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9 Attorneys for Plaintiffs ASETEK HOLDINGS, INC.
10 and ASETEK A/S

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 ASETEK HOLDINGS, INC. and ASETEK A/S,

14 Plaintiffs,

15 v.

16 COOLIT SYSTEMS INC.,

17 Defendant.

18 **CV 12 4498**
19 CASE NO.

20 **COMPLAINT FOR PATENT
21 INFRINGEMENT**

22 **DEMAND FOR JURY TRIAL**

23 **FILED**
24 2012 AUG 27 P 3:20
25 RICHARD W. WICKING
26 CLERK U.S. DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
28 (14)
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1 COMES NOW Plaintiffs Asetek A/S (“Asetek”) and Asetek Holdings, Inc., by and through
2 their attorneys, and for their Complaint against CoolIT Systems Inc. (“CoolIT” or “Defendant”),
3 state as follows:

4 **Nature of the Action**

5 1. This Complaint seeks judgment that CoolIT has infringed and continues to infringe Asetek’s
6 U.S. Patent Nos. 8,240,362 (“the ’362 patent”) and 8,245,764 (“the ’764 patent”) (collectively, “the
7 Patents-in-Suit”). The Patents-in-Suit relate to a cooling system and cooling method for a computer
8 system. A true and accurate copy of the ’362 patent is attached hereto as Exhibit A. A true and
9 accurate copy of the ’764 patent is attached hereto as Exhibit B.

10 **The Parties**

11 2. Plaintiff Asetek Holdings, Inc. is organized and exists under the laws of Delaware. Asetek
12 Holdings, Inc.’s principal place of business is 5285 Hellyer Avenue, Suite 110, San Jose, California
13 95138.

14 3. Plaintiff Asetek is a corporation organized and existing under the laws of Denmark, and has
15 its principal place of business at Saltumvej 27, DK-9700 Broenderslev, Denmark. Asetek is the
16 owner of the Patents-in-Suit, and is a wholly owned subsidiary of Asetek Holdings, Inc.

17 4. Upon information and belief, Defendant CoolIT is a corporation operating and existing under
18 the laws of Canada with its principal place of business at 3920 29th Street NE, Calgary, Alberta,
19 Canada T1Y 6B6.

20 **Jurisdiction**

21 5. This Court has subject matter jurisdiction over this complaint pursuant to 28 U.S.C. §§ 1331
22 and 1338(a), and under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

23 6. This Court has personal jurisdiction over CoolIT because CoolIT infringes the Patents-in-
24 Suit in the United States, in California, and in this judicial district. CoolIT maintains a website via
25 which it promotes and offers to sell its infringing products to customers, including customers in the
26 United States, in California, and in this judicial district. Among other things, upon information and
27 belief, CoolIT offers to sell and sells its infringing products to Corsair Components, Inc. and Corsair
28 Memory, Inc. (collectively “Corsair”) for importation, promotion, sales, and distribution to end users

1 throughout the United States, including in California and in this judicial district. Corsair's principal
2 place of business is in Fremont, California, in this judicial district. CoolIT's website identifies
3 Corsair as a "proud retailer of CoolIT's liquid cooling solutions." CoolIT further identifies Corsair
4 as a "retail partner" on its website, and further states that "[d]ue to our partnership with Corsair for
5 the retail market, please visit the Corsair website for any direct retail sales inquiries." Upon
6 information and belief, CoolIt has entered into one or more contracts with Corsair for this
7 "partnership" and the promotion, importation, offers for sale, sale, and distribution of CoolIT
8 products, including products that infringe the Patent-in-Suit, to end users in the United States
9 (including California and this judicial district). Upon information and belief, CoolIT derives
10 substantial revenue from its sales of infringing products to Corsair in California and this judicial
11 district, and CoolIT purposefully avails itself of the privilege of conducting activities in California,
12 thus invoking the benefits and protections of the laws of California.

