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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 BORIS
 LUBARSKY IN SUPPORT OF
 APPLIED MATERIALS' OPPOSITION
 TO DEMARAY'S ADMINISTRATIVE
 MOTION FOR LEAVE TO FILE SUR-
 REPLY**

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LUBARSKY DECL. IN SUPPORT

1 I, Boris Lubarsky, hereby declare as follows:

2 1. I am an associate 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 2. Attached as Exhibit A is a true and correct copy of an October 15, 2020 email thread
6 between Maclain Wells, counsel for Demaray, and Philip Ou, counsel for Applied, regarding
7 what Demaray contends to be new arguments and evidence warranting a sur-reply.

8 3. Attached as Exhibit B is a true and correct copy of an October 20, 2020 email thread
9 between Maclain Wells, counsel for Demaray, and Philip Ou, counsel for Applied, regarding
10 Applied’s request to file a response to Demaray’s Objection to Reply Evidence and explain why
11 the submitted evidence was not “new.”

12 4. Attached as Exhibit C is a true and correct copy of an October 22, 2020 email thread
13 between Maclain Wells, counsel for Demaray, and Philip Ou, counsel for Applied, regarding
14 Demaray’s infringement contentions against Samsung and Intel.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 DATED: October 23, 2020

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18 By: /s/ Boris Lubarsky

19 Boris Lubarsky
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LUBARSKY DECL. IN SUPPORT