



January 27, 2022

VIA E-FILING

The Honorable Jennifer L. Hall
U.S. District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

**Re: *Elm 3DS Innovations LLC v. Samsung Electronics Co. Ltd., et al.*
C.A. No. 14-cv-1430-LPS**

Dear Judge Hall,

Samsung's request for clarification is procedurally improper and should be denied. Samsung filed its request without the requisite meet and confer with Elm, in violation of Local Rule 7.1.1. Samsung did not even inform Elm that it thought the Court's Order needed clarification, let alone make any effort to reach agreement with Elm before filing its letter, as required by Rule 7.1.1.

Samsung's request for clarification also violates the Scheduling Order's mandate that, except for certain circumstances not applicable here, "any application to the Court shall be by written motion filed with the Clerk." D.I. 111 at 16, ¶ 20. Samsung's letter is not presented as a motion and does not comply with the requirements for filing a motion under Local Rule 7.1.2.

Samsung's letter also runs afoul of Local Rule 7.1.5, which prohibits "[m]otions for reargument on a ruling made by a Magistrate Judge pursuant to Fed. R. Civ. P. 72." The Local Rules mandate this finality for good reason. A crucial deadline is fast approaching. In the next few weeks, Samsung is required to "substantially complete discovery on representative products, including document production, production of samples, and interrogatory supplementation." D.I. 445 at 2. In contrast to the at-best ancillary significance of Mr. Epstein's compensation, the information Samsung is due to provide on February 18 is central to Elm's infringement and damages claims. Elm has waited years to receive this data. Instead of focusing its energy on ensuring that it meets this deadline, Samsung continues to waste time seeking to revisit an issue Elm and this Court have already fully addressed.

The Court's Oral Order was clear. The only relief the Court granted Samsung was the production of the portions of the term sheet that Elm offered to produce. The Court did not grant any other of Samsung's requests. No clarification is necessary.

Respectfully submitted,

/s/ Brian E. Farnan

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cc: Counsel of Record (Via E-File)