13 Facts

14 7. Asetek is the world leading provider of CPU and GPU liquid cooling systems for thermal and
15 acoustic management. Asetek's solutions are used by leading OEMs servicing the gaming,
16 workstation and performance PC markets. In 2006, the company made a strategic decision to shift
17 its focus to providing water-based cooling solutions for the OEM market and introduced the first
18 fully assembled, factory sealed liquid cooling system. In addition to being designed for
19 manufacturing and providing up to 50,000 hours of maintenance-free operation, Asetek shattered
20 liquid cooling's price barriers. Asetek is now the vendor of choice for CPU cooling in factory
21 overclocked gaming systems, serving Dell Alienware, Acer and multiple leading gaming system
22 providers.

23 8. Asetek is also active in the workstation market, supplying liquid cooling for HP's Z400 and
24 Z800 workstations and several tier 2 workstation suppliers. "Quiet computing" and reliability are
25 the principle drivers for superior thermal management within the workstation market. Liquid
26 cooling delivers both by moving heat to a location where it can be exhausted directly from the
27 chassis using modest air flow velocities, reducing internal chassis temperatures and lowering system
28 noise.

1 9. Asetek is addressing the server market with its new low profile integrated pump and cold
2 plate CPU cooler. The low profile pump is sized perfectly to fit in 1U rack servers. The company's
3 heat exchanger technology for servers is derived from solutions the company has developed for all-
4 in-one and notebook PCs. Within the server market the key benefits of water-based cooling are
5 enabling increased thermal density and energy savings.

6 10. CoolIT identifies itself a "leading supplier of reliable and customizable liquid cooling
7 solutions for computers." CoolIT touts its liquid cooling solutions for computers by stating on its
8 website (www.coolitsystems.com), among other things, that:

9 If you are integrating liquid cooling into your systems today or are looking to do so soon,
10 CoolIT offers customizable solutions that fit your specific requirements.

11 ...

12 ***The Future of Enterprise Cooling***

13 Liquid cooling has recently become a requirement of high-end desktop processors with the
14 launch of the Intel® Core™ i7-3900 series. . . .

15 CoolIT Systems . . . offers a compelling alternative with the ECO II series self-contained
16 liquid coolers. ECO II was designed from the ground up to be the highest performance liquid
17 solution available with a design featuring thoughtful touches to make integration easier and
18 faster.

19 11. Upon information and belief, CoolIT is an original equipment manufacturer ("OEM") and
20 manufactures at least the H60, H80, and H100 liquid cooling products that infringe the Patents-in-
21 Suit. Upon information and belief, CoolIT offers to sell and sells at least the H60, H80, and H100
22 products to, at least, Corsair in the United States, and Corsair then offers to sell and sells them to end
23 users in the United States, in California, and in this judicial district. Upon information and belief,
24 CoolIT's claimed "partner" Corsair has demonstrated these CoolIT products at trade shows within
25 the United States, and has sent out product samples to potential customers within the United States.
26 Upon information and belief, CoolIT is also offering to sell and is selling cooling products that
27 infringe the Patents-in-Suit to additional resellers in the United States, who then offer to sell and sell
28 them to end in the United States.

1 COUNT I

2 Infringement of U.S. Patent No. 8,240,362

3 12. Plaintiffs incorporate by reference each and every allegation set forth in paragraphs 1 through
4 11 of this Complaint as if fully set forth and restated herein.

5 13. The '362 patent entitled "Cooling System for a Computer System" was duly and legally
6 issued by the United States Patent and Trademark Office ("PTO") on August 14, 2012. Asetek is the
7 sole and exclusive owner of the '362 patent. CoolIT, without authority or consent of Asetek, has
8 been and continues to offer to sell and sell in the United States products that infringe the '362 patent,
9 including but not limited to the H60, H80, and H100 cooling products. CoolIt has directly infringed
10 and continues to directly infringe the '362 patent.

