

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:20-cv-05676-EJD**

Applied Materials, Inc. v. Demaray LLC
Assigned to: Judge Edward J. Davila
Referred to: Judge Nathanael M. Cousins
Cause: 28:2201 Declaratory Judgement

Date Filed: 08/13/2020
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Applied Materials, Inc.

represented by **Yar R. Chaikovsky**
Paul Hastings
1117 S. California Avenue
Palo Alto, CA 94304
650-320-1832
Fax: 650-320-1900
Email: yarchaikovsky@paulhastings.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip Ou

Paul Hastings LLP
1117 S. California Avenue
Palo Alto, CA 94304
650-820-1858
Fax: 650-820-1900
Email: philipou@paulhastings.com
ATTORNEY TO BE NOTICED

V.

Defendant

Demaray LLC

represented by **Benjamin W. Hattenbach**
Irell & Manella LLP
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067-4271
310-277-1010
Fax: 310-203-7199
Email: bhattenbach@irell.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Morgan Chu

Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4271
(310) 277-1010
Fax: (310) 203-7199

Email: mchu@irell.com
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Crawford Maclain Wells
 IRELL & MANELLA LLP
 1800 Avenue of the Stars
 Suite 900
 Los Angeles, CA 90067-4276
 310-203-7565
 Fax: 310-203-7199
 Email: mwells@irell.com
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/13/2020	1	COMPLAINT against Demaray LLC (Filing fee \$ 400, receipt number 0971-14814038.). Filed by Applied Materials, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Civil Cover Sheet)(Chaikovsky, Yar) (Filed on 8/13/2020) (Entered: 08/13/2020)
08/13/2020	2	Proposed Summons. (Chaikovsky, Yar) (Filed on 8/13/2020) (Entered: 08/13/2020)
08/13/2020	3	REPORT on the filing or determination of an action regarding <i>a Patent or Trademark</i> (cc: form mailed to register). (Chaikovsky, Yar) (Filed on 8/13/2020) (Entered: 08/13/2020)
08/13/2020	4	Corporate Disclosure Statement by Applied Materials, Inc. (Chaikovsky, Yar) (Filed on 8/13/2020) (Entered: 08/13/2020)
08/14/2020	5	Case assigned to Judge Nathanael M. Cousins. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 8/28/2020. (haS, COURT STAFF) (Filed on 8/14/2020) (Entered: 08/14/2020)
08/14/2020	6	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/11/2020. Initial Case Management Conference set for 11/18/2020 10:00 AM in San Jose, Courtroom 5, 4th Floor. (sfbS, COURT STAFF) (Filed on 8/14/2020) (Entered: 08/14/2020)
08/14/2020	7	Summons Issued as to Demaray LLC. (sfbS, COURT STAFF) (Filed on 8/14/2020) (Entered: 08/14/2020)
08/21/2020	8	SUMMONS Returned Executed by Applied Materials, Inc.. Demaray LLC served on 8/20/2020, answer due 9/10/2020. (Chaikovsky, Yar) (Filed on 8/21/2020) (Entered: 08/21/2020)
08/28/2020	9	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Applied

