

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ELM 3DS INNOVATIONS, LLC, a  
Delaware limited liability company,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity,  
SAMSUNG SEMICONDUCTOR, INC., a  
California corporation,  
SAMSUNG ELECTRONICS AMERICA,  
INC., a New York corporation, and  
SAMSUNG AUSTIN SEMICONDUCTOR,  
LLC, a Delaware limited liability company,

Defendants.

C.A. No. 14-1430-LPS

**JURY TRIAL DEMANDED**

**SAMSUNG ELECTRONICS CO., LTD., SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG ELECTRONICS AMERICA, INC., AND SAMSUNG AUSTIN  
SEMICONDUCTOR, LLC’S ANSWER AND DEFENSES TO ELM 3DS INNOVATIONS,  
LLC’S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT,  
AND DEMAND FOR JURY TRIAL**

Samsung Electronics Co., Ltd. (“SEC”); Samsung Semiconductor, Inc. (“SSI”); Samsung Electronics America, Inc. (“SEA”); and Samsung Austin Semiconductor, LLC (“SAS”) (collectively, the “Samsung Defendants”) respond to the allegations in the Second Amended Complaint for Patent Infringement (“SAC”) of Plaintiff Elm 3DS Innovations, LLC (“Elm 3DS” or “Plaintiff”) as follows:

### **GENERAL DENIAL**

Unless specifically admitted below, the Samsung Defendants deny Plaintiff's allegations of infringement. For convenience and clarity, the Samsung Defendants' Answer references headings as set forth in Plaintiff's SAC. In so doing, the Samsung Defendants do not admit any of the allegations contained in Plaintiff's headings.

### **INTRODUCTION**

1. The Samsung Defendants admit that this action purports to arise under the Patent Laws of the United States, 35 U.S.C. Title 35 § 1 *et seq.* alleging infringement of U.S. Patent Nos. 7,193,239; 7,474,004; 7,504,732; 8,410,617; 8,629,542; 8,653,672; 8,796,862; 8,841,778; 8,907,499; 8,928,119; 8,933,570; and 8,791,581 (collectively, the "Asserted Patents"). The Samsung Defendants further admit that uncertified copies of the Asserted Patents are attached to the SAC as Exhibits 1 through 12. The Samsung Defendants lack knowledge or information sufficient to form a belief as to whether Elm 3DS is the current owner of all rights, title, and interest in and to the Asserted Patents, and therefore denies such allegations. The Samsung Defendants deny infringing the Asserted Patents. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 1 of the SAC.

2. The Samsung Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and therefore deny them.

3. The Samsung Defendants deny the allegations of Paragraph 3 of the SAC.

4. Paragraph 4 of the SAC contains no allegation to which a response is required. To the extent a response is required; the Samsung Defendants deny infringing the Asserted Patents. The Samsung Defendants lack knowledge or information sufficient to form a belief as to the truth of any remaining allegations in Paragraph 4, and therefore deny them.

### **THE PARTIES**

5. The Samsung Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5, and therefore deny them.

6. SEC admits that it is a foreign company organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443742, South Korea. The Samsung Defendants admit that SEC is South Korea's largest company and one of Asia's largest electronics companies. The Samsung Defendants admit that SEC designs, develops, manufactures and provides to the U.S. and world markets a wide range of innovative products, including semiconductors, consumer electronics, computer components, and mobile and entertainment products. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 6.

7. SEA admits it is a corporation organized and existing under the laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA admits it is a wholly-owned subsidiary of SEC. The Samsung Defendants admit that SEA offers a full range of innovative, award-winning electronics and IT products including, but not limited to, handheld wireless phones, wireless communications infrastructure systems, televisions, Blu-ray Disc players, digital cameras and camcorders, certain memory storage devices, portable audio devices, printers and monitors. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 7.

8. SSI admits it is a corporation organized and existing under the laws of California, with its principal place of business at 3655 North First Street, San Jose, California 95134. SSI admits it is a wholly-owned subsidiary of SEA. The Samsung Defendants admit that SSI offers

innovative, award-winning semiconductor products. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 8.

9. SAS admits it is a limited liability company organized and existing under the laws of Delaware, with its principal place of business at 12100 Samsung Boulevard, Austin, Texas 78754. SAS admits it is a wholly-owned subsidiary of SSI. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 9.

### **JURISDICTION**

10. The Samsung Defendants admit that the SAC purports to set forth an action for patent infringement and that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

11. The Samsung Defendants will not challenge personal jurisdiction in the District of Delaware for purposes of this case only. SAS admits that it is organized under the laws of Delaware. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 11.

### **VENUE**

12. The Samsung Defendants will not contest the propriety of venue for purposes of this action only. Except as expressly admitted, the Samsung Defendants deny the remaining allegations of Paragraph 12.

### **FACTUAL BACKGROUND**

#### **(The Asserted Patents)**

13. The Samsung Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13, and therefore deny them.

(a) The Samsung Defendants admit that U.S. Patent No. 7,193,239 (“the ’239 Patent”) is entitled “Three Dimensional Structure Integrated Circuit”; indicates that the inventor is Glenn J. Leedy; and indicates that it was issued on March 20, 2007. The Samsung Defendants lack knowledge or information sufficient to form a belief as to whether Elm 3DS owns all rights, titles, and interest in and to the ’239 Patent, and whether the ’239 Patent was duly and legally issued. Except as expressly admitted, the Samsung Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13(a), and therefore deny them.

(b) The Samsung Defendants admit that U.S. Patent No. 7,474,004 (“the Leedy ’004”) is entitled “Three Dimensional Structure Memory”; indicates that the inventor is Glenn J. Leedy; and indicates that it was issued on January 6, 2009. The Samsung Defendants lack knowledge or information sufficient to form a belief as to whether Elm 3DS owns all rights, titles, and interest in and to the ’004 Patent, and whether the ’004 Patent was duly and legally issued. Except as expressly admitted, the Samsung Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13(b), and therefore deny them.

(c) The Samsung Defendants admit that U.S. Patent No. 7,504,732 (“the ’732 Patent”) is entitled “Three Dimensional Structure Memory”; indicates that the inventor is Glenn J. Leedy; and indicates that it was issued on March 17, 2009. The Samsung Defendants lack knowledge or information sufficient to form a belief as to whether Elm 3DS owns all rights, titles, and interest in and to the ’732 Patent, and whether the ’732 Patent was duly and legally issued. Except as expressly admitted, the Samsung Defendants lack knowledge or information sufficient

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