

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., and
CAVIUM, INC.,
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner

Case IPR2017-01406¹
U.S. Patent No. 7,673,072

PATENT OWNER'S DISCOVERY REQUESTS TO PETITIONERS

¹ Cavium, who filed a Petition in Case IPR2017-01707, has been joined as a petitioner in this proceeding.

Patent Owner Alacritech, Inc. (“Alacritech”) requests that Petitioners Intel Corporation (“Intel”) and Cavium, Inc. (“Cavium”) produce documents and things in response to the following Requests for Production and provide information in response to the following Interrogatories.

INTRODUCTION

1. In producing documents and things responsive to these Requests for Production and providing information responsive to these Interrogatories, Petitioners are to comply with Federal Rules of Civil Procedure 26 and 34, the Board’s Scheduling Order and any other Board Order in this proceeding, and the instructions in the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756 (Aug. 14, 2012).
2. For each Request for Production, identify any responsive document that Petitioners are aware of but cannot produce because it has been lost or destroyed or is otherwise not in Petitioner’s possession, custody, or control. To the extent you are aware of responsive documents outside of your possession, custody, or control, please identify such documents specifically as well as the person you contend is their proper source or custodian.
3. If Petitioners find the meaning of any term in any Request for Production or Interrogatory unclear, Petitioners should assume a reasonable

meaning, state what the assumed meaning is, and produce documents and things or provide information on the basis of that assumed meaning.

4. For any document responsive to a Request for Production or identified in response to an Interrogatory that Petitioners withhold on the basis of privilege, Petitioner shall provide a privilege log identifying the document's date, author(s), recipient(s), subject matter, and the basis of the asserted privilege.

DEFINITIONS

5. "Challenged Patents" means U.S. Patent Nos. 7,237,036, 7,337,241, 9,055,104, 7,124,205, 7,673,072, 8,131,880, 8,805,948, and 7,945,699.

6. "Dell" means Dell Inc.

7. "Wistron" means Wistron Corporation, SMS InfoComm Corporation, and Wiwynn Corporation ("Wiwynn").

8. "CenturyLink" means CenturyLink, Inc.

9. "Putative Real Parties in Interest" means Dell, Wistron, and/or CenturyLink.

10. "District Court Cases" means Case Nos. 2:16-cv-00695, 2:16-cv-00692, 2:16-cv-00693 filed in the United States District Court for the Eastern District of Texas.

11. "IPR Proceedings" means IPR Case Nos. IPR2017-01391, IPR2017-01392, IPR2017-01393, IPR2017-01405, IPR2017-01406, IPR2017-01409,

IPR2017-01410, IPR2017-01718, IPR2017-01728, IPR2017-01714, IPR2017-01707, IPR2017-01737, IPR2017-01736, IPR2017-01735, IPR2017-01395, IPR2017-01402, IPR2017-01559, IPR2017-01705, IPR2017-01711, IPR2017-01713, IPR2017-01729, IPR2017-01732, IPR2017-01733, IPR2017-01734, IPR2018-00226, IPR2018-00234, IPR2018-00327, IPR2018-00328, IPR2018-00329, IPR2018-00336, IPR2018-00338, IPR2018-00339, IPR2018-00371, IPR2018-00372, IPR2018-00374, IPR2018-00375, IPR2018-00400, IPR2018-00401, and IPR2018-00403.

12. “Person” means any individual, corporation (including any nonprofit corporation), general or limited partnership, limited liability company, joint venture, estate, trust, association, organization, labor union, governmental authority, or other entity.

13. “Documents” is defined as synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), and should be understood to include written, printed, typed, and electronically reproduced materials.

14. “Communication” should be understood to include all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, facsimiles, notes, telegrams, advertisements, or other forms of verbal exchange, whether oral or written.

REQUESTS FOR PRODUCTION

Request for Production No. 1:

Documents showing the indemnification and defense obligations between Intel and Dell, Intel and Wistron, and Cavium and Dell against Alacritech's patents referenced in Intel's and Cavium's motions to intervene in the District Court Cases (including documents giving rise to such indemnification obligations, documents tendering and documents memorializing the nature and scope of the agreements).²

Request for Production No. 2:

Agreements and proposals for agreements, and documents reflecting discussions of either, to which Petitioner is or was a party, that concern the IPR Proceedings or the Challenged Patents.³

Request for Production No. 3:

A copy of any invoice, requests for reimbursement, or the like received or provided by or on behalf of Petitioner or any Putative Real Party in Interest

² This request is similar to RFP No. 4 approved in *Dr. Michael Farmwald and RPX Corporation v. Parkervision, Inc.*, IPR2014-00946 Ex. 2022 and Paper 25 at 9; see also *American Simmental Association v. Leachman Cattle of Colorado, LLC*, PGR2015-00003 Ex. 2007 (RFP Nos. 5 and 6) and Paper 32 at 12.

³ This request is modeled after RFP No. 5 approved in *American Simmental Association v. Leachman Cattle of Colorado, LLC*, PGR2015-00003 Ex. 2007 and Paper 32 at 11; see also *Dr. Michael Farmwald and RPX Corporation v. Parkervision, Inc.*, IPR2014-00946 Ex. 2022 (RFP 3) and Paper 25 at 9.

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