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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

APPLIED MATERIALS, INC.,

Plaintiff,

vs.

DEMARAY LLC,

Defendant.

CASE NO. 5:20-cv-05676-EJD

**[PROPOSED] ORDER GRANTING  
LEAVE TO LODGE NEW  
DECLARATORY JUDGMENT  
COMPLAINT**

**[PROPOSED] ORDER**

Before the Court is Plaintiff Applied Materials, Inc.’s (“Applied”) Administrative Motion for Leave to Lodge a New Declaratory Judgment Complaint (“Motion”).

Having considered the issues presented in the Motion, the Motion is GRANTED.

**[ALTERNATIVE #1]**

IT IS THEREFORE ORDERED THAT Applied shall lodge the proposed new complaint on this Court’s docket as a separate docket entry.

IT IS FURTHER ORDERED THAT the complaint shall be deemed the operative complaint in this action, and Demaray LLC (“Demaray”) shall file a responsive pleading within [ ] days. Demaray’s pending motion to dismiss, Dkt. Nos. 39, 42, 43, is denied as moot.

IT IS FURTHER ORDERED THAT Applied shall voluntarily dismiss the new action, Case No. 5:20-cv-9341.

**[ALTERNATIVE #2]**

IT IS THEREFORE ORDERED THAT Applied shall lodge the proposed new complaint on this Court’s docket as a separate docket entry.

IT IS FURTHER ORDERED THAT in the new action, Case No. 5:20-cv-9341, Applied shall file an administrative motion to consider whether these cases should be related, pursuant to Local Rule 3-12.

IT IS FURTHER ORDERED THAT Demaray LLC’s (“Demaray”) motion to dismiss is held in abeyance until the Court in Case No. 5:20-cv-9341 rules on Applied’s administrative motion to consider whether these cases should be related.

**IT IS SO ORDERED.**

Dated:

\_\_\_\_\_  
EDWARD J. DAVILA  
United States District Judge