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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 PHILIP OU IN
SUPPORT OF APPLIED MATERIALS,
INC.'S ADMINISTRATIVE MOTION
TO CONSIDER WHETHER CASES
SHOULD BE RELATED**

1 I, Philip Ou, hereby declare as follows:

2 1. I am a partner 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

6 2. On December 24, 2020, I informed counsel for Demaray LLC (“Demaray”) that Applied
7 would be filing a new complaint for declaratory judgment of non-infringement based on the
8 present-day, substantial controversies between Applied and Demaray. In response, counsel for
9 Demaray stated that “[t]o the extent that Applied is allowed to file a new case in the Northern
10 District of California, we agree that it should be assigned to Judge Davila.” The same day,
11 Applied filed its new complaint, assigned case number *Applied Material, Inc. v. Demaray LLC*,
12 No. 3:20-cv-09341 (N.D. Cal.).
13

14 3. On December 28, 2020, counsel for Applied twice asked counsel for Demaray to confirm
15 its agreement that *Applied Material, Inc. v. Demaray LLC*, No. 5:20-cv-05676-EJD (N.D. Cal.),
16 and *Applied Material, Inc. v. Demaray LLC*, No. 3:20-cv-09341 (N.D. Cal.) should be considered
17 “related cases” under Local Rule 3-12. Counsel for Demaray did not respond to either
18 correspondence, despite the same counsel exchanging multiple other communications regarding
19 other matters.
20

21 I declare under penalty of perjury that the foregoing is true and correct.
22

23 DATED: December 28, 2020

24 By: /s/ Philip Ou

25 Philip Ou
26
27
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