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14 Attorneys for Plaintiff
 APPLIED MATERIALS, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

19 APPLIED MATERIALS, INC.,
 20 Plaintiff,
 21 vs.
 22 DEMARAY LLC,
 23 Defendant.

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

**DECLARATION OF BORIS
 LUBARSKY IN SUPPORT OF
 PLAINTIFF APPLIED MATERIALS,
 INC.'S MOTION TO STRIKE
 DEFENDANT DEMARAY LLC'S
 LETTER BRIEF FOR LEAVE TO
 AMEND ITS ANSWER**

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1 I, Boris Lubarsky, hereby declare as follows:

2 1. I am an associate with the law firm Paul Hastings LLP, counsel for the Plaintiff
3 Applied Materials, Inc. (“Applied”). I have personal knowledge of the facts contained in the
4 declaration and, if called upon to do so, I could and would testify competently to the matters set
5 forth herein.

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7 2. On February 3, 2022, counsel for Applied informed Demaray LLC (“Demaray”),
8 by telephone and email, that Demaray needed to file a noticed motion pursuant to the Local Rules
9 in order to seek leave to amend. Demaray refused to do so, filing its letter brief instead.

10 3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the
11 December 15, 2021 hearing transcript.

12 4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the
13 January 12, 2022 hearing transcript.

14
15 I declare under penalty of perjury that the foregoing is true and correct.

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17 DATED: March 2, 2022

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19 By: /s/ Boris Lubarsky

20 Boris Lubarsky
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