

1 IRELL & MANELLA LLP
Morgan Chu (70446)
2 MChu@irell.com
Benjamin W. Hattenbach (186455)
3 BHattenbach@irell.com
C. Maclain Wells (221609)
4 MWells@irell.com
1800 Avenue of the Stars, Suite 900
5 Los Angeles, California 90067-4276
6 Telephone: (310) 277-1010
Facsimile: (310) 203-7199

7 Attorneys for Defendant
8 DEMARAY LLC

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

13 APPLIED MATERIALS, INC.,) Case No. 5:20-cv-05676-EJD
)
14 Plaintiff,) **DEMARAY LLC’S NOTICE OF MOTION**
) **AND MOTION TO DISMISS**
15 vs.)
) **Hearing Date: March 4, 2021**
16 DEMARAY LLC,) **Hearing Time: 9:00 a.m.**
)
17 Defendant.)
18)

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1 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE THAT on March 4, 2021, at 9:00 a.m., or as soon thereafter as
3 may be heard, Defendant Demaray LLC (“Demaray”) shall and hereby does move for an order
4 dismissing Applied Materials, Inc.’s (“Applied”) First Amended Complaint (“FAC”) with
5 prejudice. This Motion is based upon this Notice of Motion, the accompanying Memorandum of
6 Points and Authorities included herewith, the accompanying Declaration of C. Maclain Wells and
7 evidence attached thereto, the files, records, and pleadings in this case, such evidence and
8 argument as may be proffered at the hearing of this Motion, and any other matters that the Court
9 deems appropriate.

10 Dismissal is warranted under Federal Rules of Civil Procedure 12(b)(1) for lack of subject-
11 matter jurisdiction and 12(b)(6) and failure to state a claim upon which relief can be granted.
12 Dismissal is also appropriate pursuant to this Court’s discretion to decline declaratory-judgment
13 jurisdiction.

14
15 Dated: November 23, 2020

Respectfully submitted,

Irell & Manella LLP

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18 By: /s/ C. Maclain Wells

C. Maclain Wells
Attorneys for Plaintiff
DEMARAY LLC

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