

EXHIBIT F

1 YAR R. CHAIKOVSKY (SB# 175421)
 2 yarchaikovsky@paulhastings.com
 PHILIP OU (SB# 259896)
 3 philipou@paulhastings.com
 JOSEPH J. RUMPLER, II (SB# 296941)
 4 josephrumpler@paulhastings.com
 BERKELEY FIFE (SB# 325293)
 5 berkeleyfife@paulhastings.com
 BORIS LUBARSKY (SB# 324896)
 6 borislubarsky@paulhastings.com
 PAUL HASTINGS LLP
 7 1117 S. California Avenue
 Palo Alto, California 94304-1106
 8 Telephone: 1(650) 320-1800
 Facsimile: 1(650) 320-1900

9 Attorneys for Plaintiff

10 APPLIED MATERIALS, INC.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14

15 APPLIED MATERIALS, INC.,

16 Plaintiff,

17 vs.

18 DEMARAY LLC,

19 Defendant.
 20

CASE NO. [5:20-cv-05676](#)

FIRST AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT ~~OF~~
NON-INFRINGEMENT

FIRST AMENDED COMPLAINT FOR

NATURE OF THE ACTION

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1. This is an action for a declaratory ~~judgment of noninfringement~~ relief arising under the patent laws of the United States, ~~Title 35 of the United States Code~~. Applied Materials, Inc. (“Applied”) ~~requests this relief~~ brings the instant action because Defendant Demaray LLC (“Demaray”) has filed lawsuits alleging that certain ~~customers~~ of Applied’s ~~customers~~ infringe United States Patent Nos. 7,544,276 and 7,381,657 (the “Asserted Patents”) by, ~~for example,~~ ~~“making, using, offering to sell, selling, supplying or causing to supply using~~ “semiconductor manufacturing equipment including reactive magnetron sputtering reactors” ~~also identified in the complaints as “from~~ manufactured by Applied Materials, Inc.”. True and correct copies of these complaints against Applied’s customers are attached as Exhibits A and B. Demaray’s lawsuits ~~has against Applied’s customers have~~ placed a cloud ~~on over~~ Applied’s products; threatened Applied’s business and relationships with its customers and partners, as well as ~~its~~ the sales of its reactors; and created a justiciable controversy between Applied and Demaray.

2. Therefore, Applied requests declaratory relief as follows: (1) a declaratory judgment that Applied’s products do not infringe the Asserted Patents because they do not meet each and every limitation of any asserted claim; (2) declaratory judgment that Applied’s products cannot infringe the Asserted Patents because the rights of named inventor, Mukundan Narasimhan (“Narasimhan”), in the Asserted Patents were assigned to Applied, making Applied at least a co-owner of the Asserted Patents that has not joined and will not join Demaray in alleging infringement of the Asserted Patents; and (3) declaratory judgment that Applied’s products cannot infringe because Applied has a license to use the Asserted Patents by reason of a license granted to at least Applied Komatsu Technology (“AKT”) and Applied Komatsu Technology America, Inc. (“AKTA”) (collectively “Applied Komatsu”), affiliates of Applied, by Demaray’s

1 predecessor company, Symmorphix, Inc. (“Symmorphix”) covering the Asserted Patents; or
2 alternatively, declaratory judgment that Applied’s products cannot infringe the Asserted Patents
3 because the rights of one or more of the other named inventors of the Asserted Patents were
4 assigned to AKTA, making AKTA at least a co-owner of the Asserted Patents that has not been
5 joined and will not join Demaray in alleging infringement of the Asserted Patents.

7 **THE PARTIES**

8 3. ~~2-~~Plaintiff Applied Materials, Inc. (“Applied”) is a corporation organized and existing
9 under the laws of the state of Delaware, with its principal place of business at 3050 Bowers
10 Avenue, Santa Clara, CA 95054-3299. Applied is a leader in materials engineering solutions that
11 creates technology and products used for semiconductor fabrication, including but not limited to
12 reactors in the “Endura” product line.

14 4. ~~3-~~Defendant Demaray LLC (“Demaray”) is a limited liability company organized and
15 existing under the laws of the state of Delaware. Dr. Richard Ernest Demaray is the founder of
16 Demaray LLC. Dr. Demaray is also one of the named inventors on the Asserted Patents. Dr.
17 Demaray describes Demaray LLC as a “Silicon Valley, CA” company which “[is] about the
18 portfolio of my patents.”¹

20 **JURISDICTIONAL STATEMENT**

21 5. ~~4-~~This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, and under the
22 patent laws of the United States, 35 U.S.C. §§ 1-390.

23 6. ~~5-~~This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331,
24 1338(a), and 2201(a).

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28 ¹ <https://www.edemaray.com/bios.html>

1 7. ~~6.~~ This Court has personal jurisdiction over Demaray. Among other things, Demaray has
 2 continuous and systematic business contacts with Northern California. Demaray’s “founder and
 3 president,” Dr. Demaray, describes Demaray as a “Silicon Valley, CA” company:²
 4

5 Experience:

6 **Founder and President: Demaray LLC** March 2013 – Present Silicon Valley CA

7 Intellectual Property invention and development, including licensing for thin film energy conversion and storage technologies and devices, thin
 8 film optics, solar energy, photo-chemistry, solid state Li+ ion films and devices, advanced thin film coatings and devices.



10 **Founder and President**

11 Demaray LLC

12 Jan 2006 – Present · 14 yrs 7 mos

13 Silicon Valley CA

14 Intellectual Property invention and development, including licensing for thin film energy conversion
 15 and storage technologies and devices, thin film optics, solar energy, photo-chemistry, solid state
 16 Li+ ion films and devices, advanced thin film coatings and devices.

17 On information and belief, according to Demaray’s website, several of the Board members and
 18 employees of Demaray are from and/or based in Northern California.³ Under its “Partners”
 19 sub-page, Demaray’s website lists the University of California at Santa Cruz as one of its primary
 20 partners, and claims that “Professor Kobayashi of UCSC is working with Demaray LLC to
 21 further develop the Sun2Fiber technology with a grant from ARPA-E.”⁴ Further, on information
 22 and belief, the technology underlying the Asserted Patents was allegedly developed in Northern
 23 California.

24 8. ~~7.~~ In addition, this Court has personal jurisdiction over Demaray because Demaray has
 25 purposefully directed into California its enforcement activities regarding the Asserted Patents.

26 As referenced above, Demaray has filed complaints against Intel (headquartered in Northern

27 ² <https://www.edemaray.com/bios.html>; <https://www.linkedin.com/in/ernestdemarayphd/>

28 ³ <https://www.edemaray.com/bios.html>

⁴ <https://www.edemaray.com/partners.html>

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