

**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-JRG

JURY TRIAL DEMANDED

DECLARATION OF GARLAND STEPHENS

1. I am an attorney with Weil Gotshal & Manges. I represent Intel in this matter. I submit this declaration in support of Intel's Motion to Intervene in this case. I have personal knowledge of the facts stated below and, if called upon to do so, would testify competently thereto.

2. Before Alacritech served its infringement contentions, I asked counsel for Dell to provide copies of Alacritech's infringement contentions relating to Intel components promptly when Alacritech served them. Soon after receiving Alacritech's infringement contentions, counsel for Dell informed me that Dell could not share Alacritech's infringement contentions or any information derived from them with Intel because Alacritech had marked them "Confidential" and declined Dell's request for permission to share them with Intel.

3. On October 13, 2016, I spoke with Alacritech counsel and asked whether Alacritech would provide its infringement contentions in the three pending cases to Intel. On October 19, 2016, Alacritech refused.

4. On October 20, 2016, I again asked Alacritech to share its infringement contentions with Intel. On October 21, 2016, Alacritech again refused.

5. An email chain reflecting my communication with Alacritech's counsel described above is included in an email I sent to Alacritech's counsel Claude Stern and Joe Paunovich on October 21, 2016, which is attached to this declaration as Exhibit 1.

6. For convenient reference, an email from the same chain, dated October 21 from Claude Stern to me, is attached to this declaration as Exhibit 2.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: October 31, 2016

Respectfully submitted,

/s/ Garland T. Stephens

Garland T. Stephens, Lead Attorney (24053910)

WEIL, GOTSHAL & MANGES LLP

700 Louisiana, Suite 1700

Houston, TX 77002

Telephone: (713) 546-5000

Facsimile: (713) 224-9511

garland.stephens@weil.com

Counsel for Intervening Party

INTEL CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 31, 2016 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Garland T. Stephens