

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DEMARAY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Case No. 6:20-cv-00634-ADA

PLAINTIFF DEMARAY LLC'S PRELIMINARY INFRINGEMENT CONTENTIONS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Pursuant to the Court’s October 5, 2020, Order Governing Proceedings – Patent Case, Plaintiff Demaray LLC (“Demaray”) provides the following disclosure of its preliminary infringement contentions with regard to U.S. Patent Nos. 7,544,276 (“the ’276 Patent”) and 7,381,657 (“the ’657 Patent”) (collectively, the “Asserted Patents”).

I. Background

These preliminary infringement contentions and associated disclosures (“Preliminary Infringement Contentions”) are based on the limited information that Demaray has been able to obtain from its investigation to date. Although Demaray has undertaken reasonable efforts to prepare these Preliminary Infringement Contentions, the configuration, structure, and operation of Defendant Intel Corporation’s (“Intel”) physical vapor deposition (“PVD”) reactors for thin film deposition (“Intel PVD Reactors”) in the production of Intel’s semiconductor products are, in significant part, proprietary and have not yet been disclosed by Intel. Demaray requested that Intel provide specifically identified technical information that would enable Demaray to provide more detailed Preliminary Infringement Contentions, but Intel refused Demaray’s request.¹ Demaray has endeavored to provide a reasonable level of detail in its preliminary infringement contentions based upon the limited publicly available information regarding the Intel PVD Reactors and production processes for Intel’s semiconductor products. Until discovery is obtained from Intel, the proprietary aspects of the Intel PVD Reactors and methods of use of such reactors in the production of Intel’s semiconductor products have limited the possible breadth and depth of these Preliminary Infringement Contentions. For these reasons, among others, Demaray reserves all rights to later amend these Preliminary Infringement Contentions based on information later produced by Intel.

¹ Demaray sent Intel a letter on September 15, 2020, identifying limited core technical documents related to its PVD reactors in order to ensure that certain claims of the patents could be thoroughly addressed in the Preliminary Infringement Contentions. Specifically, Demaray requested that Intel provide documents sufficient to show the suppliers, model numbers, and configuration of reactors used for physical vapor deposition of thin films used by Intel for the production of semiconductor devices in the last six years. This included, for example, the power sources coupled to the target/substrate for each chamber in each reactor and the types of thin films deposited by each chamber in each reactor. Intel refused these requests on September 21, 2020.

II. Charts Setting Forth Where In The Accused Products Each Element Of The Asserted Claims Are Found

Attached as Exhibits A and B are charts setting forth Demaray's preliminary contentions regarding where in the accused products each element of the asserted claims are found and an identification of the patent claims presently asserted ("Asserted Claims") and the products, methods, or other instrumentalities presently believed to infringe. All claims identified therein—including those claims for which it is noted that further discovery from Intel is believed to be required—should be considered asserted, including for purposes of identifying claim terms whose constructions may be disputed. Each of the following exhibits, which may contain Demaray confidential material, is hereby incorporated by reference:

Exhibit	U.S. Patent No.
A	7,544,276
B	7,381,657

Exhibits A and B are intended to be understood by skilled persons in the art. Demaray reserves the right to rely on technical documents to further clarify the terms and technologies used in these Preliminary Infringement Contentions in its future expert reports and trial evidence. Several elements of the Asserted Claims may be satisfied by more than one component, structure, process, or action found within or taken by Intel in the production of Intel's semiconductor products or the Intel PVD Reactors. The initial claim charts provided herewith may therefore include alternative contentions and theories. For example, where multiple structures are identified as corresponding to a particular claim element, the multiple structures may be viewed as alternative or supplemental to one another.

Demaray expressly reserves the right to amend, revise or supplement these disclosures for at least any of the following reasons: Intel's production of discovery about the production processes for Intel's semiconductor products or the Intel PVD Reactors; the disclosure of Intel's claim construction positions, invalidity contentions, or non-infringement contentions; the Court's construction of any of the Asserted Claims or any other legal determination of other issues;

analysis undertaken or determinations made based in whole or part on the foregoing; or for any other permissible reason.

These Preliminary Infringement Contentions provide examples of infringement that illustrate Demaray's infringement theories. However, these examples are non-limiting and are included to assist in disclosing and understanding Demaray's infringement theories. For example, details regarding the production processes for Intel's semiconductor products or how the Intel PVD Reactors implement certain patent claims may vary from device to device in ways not material to the analysis of the Asserted Claims. The specific instrumentalities selected for the most detailed discussions in the accompanying charts are, as explained in the charts themselves and as further addressed in this document, to be understood as representative of other instrumentalities with structures, operation, or other charted characteristics that do not differ from the instrumentalities charted in ways that are material to Demaray's theories of infringement for the charted claims.

Demaray currently understands Intel's microprocessor products to be grouped by generations and code names corresponding to varying microarchitectures. For example, in these Preliminary Infringement Contentions, including in Exhibits A-B hereof, a reference to a "Broadwell" microarchitecture is intended to include all semiconductor products of that microarchitecture, including variants thereof unless otherwise specified.

III. Infringement Under The Doctrine Of Equivalents

The enclosed charts disclose the patent claims at issue that are believed to be literally present in Intel's technology, the elements of which are also believed to be infringed under the doctrine of equivalents. Demaray reserves the right to provide further details regarding Intel's infringement under the doctrine of equivalents as discovery is provided by Intel. Demaray further reserves the right to assert the doctrine of equivalents in the event that Intel claims that one or more claim limitations are not literally present in any of the production processes for Intel's semiconductor products or the Intel PVD Reactors.

IV. Indirect Infringement

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