

EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE NATHANAEL COUSINS

APPLIED MATERIALS, INC.,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. 5:20-CV-09341 EJD
)	
DEMARAY LLC,)	
)	VIA ZOOM VIDEO CONFERENCE
DEFENDANT.)	WEDNESDAY
)	DECEMBER 15, 2021
)	

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 1:04 P.M. - 1:36 P.M.

APPEARANCES:

FOR PLAINTIFF

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RETIRED OFFICIAL COURT REPORTER, USDC**

1 SOURCES. AND WE'VE GONE BACK TO THE COURT REPEATEDLY ON THIS
2 ISSUE TO TRY TO GET THIS INFORMATION.

3 NOW, THE DEFENDANTS IN TEXAS HAVE STATED, OH, WE
4 DON'T REALLY KNOW WHAT'S IN THERE, YOU HAVE TO GO TO APPLIED.
5 AND APPLIED HAS STATED, WELL, THOSE AREN'T THE TYPES OF FILTERS
6 THAT ARE COVERED BY THE CLAIMS, BUT THEY HAVEN'T -- THEY'VE
7 BEEN ASKING US TO TAKE THEIR WORD FOR THAT. WE'VE BEEN ASKING
8 THEM FOR THE DOCUMENTS OR AN INSPECTION TO CORROBORATE THAT AND
9 TEST THE VALIDITY OF THAT ASSERTION, AND WE HAVEN'T GOTTEN THAT
10 YET.

11 SO, IN THIS CASE, WE, OBVIOUSLY, HAVE SOME OF THAT
12 INFORMATION FROM APPLIED. WE KNOW THAT THEIR REACTORS HAVE ALL
13 OF THESE OTHER LIMITATIONS, BUT WE HAVE THIS PROBLEM WITH THE
14 FILTER THAT IS PRESENT. AND THEY STATED IN TEXAS, HEY, THIS IS
15 A LOW-PASS FILTER, NOT A NARROW-BAND REJECTION FILTER. BUT WE
16 HAVEN'T GOTTEN THE DOCUMENTS TO TEST THAT. THIS IS
17 CONFIDENTIAL. IT'S A BLACK BOX. UNTIL THEY GIVE IT TO US, WE
18 CAN'T EVALUATE IT.

19 AND SO WE'RE BEING VERY COGNIZANT OF OUR RULE 11
20 OBLIGATIONS HERE. AND THEY HAVE RAISED ISSUES IN THE TEXAS
21 CASES WHERE THEY SAID, HEY, WE QUESTION YOUR RULE 11. AND, IN
22 FACT, IN THEIR BRIEFING TO YOU, THEY STATED THE EXACT SAME
23 THING. WE'RE BEING COGNIZANT, RESPECTFUL OF IT, AND ONCE WE
24 GET FILTER DETAILS, WE CAN MAKE AN AFFIRMATIVE DETERMINATION,
25 ARE THERE ARE GOING TO BE AFFIRMATIVE INFRINGEMENT CLAIMS

1 AGAINST APPLIED, STANDING ALONE, ITS REACTORS THAT IT'S
2 SUPPLYING OR NOT.

3 WE ASKED THEM FOR THIS TARGETED DISCOVERY IN THIS
4 CASE. THEY REFUSED TO PROVIDE IT AND SAID, NO, YOU HAVE TO GET
5 IT IN NORMAL DISCOVERY.

6 SO WE SERVED DISCOVERY SHORTLY AFTER THE COURT OPENED
7 DISCOVERY IN THIS CASE, AND, IN THEIR RESPONSES, INSTEAD OF
8 ADDRESSING ALL OF THE APPLIED REACTORS, THEY LIMITED THEIR
9 RESPONSES TO, OH, THE INFORMATION THAT'S BEEN SUPPLIED IN TEXAS
10 AND THE REACTORS THAT HAVE BEEN SUPPLIED IN TEXAS AND SAID,
11 THAT'S SUFFICIENT UNTIL YOU COME BACK AND MEET AND CONFER WITH
12 US AND TRY TO ARTICULATE SOME OTHER REACTOR THAT MIGHT BE AT
13 ISSUE.

14 OF COURSE, THEY BROUGHT A DECLARATORY JUDGMENT ACT
15 THAT ALL OF THEIR REACTORS DO NOT INFRINGE THESE PATENTS AND
16 THAT THEY DON'T USE THESE METHODS ANYWHERE. SO THIS IS NOT
17 LIMITED TO THE TEXAS CASES, AT LEAST THAT'S WHAT THEIR
18 DECLARATION SEEKS, SOMETHING MUCH, MUCH BROADER.

19 SO WE PROPOSE GIVE US THE TARGETED DISCOVERY ON THESE
20 FILTERS OR ALTERNATIVE PROTECTED MECHANISMS. THERE'S ONLY A
21 COUPLE OF FILTERS THAT THEY IDENTIFIED IN THE TEXAS CASES THAT
22 THEY SAY WOULD LIKELY BE AT ISSUE HERE. WE'LL TAKE A LOOK AT
23 IT, AND WITHIN 30 DAYS WE'LL MAKE AN AFFIRMATIVE INFRINGEMENT
24 DETERMINATION OR SAY THAT WE ARE AREN'T GOING TO BE ASSERTING
25 THOSE INFRINGEMENT CLAIMS. AT THAT POINT, WE KNOW WHICH OF THE

