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

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

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

19 DATED: December 28, 2020

20
21 By: /s/ Philip Ou

22 Philip Ou