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RICHARDS LAYTON & FINGER

July 1, 2016

**VIA CM/ECF & HAND DELIVERY**

The Honorable Christopher J. Burke
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801

**Re:** ***ELM 3DS Innovations, LLC v. Samsung Electronics Co., Ltd., et al., (C.A. No. 14-1430-LPS-CJB)***
***ELM 3DS Innovations, LLC v. Micron Technology, Inc., et al., (C.A. No. 14-1431-LPS-CJB)***
***ELM 3DS Innovations, LLC v. SK Hynix Inc., et al., (C.A. No. 14-1432-LPS-CJB)***

Dear Judge Burke:

Pursuant to Local Rule 7.1.2(b), Defendants in the above-referenced matters write to inform the Court of recent developments relevant to their pending motion to stay (D.I. 87). As outlined in their opening brief in support of the motion to stay, Defendants have filed petitions with the Patent Trial and Appeal Board ("PTAB") for *inter partes* review ("IPR") of each of the 13 patents-in-suit, all of which claim priority to a common ancestor and share an identical specification. (D.I. 88 at 2-3). On June 30 and July 1, 2016, the PTAB instituted IPR on all asserted claims for eight of the thirteen asserted patents: U.S. Patent Nos. 8,841,778, 7,193,239, 8,410,617, 7,504,732, 8,035,233, 8,796,862, 8,653,672, and 8,629,542. The PTAB's decisions on the remaining five patents are still pending and are expected no later than September 6, 2016 (U.S. Patent Nos. 8,928,119 and 7,474,004), September 8, 2016 (U.S. Patent No. 8,791,581), September 30, 2016 (U.S. Patent No, 8,907,499), and October 5, 2016 (U.S. Patent No. 8,933,570).

Defendants note that the parties are proceeding through complex discovery, which will include the depositions of a number of witnesses in the very near future if the case is not stayed. For this reason, Defendants' counsel contacted Plaintiff's counsel yesterday to propose the parties agree to stay the case. Plaintiff's response of today (Ex. A) states that Plaintiff will continue to oppose a stay. Defendants note that there is a scheduled status report on IPRs due July 27, 2016. But because the PTAB has now acted on all nine IPRs filed in December 2015, there are no additional institution decisions expected before July 27. In light of the recent decisions by the PTAB and for the reasons stated in the moving papers, Defendants respectfully request that the Court grant their motion to stay the case or, at a minimum, stay the case until the PTAB issues its remaining institution decisions.

Should the Court have any questions, counsel is available at the Court's convenience.

Respectfully,

*/s/ Frederick L. Cottrell, III*

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cc: All Counsel of Record (via CM/ECF)