

EXHIBIT A

From: Davis, Hal (Shld-SFO-IP-Tech)
Sent: Wednesday, April 29, 2020 2:55 PM
To: Nossou Knobloch; Matthew Ford; Kat Hacker; Mailing List - Leedy; bfarnan@farnanlaw.com; Michael J. Farnan
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Subject: Elm Litigation - Expedited Indefiniteness Schedule Proposal per Meet and Confer

Nossou:

Thank you for talking with us on Monday about Defendants' proposal to expedite the issue of indefiniteness of the low stress terms.

Here is a more concrete proposal for you and your client to consider:

Joint Proposed Expedited Schedule for Indefiniteness of "Low Stress" terms

Event	Deadline
Deadline for fact discovery on "low stress" indefiniteness	July 17, 2020
Opening expert reports on "low stress" indefiniteness	August 7, 2020
Responsive expert reports on "low stress" indefiniteness	August 28, 2020
Deadline for Expert discovery on "low stress" indefiniteness	September 18, 2020
Case dispositive motion on indefiniteness on "low stress" terms	October 2, 2020
Response to motion	October 16, 2020
Reply in support of motion	October 23, 2020
Hearing, subject to Court availability	TBD (November 6, 2020)

I can appreciate your initial hesitancy, but as I mentioned, we believe this proposal benefits all sides in getting a resolution on these issues at least 7-8 months earlier than anticipated under the current schedule.

For one, it would mean that we would only have to do our expert reports / discovery only once. As it stands now, all the experts will have to take various, alternative positions on the terms and guess as to what the Court's construction may be should the Court decide that the terms are not indefinite. Dkt. 258 at pp. 16-17 (ruling that the low stress term "is not 'plain and ordinary' meaning"). Although we do not have a trial date yet, this would likely occur fairly close to trial and cause a lot of unnecessary expense and scrambling by the parties to issue supplemental reports and complete depositions on the supplemental reports. It may even necessitate moving the trial back further to accommodate a Court construction.

Second, clarification on this issue is likely to increase the chances that this case reaches an out-

this stage of the case absent a court ruling on the indefiniteness issues. We believe the above schedule saves the parties resources and makes a quicker settlement more likely should we receive a decision by the court.

Could you please let us know this week your position on this proposal?

Harold Davis
Shareholder

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