



May 15, 2020

**VIA E-FILING**

The Honorable Leonard P. Stark  
J. Caleb Boggs Federal Building  
844 N. King Street  
Room 6124, Unit 26  
Wilmington, DE 19801-3556

**RE: *Elm 3DS Innovations, LLC v. Samsung Electronics Co., Ltd. et al.*,  
(C.A. No. 14-cv-1430-LPS)  
*Elm 3DS Innovations, LLC v. Micron Technology, Inc., et al.*,  
(C.A. No. 14-cv-1431-LPS)  
*Elm 3DS Innovations, LLC v. SK hynix Inc. et al.*  
(C.A. No. 14-cv-1432-LPS)**

Dear Chief Judge Stark,

Plaintiff Elm 3DS Innovations, LLC respectfully requests that the Court set trial dates along with pretrial deadlines in these cases, which were filed in 2014. Based on the current deadlines in the case, Elm 3DS suggests trials starting in October 2021, with the first trial being *Elm 3DS Innovations, LLC v. Samsung Electronics Co., Ltd. et al.*, C.A. No. 14-cv-1430. Elm 3DS expects each trial in these three cases to last one week.

The Court issued the Amended Scheduling Order in these cases over two years ago. (D.I. 176 (14-cv-1430).) At that time, the Defendants' appeal of the PTAB's IPR decisions was still pending in the Federal Circuit. So it made sense why the Court would not yet set trial dates.

Since the Court issued its Amended Scheduling Order, these cases have moved forward significantly. The Federal Circuit issued its opinion confirming the validity of the patents-in-suit almost a year ago on June 12, 2019. This Court issued its claim construction opinion on April 13, 2020. (D.I. 266 (14-cv-1430).) And now the parties are moving into the final phases of fact discovery and into expert discovery. Under the current Scheduling Order, the parties will finish briefing motions for summary judgment and *Daubert* motions on June 21, 2021. (D.I. 263 at 4 (14-cv-1430).) But the Court has not yet set dates for a hearing on those motions or any other pretrial deadlines.

Elm 3DS respectfully requests that the Court set trial dates so that these cases can finally progress towards resolution. Elm 3DS has already been prejudiced by the long delay these cases have experienced. Since the cases were filed in 2014, the sole inventor of the patents-in-suit, Glenn Leedy, passed away unexpectedly. Now that the COVID-19 pandemic is understandably delaying jury trials, Elm 3DS wants to ensure that it has time on the Court's calendar instead of getting moved to the end of the line after all the Court's current jury trials are rescheduled.

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The Defendants oppose setting trial dates and claim that it is premature to do so in light of the COVID-19 pandemic. But based on the current schedule, trial dates could not be set until at least October 2021. By that time, we should all hope the pandemic will be resolved. But even if it is not, the Court and the parties can adjust the schedule as needed in the future as they have done many times in the past. Given how long these cases have already been pending, Elm respectfully requests that the Court set the finish line.

For these reasons, Elm 3DS respectfully requests that the Court set trial dates starting in October 2021 as well as pretrial deadlines.

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (via E-File)