

EXHIBIT 1

From: Stephens, Garland
Sent: Friday, October 21, 2016 6:23 PM
To: 'Claude M. Stern'
Cc: claudestern@quinnemanuel.com; Joe Paunovich; Gil Gillam (gil@GillamSmithLaw.com); Constant, Justin (justin.constant@weil.com); McClellan, Doug
Subject: RE: Alacritech v. Dell

Claude, Joe-

As I said in my email yesterday, Intel is prepared to abide by the existing schedule, if Alacritech does not enlarge the case through counterclaims, provides Intel with immediate access to Alacritech's infringement contentions relating to Intel products, and consents to Intel's intervention. I understand from your email that Alacritech is refusing.

Contrary to your "understanding" Intel has had no involvement in the existing orders and motions in the case. Intel has not been a party, and has been prevented from assessing the case because of Alacritech's ongoing improper refusal to allow Intel to see the infringement contentions relating to Intel products. Any delay is due to Alacritech.

Intel cannot agree to Alacritech's conditions, and they seem calculated to delay Intel's intervention. I urge you to change your mind and am available to discuss it today and Monday morning. Unless Alacritech will agree to Intel's intervention without these unacceptable conditions, we will file an opposed motion.

-Garland

From: Claude M. Stern [<mailto:claudestern@quinnemanuel.com>]
Sent: Friday, October 21, 2016 1:31 AM
To: Stephens, Garland
Cc: claudestern@quinnemanuel.com; Joe Paunovich
Subject: RE: Alacritech v. Dell

Garland,

Alacritech did not ask Intel to intervene in the case against Dell and Intel is not in a position to dictate terms for its intervention. The case was filed in late June 2016; Intel has known about it for nearly 4 months but waited until last week to request intervention. Putting aside this unexplained delay, we have made a reasonable proposal for Intel's intervention to try to limit prejudice to Alacritech. Intel's request is either (a) timely because it will not change the case schedule/deadlines or require the Court and Alacritech to revisit and rebrief issues already before the Court or (b) untimely and will unfairly prejudice Alacritech.

We understand that Intel has been in discussions with Dell and the other defendants behind the scenes for some time, discussing issues that have already been decided and/or briefed to the Court, including among other things the Docket Control Order, Discovery Order, and the disputes regarding Alacritech's designation of its infringement contentions as "Confidential" and Source Code printing under the Protective Order. Aside from adding Intel as a Party to the Discovery Order, if Intel wanted to weigh in on any of the issues that have occurred to date in the case it could have sought intervention earlier. Alacritech is unwilling to be side-tracked in prosecuting its case against Defendants simply because Intel wants to join the case.

Regarding Alacritech's Confidential Infringement Contentions against Dell, Intel is not a party to the case and until such time that it is Alacritech will not disclose them to Intel. As explained in the email yesterday, if the Court allows Intel to intervene in the Dell matter, and Intel agrees to be bound by the terms of the Protective Order (which agreement has no effect on Intel until such time that it is a party), we will provide Intel a copy of our contentions against Dell at that time and also will consider whether it is necessary and appropriate to provide a copy of our contentions against the CenturyLink and Wistron defendant groups. This will be resolved quickly if done by Unopposed Motion, but in any event, there are no deadlines in the case that would require Intel to have immediate access to Alacritech's Confidential Infringement Contentions against Dell. Dell (and the other Defendants) is represented by competent counsel that is more than capable of preparing their P.R. 3-3 & 3-4 Disclosures (Invalidity Contentions) and complying with their respective discovery obligations without the need for special input from Intel. In short, Intel can wait until it is a party to the case to see our contentions against Dell.

I will be out of the office tomorrow, but please let Joe know if Intel is willing to proceed with our Unopposed Motion without re-litigating the issues raised in your email below.

Regards,

Claude

From: Stephens, Garland [<mailto:Garland.Stephens@weil.com>]

Sent: Thursday, October 20, 2016 3:14 PM

To: Joe Paunovich <joepaunovich@quinnemanuel.com>; McClellan, Doug <Doug.McClellan@weil.com>; Constant, Justin <Justin.Constant@weil.com>; gil@gillamsmithlaw.com

Cc: Claude M. Stern <claudestern@quinnemanuel.com>; jw@wsfirm.com; Claire Henry <claire@wsfirm.com>; Andrea Fair <andrea@wsfirm.com>

Subject: RE: Alacritech v. Dell

Joe-

We have carefully reviewed your proposal. Unfortunately it is unworkable as proposed. However, I am hopeful we can quickly work out an approach that will permit Intel to intervene without further delay.

If Alacritech agrees not to change the scope of the case through counterclaims against Intel, and immediately shares with Intel all of its infringement contentions that refer to Intel components, there is no reason to change the existing schedule. We can prepare an unopposed motion to intervene reciting Intel's and Alacritech's agreement on these two points immediately.

We are also prepared to treat the infringement contentions as "confidential" under the protective order until the Court resolves the dispute on whether that designation is improper. However, Intel will not waive its right to inform the Court of its views on whether the designation is improper.

