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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.

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CASE NO. 5:20-cv-05676-EJD

**APPLIED MATERIALS, INC.'S
MOTION FOR PRELIMINARY
INJUNCTION TO ENJOIN DEMARAY
LLC FROM PROCEEDING WITH
CUSTOMER SUITS DURING THE
PENDENCY OF THIS ACTION**

Hearing Date: October 22, 2020

Hearing Time: 9:00 a.m.

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NOTICE OF MOTION AND MOTION

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2 PLEASE TAKE NOTICE that on October 22, 2020 at 9:00 a.m., or as soon thereafter as
3 the matter may be heard, Plaintiff Applied Materials, Inc. (“Applied”) will and hereby does move
4 for a preliminary injunction to enjoin Defendant Demaray LLC (“Demaray”) from proceeding
5 with patent infringement suits against Applied’s customers—Intel Corporation (“Intel”) and
6 Samsung Electronics Co. Ltd., *et al.* (“Samsung”)—during the pendency of this action. *See*
7 *Demaray LLC v. Intel Corporation*, No. 6:20-cv-634 (W.D. Tex. July 14, 2020); *Demaray LLC v.*
8 *Samsung Electronics Co., Ltd, et al.*, No. 6:20-cv-636 (W.D. Tex. July 14, 2020). The Motion is
9 based on this Notice of Motion, the Points and Authorities, and on other such evidence as may be
10 presented in connection with this Motion.

11 A preliminary injunction is expressly authorized and warranted under the circumstances of
12 this case and the relevant law. Demaray sued two of Applied’s customers—Intel and Samsung—
13 for patent infringement based on products manufactured by Applied that were supplied to Intel
14 and Samsung. While Demaray accused Applied’s products, Demaray did not sue Applied.
15 Therefore, to protect its customers, Applied initiated the instant declaratory judgment action to
16 seek resolution of issues that would prove dispositive of the issues presented in Demaray’s
17 customer suits. The patent infringement, patent ownership, and patent license issues presented in
18 this action will be dispositive of the majority—and potentially all—of the issues in Demaray’s
19 customer suits against Intel and Samsung. Under such circumstances, the interests of judicial
20 efficiency, preventing needless waste of judicial and party resources, and preventing the
21 possibility of conflicting decisions, a temporary halt of Demaray’s customer suits is warranted.
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