11 14. At least as of the date of this complaint, CoolIT has knowledge of the '362 patent and, upon
12 information and belief, has induced and continues to induce direct infringement of the '362 patent by
13 aiding and abetting infringement by customers in the United States, including but not limited to
14 customers of the H60, H80, and H100 cooling products. CoolIT has intentionally taken action that
15 has actually induced and continues to induce direct infringement by customers in the United States,
16 and has known that the acts it has been and is causing infringe the '362 patent. These acts include,
17 but are not limited to, CoolIT's promotion on its website and its partnership with Corsair for the
18 promotion, offers to sell, and sales of H60, H80, and H100 cooling products in the United States.

19 15. At least as of the date of this complaint, CoolIT has knowledge of the '362 patent and has
20 contributed and continues to contribute to direct infringement of the '362 patent by supplying an
21 important (material) component of the infringing products and method to customers in the United
22 States, including but not limited to the H60, H80, and H100 cooling products, which are not a
23 common components suitable for non-infringing use. CoolIT supplies the components with
24 knowledge of the '362 patent and knowledge that the components were especially made or adapted
25 for use in an infringing manner, and that customers and end users directly infringe the '362 patent in
26 the United States.

27 16. CoolIT's infringement of the '362 patent has caused and continues to cause damages and
28 irreparable harm to Plaintiffs.

1 COUNT II

2 Patent Infringement of U.S. Patent No. 8,245,764

3 17. Plaintiffs incorporate by reference each and every allegation set forth in paragraphs 1 through
4 16 of its Complaint as if fully set forth and restated herein.

5 18. The '764 patent entitled "Cooling System for a Computer System" was duly and legally
6 issued by the United States Patent and Trademark Office ("PTO") on August 21, 2012. Asetek is the
7 sole and exclusive owner of the '764 patent. CoolIT, without authority or consent of Asetek, has
8 been and continues to offer to sell and sell in the United States products that infringe the '764 patent,
9 including but not limited to the H60, H80, and H100 cooling products. CoolIt has directly infringed
10 and continues to directly infringe the '764 patent.

11 19. At least as of the date of this complaint, CoolIT has knowledge of the '764 patent and, upon
12 information and belief, has induced and continues to induce direct infringement of the '764 patent by
13 aiding and abetting infringement by customers in the United States, including but not limited to
14 customers of the H60, H80, and H100 cooling products. CoolIT has intentionally taken action that
15 has actually induced and continues to induce direct infringement by customers and end users in the
16 United States, and has known that the acts it has been causing would infringe the '764 patent. These
17 acts include, but are not limited to, CoolIT's promotion on its website and its partnership with
18 Corsair for the promotion, offers to sell, and sales of H60, H80, and H100 cooling products to
19 customers and end users in the United States.

20 20. At least as of the date of this complaint, CoolIT has knowledge of the '764 patent and has
21 contributed and continues to contribute to direct infringement of the '764 patent by supplying an
22 important (material) component of the infringing products and method to customers and end users in
23 the United States, including but not limited to the H60, H80, and H100 cooling products, which are
24 not a common components suitable for non-infringing use. CoolIT supplies the components with
25 knowledge of the '764 patent and knowledge that the components were especially made or adapted
26 for use in an infringing manner, and that customers and end users directly infringe the '764 patent in
27 the United States.

1 21. CoolIT's infringement of the '764 patent has caused and continues to cause damages and
2 irreparable harm to Plaintiffs.

3 **PRAYER**

4 WHEREFORE, Plaintiffs respectfully pray that the Court enter judgment in their favor and
5 award the following relief against CoolIT:

6 A. A judgment in favor of Plaintiffs that CoolIT has infringed, directly, contributorily,
7 and by inducement, the Patents-in-Suit;

8 B. Preliminarily and permanently enjoin CoolIT and its officers, directors, employees,
9 agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and
10 any and all persons acting in privity or in concert with any of them, from further infringing upon the
11 Patents-in-Suit;

12 C. Award Plaintiffs actual damages pursuant to 35 U.S.C. § 284, in an amount to be
13 determined at trial, as a result of CoolIT's infringement of the Patents-in-Suit;

14 D. Find this to be an exceptional case and award Plaintiffs their costs and attorney's fees
15 under 28 U.S.C. § 285; and

