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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 DO HYUNG KIM  
 IN SUPPORT OF APPLIED  
 MATERIALS, INC.'S REPLY IN  
 SUPPORT OF MOTION FOR  
 PRELIMINARY INJUNCTION**

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DO HYUNG KIM DECL. IN SUPPORT OF

1 I, Do Hyung Kim, hereby declare:

2 1. I am an employee of Samsung Electronics Co., Ltd. I have been employed by Samsung  
3 Electronics Co., Ltd. since September 2003. I am currently Principal Engineer and Legal Counsel  
4 at Samsung Electronics Co., Ltd.

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.

10 4. I understand that Demaray LLC ("Demaray") alleges infringement of U.S. Patent Nos.  
11 7,544,276 and 7,381,657 by Samsung Electronics Co., Ltd., Samsung Electronics America, Inc.,  
12 Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC (collectively, the  
13 "Samsung Defendants") in Case No. 6:20-cv-00636-ADA in the United States District Court for  
14 the Western District of Texas ("Demaray-Samsung Litigation").

15 5. I understand that Demaray alleges that the Samsung Defendants infringe by using and/or  
16 configuring reactive magnetron sputtering reactors, including reactors in Applied's Endura  
17 product line, for the deposition of layers, which Demaray identifies as metal nitride layers such as  
18 TaN and/or TiN, in Samsung semiconductor products, including memory products such as  
19 Samsung's DDR4 SDRAM.

20 6. I also understand that Applied filed an action for declaratory judgment of non-  
21 infringement against Demaray in the United States District Court for the Northern District of  
22 California. I further understand that, in that declaratory judgment action, Applied filed a motion  
23 for preliminary injunction to enjoin Demaray from proceeding with the Demaray-Samsung  
24 Litigation during the pendency of the declaratory judgment action.

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28 DO HYUNG KIM DECL. IN SUPPORT OF

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 Co., Ltd. does  
4 agree to be bound by the decisions in this action (including appeals) regarding the declaratory  
5 judgment causes of action asserted in Applied's First Amended Complaint, including, without  
6 limitation, the non-infringement causes of action—whether based on license, assignment, or  
7 technical non-infringement questions—and any patent invalidity causes of action to be asserted in  
8 the future.  
9

10 8. Samsung Electronics Co., Ltd. (SEC) is a Korean company with its principal offices at  
11 129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.  
12

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
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DO HYUNG KIM DECL. IN SUPPORT OF

1 13. The research and development of the semiconductor fabrication processes practiced at  
2 SEC's semiconductor fabrication facilities was performed and continues to be performed at  
3 SEC's semiconductor fabrication facilities in South Korea.

4 14. SEC does not operate any semiconductor fabrication facility in the United States. SEC  
5 does not perform any semiconductor fabrication or manufacturing in the United States. SEC does  
6 not research or develop any semiconductor fabrication process in the United States.  
7

8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 17. SEC manufactures a number of different types of products, including memory products, at  
15 its semiconductor fabrication facilities.

16 18. SEC currently manufactures Samsung memory products at its semiconductor  
17 fabrication facilities in South Korea, and has manufactured Samsung memory products there for  
18 the past 37 years. These memory products include Samsung's DDR4 SDRAM.

19 19. Documents regarding the operation of SEC's semiconductor fabrication facilities, the  
20 semiconductor fabrication processes performed by SEC, and the research and development of  
21 SEC's semiconductor fabrication processes are located in South Korea.  
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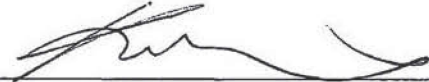
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I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 9, 2020.

By: \_\_\_\_\_



Do Hyung Kim  
Principal Engineer & Legal Counsel  
Licensing Group (DS)  
Samsung Electronics Co., Ltd.