

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

ALACRITECH, INC.,

Plaintiff,

v.

Century Link., *et al.*,

Defendants,

INTEL CORPORATION,

Intervenor,

and

CAVIUM, INC.,

Intervenor.

Case No. 2:16-cv-693 (LEAD CASE)
Case No. 2:16-cv-692
Case No. 2:16-cv-695

DECLARATION OF MR. MARK R. LANNING
REGARDING CLAIM CONSTRUCTION

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	CLAIM CONSTRUCTION.....	4
III.	THE PATENTS-IN-SUIT	6
IV.	CLAIM TERM OPINIONS.....	6
V.	CLAIM TERMS (036, 072, 205, 241 PATENTS).....	7
	A. “context”	7
	B. “status information”	15
	C. “significant network layer or significant transport layer processing”	16
	D. “substantially no network layer or transport layer processing”	17
	E. “substantially contiguous manner”	18
	F. “without an interrupt dividing”	20
	G. “Second apparatus[es]”	23
VI.	INTERFERENCE CLAIM TERMS (880 PATENT).....	24
	A. “RE-ASSEMBLY” CLAIM TERMS	24
	1. “re-assembly buffer”	24
	2. “re-assembler”	28
	3. “flow re-assembler”	30
	B. “FLOW” CLAIM TERMS	32
	1. “flow database”	32
	2. “flow key”	34
	3. “flow database manager”	36
	4. “flow manager”	39
	C. OTHER TERMS.....	41
	1. “packet batching module”	41

2.	“traffic classifier”	43
VII.	MEANS-PLUS-FUNCTION CLAIM TERMS (104 AND 241 PATENTS).....	45
A.	“means for receiving, by the network interface device from the computer, a command to transmit data from the computer to the network”	45
B.	“means for sending, by the network interface device to the network, data corresponding to the command”	47
C.	“means for prepending a transport layer header to at least some of the data”	49
D.	“means for sending, by the network interface device to the computer, an indication that the data has been sent from the network interface device to the network, prior to receiving, by the network interface device from the network, an acknowledgement (ACK) that the data has been received”	50
E.	“means, coupled to the host computer, for receiving from outside the apparatus a response to an ISCSI read request command...”	52
F.	“first mechanism”	54
G.	“second mechanism”	60

I. INTRODUCTION

1. My name is Mark Lanning. I have been retained as an expert on behalf of the defendants and Intervenor Intel Corporation (collectively “Defendants”) in connection with the following cases: Alacritech, Inc. v. CenturyLink, Inc., 2:16-cv-00693-JRG-RSP (E.D. Tex.); Alacritech, Inc. v. Wistron Corp., 2:16-cv-00692-JRG-RSP (E.D. Tex.); Alacritech, Inc. v. Dell Inc., 2:16-cv-00695-RWS-RSP (E.D. Tex.).

2. My education and work experience is contained in my CV in Exhibit 1. Other than my normal hourly rate (\$550/hour), I have received no additional compensation of any kind for my work on this case. No part of my compensation is dependent on the conclusions that I reach or the outcome of this case.

3. I understand that Alacritech, Inc. (“Alacritech”) has sued each of the Defendants for infringement of one or more of the following U.S. Patents: U.S. Patent No. 7,124,205 (“205 Patent”) (Exhibit 2a), U.S. Patent No. 7,237,036 (“036 Patent”) (Exhibit 3a), U.S. Patent No. 7,337,241 (“241 Patent”) (Exhibit 4a), U.S. Patent No. 7,673,072 (“072 Patent”) (Exhibit 5a), U.S. Patent No. 7,945,699 (“699 Patent”), U.S. Patent No. 8,131,880 (“880 Patent”) (Exhibit 6a), U.S. Patent No. 8,805,948 (“948 Patent”), and U.S. Patent No. 9,055,104 (“104 Patent”) (Exhibit 7a) (collectively the “Patents-in-Suit”).

4. I understand that on January 31, 2017, Alacritech served its proposed preliminary constructions. Exhibits 8a and 8b. On the same date, I understand that the Defendants and Intervenor Intel served their proposed preliminary constructions. Exhibit 9. I also understand that, after meeting and conferring, on February 18, 2017, counsel for Alacritech, Defendants proposed modifications to these preliminary constructions. Exhibits 10 and 11.