16 E. Award and grant Plaintiffs such other and further relief as the Court deems just and
17 proper under the circumstances.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs demand a jury trial on all matters triable to a jury.
20
21
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23 Dated: August 27, 2012

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

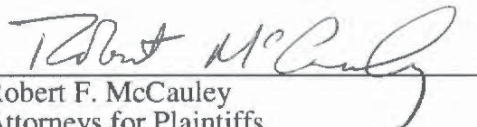
26 By: 
Robert F. McCauley
Attorneys for Plaintiffs
Asetek A/S and Asetek Holdings, Inc.
27
28

Exhibit A

Exhibit A



US008240362B2

(12) **United States Patent**
Eriksen

(10) **Patent No.:** **US 8,240,362 B2**
(45) **Date of Patent:** ***Aug. 14, 2012**

(54) **COOLING SYSTEM FOR A COMPUTER SYSTEM**

(75) Inventor: **André Sloth Eriksen, Aalborg (DK)**

(73) Assignee: **Asetek A/S, Brønderslev (DK)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 81 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **12/826,768**

(22) Filed: **Jun. 30, 2010**

(65) **Prior Publication Data**

US 2010/0326636 A1 Dec. 30, 2010

Related U.S. Application Data

(62) Division of application No. 10/578,578, filed as application No. PCT/DK2004/000775 on Nov. 8, 2004, now Pat. No. 7,971,632.

(60) Provisional application No. 60/517,924, filed on Nov. 7, 2003.

(51) **Int. Cl.**
F28F 7/00 (2006.01)
H05K 7/20 (2006.01)

(52) **U.S. Cl.** **165/80.4**; 165/104.33; 361/699

(58) **Field of Classification Search** 165/80.4, 165/104.33, 104.34, 299, 80.2, 80.5; 361/695, 361/696, 699; 257/714

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

3,810,509 A 5/1974 Kun
4,563,620 A 1/1986 Komatsu

4,898,579 A	2/1990	Groshong et al.
5,142,214 A	8/1992	Purson et al.
5,316,077 A	5/1994	Reichard
5,441,102 A	8/1995	Burward-Hoy
5,566,745 A *	10/1996	Hill et al. 165/299
5,708,564 A	1/1998	Lin
5,731,954 A	3/1998	Cheon
5,763,951 A	6/1998	Hamilton et al.
5,784,257 A	7/1998	Tata
5,825,622 A	10/1998	Rife et al.
5,890,880 A	4/1999	Lustwerk
5,901,037 A	5/1999	Hamilton et al.
6,019,165 A	2/2000	Batchelder
6,114,827 A	9/2000	Alvaro
6,166,907 A	12/2000	Chien

(Continued)

FOREIGN PATENT DOCUMENTS

DE 195 34 423 A1 3/1997

(Continued)

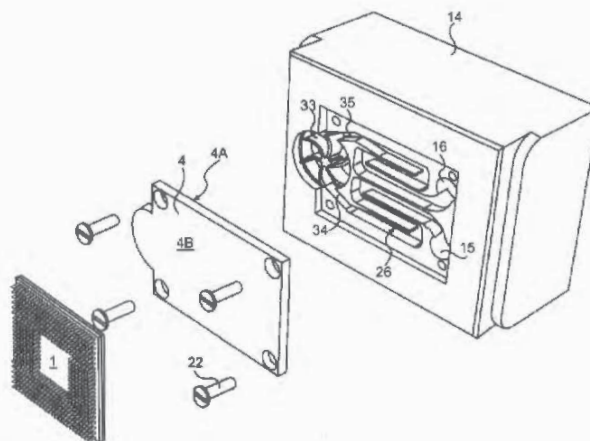
Primary Examiner — Tho V Duong

(74) *Attorney, Agent, or Firm* — Finnegan, Henderson, Farabow, Garrett & Dunner LLP

(57) **ABSTRACT**

The invention relates to a cooling system for a computer system, said computer system comprising at least one unit such as a central processing unit (CPU) generating thermal energy and said cooling system intended for cooling the at least one processing unit and comprising a reservoir having an amount of cooling liquid, said cooling liquid intended for accumulating and transferring of thermal energy dissipated from the processing unit to the cooling liquid. The cooling system has a heat exchanging interface for providing thermal contact between the processing unit and the cooling liquid for dissipating heat from the processing unit to the cooling liquid. Different embodiments of the heat exchanging system as well as means for establishing and controlling a flow of cooling liquid and a cooling strategy constitutes the invention of the cooling system.

