

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

<p>ALACRITECH, INC.,  Plaintiff,  v.  CENTURYLINK COMMUNICATIONS LLC, et al.  Defendants.</p>	<p>Case No. 2:16-cv-693-JRG-RSP  LEAD CASE  JURY TRIAL DEMANDED</p>
<p>ALACRITECH, INC.,  Plaintiff,  v.  WISTRON CORPORATION, et al.,  Defendants.</p>	<p>Case No. 2:16-cv-692-JRG-RSP  JURY TRIAL DEMANDED  MEMBER CASE</p>
<p>ALACRITECH, INC.,  Plaintiff,  v.  DELL INC.,  Defendant,  INTEL CORPORATION AND CAVIUM. INC.,  Intervenors.</p>	<p>Case No. 2:16-cv-695-RWS-RSP  JURY TRIAL DEMANDED  MEMBER CASE</p>

**PLAINTIFF ALACRITECH INC.'S RESPONSE TO INTEL CORPORATION'S  
MOTIONS TO INTERVENE IN ALACRITECH INC. V. CENTURYLINK, INC., CASE  
NO. 2:16-CV-693 AND ALACRITECH INC. V. WISTRON CORP., CASE NO. 2:16-CV-**

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Intel Corporation's ("Intel's") motions to intervene in *Alacritech Inc. v. Century Link, Inc.*, Case No. 2:16-CV-693 (Dkt. 150) and *Alacritech, Inc. v. Wistron Corp.*, Case No. 2:16-CV-692 (Dkt. 151) come nearly nine months after this litigation was initiated on June 30, 2016, and close to five months after Intel moved to intervene in the related case against Dell (Dkt. 71) on October 31, 2016. The claims and issues Intel argues now give it a substantial interest in the separate suits against Tier 3, Inc., Savvis Communications Corp., CenturyLink Communications LLC, and CenturyLink, Inc., (collectively "CenturyLink") and Wistron Corporation, Wiwynn Corporation, and SMS Infocomm Corporation, (collectively "Wistron"), and which Intel argues entitle it to intervene in these suits by right, have been known to Intel since on or around the inception of the litigation nearly a year ago. Moreover, Intel told Alacritech that it would "be moving to intervene in the CenturyLink and Wistron cases" over two months ago on January 23, 2017. Ex. A. Yet Intel waited until the end of March, just a few weeks from the deadlines for substantial completion of document production and opening claim construction briefs and approximately three months prior to the close of fact discovery. Intel offers no cognizable justification for delays and failure to move months earlier. For example, Intel has not pointed to any intervening event that has occurred in the months since Intel intervened in the Dell case that would have triggered its subsequent motions or justified its tardy request. Intel's failure to move to intervene in a timely fashion is dispositive against its Motions regardless of what section of Rule 24 applies.

Moreover, for all the reasons set forth herein Intel is not an intervenor by right nor would its permissive intervention provide any benefit to the fair and expeditious adjudication of the CenturyLink and Wistron cases. Intel is not an intervenor by right for many reasons including because it has not provided a single shred of evidence supporting its purported interests in the litigation against CenturyLink (who is not a customer of Intel) or Wistron (for whom Intel has not provided any indemnification agreement supporting its claimed interest). Intel has also failed to show any adversity between itself and the defendants that would render the current representation inadequate. Intel should not be allowed to be a permissive intervenor either. It

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