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VIA CM/ECF

The Honorable Leonard P. Stark
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801

Re: *Elm 3DS Innovations LLC v. Micron Tech. Inc. et al*, C.A. No. 1:14-1431-LPS-CJB

Dear Chief Judge Stark:

Defendants submit this letter further to the stipulation filed on this same date in order to complete the record and provide needed context and information on the stipulated extension. The stipulated extension is consistent with Your Honor's March 18, 2020 Standing Order In Re Court Operations Under The Exigent Circumstances Created By COVID-19, which calls for applying "the principles of flexibility and accommodation to reasonable requests for filing or scheduling adjustments necessitated by reasonable and fact-based travel, health or safety concerns, or advice or directives of public health officials." Standing Order ¶ 3. The need for the extension here arose from the following circumstances:

- The World Health Organization declared the COVID-19 outbreak a global pandemic and public health emergency of international concern.
- The United States Centers for Disease Control and Prevention ("CDC") determined that COVID-19 presents a serious public health threat.
- The current administration advised that people should avoid discretionary travel and otherwise gathering in groups of 10 or more.
- The Department of State advised U.S. citizens to avoid all international travel due to the global impact of COVID-19.
- The CDC advised that crowded travel settings, like airports, may increase one's risk of exposure to COVID-19, if there are other travelers with COVID-19.
- In accordance with the CDC Level 3 warning, Micron, Samsung, and Hynix have implemented internal corporate policies requiring avoidance of all nonessential travel and mandating work from home policies.
- As such, the efforts by employees of Defendants to comply with the CDC Level 3 warning and corporate policies are delaying the completion of discovery.

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Based on these circumstances, Defendants initially requested that Elm agree to a five-month extension of the schedule. Elm refused that request. Defendants continue to believe that a five-month extension is a more realistic assessment of the delay that will be caused by the complications of COVID-19, but rather than engage in a dispute requiring the Court's involvement, Defendants agreed to a three-month extension with the understanding that Defendants may request a further extension if it becomes necessary. At that point, Defendants will seek agreement from Elm to an additional extension.

Should Your Honor have any questions about the foregoing or the stipulation, counsel for Defendants are available at the Court's convenience.

Respectfully,

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)

cc: All Counsel of Record