

# EXHIBIT 6

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLIED MATERIALS INC.,

PLAINTIFF,

VS.

DEMARAY LLC,

DEFENDANT.

CASE NO. CV-20-09341-EJD

SAN JOSE, CALIFORNIA

JANUARY 21, 2021

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TRANSCRIPT OF ZOOM PROCEEDINGS  
BEFORE THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF:

PAUL HASTINGS  
BY: YAR R. CHAIKOVSKY  
PHILIP OU  
1117 S. CALIFORNIA AVENUE  
PALO ALTO, CALIFORNIA 94304

FOR THE DEFENDANT:

IRELL & MANELLA LLP  
BY: CRAWFORD MACLAIN WELLS  
BENJAMIN W. HATTENBACH  
1800 AVENUE OF THE STARS, SUITE 900  
LOS ANGELES, CALIFORNIA 90067

OFFICIAL COURT REPORTER:

IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,  
TRANSCRIPT PRODUCED WITH COMPUTER.

1 SAN JOSE, CALIFORNIA

JANUARY 21, 2021

2 P R O C E E D I N G S

10:39AM 3 (COURT CONVENED AT 10:39 A.M.)

10:39AM 4 THE COURT: THIS IS APPLIED MATERIALS VERSUS  
10:39AM 5 DEMARAY. THESE ARE 5676 AND 9341.

10:40AM 6 LET ME FIRST CAPTURE THE APPEARANCES OF THE PARTIES. WHO  
10:40AM 7 APPEARS, PLEASE, FOR PLAINTIFFS IN THIS MATTER?

10:40AM 8 MR. CHAIKOVSKY: YOUR HONOR, THIS IS YAR CHAIKOVSKY  
10:40AM 9 FROM PAUL HASTINGS. ALONG WITH ME WE HAVE PHILIP OU ALSO FROM  
10:40AM 10 PAUL HASTINGS.

10:40AM 11 AND IN THE GALLERY, ACTUALLY THE ZOOM GALLERY WE HAVE  
10:40AM 12 NATE ZHANG, OUR CLIENT REPRESENTATIVE FROM APPLIED MATERIALS.

10:40AM 13 THE COURT: THANK YOU. GOOD MORNING TO YOU.  
10:40AM 14 AND WHO APPEARS FOR THE DEFENDANTS IN THIS MATTER?

10:40AM 15 MR. WELLS: YOUR HONOR, THIS IS MACLAIN WELLS OF  
10:40AM 16 IRELL & MANELLA.

10:40AM 17 AND WITH ME IS BENJAMIN HATTENBACH ALSO FROM  
10:40AM 18 IRELL & MANELLA APPEARING ON BEHALF OF DEFENDANT DEMARAY LLC.

10:40AM 19 THE COURT: THANK YOU. GOOD MORNING EVERYONE. IT'S  
10:40AM 20 NICE TO SEE YOU BACK, MR. HATTENBACH.

10:40AM 21 MR. HATTENBACH: LIKEWISE.

10:41AM 22 THE COURT: THIS IS A CASE MANAGEMENT CONFERENCE,  
10:41AM 23 AND I UNDERSTAND THERE'S A FEW THINGS IN PROGRESS HERE. AND  
10:41AM 24 THE FIRST THING I WANTED TO ASK IS WHAT IS THE STATUS OF -- I  
10:41AM 25 THINK THAT APPLIED WAS GOING TO DISMISS OR TALKED ABOUT

10:41AM 1 DISMISSING THE 5676 CASE.

10:41AM 2 WHAT IS THE STATUS OF THAT?

10:41AM 3 MR. CHAIKOVSKY: YOUR HONOR, YAR CHAIKOVSKY HERE  
10:41AM 4 AGAIN FROM PAUL HASTINGS.

10:41AM 5 AS YOUR HONOR KNOWS, WE FILED THE ADMINISTRATIVE MOTION  
10:41AM 6 SEEKING LEAVE WITH RESPECT TO THAT CASE AND THEN ALSO IN THIS  
10:41AM 7 ACTION FILED A NEW COMPLAINT.

