	Case 5:20-cv-05676-EJD	Document 28-10	Filed 10/14/20	Page 1 of 3
1 2 3 4 5 6 7 8 9 10	YAR R. CHAIKOVSKY (SBa yarchaikovsky@paulhastings. PHILIP OU (SB# 259896) philipou@paulhastings.com ANDY LEGOLVAN (SB# 29 andylegolvan@paulhastings.co JOSEPH J. RUMPLER, II (SE josephrumpler@paulhastings.co BERKELEY FIFE (SB# 3252 berkeleyfife@paulhastings.co BORIS LUBARSKY (SB# 3252 borislubarsky@paulhastings.co BORIS LUBARSKY (SB# 3252 borislubarsky@paulhastings.co PAUL HASTINGS LLP 1117 S. California Avenue Palo Alto, California 94304-1 Telephone: 1(650) 320-1800 Facsimile: 1(650) 320-1900 Attorneys for Plaintiff APPLIED MATERIALS, INC	com 2520) om 3# 296941) com 93) m 4896) om 106		
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12	UNITED STATES DISTRICT COURT			
13	NORTHERN DISTRICT OF CALIFORNIA			
14				
15	APPLIED MATERIALS, INC	··,	CASE NO. 5:20	-cv-05676-EJD
16	Plaintiff,		DECLARATIO THOMPSON I	N OF ROSS N SUPPORT OF
17	VS.		APPLIED MAT	TERIALS, INC.'S PPORT OF MOTION
18	DEMARAY LLC,			INARY INJUNCTION
19	Defendant.			
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1	I, Ross Thompson, hereby declare:
2	1. I am an employee of Samsung Austin Semiconductor, LLC and have been since 2016. I
3	am currently the General Counsel and Director of Legal Counsel of Samsung Austin
4	Semiconductor, LLC.
5 6	2. I submit this declaration in support of Applied Materials, Inc.'s ("Applied") Reply in
7	support of its motion for preliminary injunction.
8	3. Unless indicated otherwise, I have personal knowledge of the facts contained in this
9	declaration and, if called upon to do so, I could and would testify competently to the matters set
10	forth herein.
11	4. I understand that Demaray LLC ("Demaray") sued Samsung Austin Semiconductor, LLC
12	as well as Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
13 14	Semiconductor, Inc. (collectively, the "Samsung Defendants") in Case No. 6:20-cv-00636-ADA
15	in the United States District Court for the Western District of Texas ("Demaray-Samsung
16	Litigation"), alleging infringement of U.S. Patent Nos. 7,544,276 and 7,381,657.
17	5. I understand that Demaray alleges that the Samsung Defendants infringe by using and/or
18	configuring reactive magnetron sputtering reactors, including reactors in Applied's Endura
19	product line, for the deposition of layers, which Demaray identifies as metal nitride layers such as
20	TaN and/or TiN, in Samsung semiconductor products, including memory products such as
21 22	Samsung's DDR4 SDRAM.
22	6. I also understand that Applied filed an action for declaratory judgment of non-
24	infringement against Demaray in the United States District Court for the Northern District of
25	California. I understand that, in that declaratory judgment action, Applied filed a motion for
26	preliminary injunction to enjoin Demaray from proceeding with the Demaray-Samsung Litigation
27	while the declaratory judgment action is pending.
28	ROSS THOMPSON DECL. IN SUPPORT

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1	7. I understand that Demaray has raised questions as to whether the Samsung Defendants			
2	would agree to be bound by this declaratory judgment action. I have authority to confirm that, if			
3	Applied's motion for a preliminary injunction is granted, Samsung Austin Semiconductor, LLC			
4	does agree to be bound by the decisions in this action (including appeals) regarding the			
5	declaratory judgment causes of action asserted in Applied's First Amended Complaint, including,			
6				
7	without limitation, the non-infringement causes of action—whether based on license, assignment			
8	or technical non-infringement questions—and any patent invalidity causes of action to be asser			
9	in the future.			
10				
	I declare under penalty of perjury that the foregoing is true and correct.			
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15	DATED: October 9, 2020 Am Mm			
16	By:			
17	Ross Thompson General Counsel and Director of			
18	Legal Counsel Samsung Austin Semiconductor, LLC			
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