisons for Vapers (Oct. 2, 2018), produced as JLI-NJOY-ITC1368-02013546
2045	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945383.
2046	Photo of JUUL System, produced as JLI-NJOY-ITC1368-02013522.
2047	“Juul Compatible Pods,” Zalt, retrieved Nov. 6, 2018, produced as JLI-NJOY-ITC1368-02013548
2048	Photo of JUUL System, produced as JLI-NJOY-ITC1368-02013520.
2049	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945388.
2050	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945378.
2051	Photo of JUUL System, produced as JLI-NJOY-ITC1368-01945387.
2052	Redacted and Excerpted Deposition Transcript of Joseph McAlexander from <i>In the Matter of: Certain Vaporizer Devices, Cartridges Used Therewith and Components Thereof</i> , ITC Investigation No. 337-TA-1368, taken March 1, 2024 ²
2053	Supplemental Declaration of Dr. John Collins
2054	Deposition Transcript of Joseph McAlexander, taken August 30, 2024
2055	Excerpts from redacted, public version of the Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond from <i>In the Matter of: Certain Vaporizer Devices, Cartridges Used Therewith and</i>

² Although Exhibit 2052 has a confidentiality designation, Petitioners have informed Patent Owner that, in view of the redactions, it does not contain any confidential business information.

	<i>Components Thereof</i> , ITC Investigation No. 337-TA-1368, dated August 23, 2024
2100	Proposed Stipulated Protective Order (redline)
2101	Proposed Stipulated Protective Order