IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALACRITECH, INC., A California corporation, Plaintiff, v. TIER 3, ET AL., WISTRON CORPORATION ET AL., DELL INC., A Delaware corporation, Defendants.	2:16-cv-00693-JRG (LEAD CASE) 2:16-cv-00692-JRG 2:16-cv-00695-RWS **JURY TRIAL DEMANDED**

CAVIUM, INC.'S MOTION TO INTERVENE

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I. INTRODUCTION

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Cavium, Inc. ("Cavium") hereby moves to intervene in this action as of right, or, alternatively, with permission of the Court. Cavium seeks to intervene in this patent infringement action filed by Alacritech, Inc. ("Alacritech") to protect its interests and the interests of its customer, Dell Inc. ("Dell"), a defendant in this action. Cavium's interest in this litigation is based on the involvement of its wholly-owned subsidiary, QLogic Corporation ("QLogic"). Cavium seeks to intervene because some of Alacritech's infringement allegations in the Complaint in this action specifically accuse some Dell products of infringement based in part on their use of QLogic network adapters, including, among others, QLogic 57840S-k quad port 10GbE blade KR NDC. Further, Cavium has agreed to defend and partially indemnify Dell as to Alacritech's allegations of infringement against QLogic components that are incorporated into the accused Dell products. As such, Cavium has a substantial, direct financial interest in the outcome of this litigation. This Court has recently permitted Intel to intervene for similar reasons.

Cavium can offer technical knowledge and expertise that its customer lacks, as the designer and manufacturer of the QLogic technology targeted by Alacritech's infringement allegations. Moreover, issues litigated in this action may affect other Cavium customers in the event that they are sued by Alacritech or its successors. Accordingly, Cavium should participate in litigating key issues such as claim interpretation and infringement based on its own components.

As this case is still at a very early stage, Cavium's intervention would not prejudice any of the parties. Cavium, however, will suffer significant prejudice if it is not permitted to intervene to litigate the claims against its own products, as it could be subjected to indemnity liability and uncertainty regarding numerous QLogic products without its participation.

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