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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

**JOINT CLAIM CONSTRUCTION AND  
 PRE-HEARING STATEMENT  
 (PATENT L.R. 4-3)**

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Pursuant to Patent L.R. 4-3, Plaintiff Applied Materials, Inc. (“Applied”) and Defendant Demaray LLC (“Demaray”) (collectively the “Parties”) jointly submit this Joint Claim Construction and Prehearing Statement (the “Statement”) for the above-captioned matter. Applied seeks declaratory judgment of non-infringement of U.S. Patent Nos. 7,544,276 (“the ’276 patent”) and 7,381,657 (“the ’657 patent”) (Collectively, the “Patents-in-Suit”). This Statement contains information on claim construction for the Patents-in-Suit under Patent L.R. 4-3 as follows:

#### I. STIPULATED CLAIM CONSTRUCTIONS UNDER PATENT L.R. 4-3(A)

To narrow their disputes, the Parties have met and conferred and have reached an agreement on claim construction for the following claim terms:

Claim Term	Stipulated Construction
<b>“A method of depositing a film on an insulating substrate, comprising”</b> ’657 patent, Claim 1	Preamble is limiting as to “insulating substrate”

#### II. DISPUTED TERMS, PROPOSED CONSTRUCTIONS, AND SUPPORTING EVIDENCE UNDER PATENT L.R. 4-3(B)

The parties provide their respective proposed constructions and supporting evidence (both intrinsic and extrinsic) as follows:

Claim Term	Applied’s Proposed Construction and Support	Demaray’s Proposed Construction and Support
<b>“narrow band rejection filter”</b> ’276 patent, claims 1 and 6 ’657 patent, claims 1 and 2	<b>“filter that passes all of the frequencies of the power supply except within a narrow band”</b> <u>Intrinsic Evidence</u> ’276 patent at Abstract, FIG. 1A, 2:45-53, 5:19-20, 5:49-59, claims 1, 6 ’657 patent at Abstract, FIG. 1A, 2:45-54, 5:25-26, 5:56-65, claims 1, 2, 20 ’657 patent prosecution history March 9, 2006 Non-Final Rejection	<b>Plain and ordinary meaning</b> <u>Intrinsic Evidence</u> ’276 Patent at Abstract, 2:48–51, 5:19–20, 5:49–58, 22:31–33 ’657 Patent at Abstract, 2:49–52, 5:25–26, 5:56–65, 22:59–67 U.S. Patent App. No. 10/101,863 prosecution history June 12, 2006 Applicant Amendment/Request for Reconsideration, Claims, Applicant Arguments/Remarks Made in an

Claim Term	Applied's Proposed Construction and Support	Demaray's Proposed Construction and Support
	'657 patent prosecution history August 9, 2006 Applicant Amendment/Request for Reconsideration	Amendment, Declaration of Dr. R.E. Demaray
	IPR2021-00103, Patent Owner's Preliminary Response	U.S. Patent App. No. 10/101,863 prosecution history December 5, 2005 Applicant Amendment/Request for Reconsideration, Claims, Applicant Arguments/Remarks Made in an Amendment
	IPR2021-00103, Patent Owner's Response	'657 prosecution history, December 18, 2007 Applicant Amendment/Request for Reconsideration, Claims, Applicant Arguments/Remarks Made in an Amendment
	IPR2021-00103, Ex. 2002 (Declaration of Alexander D. Glew)	'276 prosecution history, December 22, 2008 Notice of Allowability
	IPR2021-00103, Ex. 2009 (Declaration of Alexander D. Glew)	IPR2021-00103, Patent Owner's Preliminary Response
	IPR2021-00103, Ex. 2019 (Declaration of Hongmei Zhang)	IPR2021-00103, Patent Owner's Response
	IPR2021-00103, Ex. 2020 (Declaration of Rajiv Pethe)	IPR2021-00103, Ex. 2002 (Declaration of Alexander D. Glew)
	IPR2021-00103, Ex. 1105 (Deposition Testimony of Hongmei Zhang)	IPR2021-00103, Ex. 2009 (Declaration of Alexander D. Glew)
	IPR2021-00103, Ex. 1107 (Deposition Testimony of Rajiv Pethe)	IPR2021-00104, Patent Owner's Preliminary Response
	IPR2021-00104, Patent Owner's Preliminary Response	IPR2021-00104, Patent Owner's Response
	IPR2021-00104, Patent Owner's Response	IPR2021-00104, Ex. 2002 (Declaration of Alexander D. Glew)
	IPR2021-00104, Ex. 2002 (Declaration of Alexander D. Glew)	IPR2021-00104, Ex. 2009 (Declaration of Alexander D. Glew)
		IPR2021-00105, Patent Owner's Preliminary Response
		IPR2021-00105, Ex. 2002 (Declaration of Alexander D. Glew)
		IPR2021-00106, Patent Owner's Preliminary Response

