

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

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

**DECLARATION OF KARINEH KHACHATOURIAN IN SUPPORT OF
CAVIUM, INC.’S MOTION TO INTERVENE**

I, Karineh Khachatourian, declare as follows:

1. I am a partner in the law firm Duane Morris LLP and I represent Cavium, Inc. (“Cavium”) in this action. I have personal knowledge of the facts stated herein, and, if called upon, I could and would competently testify thereto.
2. On December 2, 2016, Alacritech issued a subpoena to Cavium in this action, with a response date of January 3, 2017. A true and correct copy of the subpoena to Cavium is attached hereto as Exhibit 1.
3. Between at least December 5 and December 19, 2016, I engaged in discussions by phone and by email with counsel for Alacritech regarding the timing of the subpoena, seeking an extension of time due to my client’s unavailability during the holidays.
4. In the course of the telephone and email communications with Alacritech regarding the subpoena to Cavium, I advised Alacritech that Cavium intended to intervene in the action on essentially the same basis that Intel Corporation had intervened. I communicated to Alacritech’s counsel that Cavium has agreed to defend and partially indemnify Dell as to the claims against Dell products incorporating Cavium/QLogic’s technology. I asked Alacritech

whether they would consent to filing a motion to intervene unopposed in light of the Court's recent order granting Intel Corporation's Motion to Intervene. I was not able to secure Alacritech's consent to Cavium filing an unopposed motion to intervene.

5. As an alternative to intervention, I also proposed that Alacritech dismiss claims against Dell pertaining to products sold by Cavium's wholly-owned subsidiary, QLogic Corporation ("QLogic"). Alacritech advised me via email on Friday, December 16, 2016 at 11:24 p.m. that Cavium's proposal to dismiss claims against Dell and assert claims against Cavium directly was rejected, and further stated "Feel free to move to intervene, and we will consider whether we oppose." A true and correct copy of my December 16, 2016, email correspondence to Alacritech's counsel, Diane Cafferata, and Ms. Cafferata's December 16, 2016, response email, is attached hereto as Exhibit 2.

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

Executed on January 13, 2017

/s/ Karineh Khachatourian
Karineh Khachatourian