

Exhibit A

From: Citroen, Phillip W.
Sent: Thursday, May 21, 2020 12:32 AM
To: Nosson Knobloch; Soobert, Allan M.; Patel, Anand; ServicePH Samsung-ELM 3DS
Cc: Mailing List - Leedy; mfarnan@farnanlaw.com; Poff, Adam; Kraman, Pilar
Subject: RE: Representative Products Plan

Nosson,

Thanks for your email and the phone call on Wednesday regarding the spreadsheet attached as Ex. 30 to Elm's letter brief.

I've memorialized our call below. Please let us know if you believe anything I have stated is inaccurate.

1. *Product Type*: I explained that "product type" has not been part of our recent representative products discussion, and that Samsung was therefore surprised to see it included in Elm's spreadsheet. I also explained that this information is not necessary for reaching a representative products agreement, and you agreed, so Samsung will not collect this information.
2. *Downstream Product Inventory*: I explained that Elm has never asked about downstream product inventory, and you initially agreed during our call. But you later stated that Elm thought it was appropriate to include downstream product inventory in its letter to the Court anyway. I explained that Elm must at least attempt to purchase downstream products in the open market before demanding samples from Samsung. You disagreed, stating that Samsung needs to provide samples at this point in the case without any explanation for why off-the-shelf products are insufficient to meet Elm's needs. These types of issues should have been discussed between the parties before involving the Court.
3. *Image Sensor Products*: Elm's spreadsheet lists image sensor products, which I explained is a completely different category of products compared to the memory products. I also explained that the parties have not discussed an appropriate way to select representative image sensor products, and that Samsung believes we must meet and confer to discuss these issues before involving the Court. Your response was that these products have been generally discussed "a lot" and so it was appropriate to include them in Elm's letter, notwithstanding that the image sensor products are technically different than the memory products and therefore may require different treatment.

Regarding the other issues raised in your email, we produced the documents received from Samsung, which is the additional information Anand was referring to in his email to Kat.

Your request for a standing meet and confer was first raised before Elm filed its letter and before we agreed on the proposed process for grouping the accused memory products. A standing meet and confer seems unnecessary at this point. If, after reviewing our letter on Friday, this is something you still believe would be helpful, we will discuss internally and get back to you with our response.

Thanks,
Phillip

From: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>
Sent: Wednesday, May 20, 2020 12:02 PM
To: Citroen, Phillip W. <phillipcitroen@paulhastings.com>; Soobert, Allan M. <allansoobert@paulhastings.com>; Patel, Anand <anandpatel@paulhastings.com>; ServicePH Samsung-ELM 3DS <ServicePHSamsung-

ELM3DS@paulhastings.com>

Cc: Mailing List - Leedy <leedy@bartlit-beck.com>; mfarnan@farnanlaw.com; Poff, Adam <APOFF@ycst.com>; Kraman, Pilar <PKraman@ycst.com>

Subject: [EXT] RE: Representative Products Plan

Phillip,

Thanks much for sending the updated stress data correlation chart.

As you may already have seen, we attached a chart to our motion that provides a substantial start towards the parties' compilation of the data necessary to negotiate a representative products agreement. We hope that Samsung will complete this chart quickly so that the parties can move on to finalize a representative products agreement. Please don't hesitate to reach out with any questions about the chart.

Anand stated in his email to Kat last week that you expected to have more information from Samsung early this week. Are there additional issues on which you have updates? If so, please let me know what issues you're prepared to update us about and when would be a good time to talk.

Finally, your team hasn't responded to my proposal that we institute a standing weekly meet and confer to ensure that we are communicating regularly and efficiently. Please let me know whether Samsung will agree to this and, if so, what days/times work best for you.

Thanks,

-Nosson

BartlitBeck LLP

Nosson D. Knobloch | p: 303.592.3122 | c: 773.301.2851 | Nosson.Knobloch@BartlitBeck.com | 1801 Wewatta Street, 12th Floor, Denver, CO 80202

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From: Citroen, Phillip W. <phillipcitroen@paulhastings.com>

Sent: Tuesday, May 19, 2020 3:47 PM

To: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>; Soobert, Allan M. <allansoobert@paulhastings.com>; Patel, Anand <anandpatel@paulhastings.com>; ServicePH Samsung-ELM 3DS <ServicePHSamsung-ELM3DS@paulhastings.com>

Cc: Mailing List - Leedy <leedy@bartlit-beck.com>; mfarnan@farnanlaw.com; Poff, Adam <APOFF@ycst.com>; Kraman, Pilar <PKraman@ycst.com>

Subject: RE: Representative Products Plan

Nosson,

As promised, we have attached an updated spreadsheet correlating documents containing information on dielectric stress to nodes.

