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 15 APPLIED MATERIALS, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18

19 APPLIED MATERIALS, INC.,

20 Plaintiff,

21 vs.

22 DEMARAY LLC,

23 Defendant.
 24

CASE NO. 5:20-cv-09341-EJD

**APPLIED MATERIALS, INC.'S
 UNOPPOSED MOTION TO SHORTEN
 TIME FOR AN EARLIER HEARING
 OR DETERMINATION ON THE
 PAPERS ON DEMARAY LLC'S
 MOTION FOR A SUBSEQUENT CASE
 MANAGEMENT CONFERENCE
 (DKT. NO. 92)**

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1 Plaintiff Applied Materials, Inc. (“Applied”) respectfully moves the Court, pursuant to Civil
2 Local Rule 6-3, for an order for an earlier hearing on Defendant Demaray LLC’s (“Demaray”) Motion for Subsequent Case Management Conference, Dkt. No. 92 (“Demaray’s Motion”) or in
3 the alternative, pursuant to L.R. 7-1(b) for Demaray’s Motion to be decided on the papers. Demaray
4 does not oppose the Court deciding whether to hold a further Case Management Conference
5 (“CMC”) on the papers and, as explained in Applied’s concurrently filed response to Demaray’s
6 Motion, Applied does not oppose the Court holding a further CMC if the Court believes one is
7 necessary. Dkt. No. 107 (“Applied’s Response”).
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9 Currently the hearing regarding Demaray’s Motion is set for April 21, 2022 (five months
10 from now). As explained in Applied’s Response, Demaray has repeatedly used the purported need
11 for a further CMC delay this case from proceeding in favor of its lawsuits against Applied’s
12 customers. Applied does not oppose the Court holding a further CMC if the Court believes one is
13 necessary, but objects to Demaray’s continued reliance on the fact that the Court has not yet set a
14 further CMC as ‘justification’ for its ongoing efforts to delay this case from moving forward.

15 Accordingly, Applied respectfully requests, pursuant to L.R. 7-1(b), for Demaray’s Motion
16 as to whether a subsequent CMC should be held be decided on the papers. To the extent the Court
17 believes a hearing to decide Demaray’s Motion is needed, Applied respectfully requests that the
18 Court grant an expedited hearing at least 14 days after Demaray’s reply (due January 3, 2022):
19 January 17, 2021, or as soon as the Court is available thereafter. Since Demaray does not oppose
20 the Court deciding whether to hold a further CMC on the papers (without a hearing), Applied
21 respectfully submits that a hearing on Demaray’s Motion is unlikely to be necessary.

22 Currently, the next available hearing date is April 21, 2022. Delaying resolution on
23 Demaray’s Motion, which simply addresses whether the Court should hold a further CMC, until
24 this time is prejudicial to Applied as it would potentially allow Demaray to continue to delay
25 compliance with discovery and case deadlines in the absence of the Court setting a case schedule
26 (which Demaray proposes happening only after the Court holds a further CMC). Demaray would
27 suffer no prejudice from granting this motion – the parties will have the exact same briefing
28

1 schedule, only the hearing date or resolution of Demaray's Motion would be expedited. Further,
2 Demaray does not oppose this motion to shorten time. Ou Decl. ¶ 3.

3 In consideration of judicial economy, conservation of the parties resources, and allowing
4 this case's deadlines to promptly proceed, including Demaray's compliance with Patent Local
5 Rules, Applied respectfully request the Court grant this Motion and set the hearing date as soon as
6 the Court is available thereafter or to rule on Demaray's Motion on the papers without oral
7 argument.

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9 DATED: December 27, 2021

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14 By: /s/ Philip Ou

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