10:41AM 8 AS SOON AS THIS CASE MANAGEMENT CONFERENCE PROCEEDED,  
10:41AM 9 WE'RE READY TO MOVE TO DISMISS THAT COMPLAINT AND PROCEED WITH  
10:41AM 10 THIS CASE. WE WERE JUST LEAVING IT UP TO YOUR HONOR WHAT WAS  
10:41AM 11 THE BEST WAY TO PROCEED. IT SEEMS LIKE WE'RE PROCEEDING WITH  
10:41AM 12 THE 9431 LITIGATION, AND, THEREFORE, WE WILL MOVE TO DISMISS  
10:41AM 13 THE OTHER LITIGATION.

10:41AM 14 THE COURT: ALL RIGHT. THANK YOU FOR THAT.

10:42AM 15 AND YOU'LL FILE A FORMAL DISMISSAL I TAKE IT, THEN?

10:42AM 16 MR. CHAIKOVSKY: YES, YOUR HONOR.

10:42AM 17 MR. WELLS: YOUR HONOR, MAY I COMMENT BRIEFLY?

10:42AM 18 THE COURT: YES, MR. WELLS.

10:42AM 19 MR. WELLS: IF YOU'LL RECALL THAT THE PLAINTIFFS  
10:42AM 20 FILED A MOTION TO LOG THE NEW COMPLAINT IN THE EARLIER FILED  
10:42AM 21 CASE, THE APPLIED ONE CASE, AND THAT WAS DENIED.

10:42AM 22 AND IN DENYING IT, THE COURT INDICATED THAT IT WAS ALSO  
10:42AM 23 NOT RULING THAT THE PENDING MOTION TO DISMISS IN THE FIRST  
10:42AM 24 FILED CASE IS MOOT, SO THAT MOTION IS STILL PENDING.

10:42AM 25 SO TO THE EXTENT THAT THE COURT WANTS TO ADDRESS THAT

10:42AM 1 MOTION, BECAUSE IT MIGHT RESOLVE WHETHER OR NOT THE SECOND  
10:42AM 2 FILED CASE IS APPROPRIATE, THAT'S STILL AN OPEN ISSUE.

10:42AM 3 SO I JUST WANTED TO GET THE COURT'S CLARITY THAT IT DOES  
10:42AM 4 NOT WANT TO ADDRESS THAT MOTION OR WHETHER IT DOES WANT TO  
10:42AM 5 ADDRESS THAT PENDING MOTION TO DISMISS.

10:42AM 6 THE COURT: I'M SORRY. YOU BROKE UP A LITTLE BIT  
10:42AM 7 THERE, MR. WELLS. I THINK ARE YOU ASKING WHAT WE SHOULD DO  
10:42AM 8 ABOUT THE MOTION TO DISMISS ON 5676 OR YOUR ANTICIPATED MOTION  
10:43AM 9 TO DISMISS ON 9341?

10:43AM 10 MR. WELLS: MY QUESTION IS REGARDING THE ALREADY  
10:43AM 11 PENDING MOTION TO DISMISS THAT IT BE FILED WITH PREJUDICE AND  
10:43AM 12 IT ALSO REQUESTED THAT THE COURT, OR NOTED THAT THE COURT HAS  
10:43AM 13 DISCRETION NOT TO ACCEPT SUBJECT MATTER JURISDICTION.

10:43AM 14 IF THE COURT RULED ON EITHER OF THOSE BASES ON THE PENDING  
10:43AM 15 MOTION, THEN THE SECOND FILED APPLIED CASE AND THE ISSUES  
10:43AM 16 THEREIN WOULD LIKELY BE RESOLVED. SO I JUST WANTED TO GET THE  
10:43AM 17 COURT'S GUIDANCE ON WHETHER OR NOT IT WANTED TO RESOLVE THAT  
10:43AM 18 MOTION AS IT'S STILL PENDING.

10:43AM 19 THE COURT: WELL, WHAT I WOULD LIKE TO DO, I THINK,  
10:43AM 20 IS TO PROCEED. FIRST OF ALL, LET ME ASK A QUESTION EARLIER  
10:43AM 21 SOMEWHAT TONGUE AND CHEEK, MAYBE NOT, BUT I THINK  
10:43AM 22 MR. CHAIKOVSKY ASKED WHAT IS THE BEST WAY TO PROCEED IN THE  
10:43AM 23 CASE IS. TO ANSWER THAT QUESTION, IT'S THE DISMISSAL OF ONE  
10:43AM 24 AND THEN THE SETTLEMENT OF THE OTHER.

10:44AM 25 SO WE'RE NOT GOING TO ACCOMPLISH THAT THIS MORNING, I

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