

# Exhibit 6

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

ALACRITECH, INC., a California corporation,

Plaintiff,

v.

TIER 3, INC., a Washington corporation,  
SAVVIS COMMUNICATIONS CORP., a  
Missouri corporation,  
CENTURYLINK COMMUNICATIONS LLC, a  
Louisiana corporation,

Defendants.

Case No. 2:16-cv-00693-JRG

**Jury Trial Demanded**

**PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

In this action for patent infringement under 35 U.S.C. § 271, Plaintiff Alacritech, Inc. ("Alacritech"), by and through its undersigned counsel, complains and alleges as follows against Defendants Tier 3, Inc., Savvis Communications Corp., and CenturyLink Communications LLC, based on Alacritech's own personal knowledge with respect to its own actions and upon information and belief with respect to others' actions:

**THE PARTIES**

1. Alacritech is a California corporation with its principal place of business at P.O. Box 20307, San Jose, California 95160.
2. Tier 3, Inc. is a Washington corporation with its principal place of business at 1120 112th Ave NE, Ste. 200, Bellevue, Washington 98004-4505.
3. Savvis Communications Corp. is a Missouri corporation with its principal place of business at 1 Savvis Parkway, Town & Country, Missouri 63017.

demand-with-centurylink.pdf; "CenturyLink - Texas DIR Price List," available at <http://www.centurylink.com/business/texas/pdf/nortel-platforms-msrp-dir-sdd-1472-pr130199.pdf>.

35. A large and growing portion of CenturyLink's revenue is tied to the infringing data centers and the products and services described above. Without the benefit of Alacritech's patented technologies, the infringing data centers and services that CenturyLink operates and provides would cost substantially more and/or suffer a significant degradation in performance, hurting CenturyLink's business as a result.

### COUNT I

#### INFRINGEMENT OF U.S. PATENT NO. 7,124,205

36. Alacritech re-alleges and incorporates by reference each of the allegations of the paragraphs set forth above as though fully set forth herein.

37. Alacritech is the current exclusive owner and assignee of all right, title, and interest in and to U.S. Patent No. 7,124,205 (the "'205 patent"), titled "Network Interface Device that Fast-Path Processes Solicited Session Layer Read Commands," duly and legally issued by the United States Patent and Trademark Office on October 17, 2006, including the right to bring this suit for injunctive relief and damages. A true and correct copy of the '205 patent is attached hereto as Exhibit A.

38. The '205 patent is valid and enforceable.

39. CenturyLink has directly infringed and is currently directly infringing the '205 patent by making, using, selling, offering for sale, and/or importing into the United States, without authority, products, methods, equipment, and/or services that practice one or more claims of the '205 patent in connection with infringing RSC, InfiniBand and/or RoCE functionality, including but not limited to as a part of operating its data centers; as a part of

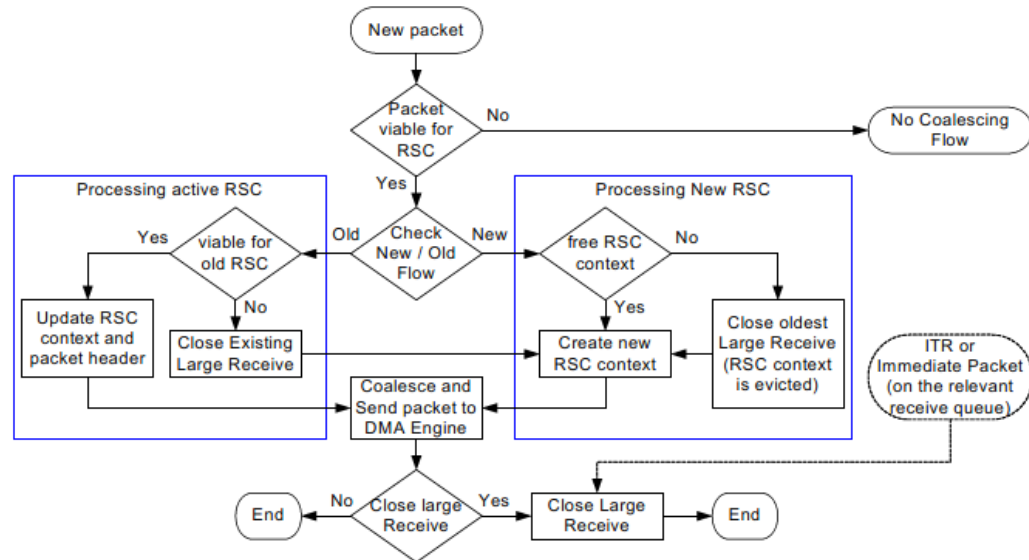


Figure 7-43 RSC Event Flow

41. As of no later than the filing and service of the first-filed complaint in *Alacritech Inc. v. CenturyLink, Inc.*, No. 2:16-cv-00693-JRG (E.D. Tex. first filed June 30, 2016), Dkt. 1 (hereinafter, the “Original Complaint”), CenturyLink is also indirectly infringing the '205 patent.

42. CenturyLink has actual knowledge of Alacritech's rights in the '205 patent and details of CenturyLink's infringement of the '205 patent based on at least the filing and service of the Original Complaint.

43. CenturyLink makes, uses, imports, offers for sale, and/or sells the '205 Accused Activities (including, for example, those described above) with knowledge of or willful blindness to the fact that its actions will induce CenturyLink's customers to infringe the '205 patent. CenturyLink induces others to infringe the '205 patent in violation of 35 U.S.C. § 271 by encouraging and facilitating others to practice the '205 patent's inventions for accelerated network communications with intent that those performing the acts infringe the '205 patent. For example, CenturyLink provides '205 Accused Activities, such as services wherein CenturyLink supports and provides, sets up and/or operates equipment for its customers, causing its customers to perform infringing RSC functionality and practice the InfiniBand and/or RoCE protocols.

F. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285, and an award to Alacritech of its attorneys' fees, costs and expenses incurred in connection with this Action; and

G. Such other relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Alacritech demands a trial by jury on all matters and issues triable by jury.

Dated: August 25, 2016

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

/s/ Claude M. Stern with permission Andrea L. Fair

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