

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

ALACRITECH, INC.,

Plaintiff,

v.

CENTURYLINK COMMUNICATIONS
LLC, et al.

Defendants.

Case No. 2:16-cv-693-JRG

LEAD CASE

JURY TRIAL DEMANDED

JOINT STATUS REPORT
REGARDING PLAINTIFF ALACRITECH, INC.'S MOTION TO COMPEL
PRODUCTION AND INTERROGATORY RESPONSES FROM DEFENDANT DELL,
INC. (DKT. 125) AND PLAINTIFF ALACRITECH, INC.'S MOTION TO STRIKE
DEFENDANTS' INVALIDITY CONTENTIONS (DKT. 124) AS TO DELL

Lead and local counsel for Plaintiff Alacritech, Inc. (“Alacritech”) and Defendant Dell, Inc. (“Dell”) met and conferred telephonically regarding the issues raised in Alacritech’s Motion to Compel (Dkt. 125) and its Motion to Strike Defendants’¹ [November 10] Invalidity Contentions (Dkt. 124) on Tuesday, February 28, 2017 and have since continued to cooperatively resolve their disputes. The following summarizes the status of the issues presented in Dkt. 124 and Dkt. 125 and the related briefing:

Category	Status
Alacritech’s Motion to Strike Defendants’ Invalidity Contentions (Dkt. 124)	Resolved. Dell has confirmed that it will not assert defenses based on §§ 102 or 103 based on uncharted art without leave of the Court or agreement of the parties. Alacritech withdraws its motion without prejudice.
Category 1. Identification of accused products and services.	Resolved in part. The parties have resolved their dispute with respect to identification of relevant products. There remains a dispute regarding identification of relevant services.
Category 2. Technical documents and source code.	Resolved in part. The parties have resolved their dispute with respect to source code based on Dell’s representation that it does not have relevant source code within its possession, custody, or control. The parties’ dispute regarding the sufficiency of Dell’s production of documents relating to the salient technical features of its products remains, but the parties will continue conferring in hopes of resolving the dispute in advance of the hearing on April 11.
Category 3. Evidence and contentions re: differences material to infringement	Disputed.
Category 4. Evidence and contentions re: Dell’s non-infringement defenses.	Disputed.

¹ Dell, as well as the CenturyLink and Wistron defendants.

Category	Status
Category 5. Evidence and contentions re: Dell's affirmative defenses.	Resolved in part. Dell has confirmed that it has produced the universe of evidence within its possession, custody, or control relating to its asserted prior-art-based invalidity defenses and provided its contentions relating to such art in Defendants P.R. 3-3 disclosure (Invalidity Contentions). Based thereon, the only remaining dispute(s) relate to the sufficiency of Dell's production and interrogatory response regarding its non-art-based invalidity and other defenses.
Category 6. Remedies-related evidence (e.g., financial information and non-infringing alternatives)	Disputed.

The parties continue to meet and confer to try to resolve their outstanding disputes.

Dated: April 4, 2017

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on April 4, 2017. Local Rule CV-5(a)(3)(A).

/s/ Joseph M. Paunovich
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