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7 DEMARAY LLC

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

12 APPLIED MATERIALS, INC., ) Case No. 5:20-cv-05676-EJD  
 )  
13 Plaintiff, ) **DECLARATION OF C. MACLAIN**  
 ) **WELLS IN SUPPORT OF DEMARAY**  
14 vs. ) **LLC’S UNOPPOSED MOTION FOR**  
 ) **EXTENSION OF TIME TO RESPOND TO**  
15 DEMARAY LLC, ) **APPLIED MATERIALS’ MOTION FOR**  
 ) **PRELIMINARY INJUNCTION**  
16 Defendant. )  
17 )

18 **DECLARATION OF C. MACLAIN WELLS**

19 I, C. Maclain Wells, the undersigned, declare as follows:

20 1. I am counsel at the law firm of Irell & Manella LLP, counsel for Defendant  
21 Demaray LLC (“Demaray”). I am a member in good standing of the State Bar of California and  
22 have been duly licensed to practice law before all of the courts of the State of California. I submit  
23 this declaration in support of Demaray’s Unopposed Motion for Extension of Time to Respond to  
24 Plaintiff Applied Materials, Inc.’s (“Applied Materials”) Motion for Preliminary Injunction. I  
25 have personal knowledge of the matters set forth in this declaration and, if called as a witness,  
26 could testify to its contents.

27 2. Applied Materials filed its First Amended Complaint on September 1, 2020. It  
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1 filed its Motion for Preliminary Injunction on September 4, 2020 and provided an email copy of  
2 its motion and supporting papers to counsel for Demaray that evening requesting agreement to  
3 email service. Given the receipt of the motion on Friday evening before a holiday weekend, I  
4 responded to agreeing to accept service on Wednesday, September 9.

5 3. Demaray has just fourteen days to prepare its opposition. Given the timing of  
6 Applied Materials' motion, the intervening holiday, the location of the individuals involved and  
7 the issues raised by Applied Materials' First Amended Complaint and motion, Demaray would be  
8 prejudiced by being required to marshal information required to fully respond in this short time  
9 frame. In particular, certain of the individuals identified in the motion are located abroad and  
10 materials relating to the allegations in the First Amended Complaint and in Applied Material's  
11 motion are still being located.

12 4. There have been no other extensions of time in this matter. Applied Materials'  
13 motion is noticed for hearing on November 12, 2020. The requested extension will not impact the  
14 hearing date. *Id.*

15 5. The parties have met and conferred and have agreed to an extension of time for  
16 Demaray to file its opposition to September 25.

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18 Executed on September 11, 2020, in Sebastopol, California. I declare under penalty of  
19 perjury that the foregoing is true and correct.

20 By:           /s/ C. Maclain Wells          

21 C. Maclain Wells (CA #221609)

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