

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

ELM 3DS INNOVATIONS, LLC,	)	
PLAINTIFF,	)	
	)	
V.	)	
	)	C.A. NO. 14-01430-LPS-CJB
SAMSUNG ELECTRONICS CO., LTD.,	)	
SAMSUNG SEMICONDUCTOR, INC.,	)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS AMERICA, INC.,	)	
AND SAMSUNG AUSTIN	)	
SEMICONDUCTOR, LLC,	)	
DEFENDANTS.	)	
	)	
_____	)	

**SAMSUNG’S NOTICE OF RULE 30(b)(6) DEPOSITION OF ELM**

To: **Elm 3DS Innovations, LLC**, by and through its counsel of record:

**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendants Samsung Electronics Co., Ltd., Samsung Semiconductor Inc., Samsung Austin Semiconductor LLC, and Samsung Electronics America, Inc. (together, “Samsung”) will take the videotaped deposition of Plaintiff Elm 3DS Corp. (“Elm”) at a mutually-agreed upon time and date at the offices of Paul Hastings LLP, 875 15th Street, N.W. Washington, D.C. 20005.

The deposition will continue from day-to-day until completed or unless otherwise ordered by the Court or by agreement of the parties. The deposition will be stenographically recorded utilizing real-time reporting and will be taken before a person authorized to administer oaths in the place where the deposition is taken. The deposition will be videotaped.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Elm shall designate one or more officers, directors, agents, employees, or other persons to testify on its behalf with respect to the topics set forth in Attachment A attached hereto.

## ATTACHMENT A

### DEFINITIONS

1. If Elm requires clarification of a Definition of any term to comply with this notice, please contact undersigned counsel and request such clarification of Definition.

2. Notwithstanding any definition set forth below, each word, term, or phrase used in these Topics is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. In these Topics, the following terms are to be given their ascribed definitions:

3. “Elm,” “Plaintiff,” “You,” or “Your” means Elm 3DS Innovations, LLC (and/or Glenn Leedy’s trust) and all of its subsidiaries, parent companies, holding companies, divisions, subdivisions, components, units, partnerships, limited partnerships, joint ventures, associations, affiliates, and trusts; all predecessors, successors, assigns, and trusts of each of the foregoing; all past and present officers, employees, directors, agents, consultants, representatives, attorneys, trustees, trustors, owners, members, shareholders, and interest holders of each of the foregoing; and all other Persons acting or purporting to act for, on behalf of, or in the interest of Elm.

4. “Defendants” means Samsung Electronics Co., Ltd., Samsung Semiconductor Inc., Samsung Austin Semiconductor LLC, and Samsung Electronics America, Inc., and all of their subsidiaries, parent companies, holding companies, divisions, subdivisions, components, units, partnerships, limited partnerships, joint ventures, associations, and affiliates; all predecessors, successors, and assigns of each of the foregoing; all past and present officers, employees, directors, agents, consultants, representatives, and attorneys of each of the foregoing; and all other Persons acting or purporting to act for, on behalf of, or in the interest of Defendants.

5. The phrase “third party” shall mean and include any person or persons other than Defendants and Plaintiff.

6. “Patents-in-Suit” and “Asserted Patents” currently refer to U.S. Patent Nos. 7,193,239; 7,474,004; 7,504,732; 8,410,617; 8,629,542; 8,653,672; 8,791,581; 8,796,862; 8,841,778; 8,907,499; 8,928,119; and 8,933,570. If Elm amends its Complaint to include infringement counts as to additional asserted patent(s), the terms “Patent-in-Suit” and “Asserted Patents” shall also encompass the later-asserted patent(s) and Elm’s duty to serve supplemental Documents in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

7. The term “Asserted Claim(s)” shall mean any claim or claims of the Patents-in-Suit that Plaintiff contends is infringed by Defendants.

