

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. REYNOLDS VAPOR COMPANY,
Petitioner

v.

HEALTHIER CHOICES MANAGEMENT CORP.,
Patent Owner.

Case IPR2024-01458

U.S. Patent No. 9,538,788

PETITIONER'S UPDATED EXHIBIT LIST

UPDATED LIST OF PETITIONER EXHIBITS

- | | |
|--------|--|
| EX1001 | U.S. Patent No. 9,538,788 (“the ’788 patent”) |
| EX1002 | Prosecution History of Application No. 13/999,652 (issued as Patent No. 9,538,788) |
| EX1003 | Declaration of Kelly Kodama |
| EX1004 | U.S. Patent No. 3,200,819 to Gilbert |
| EX1005 | Korean Patent Pub. No. 10-2012-0080287 to Lee |
| EX1006 | U.S. Patent No. 9,943,107 to Weigensberg, <i>et al.</i> |
| EX1007 | U.S. Patent Pub. No. 2011/0036346 to Cohen, <i>et al.</i> |
| EX1008 | Kelly Kodama’s curriculum vitae |
| EX1009 | U.S. Patent Pub. No. 2013/0298905 to Levin, <i>et al.</i> |
| EX1010 | U.S. Patent No. 1,934,887 to Robinson |
| EX1011 | U.S. Patent No. 2,204,312 to Huxter |
| EX1012 | U.S. Patent No. 2,588,471 to Bauer |
| EX1013 | U.S. Patent No. 2,694,771 to Cox |
| EX1014 | U.S. Patent No. 7,458,374 to Hale, <i>et al.</i> |
| EX1015 | U.S. Patent Pub. No. 2013/0220316 to Oglesby, <i>et al.</i> |
| EX1016 | Complaint (Dkt 1), <i>Healthier Choices Management Corp. v. R.J. Reynolds Vapor Company</i> , No. 1:23-cv-00813 (M.D.N.C.) |
| EX1017 | Plaintiff’s Opposition to Defendant’s Motion to Dismiss (Dkt. 20), <i>Healthier Choices Management Corp. v. R.J. Reynolds Vapor Company</i> , No. 1:23-cv-00813 (M.D.N.C.) |

UPDATED LIST OF PETITIONER EXHIBITS
(Continued)

EX1018	U.S. Provisional Patent Application No. 61/737,847
EX1019	U.S. Patent No. 2,057,353 to Whittemore
EX1020	International Pub. No. WO 2009/132793 to Thorens, <i>et al.</i>
EX1021	U.S. Patent No. 8,314,591 to Terry, <i>et al.</i>
EX1022	U.S. Patent Pub. No. 2005/0016550 to Katase
EX1023	U.S. Patent No. 9,408,416 to Monsees, <i>et al.</i>
EX1024	U.S. Patent No. 7,920,777 to Rabin, <i>et al.</i>
EX1025	Challenged Claims Chart for U.S. Patent No. 9,538,788
EX1026	Declaration of Kelly R. Kodama in Support of Petitioner's Reply
EX1027	Transcript of August 29, 2025 Deposition of Charles A. Garriss
EX1028	Petitioner's Demonstratives

CERTIFICATE OF SERVICE

The undersigned hereby certifies the foregoing document, PETITIONER'S UPDATED EXHIBIT LIST, and Exhibit 1028 were served via electronic mail on the date below, upon the following:

Geoffrey Lottenberg
glottenberg@bergersingerman.com

David Colls
dcolls@bergersingerman.com

Christina Constantino
cconstantino@bergersingerman.com

Thomas J. Fisher
tfisher@cozen.com

Aaron Lucas
alucas@cozen.com

Barry Golob
bgolob@cozen.com

Mark Boezi
mboezi@cozen.com

Dated: December 3, 2025

/Joshua R. Nightingale/

Joshua R. Nightingale, Reg. No. 67,865

JONES DAY

500 Grant Street, Suite 4500

Pittsburgh, PA 15219

(412) 394-7950

Counsel for Petitioner

R.J. Reynolds Vapor Company