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 DEMARAY LLC

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 15 APPLIED MATERIALS, INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN JOSE DIVISION

20 APPLIED MATERIALS, INC., )  
 21 )  
 Plaintiff, )  
 22 )  
 vs. )  
 23 )  
 DEMARAY LLC, )  
 24 )  
 Defendant. )  
 25 )

Case No. 5:20-cv-09341-EJD  
**STIPULATION AND [PROPOSED]  
 ORDER REGARDING CLAIM  
 CONSTRUCTION BRIEFING  
 SCHEDULE**

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1 Pursuant to Civil Local Rule 7-12, plaintiff Applied Materials ("Applied") and defendant  
2 Demaray LLC ("Demaray") by and through their undersigned counsel hereby stipulate as follows:

3 WHEREAS, Patent L.R. 4-5 states that "... the party claiming patent infringement, or the  
4 party asserting invalidity if there is no infringement issue present in the case, shall serve and file  
5 an opening brief and any evidence supporting its claim construction;"

6 WHEREAS, neither circumstance under Patent L.R. 4-5 applies to the current posture of  
7 the case and the parties met and conferred and proposed in their proposed schedules to the Court  
8 (Dkt. No. 116 n. 5):

9 Patent L.R. 4-5 states that "... the party claiming patent infringement,  
10 or the party asserting invalidity if there is no infringement issue  
11 present in the case, shall serve and file an opening brief and any  
12 evidence supporting its claim construction." As neither circumstance  
13 applies to the current posture of the case, the parties met and conferred  
14 and propose, subject to Court approval, equal briefing with Applied  
15 filing an opening brief, Demaray filing a response, Applied filing a  
16 reply and Demaray filing a sur-reply. If the Court does not approve of  
17 this proposal, the parties have a dispute regarding the ordering of the  
18 briefing.

19 WHEREAS, the Court has not yet responded regarding the parties' proposal regarding  
20 briefing;

21 WHEREAS, on March 18, 2022, Applied filed an Opening Claim Construction Brief in the  
22 above captioned matter (Dkt. No. 138); on April 1, 2022, Demaray filed a Responsive Claim  
23 Construction Brief (Dkt. No. 145), and on April 8, 2022, Applied is scheduled to file a Reply  
24 Claim Construction Brief.

25 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties:

- 26
- 27 1. The parties agree to equal claim construction briefing in this matter. Not later than  
28 7 days after service upon it of a reply brief, Demaray shall serve and file a claim  
construction sur-reply brief not to exceed 15 pages.

IT IS SO STIPULATED

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Dated: April 8, 2022

Respectfully submitted,  
IRELL & MANELLA LLP

By: /s/ Samuel K. Lu

Samuel K. Lu  
Attorneys for Defendant  
DEMARAY LLC

Dated: April 8, 2022

PAUL HASTINGS LLP

By: /s/ Yar R. Chaikovsky

Yar R. Chaikovsky  
Attorney for Plaintiff  
APPLIED MATERIALS INC.

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**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Edward J. Davila  
United States District Judge

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**ECF ATTESTATION**

I, Samuel K. Lu, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING CLAIM CONSTRUCTION BRIEFING SCHEDULE. I hereby attest that I received authorization to insert the signatures indicated by a conformed signature (/s/) within this e-filed document.

By: /s/ Samuel K. Lu  
Samuel K. Lu