Claim Term	Applied's Proposed Construction and Support	Demaray's Proposed Construction and Support
	IPR2021-00104, Ex. 2009 (Declaration of Alexander D. Glew)	IPR2021-00106, Ex. 2002 (Declaration of Alexander D. Glew)
	IPR2021-00104, Ex. 2019 (Declaration of Hongmei Zhang)	<u>Extrinsic Evidence</u> Expert testimony of Dr. Glew regarding how a person of ordinary skill in the art would understand the term "narrow band rejection filter," including technical background concerning the claim term and what one of ordinary skill in the art would understand the claim term to mean in view of the patent disclosure, the prosecution history, and/or the extrinsic evidence.
	IPR2021-00104, Ex. 2020 (Declaration of Rajiv Pethe)	
	IPR2021-00104, Ex. 1105 (Deposition Testimony of Hongmei Zhang)	
	IPR2021-00104, Ex. 1107 (Deposition Testimony of Rajiv Pethe)	Declaration of Alexander D. Glew from W.D. Tex cases (Case Nos. 6:20-cv-634 and 6:20- cv-636)
	IPR2021-00105, Patent Owner's Preliminary Response	Deposition Testimony of Alexander D. Glew from W.D. Tex cases (Case Nos. 6:20-cv-634 and 6:20-cv-636)
	IPR2021-00105, Ex. 2002 (Declaration of Alexander D. Glew)	Claim Construction Orders, August 17, 2021, from W.D. Tex cases (Case Nos. 6:20-cv-634 and 6:20-cv-636)
	IPR2021-00106, Patent Owner's Preliminary Response	Defs. Sur-Reply Claim Construction Brief from W.D. Tex cases (Case Nos. 6:20-cv-634 and 6:20- cv-636)
	IPR2021-00106, Ex. 2002 (Declaration of Alexander D. Glew)	narrowband (The New Oxford American Dictionary, 2001): "of or involving signals over a narrow range of frequencies"
	U.S. Patent App. No. 10/101,863 prosecution history Application at FIGS. 15, 16A-D	
	U.S. Patent App. No. 10/101,863 prosecution history March 22, 2006 Non-Final Rejection	
	U.S. Patent App. No. 10/101,863 prosecution history June 12, 2006 Applicant Amendment/Request for Reconsideration	

Claim Term	Applied's Proposed Construction and Support	Demaray's Proposed Construction and Support
	U.S. Patent App. No. 10/101,863 prosecution history June 7, 2006 Declaration of R. Ernest Demaray	
	U.S. Patent App. No. 10/101,863 prosecution history September 6, 2006 Non-Final Rejection	
	U.S. Patent App. No. 10/101,863 prosecution history January 23, 2007 Examiner Interview Summary Record	
	U.S. Patent App. No. 10/101,863 prosecution history February 6, 2007 Applicant Amendment/Request for Reconsideration	
	U.S. Patent App. No. 10/101,863 prosecution history May 2, 2007 Final Rejection	
	U.S. Patent App. No. 10/101,863 prosecution history October 2, 2007 Request for Continued Examination	
	U.S. Patent App. No. 10/101,863 prosecution history November 15, 2007 Non-Final Rejection	
	U.S. Patent App. No. 10/101,863 prosecution history December 18, 2007 Applicant Amendment/Request for Reconsideration	
	'657 patent prosecution history October 1, 2004 Preliminary Amendment	
	'657 patent prosecution history March 25, 2005 Non-Final Rejection	

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