

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ASETEK DANMARK A/S,

Plaintiff,

v.

SHENZHEN APALTEK CO., LTD., A/K/A
SHENZHEN ANG PAI TECHNOLOGY CO.,
LTD., and GUANGDONG APALTEK LIQUID
COOLING TECHNOLOGY CO., LTD., A/K/A
GUANGDONG ANG PAI LIQUID COOLING
TECHNOLOGY CO., LTD., OR DONGGUAN
APALCOOL,

Defendants.

Civil Action No. 6:21-cv-00501-ADA

JURY TRIAL DEMAND

DEFENDANTS' REPLY CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

This case involves liquid cooling technology for personal computers. According to Asetek, prior art devices had a pump and a heat exchanger (or “cold plate”) that were physically separable and connected via tubes, gaskets, or the like. But the separate pump and heat exchanger occupied more space, and the connectors tended to leak. Asetek’s purported innovation was to combine the pump and heat exchanger into a unitary and seamless “single receptacle” device, shrinking its footprint and eliminating leakage by removing any need for a connector. Others in the industry adopted a similar unitary design. But Asetek then asserted its patents across the industry from its home base in San Jose, California, obtaining settlements and at least one notable trial win. So the industry returned to the old systems with separable pumps and heat exchangers, while improving the connecting tubes and gaskets to reduce leakage. Now, Asetek asserts the same patents against these prior-art designs, attempting to recapture what it has disclaimed in the prior California cases.

II. ADDITIONAL AGREED CONSTRUCTIONS

Asetek initially asked for new constructions for “reservoir,” “vertically displaced chambers,” “vertically spaced apart,” “spaced apart ... in a vertical direction,” “stator,” and “fluidly coupled”—even though all these terms already had been construed by the Northern District of California and (in the case of “reservoir”) affirmed by the Federal Circuit. ECF No. 55 at 1-2; *see Asetek Danmark A/S v. CMI USA Inc.*, 852 F.3d 1352, 1357-58 (Fed. Cir. 2017). Apaltek asked only for a construction of “chamber.” ECF No. 55 at 1. But two-and-a-half weeks after Apaltek’s opening brief—which proposed the same seven constructions ordered by two federal district judges in California—Asetek reversed course and agreed to abide by the Northern District’s constructions of six terms (ECF No. 56 at 8):

Claim Term	Stipulated Construction
“reservoir”	“single receptacle defining a fluid flow path”
“chamber”	“compartment within the reservoir” (with “reservoir” construed as above)
“vertically displaced chambers”	“vertically arranged (with reference to each other and the heat exchanging interface) chambers” (with “chamber” construed as above)
“vertically spaced apart”	“vertically arranged (with reference to each other and the heat exchanging interface) chambers” (with “chamber” construed as above)
“spaced apart ... in a vertical direction”	“vertically arranged (with reference to each other and the heat exchanging interface) chambers” (with “chamber” construed as above)
“stator”	“stationary parts of the motor that perform or support an electrical or magnetic function of the motor”

The parties agreed to the emendation (*with “chamber” construed as above*) in an email on April 12. The confirming email is attached hereto as Exhibit 1 to the Shaneyfelt declaration.

III. ARGUMENT: “FLUIDLY COUPLED”

Claim term	Apaltek proposed construction	Asetek proposed construction
“fluidly coupled” ’362 pat. cls. 1, 13, 14, 17 ’764 pat. cls. 1, 9, 15, 28, 30	“fluidly connected, and where a means of coupling is specified, that is the exclusive means of connection”	Prior proposal: “fluidly connected (directly or indirectly)” Current proposal: “fluidly connected”

The only remaining issue is how the Court should construe the one remaining disputed term: *fluidly coupled*. Asetek has previously litigated the meaning of this claim term, which appears in many claims of both asserted patents. It means “fluidly connected,” and “where a means of coupling is specified, that is the exclusive means of connection” under the court’s ruling. ECF

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