8. The terms “Lawsuit,” “Action,” “Case,” or “Proceeding” refer to the above captioned litigation, Elm 3DS Innovations, LLC vs. Samsung Electronics Co., Ltd., et al., Case No. 14-cv-1430-LPS (D. Del.).

9. The term “Related Litigation” means any lawsuit, interference, arbitration, mediation, opposition proceeding, or any other dispute or adversarial proceeding involving any Patent-in-Suit or any Related Patent, including any foreign counterparts.

10. The term “Accused Products” means any of Defendants’ products that Plaintiff contends infringes any Asserted Claim.

11. The term “Prior Assignee” means any entity (including its predecessors (merged, acquired, or otherwise), successors, subsidiaries, parents) who previously was assigned or held rights in any of the Patents-in-Suit or Related Patents.

12. “People” and “Person” shall include any natural individual, business, corporation, independent establishment, firm, partnership, joint venture, trust, other business organization; and any charitable, religious, educational, governmental, legal or other institution, foundation, body, organization, or entity. The terms include any and all of that Person’s predecessors,

successors, assigns, Personal representatives, agents, attorneys, trustees, trustors, and heirs whether by operation of law or otherwise. Unless otherwise stated, the terms also include any employee, agent, or representative of any of the foregoing and any other individual or entity mentioned in these instructions and definitions.

13. “Prior Art” means any and all knowledge or learning, or any evidence thereof, that existed prior to the filing date of a Patent-in-Suit, and that relates to (a) the Patents-in-Suit or any application or patent related to the Patents-in-Suit, (b) the subject matter disclosed in the Patents-in-Suit or any application or patent related to the Patents-in-Suit, (c) any product, system, or method referenced in the Patents-in-Suit or any application or patent related to the Patents-in-Suit, or (d) any product, system, or method that allegedly infringed or infringes any claim of the Patents-in-Suit. “Prior Art” may take any form, including, without limitation, Documents, articles, publications, presentation materials, pamphlets, products, product-related Documents, manuals, marketing materials, educational materials, public uses, physical specimens, prototypes, contracts, sales, offers to sell, and United States and foreign patents and patent applications.

14. “Related Patent” or “patent related to” means any patent that issued from any application, in any country, that: (a) is a parent, child, or ancestral application related in any way to a given patent; (b) is a continuation application, continuation-in-part application, divisional application, file-wrapper continuation, reexamination, reissue application, provisional application, or abandoned application of a given patent or the application that led to a given patent; (d) is the basis for a claim of priority in whole or in part (including claims of benefit under 35 U.S.C. §§ 119(e) or 120) for a given patent; or (e) shares subject matter with a given patent.

15. “Related Patent Application” or “application related to” means any patent application, filed in any country, that: (a) is a parent, child, or ancestral application related in any way to a given application; (b) is a continuation application, continuation-in-part application, divisional application, file-wrapper continuation, reexamination, reissue application, provisional application, or abandoned application of a given application; (c) claims priority in whole or in part from a given application; (d) is the basis for a claim of priority in whole or in part (including claims of benefit under 35 U.S.C. §§ 119(e) or 120) for a given application; or (e) shares subject matter with a given application.

16. The term “Complaint(s)” as used herein encompasses the complaint(s) filed by Elm in the Cases in the United States District Court for the District of Delaware against Defendants.

17. “Date” or “day” means the exact day, month, and year, if ascertainable, or if not, the best available approximation (including a relationship to other events).

18. “Document(s)” shall have the broadest possible meaning allowed by Rule 34(a) of the Federal Rules of Civil Procedure, and includes (without limitation) any writing of any kind, including originals and all non-identical copies (whether different from the original by reason of any notation made on such copies or otherwise). The term “document(s)” shall include electronically stored information and shall also include, without limitation, the following items, whether printed or reproduced by any process, or written or produced by hand or stored in computer memory, magnetic or hard disk or other data storage medium, and whether or not claimed to be privileged, confidential or otherwise excludable from discovery, namely, notes, letters, correspondence, communications, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or meetings, diaries,

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