

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

ELM 3DS INNOVATIONS, LLC,)

Plaintiff,)

v.)

SAMSUNG ELECTRONICS CO., LTD.,)

SAMSUNG SEMICONDUCTOR, INC.,)

SAMSUNG ELECTRONICS AMERICA, INC.,)

AND SAMSUNG AUSTIN SEMICONDUCTOR,)

LLC,)

Defendants.)

C.A. No. 14-01430-LPS

ELM 3DS INNOVATIONS, LLC,)

Plaintiff,)

v.)

MICRON TECHNOLOGY, INC.; MICRON)

SEMICONDUCTOR PRODUCTS, INC.; AND)

MICRON CONSUMER PRODUCTS GROUP,)

INC.,)

Defendants.)

C.A. No. 14-01431-LPS

ELM 3DS INNOVATIONS, LLC,)

Plaintiff,)

v.)

SK HYNIX INC., SK HYNIX AMERICA INC.,)

HYNIX SEMICONDUCTOR)

MANUFACTURING AMERICA INC., AND SK)

HYNIX MEMORY SOLUTIONS INC.,)

Defendants.)

C.A. No. 14-01432-LPS

SUPPLEMENTAL PROTECTIVE ORDER

WHEREAS, the Court has entered Stipulated Protective Orders (the “Protective Orders”) governing the disclosure of confidential materials in the above-referenced matters (C.A. No. 14-01430-LPS D.I. 117; C.A. No. 14-01431-LPS D.I. 71; C.A. No. 14-01432-LPS D.I. 112);

WHEREAS, on August 19, 2020, Plaintiff Elm 3DS Innovations, LLC (“Elm”) moved to compel certain documents from Defendants (C.A. No. 14-01430-LPS D.I. 322; C.A. No. 14-01431-LPS D.I. 280; C.A. No. 14-01432-LPS D.I. 295);

WHEREAS, on August 25, 2020, non-party Apple Inc. (“Apple”) filed its objection to the production of certain Apple Confidential Information unless supplemental conditions were placed on such production (C.A. No. 14-01430-LPS D.I. 324; C.A. No. 14-01431-LPS D.I. 282; C.A. No. 14-01432-LPS D.I. 297); and

WHEREAS, on August 28, 2020, the Court issued an Oral Order requiring that any production of Apple Confidential Information is produced subject to the protections sought by non-party Apple and invited Apple to seek incorporation of the Oral Order into a formal Protective Order (C.A. No. 14-01430-LPS D.I. 327; C.A. No. 14-01431-LPS D.I. 284; C.A. No. 14-01432-LPS D.I. 299);

By reason of the foregoing, it is ORDERED that the Apple Confidential Information is subject to the terms of this Supplemental Protective Order:

1. Disclosure of Apple Confidential Information. To the extent that a party seeks to disclose any Apple Confidential Information to any individual pursuant to Sections I.A.5.b (regarding experts or consultants) or I.A.5.f (regarding “any other person”) of the operative Protective Orders, the parties shall afford Apple the same notice, disclosure, and consent rights as provided to a producing party under the Protective Orders.
2. Exhibit List. The parties shall notify Apple should any Apple Confidential Information appear on any party’s trial exhibit list; and

3. Use of Apple Confidential Information at Hearing or at Trial. The parties shall use reasonable efforts to seal the courtroom and redact any related transcript should the Apple Confidential Information be discussed at hearing or at trial; or provide Apple with reasonable notice before such information is used so that Apple may intervene.

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Dated: September 8, 2020
6862458

IT IS SO ORDERED this 11th day of September, 2020.



JENNIFER L. HALL

UNITED STATES MAGISTRATE JUDGE