08/28/2020	10	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because a party has not consented to the jurisdiction of a Magistrate Judge. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice.</i> (lmh, COURT STAFF) (Filed on 8/28/2020) (Entered: 08/28/2020)</p>
08/28/2020	11	<p>ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Edward J. Davila for all further proceedings. Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras. Magistrate Judge Nathanael M. Cousins remains as referral judge assigned to case. Reassignment Order signed by Clerk on 8/28/2020. (Attachments: # 1 Notice of Eligibility for Video Recording)(bwS, COURT STAFF) (Filed on 8/28/2020) (Entered: 08/28/2020)</p>
08/28/2020	12	<p>(Text Only) CLERKS NOTICE RESETTING CASE MANAGEMENT CONFERENCE FOLLOWING REASSIGNMENT. Joint Case Management Statement due by 11/30/2020. Initial Case Management Conference set for 12/10/2020 10:00 AM in San Jose, Courtroom 4, 5th Floor before Hon. Edward J. Davila. The Court does not issue a revised Initial Case Management Scheduling Order with ADR Deadlines. Standing orders can be downloaded from the court's web page at http://cand.uscourts.gov/ejdorders. <i>This is a text only docket entry, there is no document associated with this notice.</i> (amkS, COURT STAFF) (Filed on 8/28/2020) (Entered: 08/28/2020)</p>
09/01/2020	13	<p>AMENDED COMPLAINT <i>First Amended Complaint for Declaratory Judgment</i> against Demaray LLC. Filed by Applied Materials, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Chaikovsky, Yar) (Filed on 9/1/2020) (Entered: 09/01/2020)</p>
09/04/2020	14	<p>MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i> filed by Applied Materials, Inc.. Motion Hearing set for 10/22/2020 09:00 AM in San Jose, Courtroom 4, 5th Floor before Judge Edward J. Davila. Responses due by 9/18/2020. Replies due by 9/25/2020. (Attachments: # 1 Declaration of Boris Lubarsky, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Proposed Order)(Chaikovsky, Yar) (Filed on 9/4/2020) (Entered: 09/04/2020)</p>
09/10/2020	15	<p>Renotice motion hearing re 14 MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i> filed by Applied Materials, Inc.. (Related document(s) 14) (Chaikovsky, Yar) (Filed on 9/10/2020) (Entered: 09/10/2020)</p>
09/10/2020		<p>***Set/Reset Motion hearing per ECF 15 Re-Notice: as to 14 Motion for Preliminary Injunction. Motion Hearing set for 11/12/2020 09:00 AM in San Jose, Courtroom 4, 5th Floor before Judge Edward J. Davila. (amkS, COURT STAFF) (Filed on 9/10/2020) (Entered: 09/11/2020)</p>
09/11/2020	16	<p>NOTICE of Appearance by Benjamin W. Hattenbach (Hattenbach, Benjamin) (Filed on 9/11/2020) (Entered: 09/11/2020)</p>
09/11/2020	17	<p>NOTICE of Appearance by Crawford Meakin Wells (Wells, Crawford) (Filed on</p>

		9/11/2020) (Entered: 09/11/2020)
09/11/2020	18	MOTION for Extension of Time to File Response/Reply as to 14 MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i> filed by Demaray LLC. (Attachments: # 1 Declaration, # 2 Proposed Order)(Wells, Crawford) (Filed on 9/11/2020) (Entered: 09/11/2020)
09/11/2020	19	Certificate of Interested Entities by Demaray LLC (Wells, Crawford) (Filed on 9/11/2020) (Entered: 09/11/2020)
09/11/2020	20	STIPULATION re 13 Amended Complaint, filed by Demaray LLC. (Wells, Crawford) (Filed on 9/11/2020) (Entered: 09/11/2020)
09/15/2020	21	Order Granting 18 Defendant Demaray LLC's Unopposed Motion for Extension of Time to Respond to Plaintiff Applied Materials' Motion for Preliminary Injunction. Signed by Judge Edward J. Davila on 9/15/2020. (ejdlc2S, COURT STAFF) (Filed on 9/15/2020) (Entered: 09/15/2020)
09/15/2020		***Set/Reset Deadlines per ECF 21 Order: as to 14 Motion for Preliminary Injunction. Response due by 9/25/2020. (amkS, COURT STAFF) (Filed on 9/15/2020) (Entered: 09/16/2020)
09/25/2020	22	NOTICE of Appearance by Morgan Chu <i>for Demaray</i> (Chu, Morgan) (Filed on 9/25/2020) (Entered: 09/25/2020)
09/25/2020	23	OPPOSITION/RESPONSE (re 14 MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i>) filed by Demaray LLC. (Attachments: # 1 Declaration of Dr. Demaray, # 2 Declaration of Wells, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11, # 14 Exhibit 12, # 15 Exhibit 13, # 16 Exhibit 14, # 17 Exhibit 15, # 18 Exhibit 16)(Wells, Crawford) (Filed on 9/25/2020) (Entered: 09/25/2020)
09/28/2020	24	MOTION for Extension of Time to File Response/Reply as to 23 Opposition/Response to Motion,, <i>Applied Material, Inc.'s Unopposed Motion for Extension of Time to File Reply</i> filed by Applied Materials, Inc.. (Attachments: # 1 Declaration of Philip Ou, # 2 Proposed Order)(Chaikovsky, Yar) (Filed on 9/28/2020) (Entered: 09/28/2020)
09/29/2020	25	Order Granting Applied Materials, Inc.'s Unopposed Motion for Extension of Time to File Reply to its Motion for Preliminary Injunction. Signed by Judge Edward J. Davila on 9/29/2020. (ejdlc2S, COURT STAFF) (Filed on 9/29/2020) (Entered: 09/29/2020)
09/29/2020		***Set/Reset Deadlines per ECF 25 Order: as to 14 Motion for Preliminary Injunction. Replies due by 10/9/2020. (amkS, COURT STAFF) (Filed on 9/29/2020) (Entered: 09/29/2020)
10/09/2020	26	Administrative Motion to File Under Seal filed by Applied Materials, Inc.. (Attachments: # 1 Declaration Decl. of B. Lubarsky ISO Admin Motion to File Under Seal, # 2 Proposed Order, # 3 Redacted Version of Applied Material's Reply ISO Motion for Preliminary Injunction, # 4 SEALED Version of Applied Material's Reply ISO Motion for Preliminary Injunction, # 5 Redacted Version of Exhibit N, # 6 SEALED Version of Exhibit N, # 7 Redacted Version of Decl. of R. Greuter, # 8 SEALED Version of Decl. of R. Greuter, # 9 Redacted Version of Decl. of T. Herrgott, # 10 SEALED Version of Decl. of T. Herrgott, # 11 Redacted Version of Decl. of D. Hyung Kim, # 12 SEALED Version of Decl. of D.

