

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

PACKET INTELLIGENCE LLC,

Plaintiff,

v.

**NETSCOUT SYSTEMS, INC.,
TEKTRONIX COMMUNICATIONS, and
TEKTRONIX TEXAS, LLC,**

Defendants.

Case No. 2:16-cv-00230-JRG

Jury Trial Demanded

(Lead Case)

**DECLARATION OF MICHAEL J. LYONS IN SUPPORT OF NETSCOUT'S
RULE 50(b) RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW
OF NO INFRINGEMENT**

I, Michael J. Lyons, declare as follows:

1. I am a partner at Morgan, Lewis & Bockius LLP and am an attorney of record in the above-captioned action for Defendants NetScout Systems, Inc. and NetScout Systems Texas, LLC (formerly known as Tektronix Texas, LLC d/b/a Tektronix Communications) (collectively “NetScout”). I make this declaration in support of NetScout’s Rule 50(b) Renewed Motion For Judgment As A Matter Of Law Of No Infringement. The matters stated herein are based upon my personal knowledge, and, if called as a witness, I could and would competently testify to them.

2. Attached as Exhibit A are true and correct excerpts of the transcript for the July 13, 2017 deposition of Dr. Kevin Almeroth.

3. Attached as Exhibit B are true and correct excerpts of the infringement report of Dr. Kevin Almeroth.

4. Attached as Exhibit C are true and correct excerpts of the demonstrative slides presented by Mr. Russel Dietz at trial on October 10, 2017.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 5th day of October, 2018 at Palo Alto, California.

/s/ Michael J. Lyons

Michael J. Lyons