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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 APPLIED MATERIALS, INC.,

14 Plaintiff,

15 vs.

16 DEMARAY LLC,

17 Defendant.
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Case No. 5:20-cv-05676-EJD

**DEMARAY LLC'S STATEMENT OF
RECENT DECISION REGARDING
APPLIED MATERIALS, INC.'S MOTION
FOR PRELIMINARY INJUNCTION**

1 Pursuant to Civil Local Rule 7-3(d)(2), Defendant Demaray LLC (“Demaray”) hereby
2 submits this Statement of Recent Decision and the attached opinion as relevant to the issues raised
3 in Applied Materials, Inc.’s (“Applied”) pending Motion for Preliminary Injunction (Dkt. 14). On
4 November 19, 2020, the United States Court of Appeals for the Federal Circuit published a
5 precedential opinion: *Whitewater West Indus., Ltd. v. Alleshouse*, No. 19-1852 (Fed. Cir. Nov. 19,
6 2020) (attached). Pages 14–26 of the opinion address issues that Applied raised in the briefing on
7 its motion regarding the court’s holdings in *Applied Materials, Inc. v. Advanced Micro-*
8 *Fabrication Equipment (Shanghai) Co.*, 630 F. Supp. 2d 1084 (N.D. Cal. May 20, 2009), and
9 *Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc.* 583 F.3d
10 832 (Fed. Cir. 2009), as well as California Labor Code § 2870.

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Dated: November 19, 2020

Respectfully submitted,

Irell & Manella LLP

By: /s/ C. Maclain Wells

C. Maclain Wells
Attorneys for Defendant
DEMARAY LLC