We do not presently see any issues with the E-Discovery order.

The discovery order looks reasonable, but needs modifications to refer to Intel as a party to the case and incorporate limitations for Intel comparable to those in the existing order.

The protective order is missing some important protections necessary for Intel source code. We do not see a need to change it as far as it applies to other parties' code. We expect we can negotiate reasonable Intel-specific provisions source code once the motion to intervene is filed.

None of these issues raises any substantive obstacle to Intel's immediate intervention. We can negotiate the modifications needed to the discovery and protective orders promptly after filing the unopposed motion to intervene.

Please let me know today if Alacritech will agree to this proposal, and we will provide a draft motion.

-Garland

From: Joe Paunovich [<mailto:joepaunovich@quinnemanuel.com>]
Sent: Wednesday, October 19, 2016 6:59 PM
To: Stephens, Garland; McClellan, Doug; Constant, Justin; gil@gillamsmithlaw.com
Cc: claudestern@quinnemanuel.com; jw@wsfirm.com; Claire Henry; Andrea Fair
Subject: Alacritech v. Dell

Garland,

As discussed yesterday, we cannot agree to Intel's disputed Motion to Intervene but will agree to the attached Unopposed Motion to Intervene and File a Complaint in Intervention in the lawsuit filed by Alacritech, Inc. against Dell, Inc., Civil Action No. 2:16-cv-00695-JRG. The Complaint in Intervention that is referenced as Exhibit A in the Unopposed Motion is the draft you provided to us for review. Please confirm Intel's agreement to file these documents as-is and when it plans to do so. We will send you a copy of a proposed order granting the intervention that would accompany the Unopposed Motion.

Regarding Intel's request for a copy of Alacritech's contentions, our contentions against the Defendants' in this matter are designated Confidential and as such, we will not agree to disclose them to Intel until it is an actual Party to the consolidated action and agrees to be bound by the Protective Order. If the Court allows Intel to intervene in the Dell matter, and Intel agrees to be bound by the terms of the Protective Order, we will provide Intel a copy of our contentions against Dell at that time and also will consider whether it is necessary and appropriate to provide a copy of our contentions against the CenturyLink and Wistron defendant groups. We expect this will be resolved fairly quickly after Intel files the attached Unopposed Motion.

Regards,
Joe

Joseph M. Paunovich | Quinn Emanuel Urquhart & Sullivan LLP | Office: +1.213.443.3257

From: Stephens, Garland [<mailto:Garland.Stephens@weil.com>]
Sent: Tuesday, October 18, 2016 8:49 AM
To: Joe Paunovich <joepaunovich@quinnemanuel.com>; Claude M. Stern <claudestern@quinnemanuel.com>
Cc: McClellan, Doug <Doug.McClellan@weil.com>; Constant, Justin <Justin.Constant@weil.com>; gil@gillamsmithlaw.com
Subject: RE: Alacritech v. Dell

Joe-

We have already provided you with a draft motion and complaint. We now need Alacritech's prompt decision on whether it will oppose. I look forward to Alacritech's response early this afternoon.

-Garland

The logo for Weil, consisting of the word "Weil" in white text on a green rectangular background.

Garland Stephens

Weil, Gotshal & Manges LLP
700 Louisiana, Suite 1700
Houston, TX 77002-2755
garland.stephens@weil.com
+1 713 546 5011 Direct
+1 713 224 9511 Fax

From: Joe Paunovich [<mailto:joepaunovich@quinnemanuel.com>]
Sent: Monday, October 17, 2016 9:13 PM
To: Stephens, Garland; claudestern@quinnemanuel.com
Cc: McClellan, Doug; Constant, Justin
Subject: RE: Alacritech v. Dell

Garland,

Thank you for sending a copy of the motion and complaint. Since we did not have the benefit of this until later in the day, we need to discuss with our client tomorrow morning and will have a response for you hopefully by early afternoon. Are you able to share a draft of the unopposed motion (or stipulation) that you would propose filing if our client will agree?

Joe

Joseph M. Paunovich | Quinn Emanuel Urquhart & Sullivan LLP | Office: +1.213.443.3257

From: Stephens, Garland [<mailto:Garland.Stephens@weil.com>]
Sent: Monday, October 17, 2016 3:52 PM
To: Claude M. Stern <claudestern@quinnemanuel.com>
Cc: McClellan, Doug <Doug.McClellan@weil.com>; Joe Paunovich <joepaunovich@quinnemanuel.com>; Constant, Justin <Justin.Constant@weil.com>
Subject: RE: Alacritech v. Dell

Claude-

As you requested, I have attached a draft motion to intervene and complaint in intervention. We are providing this at your request for purposes of meeting and conferring only - Intel reserves the right to make changes before filing. Please let me know promptly whether Alacritech opposes the motion.

-Garland

The logo for Weil, consisting of the word "Weil" in white text on a green rectangular background.

Garland Stephens

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.