

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP. and CAVIUM, LLC,
Petitioner

v.

ALACRITECH, INC.
Patent Owner

Case Nos.
IPR2018-00226 (U.S. Patent No. 7,124,205)¹
IPR2018-00234 (U.S. Patent No. 8,805,948)²

**DECLARATION OF S. CHRISTOPHER KYRIACOU IN SUPPORT OF
PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION FOR
ADDITIONAL DISCOVERY**

¹ Cavium, LLC, which filed a Petition in Case IPR2018-00400, has been joined as a petitioner in this proceeding.

² Cavium, LLC, which filed a Petition in Case IPR2018-00403, has been joined as a petitioner in this proceeding.

I, S. Christopher Kyriacou, declare:

1. I am currently employed at Intel Corporation (“Intel”) as Managing Counsel of Litigation. I have worked at Intel since May 2012. I have personal knowledge of the facts set forth herein, and, if called to testify in person, could and would testify competently thereto. I am the Intel in-house counsel responsible for managing Intel’s involvement in the pending district court cases captioned *Alacritech, Inc., v. Dell Inc., Alacritech, Inc., v. Tier 3, et al.*, and *Alacritech, Inc. v. Wistron Corporation, et al.* (the “Alacritech litigation”). Intel has intervened, and Alacritech filed counterclaims of infringement against Intel, in each of these cases.

2. Petitioner Intel decided to file Petitions for *inter partes* review on patents asserted in the Alacritech litigation (the “Petitions”)³ without any consultation or input from any other person or entity except Intel’s outside counsel, Weil, Gotshal & Manges LLP and Intel’s experts. Intel filed these Petitions because Alacritech sued Intel directly on eight patents, including U.S. Patent Nos. 7,124,205 and 8,805,948 in the Alacritech litigation. Intel’s decision to file the Petitions was made independently of Dell, Inc., Wistron Corporation, Wiwynn Corporation, SMS InfoComm Corporation, CenturyLink Communications LLC,

³ IPR2017-01395, IPR2017-01402, IPR2018-00226, and IPR2018-00234.

Tier 3, Inc., and Savvis Communications Corp. (collectively the “Defendants”) and Intervenor Cavium, Inc. (“Cavium”).

3. Neither Defendants nor their respective counsel, directed, controlled, requested or suggested that Intel file any of these Petitions. No agreement with the Defendants allows or provides any opportunity for Defendants to control the Petitions or directs, requests, suggests, or any way requires that Intel file any of these Petitions. Petitioner Intel did not authorize its counsel of record for the Petitions, Weil, Gotshal, & Manges LLP, to accept any input into the Petitions from any other person or entity (other than Intel’s experts), including Defendants and Cavium, nor did Intel receive or accept any such input.

4. Petitioner Intel did not share any drafts or summaries of the Petitions with any other person or entity (other than Intel’s experts), including Defendants or Cavium, prior to the filing of the Petitions. The Petitions in IPR2018-00226 and IPR2018-00234 (“Current Petitions”) are nearly identical to IPR2017-01395 and IPR2017-01402 (“Original Petitions”), but include some additional evidence of public availability. While the Original Petitions were publicly available at the time of filing, Petitioner Intel did not share any drafts or summaries of the Current Petitions, or of the additional evidence included in the Current Petitions, with any other person or entity, including Defendants or Cavium, prior to the filing of the Current Petitions.

5. Petitioner Intel has not received nor agreed to receive any reimbursement, payment, or other value from Defendants or Cavium (or any other non-party) related to the filing of the Petitions. All attorneys' fees and costs incurred in preparing and filing the Petitions have been borne by Petitioner Intel alone.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the results of these proceedings.



October 19, 2018

S. Christopher Kyriacou

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2018, a copy of **DECLARATION OF S. CHRISTOPHER KYRIACOU IN SUPPORT OF PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY REGARDING REAL PARTIES-IN-INTEREST**

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as well as delivering a copy via electronic mail upon the following:

James M. Glass
Registration No. 46,729
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Ave., 22nd Fl.
New York, NY 10010
Tel.: (212) 849-7000
Email: jimglass@quinnemanuel.com

Joseph M. Paunovich
Registration No. 59,033
Quinn Emanuel Urquhart & Sullivan LLP
865 S. Figueroa Street, 10th Fl.
Los Angeles, CA 90017
Tel.: (213) 443-3000
Email: joepaunovich@quinnemanuel.com

Brian E. Mack
Registration No. 57,189
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Fl.
San Francisco, CA 94111
Tel.: (415) 875-6600
Email: brianmack@quinnemanuel.com

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