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 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 PHILIP OU IN
 SUPPORT OF APPLIED MATERIALS,
 INC.'S OPPOSITION TO DEMARAY
 LLC'S MOTION TO ENLARGE TIME
 TO RESPOND**

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1 I, Philip Ou, hereby declare as follows:

2 1. I am a partner with the law firm Paul Hastings LLP, counsel for the Plaintiff Applied
3 Materials, Inc. (“Applied”) in the above captioned matter. I am counsel for Applied’s customers,
4 Intel and Samsung, in Demaray’s lawsuits against them in the Western District of Texas. I have
5 personal knowledge of the facts contained in the declaration and, if called upon to do so, I could
6 and would testify competently to the matters set forth herein. I submit this declaration in support
7 of Applied’s Opposition To Demaray LLC’s Motion To Enlarge Time To Respond.

8 2. In Demaray’s lawsuits against Intel and Samsung, Demaray has alleged that the
9 claim required “narrow band rejection filter” can “be located in match circuits, combiners boxes,
10 the power source hosing, cables or cable connects, among other locations that are coupled between
11 the pulsed DC power supply and the target area” and identified components in certain PVD
12 chambers not even in this location (*e.g.*, an RF match connected to the substrate). An example of
13 these contentions can be found at Dkt. No. 37-12, Sealed Exhibit C at pgs. 29-30 (Demaray’s
14 February 5, 2021 supplemental infringement contentions to Intel for the ’276 patent.) Demaray has
15 maintained substantially similar allegations in multiple supplementations to its infringement
16 contentions in Texas, including as recently as this month.

17 3. On January 7, 2022, Applied produced a bill of materials for its PVD chamber types
18 having a DC power supply connected to the target and RF bias supply connected to the substrate,
19 which Demaray agreed to as the configurations it sought in discovery for Applied’s declaratory
20 judgment claims of non-infringement. Applied did not limit this production to PVD chambers sold
21 to Intel and Samsung or only ones accused in the Texas customer suits. On March 7, 2022, counsel
22 for Demaray sent correspondence to me asking to confirm that the document produced was a
23 complete list of those PVD chambers. I responded with confirmation.

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

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26 DATED: March 28, 2022

By: /s/ Philip Ou

Philip Ou

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