

EXHIBIT 1

REDACTED

Exhibit 2

From: davish@gtlaw.com
Sent: Friday, May 1, 2020 2:41 PM
To: Nosson Knobloch; Matthew Ford; Kat Hacker; Mailing List - Leedy; bfarnan@farnanlaw.com; mfarnan@farnanlaw.com
Cc: ELM3DS-MICRON-OMM@omm.com; ElmMicron-RLF@rlf.com; apoff@ycst.com; pkraman@ycst.com; ServicePHSamsung-ELM3DS@paulhastings.com; narayenv@gtlaw.com; schladweilerb@gtlaw.com; anandpatel@paulhastings.com
Subject: RE: Elm Litigation - Expedited Indefiniteness Schedule Proposal per Meet and Confer

My proposal is that the parties would have a dispositive motion on indefiniteness of the stress terms per the proposed schedule, and then a second, regularly scheduled motion on other issues if needed. As for page limits, we can discuss those if this proposal is something you all are willing to accept.

Harold Davis
Shareholder

Greenberg Traurig, LLP
4 Embarcadero Ctr, Ste. 3000 | San Francisco, CA 94111-5983
T +1 415.590.5100 Mobile +1.415.906.9922
davish@gtlaw.com | www.gtlaw.com



From: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>
Sent: Thursday, April 30, 2020 4:40 PM
To: Davis, Hal (Shld-SFO-IP-Tech) <davish@gtlaw.com>; Matthew Ford <matthew.ford@bartlitbeck.com>; Kat Hacker <kat.hacker@bartlitbeck.com>; Mailing List - Leedy <leedy@bartlit-beck.com>; bfarnan@farnanlaw.com; mfarnan@farnanlaw.com
Cc: ELM3DS-MICRON-OMM@omm.com; ElmMicron-RLF@rlf.com; apoff@ycst.com; pkraman@ycst.com; ServicePHSamsung-ELM3DS@paulhastings.com; Narayen, Vishesh (OfCnl-TPA-IP-Tech) <narayenv@gtlaw.com>; Schladweiler, Benjamin (Shld-DEL-IP-Tech) <schladweilerb@gtlaw.com>; anandpatel@paulhastings.com
Subject: RE: Elm Litigation - Expedited Indefiniteness Schedule Proposal per Meet and Confer

EXTERNAL TO GT

Hal,

I want to be sure I understand your proposal. Under the current scheduling order, there is one opportunity to file dispositive motions. Is your suggestion that we agree to expedite discovery on the issue of stress and agree that Defendants can file their one dispositive motion earlier than currently allowed? Or is your suggestion that we agree to expedite discovery on this issue and agree that Defendants will be permitted two rounds of dispositive motions (i.e., an expedited motion on stress, and then a regularly-scheduled motion on other issues)? If the latter, how would this impact the total page limits currently allowed for dispositive motions?

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

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: davish@gtlaw.com <davish@gtlaw.com>

Sent: Wednesday, April 29, 2020 12:55 PM

To: Nosson Knobloch <nosson.knobloch@bartlitbeck.com>; Matthew Ford <matthew.ford@bartlitbeck.com>; Kat Hacker <kat.hacker@bartlitbeck.com>; Mailing List - Leedy <leedy@bartlit-beck.com>; bfarnan@farnanlaw.com; mfarnan@farnanlaw.com

Cc: ELM3DS-MICRON-OMM@omm.com; ElmMicron-RLF@rlf.com; apoff@ycst.com; pkraman@ycst.com; ServicePHSamsung-ELM3DS@paulhastings.com; narayenv@gtlaw.com; schladweilerb@gtlaw.com; anandpatel@paulhastings.com

Subject: Elm Litigation - Expedited Indefiniteness Schedule Proposal per Meet and Confer

Nosson:

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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.