

Filed: January 4, 2018

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 IPR2018-00234¹
U.S. Patent No. 8,805,948

**PETITIONER'S RESPONSES TO PATENT OWNER'S
REQUESTS FOR ADDITIONAL DISCOVERY**

¹ Cavium, Inc., which filed a Petition in Case IPR2018-00403, has been joined as a petitioner in this proceeding.

Petitioner Intel Corporation (“Petitioner”) responds to Patent Owner’s requests for production as follows:

I. GENERAL OBJECTIONS

1. Petitioner objects to Patent Owner’s requests to the extent that the requests impose requirements that are broader than, or inconsistent with the requirements set forth in the Office Patent Trial Practice Guide.

2. Petitioner objects to Patent Owner’s requests to the extent they request information, including confidential or proprietary business information of Petitioner, which is not relevant to the issue of whether Dell, Wistron, or CenturyLink are real party in interests to this IPR or in privity with Petitioner.

3. Petitioner objects to the requests to the extent they request information protected as work product, attorney client privilege, common interest privilege, and/or any other applicable privilege, prohibition, limitation or immunity from disclosure.

4. Petitioner objects to the requests to the extent that they are vague, overly broad, unduly burdensome, and seek duplicative information.

II. REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Subject to the General Objections above, Petitioners respond as follows:

Request for Production No. 1

Documents and Communications relating to the indemnification and defense obligations, rights and interests between Intel and Dell, Intel and Wistron, Intel and CenturyLink, and Cavium and Dell relating to Alacritech's patents asserted at anytime in the 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).

Response to Request for Production No. 1

Petitioner objects to this request as vague, ambiguous, and overly broad. Petitioner further objects that this request seeks information that is not relevant to any issue in this IPR.

Subject to and without waiving its general and specific objections, and to the extent this request can be reasonably understood, Petitioner will conduct a reasonable search for documents and communications and produce non-privileged, responsive documents and communications between Petitioner and Dell, Wistron or CenturyLink related to Petitioner's indemnification and defense obligations to Dell, Wistron or CenturyLink relating to Alacritech's patents asserted in the District Court cases, if any exist.

Request for Production No. 2

Documents and Communications relating to any representations or warranties made by Intel or Cavium to the Putative Real Parties in Interest about indemnity and

defense obligations, rights and interests relating to Alacritech's patents asserted at anytime in the in the District Court Cases.

Response to Request for Production No. 2

Petitioner objects to this request as vague, ambiguous, and overly broad. Petitioner further objects that this request seeks information that is not relevant to any issue in this IPR.

Subject to and without waiving its general and specific objections, and to the extent this request can be reasonably understood, Petitioner will conduct a reasonable search for documents and communications and produce non-privileged, responsive documents and communications between Petitioner and Dell, Wistron or CenturyLink related to Petitioner's indemnification and defense obligations to Dell, Wistron or CenturyLink relating to Alacritech's patents asserted in the District Court cases, if any exist.

Request for Production No. 3

Documents and Communications between Petitioners and the Putative Real Parties in Interest concerning the consideration and decision to prepare, review, or file any IPR petition against Alacritech's patents asserted at anytime in the District Court Cases.

Response to Request for Production No. 3

Petitioner objects to this request as vague, ambiguous, and overly broad. Petitioner further objects that this request seeks information that is not relevant to any issue in this IPR.

Subject to and without waiving its general and specific objections, and to the extent this request can be reasonably understood, Petitioner will conduct a reasonable search for documents and produce non-privileged, responsive documents concerning the consideration and decision to prepare, review, or file any IPR petition against Alacritech's patents asserted in the District Court cases, if any exist.

Request for Production No. 4

Documents memorializing the relationship(s) between Petitioners and the Putative Real Parties in Interest, including indemnity and defense agreements, and any participation in Board membership, ownership interests, agency designations, legal representations, and/or financial investments if any exist.

Response to Request for Production No. 4

Petitioner objects to this request as vague, ambiguous, and overly broad. Petitioner further objects that this request seeks information that is not relevant to any issue in this IPR. The PTAB has clarified that this request is limited to documents that relate to Alacritech's patents, to these proceedings, or to the indemnification or defense agreements having relevance to Alacritech's patents or to these proceedings if any exist.

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