

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

INPRIA CORP.,

Plaintiff,

v.

LAM RESEARCH CORP.,

Defendant.

C.A. No. 22-cv-1359-CJB

**THE RESEARCH FOUNDATION FOR THE STATE UNIVERSITY OF NEW YORK'S
MOTION FOR LEAVE TO SUBMIT *AMICUS CURIAE* BRIEF**

The Research Foundation for The State University of New York (“SUNY RF” or “the RF”) respectfully moves for leave to submit the attached amicus curiae brief in response to the Court’s March 28, 2025, Oral Order regarding SUNY-related discovery. *See* D.I. 383.

SUNY RF is a non-profit education corporation tax-exempt under Section 501(c)(3), organized under the laws of New York, and based in Albany, New York. It is an owner of the patents asserted in this action, its researchers invented those patents, and its contracts with Plaintiff Inpria Corporation are the subject of the parties’ claims, counterclaims, and defenses. By law, “[i]t is the policy of SUNY to encourage such innovation and to take appropriate steps to aid creators and ensure that the public receives the benefit of such innovation in accordance with its public service mission. Appropriate steps include securing research support, identifying and encouraging disclosure of intellectual property, securing appropriate protections, marketing intellectual property through licensing and other arrangements, and managing royalties and other related income, such as litigation proceeds. These activities are undertaken in a spirit of cooperation with governmental agencies and private industry as part of SUNY’s contribution to the economic well-being of the State of New York and of the nation.” 8 CRR-NY 335.28.

The attached amicus curiae brief explains that, pursuant to Federal Rule of Civil Procedure

19(b), the Court must *dismiss* the above-captioned action, unless the Court exercises its discretion to stay it pending resolution of *Rsch. Found. for State Univ. of New York v. Inpria Corp.*, Case No. 1:24-CV-120 (N.D.N.Y). Put simply, because this action cannot, “in equity and good conscience,” proceed among the existing parties without SUNY RF agreeing to join this action, it “should be dismissed.” Fed. R. Civ. P. 19(b); *Tullett Prebon PLC v. BGC Partners, Inc.*, 427 F. App’x 236, 240 (3d Cir. 2011) (“If [the absent party] is then held to be indispensable under Rule 19(b), ‘the action cannot go forward.’”); *Republic of Philippines v. Pimentel*, 553 U.S. 851, 861 (2008) (courts may “consider *sua sponte* the absence of a required person and dismiss for failure to join”).

There is no rule in this District governing the appearance of amicus curiae, so courts have been guided by the Third Circuit’s application of Federal Rule of Appellate Procedure 29. *See In re Weinstein Co. Holdings, LLC*, , 2020 WL 1320821, at *1 (D. Del. Mar. 20, 2020). “The Third Circuit has advised that motions for leave to file such briefs should be granted ‘unless it is obvious that the proposed briefs do not meet Federal Rule of Civil Procedure 29’s criteria as broadly interpreted.’” *Id* (quoting *Neonatology Assocs., P.A. v. Comm’r*, 293 F.3d 128, 133 (3d Cir. 2002)). “Courts will exercise their discretion to allow an amicus curiae brief to be filed if [Rule 29] is satisfied by demonstrating, under the most lenient standard, that (1) the movant has an adequate interest in the [case]; (2) the information supplied is desirable; and (3) the information being provided is relevant.” *Id*. Courts will deny leave when the arguments and facts are “patently partisan, are untimely, and where the litigant is completely and adequately represented.” *Id*. In the Third Circuit, “it is preferable to err on the side of granting leave,” including because the Court can “simply disregard the amicus brief.” *Neonatology Assocs.*, 293 F.3d at 133 (Alito, J.).

The attached amicus curiae brief clearly meets this standard and should be accepted. *First*, “any person may as amicus curiae inform the court if he thinks the proceedings are in error.”

United States v. Raffoul, 826 F.2d 218, 224 (3d Cir. 1987).

Second, SUNY RF has a substantial interest in this action. It is an owner of all eight of the patents asserted in this action, its researchers invented each of those asserted patents, and it is a party to multiple contracts with Plaintiff Inpria that expressly bear on the existing parties' claims and defenses. SUNY RF's interests, in short, include that the asserted patents be found infringed, valid, enforceable, licensable, and owned and invented by SUNY RF. In fact, as explained in the attached amicus curiae brief, a Rule 19(b) dismissal is required precisely because the RF's interests in this action are substantial enough that it is a "required party" to this action under Rule 19(a) but cannot be joined to this action due to its substantive patent, jurisdictional, and venue rights.

Third, the information supplied in the amicus curiae brief is desirable, relevant, and helpful. It raises a dispositive issue under the Federal Rules that neither party has raised — likely because their interests are adverse to SUNY RF's interests — and the Supreme Court has held that Rule 19(b) is important enough to be raised at any stage of the proceedings, even on appeal and even *sua sponte*. As explained in the amicus curiae brief, that is because a Rule 19(b) dismissal promotes judicial economy and the public interest, while simultaneously protecting both the absent party and the existing parties. The brief also is relevant to the Court's March 28, 2025, Oral Order because dismissal or stay pursuant to Rule 19(b) would obviate the need for additional SUNY-related discovery, let alone for the Court to extend the case schedule in this action.

Fourth, no factor cuts against SUNY RF's request for leave. This issue is timely, neither existing party completely or adequately represents the RF's interests or those promoted by Rule 19(b), and the RF is not patently partisan. *See Neonatology Assocs.*, 293 F.3d at 131-133 (rejecting both "that an amicus must be an impartial person not motivated by pecuniary concerns" and that a current party must be "inadequately represented"). SUNY RF seeks leave to file an amicus curiae

brief not to support or benefit any existing party but to protect the interests of SUNY RF and its researchers and to promote judicial economy and the public interest.

Finally, outside of an amicus curiae brief, SUNY RF lacks an adequate vehicle to bring this important, desirable, and helpful information to the Court's attention. As explained further in the attached brief, SUNY RF cannot be involuntarily joined to this action due to its substantive patent, jurisdictional, and venue rights — and SUNY RF cannot intervene in this action without risking waiving those same rights.

Accordingly, SUNY RF respectfully requests that the Court grant it leave to file in this action the attached amicus curiae brief regarding a dismissal or stay pursuant to Rule 19(b).

Dated: April 9, 2025

Respectfully submitted,

FARNAN LLP

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