Thanks,
Phillip

From: Citroen, Phillip W. <phillipcitroen@paulhastings.com>
Sent: Monday, May 18, 2020 6:35 PM
To: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>; Soobert, Allan M. <allansoobert@paulhastings.com>; Patel, Anand <anandpatel@paulhastings.com>; ServicePH Samsung-ELM 3DS <ServicePHSamsung-ELM3DS@paulhastings.com>
Cc: Mailing List - Leedy <leedy@bartlit-beck.com>; mfarnan@farnanlaw.com; Poff, Adam <APOFF@ycst.com>; Kraman, Pilar <PKraman@ycst.com>
Subject: RE: Representative Products Plan

Nosson,

Samsung agrees with Elm's proposal for grouping the accused memory products, modified as noted below to give Samsung a week to complete tasks (i) and (ii). We believe the parties are in a position to appropriately group the accused memory products, especially with Samsung's recent productions of April 11, 24, and 30; and May 5, 15, and 16.

The products for which Samsung does not have or was not able to find after a reasonable search node information and / or documents needed for grouping will be handled separately, as you suggested in your email on May 11.

Regards,
Phillip

From: Citroen, Phillip W. <phillipcitroen@paulhastings.com>
Sent: Wednesday, May 13, 2020 11:13 PM
To: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>; Soobert, Allan M. <allansoobert@paulhastings.com>; Patel, Anand <anandpatel@paulhastings.com>; ServicePH Samsung-ELM 3DS <ServicePHSamsung-ELM3DS@paulhastings.com>
Cc: Mailing List - Leedy <leedy@bartlit-beck.com>; mfarnan@farnanlaw.com; Poff, Adam <APOFF@ycst.com>; Kraman, Pilar <PKraman@ycst.com>
Subject: RE: Representative Products Plan

Nosson,

Our responses are below in red.

Thanks,
Phillip

From: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>
Sent: Monday, May 11, 2020 12:08 AM
To: Citroen, Phillip W. <phillipcitroen@paulhastings.com>; Soobert, Allan M. <allansoobert@paulhastings.com>; Patel, Anand <anandpatel@paulhastings.com>; ServicePH Samsung-ELM 3DS <ServicePHSamsung-ELM3DS@paulhastings.com>
Cc: Mailing List - Leedy <leedy@bartlit-beck.com>; mfarnan@farnanlaw.com; Poff, Adam <APOFF@ycst.com>; Kraman, Pilar <PKraman@ycst.com>
Subject: [EXT] RE: Representative Products Plan

Phillip,

Your recriminations cannot undo the unambiguous record of delays in Samsung's discovery in this case. It is simply false for you to assert that Samsung met the April 30 deadline it had committed to. Indeed, your earlier emails admitted the opposite. We are working diligently to review what you have produced, and I am confident we will find numerous gaps in your productions, in addition to the ones you've already admitted to.

[PH] While there have been occasional but excusable delays, the record clearly shows that Samsung has complied and will continue to comply with its discovery obligations. Samsung's productions to date have been substantial and directly relevant to our representative products discussions. And we have repeatedly expressed Samsung's commitment to producing any remaining documents this week.

The representative products discussions may not be progressing at Elm's (or Samsung's) desired pace, but Elm is at least partially at fault. Elm's serial demands (often raised for the first time during meet and confers) essentially asking Samsung to do all the work necessary to arrive at what is supposed to be a jointly agreed-upon representative products list has on more than one occasion delayed progress. Elm's proposal below is the first concrete proposal by Elm to move things forward since it proposed grouping products only by node size—ignoring all other relevant technical features of the accused products—many months ago. We hope this truly is a sign that Elm is going to work with Samsung going forward, as you claim.

In order for us to further assess whether to seek the Court's assistance, please respond to each of the following items before 5pmET tomorrow:

1. Representative products: More than two months ago, I proposed that we group representative products by process node. You rejected that approach—for reasons that Samsung still hasn't explained—and insisted that the representative product groups be further broken-down based on the interconnect type, packaging type, and number of chips in the stack. Given that **Samsung** is insisting on these additional categories, and **Samsung** is the party with greater access to the relevant data, I propose that **Samsung** take the lead on grouping the relevant products into those additional sub-categories. Accordingly, please let me know if you agree to proceed as follows:

[PH] You have once again mischaracterized our prior communications, presumably in an attempt to paint Samsung in a bad light. Samsung has repeatedly explained in emails and during the meet and confer process why the representative product groups must be further broken down based on the listed criteria—i.e., they are relevant to Samsung's non-infringement positions with respect to the "substantially flexible" and "stress" terms.

Samsung has offered multiple times to take the lead on grouping the relevant products, so we believe Elm's proposal is generally acceptable (but we are waiting for final approval), as discussed below.

- a. Elm provide to Samsung a list of the accused products it is aware of, grouped by process node, to the extent we know the process node. Of course, as we've already indicated to you, there are products for which we've been unable to identify the process node to date. Those will all be grouped into one category. I need to check

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