

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 Nos.

IPR2017-01391 (U.S. Patent No. 7,237,036)¹
IPR2017-01392 (U.S. Patent No. 7,337,241)
IPR2017-01393 (U.S. Patent No. 9,055,104)
IPR2017-01405 (U.S. Patent No. 7,124,205)
IPR2017-01406 (U.S. Patent No. 7,673,072)
IPR2017-01409 (U.S. Patent No. 8,131,880)
IPR2017-01410 (U.S. Patent No. 8,131,880)

**DECLARATION OF S. CHRISTOPHER KYRIACOU IN SUPPORT OF
PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION FOR
ADDITIONAL DISCOVERY REGARDING REAL PARTIES-IN-
INTEREST**

¹ Cavium, Inc., which filed Petitions in Cases: IPR2017-01707, IPR2017-01714, IPR2017-01718, IPR2017-01728, IPR2017-01735, IPR2017-01736, IPR2017-01737, has been joined as a petitioner in all the listed proceedings.

I, Christopher Kyriacou, declare:

1. I am currently employed at Intel Corporation (“Intel”) as Managing Counsel of Litigation. I have worked at Intel since May 2012. I have personal knowledge of the facts set forth herein, and, if called to testify in person, could and would testify competently thereto. I am the Intel in-house counsel responsible for managing Intel’s involvement in the pending district court cases brought by Alacritech, Inc. in the Eastern District of Texas against three of Intel’s customers, captioned *Alacritech, Inc., v. Dell Inc.*, *Alacritech, Inc., v. Tier 3, et al.*, and *Alacritech, Inc. v. Wistron Corporation, et al.* (the “Alacritech litigation”). Intel has intervened, and Alacritech filed counterclaims of infringement against Intel, in each of these cases.

2. Petitioner Intel decided to file the Petitions for *inter partes* review on the patents asserted in the Alacritech litigation (the “Petitions”)² without any consultation or input from any other person or entity except Intel’s outside Counsel, Weil, Gotshal & Manges LLP. Intel’s decision to file the Petitions was made independently of Dell, Inc., Wistron Corporation, Wiwynn Corporation, SMS InfoComm Corporation, CenturyLink Communications LLC, Tier 3, Inc.,

² IPR2017-01391, IPR2017-01392, IPR2017-01393, IPR2017-01405, IPR2017-01406, IPR2017-01409, and IPR2017-01410.

and Savvis Communications Corp. (the “Defendants”) and Intervenor Cavium, Inc. (“Cavium”).

3. Neither Defendants nor Cavium nor their respective counsel, directed, controlled, requested or suggested that Intel file any of these Petitions. Petitioner Intel did not authorize its counsel of record for the Petitions, Weil, Gotshal, & Manges LLP, to accept any input into the Petitions from any other person or entity, including Defendants and Cavium, nor did Intel receive or accept any such input. Petitioner Intel did not share any drafts or summaries of the Petitions with any other person or entity, including Defendants or Cavium, prior to the filing of the Petitions.

4. Petitioner Intel has not received nor agreed to receive any reimbursement, payment, or other value from Defendants or Cavium (or any other non-party) related to the filing of the Petitions. All attorneys’ fees and costs incurred in preparing and filing the Petitions have been borne by Petitioner Intel alone.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the results of these proceedings.



January 10, 2018

S. Christopher Kyriacou

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2018, a copy of **DECLARATION OF S. CHRISTOPHER KYRIACOU IN SUPPORT OF PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY REGARDING REAL PARTIES-IN-INTEREST**

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