

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Cooler Master Co., Ltd.

Petitioner

v.

Asetek Danmark A/S,  
Patent Owner

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Patent No. 8,245,764  
Title: COOLING SYSTEM FOR A COMPUTER SYSTEM

IPR Case No.: IPR2023-00668

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**PETITIONER'S MOTION FOR JOINDER UNDER 35  
U.S.C. § 315(c), 37 C.F.R. § 42.22 AND § 42.122(b)**

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**I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Cooler Master Co., Ltd. (“CMC” or “Petitioner”) respectfully submits this Motion for joinder under 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), concurrently with its Petition (“Instant Petition”) for *inter partes* review of U.S. Patent No. 8,245,764 (the “’764 patent”).

Joinder is appropriate because the Instant Petition is essentially a copy of the petition filed in *Shenzhen Apaltek Co., Ltd. v. Asetek Danmark A/S*, IPR2022-01317 (“the Apaltek Petition”), on which trial was instituted on February 6, 2023 (the “Apaltek IPR”). The Instant Petition includes identical grounds concerning the same claims challenged in the Apaltek Petition and therefore would create no additional burden for the Board, Apaltek, or the Patent Owner, if joined.

Petitioner stipulates that if joinder is granted, it will cooperate with Shenzhen Apaltek Co., Ltd. (“Apaltek”) in the joined proceeding, whether at hearings, at depositions, in filings, or otherwise, as outlined below. Joinder will not impact the trial schedule because the Apaltek IPR proceeding is in its early stages. Joinder would therefore lead to an efficient resolution of the validity of the ’764 patent.

This Motion for Joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b), as it is submitted within one month of February 6, 2023, the date on which the Apaltek IPR was instituted.

## II. REASONS FOR THE RELIEF REQUESTED

### A. Legal Standard

In determining whether to join one IPR proceeding to another, the Board considers: (1) reasons why joinder is appropriate; (2) any new grounds of unpatentability asserted in the petition; (3) what impact (if any) joinder would have on the trial schedule for the existing review; and (4) specifically how briefing and discovery may be simplified. *See Dell, Inc. v. Network-1 Security Solutions, Inc.*, IPR2013-00385, Paper 17 at 4 (PTAB July 29, 2013). Each of these factors favors joinder here.

### B. Reasons Why Joinder Is Appropriate

Joinder is appropriate because it is the most efficient way to resolve the two related proceedings. The Instant Petition is intentionally identical in substance to the Apaltek Petition and does “not present new issues that might complicate or delay” the Apaltek IPR. *See Enzymotec Ltd. v. Neptune Techs & Bioresources, Inc.*, IPR2014-00556, Paper 19 (PTAB July 9, 2014). The only difference between the Instant Petition and the Apaltek Petition are the sections on Real Party-In-Interest, Related Matters, and Grounds for Standing, which have been appropriately updated.

Joinder would therefore have little, if any, impact on the Apaltek IPR because no new grounds would be added, the schedule would be unaffected, no additional briefing or discovery would be required, and no additional burdens

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