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10 Attorneys for Plaintiff
 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 BRITTANY
 MCELMURY DIETZ IN SUPPORT OF
 APPLIED MATERIALS, INC.'S
 REPLY IN SUPPORT OF MOTION
 FOR PRELIMINARY INJUNCTION**

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1 I, Brittany McElmury Dietz, hereby declare:

2 1. I am currently an employee of Samsung Electronics America, Inc. (“SEA”). I have been
3 employed by SEA since October 2019, and I am currently Senior Legal Counsel, Litigation at
4 SEA.

5 2. I submit this declaration in support of Applied Materials, Inc.’s (“Applied”) Reply in
6 support of its motion for preliminary injunction.

7 3. Unless indicated otherwise, I have personal knowledge of the facts contained in the
8 declaration and, if called upon to do so, I could and would testify competently to the matters set
9 forth herein.
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11 4. I understand that Demaray LLC (“Demaray”) sued Samsung Electronics Co., Ltd.,
12 Samsung Electronics America, Inc., Samsung Austin Semiconductor, LLC, and Samsung
13 Semiconductor, Inc. (collectively, the “Samsung Defendants”) in Case No. 6:20-cv-00636-ADA
14 in the United States District Court for the Western District of Texas (“Demaray-Samsung
15 Litigation”), alleging infringement of U.S. Patent Nos. 7,544,276 and 7,381,657.
16

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 Samsung’s DDR4 SDRAM.
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23 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.
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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 Electronics America, Inc.
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 without limitation, the non-infringement causes of action—whether based on license, assignment,
7 or technical non-infringement questions—and any patent invalidity causes of action to be asserted
8 in the future.
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10 8. SEA is a corporation organized and existing under the laws of the State of New York.

11 9. SEA's headquarters are located in Ridgefield Park, New Jersey.

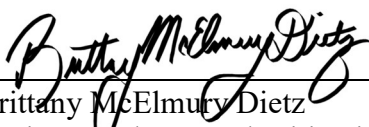
12 10. SEA does not operate any semiconductor fabrication facility.

13 11. SEA does not perform any semiconductor fabrication or manufacturing.

14 12. SEA does not manufacture any semiconductor products.
15
16

17 I declare under penalty of perjury that the foregoing is true and correct.
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19 DATED: October 8, 2020

20 By: 
21 Brittany McElmury Dietz
22 Senior Legal Counsel, Litigation
23 Samsung Electronics America, Inc.
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