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

ALACRITECH, INC.,	
Plaintiff,	
v.	
CENTURYLINK, INC., *et al.*,	Case No. 2:16-cv-693-JRG
Defendants,	LEAD CASE
INTEL CORPORATION,	Jury Trial Demanded
CAVIUM, INC.	
Intervenors.	

INTEL CORPORATION'S MOTION TO INTERVENE IN
ALACRITECH INC. V. CENTURYLINK, INC. ET AL.,
CASE NO. 2:16-CV-693

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INTEL CORPORATION'S MOTION TO INTERVENE IN
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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, Tier 3, Inc., Savvis Communications Corp., CenturyLink Communications LLC (collectively, "CenturyLink"), to protect its interests and the interests of its indirect customer CenturyLink in this action.

Intel seeks to intervene in this case because Intel has intervened in the copending *Alacritech v. Dell* case (No. 2:16-cv-695-JRG) (consolidated with this case for pretrial issues), and Alacritech has counterclaimed against Intel for infringement, accusing Intel of infringing the same claims of the same patents Alacritech has asserted against CenturyLink, by selling the same Intel products identified in Alacritech's infringement contentions against CenturyLink. Dell buys these products from Intel and incorporates them into servers which Dell sells to CenturyLink. Thus, the same Intel and Dell products are at issue in both the CenturyLink and Dell cases.

Alacritech accuses Intel and Dell of directly and indirectly infringing, which means that Intel's indirect sales to CenturyLink, and CenturyLink's use of these Intel products are at issue in both cases. Alacritech's allegations concerning Intel products in the CenturyLink case overlap completely with Alacritech's allegations against Intel in the Dell case that will now be heard before Judge Schroeder - the same claims of the same patents are asserted against the same Intel products in the Dell case in which Intel has intervened.

Because of this overlap, the same Intel "property or transaction" (Intel products indirectly sold to, and purchased by, CenturyLink) is the subject of both actions, and Intel's claims and

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