

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

ALACRITECH, INC.,

Plaintiff,

v.

CENTURYLINK, INC., *et al.*,

Defendants.

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

LEAD CASE

Jury Trial Demanded

**NOTICE REGARDING RESOLUTION OF DELL'S JOINDER TO INTEL'S MOTION  
TO STRIKE ALACRITECH'S INFRINGEMENT CONTENTIONS**

The parties have met and conferred regarding Dell's Joinder (ECF No. 285) to Intel's Motion to Strike Alacritech's Infringement Contentions. Alacritech has agreed to provide amended infringement contentions, specifically amended charts and representations as discussed below, to Dell in conformance with the Court's Order (ECF No. 317) regarding Intel's motion to strike Alacritech's infringement contentions. The parties agree that this moots the need for a hearing on Dell's Joinder scheduled for August 7, 2017.

Alacritech has agreed to provide additional charts for each accused product, product family, or service, and/or an expert declaration addressing the alleged material differences between the accused products or services by August 22 (for systems with Broadcom, Emulex, or Mellanox components) affecting the manner in which the accused product or method meets the asserted claim limitations and August 25 (for systems with Intel and Cavium/QLogic components). Alacritech also agreed to provide clarification regarding how its infringement theories apply to products sold with each different operating system or to products sold with no operating system, whether through interrogatory response, expert declaration, or as part of its amended infringement contentions.

Pending Dell's review of those amended contentions and responses for compliance with the Court's order, it has agreed to withdraw its joinder without prejudice to re-raising the issues briefed therein after it receives and reviews Alacritech's amended contentions and responses. Accordingly, no hearing is required by the Court on this issue on August 7, 2017, as currently scheduled.

Respectfully submitted,

Dated August 4, 2017.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2017, a true copy of the foregoing document was served on all counsel of record by filing the document with the Court's CM/ECF system, which sends notice of such filing to all counsel of record.

/s/ Michael J. Newton  
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