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and Counterclaim-Plaintiff
DEMARAY LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLIED MATERIALS, INC.,

Plaintiff,

VS.

DEMARAY LLC,

Defendant.

Case No. 5:20-cv-09341-EJD

**DEMARAY LLC'S ANSWER TO
APPLIED MATERIALS, INC.'S
COUNTERCLAIMS IN REPLY TO
DEMARAY LLC'S COUNTERCLAIMS**

DEMAND FOR JURY TRIAL

1 Defendant and Counterclaim Plaintiff Demaray LLC ("Demaray"), by its undersigned
2 counsel, hereby submits its Answer to Applied Material, Inc.'s Counterclaims In Reply To Demaray
3 LLC's Counterclaims. Solely for convenience, the headings from the counterclaims in reply (*i.e.*,
4 the counterclaims to the counterclaims) are reproduced here. To the extent not specifically admitted
5 herein, the allegations of the counterclaims in reply are denied.

6 1. Demaray admits that Applied Materials, Inc. ("Applied") has filed this civil action,
7 the complaint for which purports to seek a declaratory judgment of non-infringement. Demaray
8 denies that Applied's complaint seeks a declaratory judgement of invalidity of United States Patent
9 Nos. 7,544,276 (the "'276 patent") and 7,381,657 (the "'657 patent") (collectively, the "Asserted
10 Patents"). Demaray admits that Applied's counterclaims in reply to Demaray's counterclaims seeks
11 a declaratory judgment of invalidity of the Asserted Patents under the patent laws of the United
12 States, 35 U.S.C. § 1 et seq., including 35 U.S.C. §§ 101, 102, 103, 112 and/or 116. Demaray denies
13 any remaining allegations in this paragraph 1.

14 **PARTIES**

15 2. Demaray admits that Applied asserts that it is a corporation organized and existing
16 under the laws of the state of Delaware, with its principal place of business at 3050 Bowers Avenue,
17 Santa Clara, CA 95054-3299. Demaray admits that Applied's business includes technology and
18 products used for semiconductor fabrication, including but not limited to reactors in the Endura
19 product line. Demaray admits that it has accused reactors in the Endura product line of infringing
20 the Asserted Patents. Demaray is without knowledge sufficient to admit or deny the remaining
21 allegations in this paragraph 2 and therefore denies them.

22 3. Demaray admits that Demaray is a limited liability company organized and existing
23 under the laws of the state of Delaware. Demaray admits that the address of its registered office is
24 9 East Loockerman Street, Suite 202, Dover, DE 19901. Demaray denies any remaining allegations
25 in this paragraph 3.

26 **JURISDICTION AND VENUE**

27 4. Demaray admits that Applied has filed an action purporting to seek a declaratory
28 judgment of non-infringement under the Declaratory Judgment Act, 28 U.S.C. § 2201, and under

1 the patent laws of the United States. Demaray admits that the Court has found that it has subject
2 matter jurisdiction over Applied's declaratory judgment action for non-infringement. The paragraph
3 contains legal conclusions to which no response is required. Demaray denies any remaining
4 allegations in this paragraph 4.

5 5. For purposes of this case only, Demaray admits that this Court has specific and
6 general personal jurisdiction over Demaray. The paragraph contains legal conclusions to which no
7 response is required. Demaray denies any remaining allegations in this paragraph 5.

8 6. For purposes of this case only, Demaray admits that this Court has specific and
9 general personal jurisdiction over Demaray. Demaray admits that it has filed complaints against
10 Intel and Samsung in the United States District Court for the Western District of Texas. Demaray
11 admits that it has answered Applied's complaint for declaratory judgment of non-infringement
12 without asserting a defense of lack of personal jurisdiction. The paragraph contains legal
13 conclusions to which no response is required. Demaray denies any remaining allegations in this
14 paragraph 6.

15 7. For purposes of this case, Demaray admits that venue is proper in this district. For
16 purposes of this case only, Demaray admits that this Court has personal jurisdiction over Demaray.
17 Demaray admits that Dr. Demaray has worked at Applied Komatsu, Varian Associates,
18 Symmorphix, and Demaray, including at locations in California. Demaray also admits that certain
19 of the research and development of the Asserted Patents was performed in Northern California.
20 Demaray further admits that it has answered Applied's complaint for declaratory judgment of non-
21 infringement without asserting a defense of improper venue. Demaray is without knowledge
22 sufficient to admit or deny the allegations regarding Ravi Mullapudi, Gary Edwards, Larry Edelman,
23 Jim Scholer, James Sponseller, and Mike Danaher in this paragraph 7 and therefore denies them.
24 Demaray denies that Applied has a license to the Asserted Patents. Demaray denies any remaining
25 allegations in this paragraph 7.

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COUNTERCLAIM I**(Declaration of Invalidity of U.S. Patent No. 7,544,276)**

8. Demaray repeats and incorporates by reference its responses to Paragraphs 1 to 7 as though fully set forth herein.

9. Demaray admits that there is an actual and justiciable controversy between Applied Materials and Demaray concerning the validity of the '276 patent.

10. Demaray denies the allegations of Paragraph 10.

11. Demaray denies the allegations of Paragraph 11.

12. Demaray denies the allegations of Paragraph 12.

13. Demaray denies the allegations of Paragraph 13.

["1. A reactor according to the present invention, comprising:"]

14. Demaray admits that the excerpted text and excerpted figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 14.

["a target area for receiving a target;"]

15. Demaray admits that the excerpted text, excerpted figure, and cited figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 15.

["a substrate area opposite the target area for receiving a substrate;"]

16. Demaray admits that the excerpted text and excerpted figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 16.

["a pulsed DC power supply coupled to the target area, the pulsed DC power supply providing alternating negative and positive voltages to the target"]

17. Demaray admits that the excerpted text and excerpted figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 17.

18. Demaray admits that Paragraph 45 of its Counterclaims recites that "the Advanced Energy Pinnacle power supplies provide one or more pulses of DC to a target, for example, during arc suppression, such that the voltage on the target alternates between negative and positive voltages." Demaray admits that the remaining excerpted text and the cited figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 18.

19. Demaray denies the allegations of Paragraph 19.

["an RF bias power supply coupled to the substrate;"]

20. Demaray admits that the excerpted text, excerpted figure, and cited figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 20.

["and a narrow band-rejection filter that rejects at a frequency of the RF bias power supply coupled between the pulsed DC power supply and the target area."]

21. Demaray denies the allegations of Paragraph 21.

22. Demaray denies the allegations of Paragraph 22.

COUNTERCLAIM II

(Declaration of Invalidity of U.S. Patent No. 7,381,657)

23. Demaray repeats and incorporates by reference its responses to Paragraphs 1 to 7 as though fully set forth herein.

24. Demaray admits that there is an actual and justiciable controversy between Applied Materials and Demaray concerning the validity of the '657 patent.

25. Demaray denies the allegations of Paragraph 25.

26. Demaray denies the allegations of Paragraph 26.

27. Demaray denies the allegations of Paragraph 27.

28. Demaray denies the allegations of Paragraph 28.

["1. A method of depositing a film on an insulating substrate, comprising:"]

29. Demaray admits that the excerpted text and figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 29.

["providing a process gas between a conductive target and the substrate;"]

30. Demaray admits that the excerpted text and figure appear in Exhibit 1. Demaray denies any remaining allegations in this paragraph 30.

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