

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN APALTEK CO., LTD.,
Petitioner,

v.

ASETEK DANMARK A/S,
Patent Owner.

Case No. IPR2022-01317
U.S. Patent No. 8,245,764

PATENT OWNER'S PRELIMINARY RESPONSE

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LIST OF EXHIBITS

Exhibit	Description
Ex. 2001	Decision on Appeal, dated Apr. 29, 2016 in <i>Inter Partes</i> Reexamination Control No. 95/002,386.
Ex. 2002	Final Verdict Form in <i>Asetek Danmark A/S v. CMI USA, Inc.</i> , Case No. 3:13-CV-00457-JST (N.D. Cal.)
Ex. 2003	Excerpt from the Court's summary judgment decision in <i>Asetek Danmark A/S v. CoolIT Systems, Inc.</i> , Case No. 3:19-CV-00410-EMC (N.D. Cal.). The entire decision has not been provided in the interest of brevity.

I. Preliminary Statement

For more than a decade, Patent Owner Asetek Danmark A/S (“Asetek” or “Patent Owner”) has developed and commercialized liquid cooling devices for desktop computers, servers, and datacenters. Asetek’s pioneering liquid cooling technology created the thriving market for liquid cooling devices and has been used in millions of computers worldwide. U.S. 8,245,764 (“the ’764 patent”) discloses many of Asetek’s technological advances in the art of computer liquid cooling.

This IPR petition is the fourth round in a series of invalidity attacks against the ’764 patent claims. In 2012, Asetek’s competitor, CoolIT Systems, Inc., filed an *inter partes* reexamination (Control No. 95/002,386) challenging the validity of Asetek’s the ’764 patent claims. Following the proceedings in the reexamination unit and an appeal to the Board, all claims of the ’764 patent were confirmed as patentable. Ex. 2001 at 8.

The ’764 patent was also found to be not anticipated in a jury verdict in a separate litigation against CMI USA, Inc. (*Asetek Danmark A/S v. CMI USA Inc.*, Case No. 4:13-CV-00457), in the U.S. District Court for the Northern District of California. Ex. 2002 at 2 (*see also* page 4 of verdict form, showing that the jury found all asserted secondary considerations in favor of Asetek). The presiding judge in that case also found that the ’764 patent claims were not obvious in view of the prior art asserted by CMI USA. *Asetek Danmark A/S v. CMI USA, Inc.*, 100 F. Supp.

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