		Hyung Kim, # 13 Redacted Version of Decl. of K. Miller, # 14 SEALED Version of Decl. of K. Miller)(Chaikovsky, Yar) (Filed on 10/9/2020) (Entered: 10/09/2020)
10/09/2020	27	***POSTED IN ERROR. PLEASE SEE DOCKET ENTRY #28*** REPLY (re 14 MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i>) filed by Applied Materials, Inc.. (Attachments: # 1 Declaration of B. Lubarsky ISO Applied Material's Reply ISO Motion for Preliminary Injunction, # 2 Exhibit K, # 3 Exhibit L, # 4 Exhibit M, # 5 Exhibit N, # 6 Declaration of R. Greuter, # 7 Declaration of T. Herrgott, # 8 Declaration of D. Hyung Kim, # 9 Declaration of K. Miller) (Chaikovsky, Yar) (Filed on 10/9/2020) Modified on 10/14/2020 (dhmS, COURT STAFF). (Entered: 10/09/2020)
10/14/2020	28	REPLY (re 14 MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i>) CORRECTED Reply In Support of Motion for Preliminary Injunction filed by Applied Materials, Inc.. (Attachments: # 1 Declaration of B. Lubarsky, # 2 Exhibit K, # 3 Exhibit L, # 4 Exhibit M, # 5 Exhibit N, # 6 Declaration of R. Greuter, # 7 Declaration of T. Herrgott, # 8 Declaration of D. Hyung Kim, # 9 Declaration of K. Miller, # 10 Declaration of R. Thompson, # 11 Declaration of B. Dietz, # 12 Declaration of T. Cross)(Chaikovsky, Yar) (Filed on 10/14/2020) (Entered: 10/14/2020)
10/16/2020	29	OBJECTIONS to re 28 Reply to Opposition/Response,, by Demaray LLC. (Wells, Crawford) (Filed on 10/16/2020) (Entered: 10/16/2020)
10/19/2020	30	ADMINISTRATIVE MOTION for Leave to File Sur-Reply re 14 MOTION for Preliminary Injunction <i>Applied Materials, Inc.'s Motion for Preliminary Injunction to Enjoin Demaray LLC from Proceeding with Customer Suits During the Pendency of this Action</i> filed by Demaray LLC. Responses due by 10/23/2020. (Attachments: # 1 Declaration of C. Maclain Wells, # 2 Proposed Order)(Wells, Crawford) (Filed on 10/19/2020) (Entered: 10/19/2020)

PACER Service Center			
Transaction Receipt			
10/21/2020 09:01:02			
PACER Login:	ph1281:2961951:3941599	Client Code:	93264.00005
Description:	Docket Report	Search Criteria:	5:20-cv-05676-EJD
Billable Pages:	5	Cost:	0.50