

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 No. IPR2018-00234¹
Patent No. 8,806,948

**DECLARATION OF GARLAND STEPHENS IN SUPPORT OF
PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION FOR
ADDITIONAL DISCOVERY**

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

I, Garland Stephens, declare:

1. I am an attorney with the law firm of Weil, Gotshal & Manges LLP (“Weil”), counsel for Intel Corporation (“Intel”).

2. I have personal knowledge of the matters set forth in this declaration. If called as a witness, I could and would competently testify as to these matters.

3. I am lead counsel for Petitioner Intel in IPR2018-00234 (“Current Petition”). I was also lead counsel for Petitioner Intel on IPR2017-01395 (“Original Petition”). The Original Petition was not instituted on evidentiary grounds. The Current Petition is substantively identical to the Original Petition except for changes relating to some additional evidence included to show that the prior art cited qualifies as prior art and narrowing the claims.

4. I was directed to prepare and file both of these Petitions solely by in-house counsel at Intel.

5. I supervised the team that prepared these Petitions. I personally reviewed, edited, signed and authorized the filing of each of the Petitions. The only persons who provided any substantive input into, or exercised any control over, these Petitions were attorneys and staff at Weil, Petitioner Intel’s experts, and Petitioner Intel’s in-house counsel. No substantive input was solicited or accepted from any other person or entity. No drafts were shared with any other person or entity prior

to the filing of the Petitions. No other person or entity provided any direction or exercised any control over the substance or timing of the filing of the Petitions.

6. Weil did not share the substance of the Original Petition before the Original Petition was filed with any other person or entity other than those listed in Paragraph 5, including Dell, Inc., Wistron Corporation, Wiwynn Corporation, SMS InfoComm Corporation, CenturyLink Communications LLC, Tier 3, Inc., and Savvis Communications Corp. (the “Defendants”) and Intervenor Cavium, Inc. (“Cavium”) or their respective counsel. Defendants and Cavium, including their counsel, played no role in preparing or filing of the Original Petition and were not provided any drafts of the Original Petition or the Original Petition itself until after the Original Petition was filed.

7. Weil did not share the substance of the changes made to the Original Petition that resulted in the Current Petition with any other person or entity other than those listed in Paragraph 5 before the Current Petition was filed. Defendants and Cavium, including their counsel, played no role in preparing or filing the Current Petition and were not provided any drafts of the Current Petition or the Current Petition itself until after the Current Petition was filed.


8. Intel is solely responsible for the fees and costs Weil has incurred in filing the Petitions. No other person or entity has paid or agreed to pay Weil for any fees or costs for the Petitions.

9. Intel attached the Wistron and Dell agreements with the relevant indemnity provisions to its April 6, 2017 Sealed Reply in Support of its Motions to Intervene in Alacritech v. Wistron Corp., Case No. 2:16-cv-692 and Alacritech v. CenturyLink, Inc., et al., Case No. 2:16-cv-693 (Ex. 1303). Intel attached the Dell agreement to its Reply in Support of its Motions to Intervene in the CenturyLink case because Intel has agreed to partially indemnify Dell, who Intel understands has agreed to partially indemnify CenturyLink in the CenturyLink case.

10. In Intel's Sealed Opposition to Alacritech's Motion to Compel Discovery (Ex. 1304), Intel stated that the relevant agreements which reflect the indemnification provisions had been produced.

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



Garland Stephens

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2018, a copy of the following:

- **DECLARATION OF GARLAND STEPHENS IN SUPPORT OF
PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION
FOR ADDITIONAL DISCOVERY REGARDING REAL PARTIES-
IN-INTEREST**

- **EXHIBITS 1300-1304**

were served by filing this document through the PTAB's E2E Filing System as well as delivering a copy via electronic mail upon the following:

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