

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

ALACRITECH, INC.,

Plaintiff,

v.

CENTURYLINK, INC., et al.,

Defendants,

INTEL CORPORATION,

CAVIUM, INC.

Intervenors.

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

LEAD CASE

Jury Trial Demanded

**INTEL CORPORATION'S MOTION TO INTERVENE IN
ALACRITECH INC. V. WISTRON CORP.,
CASE NO. 2:16-CV-692**

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**INTEL CORPORATION’S MOTION TO INTERVENE IN
ALACRITECH INC. V. WISTRON CORPORATION, ET AL.**

Pursuant to Federal Rule of Civil Procedure 24, Intel Corporation (“Intel”) hereby moves to intervene in this action as of right, or alternatively, with permission of the Court. Intel seeks to intervene in this patent infringement action filed by Alacritech, Inc. (“Alacritech”) against, Wistron Corporation, Wiwynn Corporation, SMS Infocomm Corporation, (collectively, “Wistron”), to protect its interests and the interests of its customer Wistron in this action.

Intel seeks to intervene in this case because Alacritech has counterclaimed against Intel for infringement in response to Intel’s intervention in the copending *Alacritech v. Dell* case (No. 2:16-cv-695-JRG) (consolidated with this case for pretrial issues). Alacritech has not limited its counterclaims against Intel in the Dell case to products Intel sells to Dell. In infringement contentions served December 24, 2016, Alacritech also accused Intel of infringing the same claims of the same patents Alacritech has asserted against Wistron by selling the same Intel products identified in Alacritech’s infringement contentions against Wistron. These products were not previously at issue in the Dell case.

Alacritech accuses Intel of directly and indirectly infringing, which means that Intel’s sales to Wistron, and Wistron’s use of these Intel products are at issue in both cases. Alacritech’s allegations concerning Intel products in the Wistron case overlap completely with allegations against Intel—the same claims of the same patents are asserted against the same Intel products—in the Dell case.

Because of this overlap, the same Intel “property or transaction” (Intel products sold to, and purchased by, Wistron) is the subject of both actions, and Intel’s claims and defenses in the Dell case share common questions of law and fact with the Wistron case. Accordingly, Intel

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