

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DEMARAY LLC,

Plaintiff,

v.

INTEL CORPORATION

Defendant.

Case No. 6:20-CV-00634-ADA

JURY TRIAL DEMANDED

DEMARAY LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG SEMICONDUCTOR, INC., and
SAMSUNG AUSTIN SEMICONDUCTOR, LLC

Defendants.

Case No. 6:20-CV-00636-ADA

JURY TRIAL DEMANDED

**DECLARATION OF DONALD VERPLANCKEN
IN SUPPORT OF MOTIONS TO TRANSFER VENUE**

I, Donald Verplancken, hereby declare as follows:

1. I am a partner at the law firm Patterson & Sheridan LLP where I have been employed since 2002. Prior to joining my firm, I was formerly Chief PBG at Applied Materials, Inc. ("Applied"), when I worked at Applied's headquarters in the Northern District of California and was responsible for the patent matters of the company. I currently reside in Houston, Texas. I either have personal knowledge of the facts contained in this declaration or my knowledge is

based on my review of relevant documents. If called upon to do so, I could and would testify competently to the matters set forth herein.

2. I understand that Demaray LLC (“Demaray”) has filed patent infringement suits against Applied’s customers, Intel Corporation (“Intel”) and multiple Samsung entities (collectively, “Samsung”) in the Western District of Texas and that Intel and Samsung have filed motions to transfer those suits to the Northern District of California.

3. I understand that Intel and Samsung have asserted an affirmative defense that their use of equipment supplied by Applied Materials, Inc. (“Applied”) and accused of infringement is licensed under the patents-in-suit pursuant to a Sales and Relationship agreement between Symmorphix, Inc. (“Symmorphix”) and Applied Komatsu Technology, Inc. (“AKT”) executed on December 11, 1998 (“SRA”) and for which its Exhibit C was modified on January 29, 1999 (“Modified Exhibit C”).

4. I was involved in the negotiations of the SRA and the Modified Exhibit C on behalf of Applied and AKT, recall the intent of the parties in modifying the license grant of intellectual property under paragraph 3(b) of Exhibit C of the SRA, and if asked, could testify to my recollection. To the best of my present recollection, the person most knowledgeable on behalf of AKT and Applied about the negotiations of the SRA and the Modified Exhibit C was Kam Law, former present of AKT. Don Kumamoto, former VP of Intellectual Property of Applied, was also knowledgeable about the negotiations of the SRA and the Modified Exhibit C. To the best of my knowledge, Mr. Kumamoto currently resides in the Northern District of California.

5. Although I currently reside in Houston, Texas, prior to the COVID-19 pandemic, I frequently traveled to the Northern District of California where my daughter resides and where

my law firm maintains an office in San Jose, California. My firm also maintains an office in Waco, Texas, but I do not recall ever visiting or working out of that office. If I were asked or compelled to testify at a trial regarding my recollection of the intent of the parties in modifying the license grant of intellectual property under paragraph 3(b) of Exhibit C of the SRA, because of my connections to the district, it would be significantly more convenient for me to attend a trial in the Northern District of California than a trial in in the Western District of Texas.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 30, 2021.

By: 
Donald Verplancken