

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELM 3DS INNOVATIONS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

C.A. No. 14-cv-1430-LPS

JURY TRIAL DEMANDED

**ELM'S THIRD NOTICE OF DEPOSITION OF SAMSUNG PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6) (TOPIC NOS. 24-108)**

Please take notice that Plaintiff Elm 3DS Innovations, Inc., (“Elm”) will take the deposition of one or more persons designated by Defendants Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc., Samsung Electronics America, Inc. and Samsung Austin Semiconductor, LLC (collectively “Samsung”), under Federal Rules of Civil Procedure 26 and 30, regarding the topics set forth below. Such deposition or depositions will commence on a date and time and in a location determined by the parties. The deposition will continue from day to day thereafter and shall be taken before an officer qualified to administer oaths under the Federal Rules of Civil Procedure. The examination will be recorded by stenographic means, LiveNote or similar functionality, and/or by videotape, and will continue from day to day until completed.

Under Federal Rule of Civil Procedure 30(b)(6), Defendants are required to designate one or more officers, directors, or managing agents or other persons who consent to testify on their behalf regarding the topics below. Failure to designate a person who is prepared to provide full and complete testimony regarding these topics may be treated as a failure to comply with this deposition notice and may be treated as a contempt of court or bar the introduction of evidence in subsequent proceeding and at trial.

DEFINITIONS

1. The terms “Elm” and “Elm 3DS” refer to the Plaintiff in these actions and all parents, subsidiaries, affiliates, assignees, predecessors, employees, and agents thereof.
2. The terms “You” and “Your” mean the Samsung Defendants in these actions and their parents, subsidiaries, divisions, affiliates, predecessors, assignees, successors, and acquired assets of business units, and any of their present or former officers, directors, trustees, employees, agents, representatives, attorneys, patent agents, and all other persons acting on their behalf.
3. The term “Document(s)” has the broadest meaning ascribed to it by Rule 34(a) of the Federal Rules of Civil Procedure and encompasses any writing of any kind, including originals and non-identical copies (whether different from the original by reason of any notation made on such copies or otherwise). The term “Document(s)” includes 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, including without limitation: patents, patent applications, articles, publications, presentations, posters, slides, electronic presentations, notes, letters, correspondence, communications, e-mail, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or meetings, diaries, reports, laboratory and research reports and notebooks, recorded experiments, charts, plans, drawings, diagrams, schematic diagrams, HDL, Verilog, source code or other computer code, illustrations, product descriptions, labels, product inserts, product analyses, requests for proposals, documents related to proposals or actual product improvements or changes, user manuals or guides, installation guides or manuals, technical descriptions or specifications, product repair manuals or guides, photographs, video images, software flow charts or descriptions or specifications, product functional descriptions or specifications, minutes or records of meetings, summaries of

interviews, reports, or investigations, opinions or reports of consultants, reports of patent searches, patent appraisals, opinions of counsel, agreements, reports or summaries of negotiations, brochures, pamphlets, advertisements, circulars, trade letters, press releases, drafts of documents, and all other material fixed in a tangible medium of whatever kind.

4. Where used in these Requests, the singular also encompasses the plural and vice versa, the words “and” and “or” shall be conjunctive and disjunctive, the words “all” or “any” shall mean “all and any,” and the word “including” means “including without limitation.”

1. The term “Accused Product(s)” means any stacked semiconductor product that is sold by you, or incorporated into a product that is sold by you, that contains a semiconductor layer with a thickness of 50 microns or less. For the avoidance of doubt, “Product(s)” include all types of semiconductor products that meet the above definition, regardless of their function (e.g., memory, image sensor, control, etc.). In addition, although Elm expects that there may be Products that are not included in the following documents, the term Product(s) specifically includes each Product listed in, or included in other products listed in, the following documents: the Elm v. Samsung Representative Products Spreadsheet that Samsung served on October 26, 2020, SAMSUNG-ELM-000025176 – SAMSUNG-ELM-000050134, SAMSUNG-ELM-000052678 – SAMSUNG-ELM-000054791, SAMSUNG-ELM-000054792 – SAMSUNG-ELM-000054799, SAMSUNG-ELM-000054967 – SAMSUNG-ELM-000054969, SAMSUNG-ELM-000058542, SAMSUNG-ELM-000062355, SAMSUNG-ELM-000062356, SAMSUNG-ELM-000062357, SAMSUNG-ELM-000062358, SAMSUNG-ELM-000062359, SAMSUNG-ELM-000062363, SAMSUNG-ELM-000062366, SAMSUNG-ELM-000062367, SAMSUNG-ELM-000062368, SAMSUNG-ELM-000062369, SAMSUNG-ELM-000062370, SAMSUNG-ELM-000062371, SAMSUNG-ELM-000062372, SAMSUNG-ELM-000062373, SAMSUNG-ELM-000062374, SAMSUNG-ELM-000206023, SAMSUNG-ELM-000206024, SAMSUNG-ELM-000206025, SAMSUNG-ELM-000206026,

SAMSUNG-ELM-000206027, SAMSUNG-ELM-000206028, SAMSUNG-ELM-000220359, SAMSUNG-ELM-000220360, SAMSUNG-ELM-000220458, SAMSUNG-ELM-000220460, SAMSUNG-ELM-000633785, AND SAMSUNG-ELM-000633786. For further avoidance of doubt, the “semiconductor layer with a thickness of 50 microns or less” term above refers only to the thickness of the semiconductor substrate, and not to the dielectric, metal, or other material that may be deposited on the die (including, to Elm’s current understanding of Samsung’s terminology, the “active layer” and “polyimide layer” whose thickness should not be included in the thickness of the semiconductor layer thickness).

5. The term “yield” means the percentage of products that successfully undergo all assembly-related process steps. In other words, your yield is equal to the number of products exiting the assembly process with no assembly defects, divided by the number of products that started the assembly process. For the avoidance of doubt, the Yields addressed in these requests relate only to full-scale production after the assembly process has passed any needed qualification tests. Moreover, the yields addressed in these topics relate only to yields associated with assembly process steps such as wafer thinning, die attach, wirebonding, molding, etc.; parts with defects associated with non-assembly processes such as wafer fab should not be factored into your yield calculations.

6. The term “material properties” means every known, estimated, or measured property of the material, including each of the following:

- i. Young’s modulus
- ii. Shear modulus
- iii. Poisson’s ratio
- iv. Coefficient of thermal expansion
- v. Density
- vi. Heat capacity

vii. Thermal conductivity

7. The term “stress target” means a desired level or range of stress for a given entity, such as a die or a dielectric layer within a die.

8. The use and definition of any of these words or terms is not contingent on the capitalization or lack of capitalization of those terms as used below. Some terms may be capitalized, including without limitation at the beginning of a sentence, or not capitalized—regardless, the above definitions should be considered to apply

DEPOSITION TOPICS

Topic No. 24:

Your search for and production of sales data.

Topic No. 25:

Your databases containing sales information for the Accused Products.

Topic No. 26:

Your databases containing profit and loss data for the Accused Products.

Topic No. 27:

Your databases containing shipment data for the Accused Products, including dates, customers’ names and locations, unit prices, unit quality, location shipped from, location shipped to, location selling from, and location selling to.

Topic No. 28:

Your sales and marketing activities in the United States relating to the Accused Products.

Topic No. 29:

Your offers to sell the Accused Products in the United States, including offers that did and did not ultimately lead to sales.

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