

# EXHIBIT H

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August 30, 2021

**VIA E-MAIL**

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Re: *Demaray LLC v. Intel Corporation*, Case 6:20-cv-00634

Dear Counsel:

I write in response to your most recent letter dated August 9, 2021 regarding Demaray's infringement allegations in the above-captioned matter (regarding claims 4-5 of the '276 patent). As discussed at the recent meet and confers and consistent with Demaray's preliminary infringement contentions, "[d]iscovery from Intel, including on the configuration of Intel PVD Reactors used in the production of Intel semiconductor products and the layers deposited therewith is currently believed to be required to determine whether Intel practices" these claims. While Intel has provided discovery for a subset of its reactors indicating the use a rotating magnet assembly, Intel has failed to provide discovery detailing the magnet assemblies for each of its reactors at issue. Indeed, despite your commitment to supplement Intel's responses to Interrogatory 1 to include all Intel PVD reactors with DC power to the target and an RF bias on the substrate by August 27, 2021, no supplement was provided.

Your demand that Demaray forego potential assertion of claims 4-5 of the '276 patent in this matter while Intel withholds identification and basic discovery on the reactors at issue is improper. *See, e.g., Godo Kaisha IP Bridge 1 v. Broadcom Ltd.*, No. 2:16-CV-134-JRG-RSP, 2017 WL 2869331, at \*3 (E.D. Tex. Apr. 27, 2017) (highlighting that delay in receiving discovery from defendant precluded plaintiff from fully articulating its infringement theories). As stated in Demaray's Third Amended Infringement Contentions, "[t]o the extent that additional discovery confirms that the Intel PVD Reactors do not have a magnet" with the claimed configurations, Demaray will not pursue the claims against Intel.

While Demaray cannot address in a response of reasonable length all of the untenable arguments, factual inaccuracies, and legal errors made in your most recent letter, I will briefly address some of the core issues below. The decision not to address one or more

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Counsel for Intel  
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of the mischaracterizations in Intel's correspondence should not be taken to indicate any acquiescence or agreement therewith.

Your assertion that Demaray lacks a good faith basis to prosecute its claims against Intel is baseless. The record in this case overwhelmingly indicates that Intel has used, and continues to use, the claimed reactor configurations without Demaray's permission to churn out semiconductor products from which Intel has obtained billions of dollars in revenue. Despite two Court orders, Intel still has not provided basic discovery regarding the accused reactors and PVD processes. For example, at the beginning of this matter, Demaray requested that Intel provide limited core technical documents so that Demaray could thoroughly address them in its preliminary infringement contentions. Intel refused that request. Demaray has continued for the last year to seek basic discovery to substantiate Intel's claim that its reactors do not satisfy certain claim elements. It has been met with Intel's resistance at every turn.

It is wholly unproductive for Intel to continue sending letters of this kind, especially while Intel continues to withhold highly relevant information central to the claims at issue and which the Court has repeatedly ordered and Intel has agreed to produce. Indeed, Intel appears more committed to its meritless letter-writing campaign than it does to meeting its basic discovery obligations and moving this matter towards resolution.

If you would like resolution of this issue, please provide the complete list of reactors at issue and the details of their magnet assemblies forthwith. We reiterate our request that Intel stop these sideshow antics and that the parties instead focus on resolving the case on the merits. To the extent further amendment of Demaray's infringement contentions is warranted based upon produced discovery, we will update our responses in a timely manner.

Sincerely,

/s/ C. Maclain Wells

C. Maclain Wells