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

**APPLIED MATERIAL'S UNOPPOSED
MOTION FOR EXTENSION OF TIME
TO FILE REPLY**

1 Plaintiff Applied Materials (“Applied”) hereby moves under Local Rule 6-3 to extend the
2 time within which it is required to reply to Defendant Demaray LLC’s (“Demaray”) Opposition to
3 Applied’s Motion for Preliminary Injunction by one week, from October 2, 2020 to October 9,
4 2020. Applied filed its Motion for Preliminary Injunction on September 4, 2020. Dkt. No. 14.
5 Demaray requested, and Applied agreed to, a one week extension to file its Opposition to Applied’s
6 Motion for Preliminary Injunction. Dkt. No. 18. The Court granted Demaray’s Unopposed Motion
7 for an Extension of Time. Dkt. No 21. On September 25, 2020, Demaray filed its Opposition. Dkt
8 No. 23.

10 Considering the timing of Demaray’s Opposition and Applied Counsel’s schedule; and the
11 time needed to investigate the arguments raised in Demaray’s Opposition; Applied seeks a one
12 week extension of time to file its reply on October 9, 2020. Counsel for Applied has a claim
13 construction hearing set for October 2, 2020 in a separate case, *Innovation Sciences LLC v. HTC*
14 *Corporation*, 4:18-cv-00476. Declaration of Philip Ou (“Ou Decl.”) ¶ 2. Demaray’s extension of
15 time to file an Opposition moved Applied’s deadline to reply – now the same day as Applied’s
16 Counsel’s claim construction hearing. Moreover, Demaray’s Opposition raises arguments and facts
17 that require time to investigate, and Applied would be prejudiced by being required to attempt to
18 marshal the information necessary to fully respond in the provided timeframe. *Id.* Applied’s motion
19 is noticed for hearing on November 12, 2020. Dkt. No. 15. The requested extension will not impact
20 the noticed hearing date, as briefing will still be completed nearly five weeks in advance of the
21 November 12, 2020 hearing. The parties have met and conferred and Demaray has agreed to the
22 one week extension.

25 To date there have been two extensions in this case: a stipulation to extend Demaray’s
26 deadline to answer or otherwise respond to the First Amended Complaint until November 23, 2020,
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1 Dkt. No. 20; and Demaray's Unopposed Motion for an Extension of Time to respond to Applied's
2 Preliminary Injunction, Dkt. No. 21. There have been no other extensions in this matter.

3 For the foregoing reasons, Applied requests that the Court grant this motion and issue an
4 order extending the deadline for Applied to reply to October 9, 2020. Demaray does not oppose
5 this motion.
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8 DATED: September 28, 2020

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13 By: /s/ Yar R. Chaikovsky
14 Yar R. Chaikovsky

15 Attorneys for Plaintiff
16 APPLIED MATERIALS
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