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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.

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

**DECLARATION OF PHILIP OU IN
SUPPORT OF APPLIED MATERIALS,
INC.'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
REPLY**

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OU DECL. IN SUPPORT OF

1 I, Philip Ou, hereby declare as follows:

2 1. I am a partner with the law firm Paul Hastings LLP, counsel for the Plaintiff Applied
3 Materials, Inc. (“Applied”). I have personal knowledge of the facts contained in the declaration
4 and, if called upon to do so, I could and would testify competently to the matters set forth herein.
5

6 2. Counsel for Applied has a claim construction hearing set for October 2, 2020 in a separate
7 case, *Innovation Sciences LLC v. HTC Corporation*, 4:18-cv-00476. Demaray’s extension of
8 time to file an Opposition moved Applied’s deadline to reply – now the same day as Applied’s
9 Counsel’s claim construction hearing. Moreover, Demaray’s Opposition raises arguments and
10 facts that require time to investigate, and Applied would be prejudiced by being required to
11 attempt to marshal the information necessary to fully respond in the provided timeframe.

12 Applied’s motion is noticed for hearing on November 12, 2020. Dkt. No. 15. The requested
13 extension will not impact the noticed hearing date, as briefing will still be completed nearly five
14 weeks in advance of the November 12, 2020 hearing.
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16 3. To date there have been two extensions in this case: a stipulation to extend Demaray’s
17 deadline to answer or otherwise respond to the First Amended Complaint until November 23,
18 2020, Dkt. No. 20; and Demaray’s Unopposed Motion for an Extension of Time to respond to
19 Applied’s Preliminary Injunction, Dkt. No. 21. There have been no other extensions in this
20 matter.
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22 4. The parties have met and conferred and have agreed to an extension of time for Applied to
23 file its reply to October 9, 2020.

24 DATED: September 28, 2020
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26 By: /s/ Philip Ou
27 Philip Ou
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OU DECL IN SUPPORT OF