

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS CO., LTD  
MICRON TECHNOLOGY, INC.; AND  
SK HYNIX INC.,  
Petitioners,

v.

ELM 3DS INNOVATIONS, LLC,  
Patent Owner.

---

Case IPR2016-00387  
Patent 8,841,778

---

**PATENT OWNER'S UPDATED EXHIBIT LIST**

Patent Owner Elm 3DS Innovations, LLC submits the following updated

exhibit list:

### EXHIBIT LIST

EXHIBIT NO.	REFERENCE
2100	Proofs of Service of Complaint
2101	“Dec. 22, 2015 Power Outage Updates,” <a href="http://www.uspto.gov/about-us/news-updates/dec-22-2015-power-outage-updates">http://www.uspto.gov/about-us/news-updates/dec-22-2015-power-outage-updates</a> (last visited February 4, 2016).
2102	“Communications With the Patent and Trademark Office,” 61 Fed. Reg. 56439 (November 1, 1996).
2103	“Filing of Papers During Unscheduled Closings of the Patent and Trademark Office,” 1097 Off. Gaz. Pat. Office 53 (December 20, 1988) (republished at 1170 Off. Gaz. Pat. Office 8 (January 3, 1995)).
2104	35 U.S.C.A. § 21 “Filing date and day for taking action.”
2105	Pub. L. No. 97-247, 1982 U.S.C.A.N., 96 Stat. 775.
2106	USPTO gives free pass on filing deadlines until December 28, <a href="https://blog.oppedahl.com/?p=1152">https://blog.oppedahl.com/?p=1152</a> , last visited February 4, 2016.
2107	U.S. Office of Personnel Management 2015 Holiday Schedule, <a href="https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/#url=2015">https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/#url=2015</a> , last visited February 18, 2016.
2108	“Executive Orders,” <a href="https://www.whitehouse.gov/briefing-room/presidential-actions/executive-orders">https://www.whitehouse.gov/briefing-room/presidential-actions/executive-orders</a> , last visited February 18, 2016.
2109	“Updated Message Regarding USPTO Outage,” <a href="http://popa.org/2619/">http://popa.org/2619/</a> , last visited February 4, 2016.
2110-2114	RESERVED
2115	“Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan,” 1365 Off. Gaz. Pat. Office (republished at 1421 Off. Gaz. Pat. Office 87 (December 29, 2015)).
2116	“Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Severe Earthquakes in Northern Italy,” 1381 Off. Gaz. Pat. Office (July 30, 2012) (republished at 1421 Off. Gaz. Pat. Office 84 (December 29, 2015)).

EXHIBIT NO.	REFERENCE
2117	“Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Flooding in Thailand,” 1375 Off. Gaz. Pat. Office (January 25, 2012) (republished at 1421 Off. Gaz. Pat. Office 81 (December 29, 2015)).
2118	MANUAL OF PATENT EXAMINING PROCEDURE, 9 <sup>th</sup> ed., §511, “Postal Service Interruptions and Emergencies [R-07.2015], <a href="http://www.uspto.gov/web/offices/pac/mpep/mpep-0500.pdf">http://www.uspto.gov/web/offices/pac/mpep/mpep-0500.pdf</a> , last visited February 18, 2006.
2119	“United States Postal Service Interruptions and Emergency Terminated,” 1262 Off. Gaz. Pat. Office 94 (August 19, 2003) (republished 1421 Off. Gaz. Pat. Office 133 (December 29, 2015)).
2120	<i>Howard Florey Institute v. Dudas</i> , 87 U.S.P.Q.2d 1913 (E.D. Va. 2008).
2121	“Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions,” 77 Fed. Reg. 48612 (August 14, 2012).
2122	Prosecution History of U.S. Patent No. 7,705,466 – Office Action mailed October 10, 2008.
2123	Prosecution History of U.S. Patent No. 7,705,466 – Response to Office Action dated January 7, 2009.
2124	RESERVED
2125	Prosecution History of U.S. Patent No. 7,705,466 – Response to Office Action dated February 16, 2009.
2126	RESERVED
2127	Prosecution History of U.S. Patent No. 7,705,466 – Office Action mailed November 2, 2009.
2128-2130	RESERVED
2131	Prosecution History of U.S. Application 12/497,652 – Response to Office Action dated July 22, 2014.
2132	Prosecution History of U.S. Application 12/497,653 – Response to Office Action dated July 22, 2014.
2133	Cote “Low-temperature chemical vapor deposition processes and dielectrics for microelectronic circuit manufacturing at IBM” July 1995
2134	Prosecution History of U.S. Patent No. 8,796,862 – List of References Cited by Applicant and Considered by Examiner dated April 4, 2008

<b>EXHIBIT NO.</b>	<b>REFERENCE</b>
2135	US Patent No. 4,924,589 (Leedy)
2136	Prosecution History of U.S. Patent No. 8,796,862 – Response to Office Action Dated July 7, 2012
2137	Prosecution History of U.S. Patent No. 5,869,354 - Declaration of Dr. Alain Harrus dated November 7, 1997
2138-2142	RESERVED
2143	District Court Service Dates for Petitions for Inter Partes Review That Were Accorded a December 28, 2016 Filing Date
2144-2153	RESERVED
2154	Excerpt from '778 Prosecution History; Filing Receipt, Issue Notification, and Terminal Disclaimer
2155-2156	RESERVED
2157	Declaration of Michael C. Newman in Support of PHV

Dated: September 16, 2016

/William Meunier/

William A. Meunier (Reg. No. 41,193)  
Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.  
One Financial Center  
Boston, MA 02111  
Telephone: (617) 348-1845  
Facsimile: (617) 542-2241  
ELM\_3DS\_IPRs@mintz.com

**CERTIFICATE OF SERVICE**

I certify that a copy of Patent Owner's Updated Exhibit List is being served  
by electronic mail on the following counsel of record:

**Petitioners**

Jason A. Engel (Reg. No. 51,654)  
K&L GATES LLP  
70 West Madison Street, Suite 3100  
Chicago, IL 60602  
Telephone: (312) 807-4236  
Facsimile: (312) 827-8145  
[jason.engel.PTAB@klgates.com](mailto:jason.engel.PTAB@klgates.com)

Naveen Modi (Reg. No. 46,224)  
PAUL HASTINGS LLP  
875 15th Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 551-1700  
Facsimile: (202) 551-1705  
[PH-Samsung-ELM-IPR@paulhastings.com](mailto:PH-Samsung-ELM-IPR@paulhastings.com)

John Kappos (Reg. No. 37,861)  
O'MELVENY & MYERS LLP  
610 Newport Center Drive, 17th Floor  
Newport Beach, CA 92660  
Telephone: (949) 823-6900  
Facsimile: (949) 823-6994  
[jkappos@omm.com](mailto:jkappos@omm.com)  
[PTABMICRONELM@omm.com](mailto:PTABMICRONELM@omm.com)

**Patent Owner**

Cyrus A. Morton (Reg. No. 44,954)  
[cmorton@robinskaplan.com](mailto:cmorton@robinskaplan.com)  
ROBINS KAPLAN LLP  
2800 LaSalle Plaza  
Minneapolis, MN 55402-2015  
Tel.: (612) 349-8500  
Fax: (612) 339-4181

James Carmichael (Reg. No. 45,306)  
[jim@carmichaelip.com](mailto:jim@carmichaelip.com)  
CARMICHAEL IP, PLLC  
8000 Towers Crescent Drive, 13th Floor  
Tysons Corner, VA 22182  
Tel.: (703) 646-9250

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.