

Paper No. 21  
Dated: November 30, 2020

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

COOLIT SYSTEMS, INC.,  
Petitioner,

v.

ASETEK DANMARK A/S,  
Patent Owner.

---

Case No. IPR2020-00523  
U.S. Patent No. 10,078,354

---

**PATENT OWNER'S RESPONSE**

**TABLE OF CONTENTS**

I. Preliminary Statement .....1

II. The '354 patent .....2

III. Claim Construction.....6

IV. Petition Prior Art.....7

    A. Batchelder.....7

    B. Shin.....12

    C. Cheon.....14

V. Ground 1 of the Petition Does Not Establish Obviousness of Claims 1, 8, or 15 Based on Batchelder and Shin.....15

    A. Batchelder in view of Shin does not disclose “the lower chamber includes a plurality of channels configured to ... direct the cooling liquid from the central region toward the perimeter of the lower chamber” as required by claim 1 .....16

        1. Batchelder does not disclose flow of cooling liquid from a central region of its alleged “lower chamber” towards the perimeter; rather, Batchelder discloses the opposite flow direction .....18

        2. Nor does Shin disclose flow of cooling liquid from a central region of its alleged “lower chamber” towards the perimeter .....25

        3. There is no motivation, or reasonable expectation of success, for modifying the flow direction in Batchelder’s device .....26

    B. Batchelder in view of Shin does not disclose a “first passage” that “directs the cooling liquid into the lower chamber where the cooling liquid splits and is directed along a plurality of channels from a central region of the lower chamber outward,” as recited in claim 15.....29

C.	Batchelder in view of Shin does not disclose a “second passage positioned at a perimeter of the lower chamber” that directs cooling liquid from the “lower chamber,” as recited in claim 15 .....	35
D.	A person skilled in the art would not have been motivated to modify Batchelder to have a “radiator spaced apart from and fluidly coupled to the reservoir,” as required by each of the independent claims 1, 8, and 15 .....	37
VI.	Ground 2 of the Petition Does Not Establish Obviousness of Claims 4, 14, or 19 Based on Batchelder, Shin, and Cheon .....	42
A.	Batchelder, Shin, and Cheon do not disclose a control system “configured to adjust a rotational speed of a fan and a rotational speed of a pump” as required by claim 14 .....	42
VII.	Secondary Considerations Weigh Against Obviousness of the Challenged Claims .....	46
A.	There is a Presumed Nexus Between Asetek’s Patented Design and the Objective Indicia of Nonobviousness .....	47
B.	Objective Indicia Demonstrate the Nonobviousness of the Challenged Claims .....	61
1.	Long-Felt Need and Failure of Others .....	61
2.	Commercial success .....	66
3.	Industry Praise .....	68
VIII.	Conclusion .....	71

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Federal Cases</b>	
<i>Active Video Networks, Inc. v. Verizon Commc'ns, Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012) .....	29, 37
<i>Advanced Display Sys., Inc. v. Kent State Univ.</i> , 212 F.3d 1272 (Fed. Cir. 2000) .....	62
<i>Allen Archery, Inc. v. Browning Mfg. Co.</i> , 819 F.2d 1087 (Fed. Cir. 1987) .....	68
<i>Arctic Cat Inc. v. Polaris Indus., Inc.</i> , 795 F. App'x 827 (Fed. Cir. 2019) .....	41
<i>Arendi S.A.R.L. v. Apple Inc.</i> , 832 F.3d 1355 (Fed. Cir. 2016) .....	35
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir. 2015) .....	34
<i>Brown &amp; Williamson Tobacco Corp. v. Philip Morris Inc.</i> , 229 F.3d 1120 (Fed. Cir. 2000) .....	48
<i>Corning Glass Works v. Sumitoto Elec. U.S.A. Inc.</i> , 671 F. Supp 1369 (S.D.N.Y. 1987), <i>aff'd</i> 868 F.2d 1251 (Fed. Cir. 1989) .....	68
<i>Crocs, Inc. v. Int'l Trade Comm'n</i> , 598 F.3d 1294 (Fed. Cir. 2010) .....	47
<i>In re Cyclobenzaprine Hydrochloride Extended- Release Capsule Patent Litig.</i> , 676 F.3d 1063 (Fed. Cir. 2012) .....	46
<i>FOX Factory, Inc. v. SRAM, LLC</i> , 944 F.3d 1366 (Fed. Cir. 2019) .....	48

<i>In re Giannelli</i> , 739 F.3d 1375 (Fed. Cir. 2014) .....	28, 37
<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984) .....	40
<i>In re Gurley</i> , 27 F.3d 551 (Fed. Cir. 1994) .....	41
<i>Harari v. Lee</i> , 656 F.3d 1331 (Fed. Cir. 2011) .....	45
<i>Leo Pharm. Prods., Ltd. v. Rea</i> , 726 F.3d 1346 (Fed. Cir. 2013) .....	47, 66
<i>In re Mahurkar Double Lumen Hemodialysis Catheter Patent Litig.</i> , 831 F. Supp. 1354 (N.D. Ill. 1993), <i>aff'd</i> , 71 F.3d 1573 (Fed. Cir. 1995) .....	62
<i>Millennium Pharms., Inc. v. Sandoz Inc.</i> , 862 F.3d 1356 (Fed. Cir. 2017) .....	28, 34
<i>Minn. Mining &amp; Mfg. Co. v. Johnson &amp; Johnson Orthopaedics, Inc.</i> , 976 F.2d 1559 (Fed. Cir. 1992) .....	62
<i>Ortho-McNeil Pharm. Inc. v. Mylan Labs., Inc.</i> , 520 F.3d 1358 (Fed. Cir. 2008) .....	46
<i>Otsuka Pharm. Co. v. Sandoz, Inc.</i> , 678 F.3d 1280 (Fed. Cir. 2012) .....	28
<i>Personal Web Techs., Inc. v. Apple Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017) .....	29
<i>Plas-Pak Indus., Inc. v. Sulzer Mixpac AG</i> , 600 F. App'x 755 (Fed. Cir. 2015) .....	39, 40
<i>Polaris Indus., Inc. v. Arctic Cat, Inc.</i> , 882 F.3d 1056 (Fed. Cir. 2018) .....	48
<i>Rambus Inc. v. Rea</i> , 731 F.3d 1248 (Fed. Cir. 2013) .....	66

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.