19 Claims, 14 Drawing Sheets



U.S. PATENT DOCUMENTS

6,170,563	B1	1/2001	Hsieh	
6,263,957	B1	7/2001	Chen et al.	
6,305,463	B1	10/2001	Salmonson	
6,343,478	B1	2/2002	Chang	
6,408,937	B1*	6/2002	Roy	165/104.33
6,415,860	B1	7/2002	Kelly et al.	
6,447,270	B1	9/2002	Schmidt et al.	
6,551,734	B1	4/2003	Simpkins et al.	
6,580,610	B2	6/2003	Morris et al.	
6,668,911	B2*	12/2003	Bingler	165/80.4
6,702,002	B2	3/2004	Wang	
6,725,682	B2*	4/2004	Scott	62/259.2
6,749,012	B2	6/2004	Gwin et al.	
6,796,370	B1*	9/2004	Doll	165/80.4
6,892,802	B2	5/2005	Kelly et al.	
6,945,315	B1*	9/2005	Gektin et al.	165/80.4
6,952,345	B2	10/2005	Weber et al.	
6,967,841	B1	11/2005	Chu et al.	
6,972,954	B2	12/2005	Minamitani et al.	
7,055,581	B1	6/2006	Roy	
7,215,546	B2	5/2007	Hata et al.	
7,298,617	B2	11/2007	Campbell et al.	
7,325,588	B2	2/2008	Malone et al.	

7,359,197	B2	4/2008	Stefanoski et al.	
7,971,632	B2*	7/2011	Eriksen	165/80.4
2003/0010050	A1	1/2003	Scott	
2003/0056939	A1	3/2003	Chu et al.	
2003/0151895	A1	8/2003	Zuo	
2004/0042176	A1	3/2004	Niwatsukino et al.	
2004/0052048	A1*	3/2004	Wu et al.	361/699
2004/0052049	A1	3/2004	Wu et al.	
2004/0105232	A1	6/2004	Ito et al.	
2005/0052847	A1*	3/2005	Hamman	361/699
2005/0061482	A1	3/2005	Lee et al.	
2005/0083656	A1	4/2005	Hamman	
2005/0183848	A1*	8/2005	Cheng et al.	165/104.33
2006/0113066	A1	6/2006	Mongia et al.	
2006/0169440	A1	8/2006	Chou et al.	

FOREIGN PATENT DOCUMENTS

EP	0400455	A1	5/1990
EP	00574823	A2	12/1993
EP	0610826	A2	8/1994
WO	WO 01/25881	A	4/2001
WO	WO 2005/017468	A2	2/2005
WO	WO 2005/045654	A2	5/2005

* cited by examiner

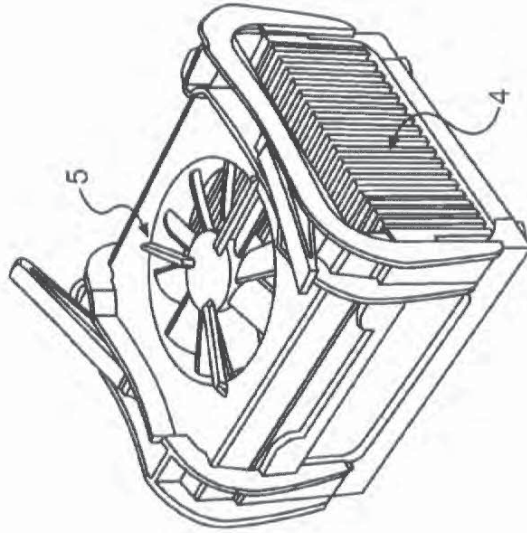


FIG. 2
PRIOR ART

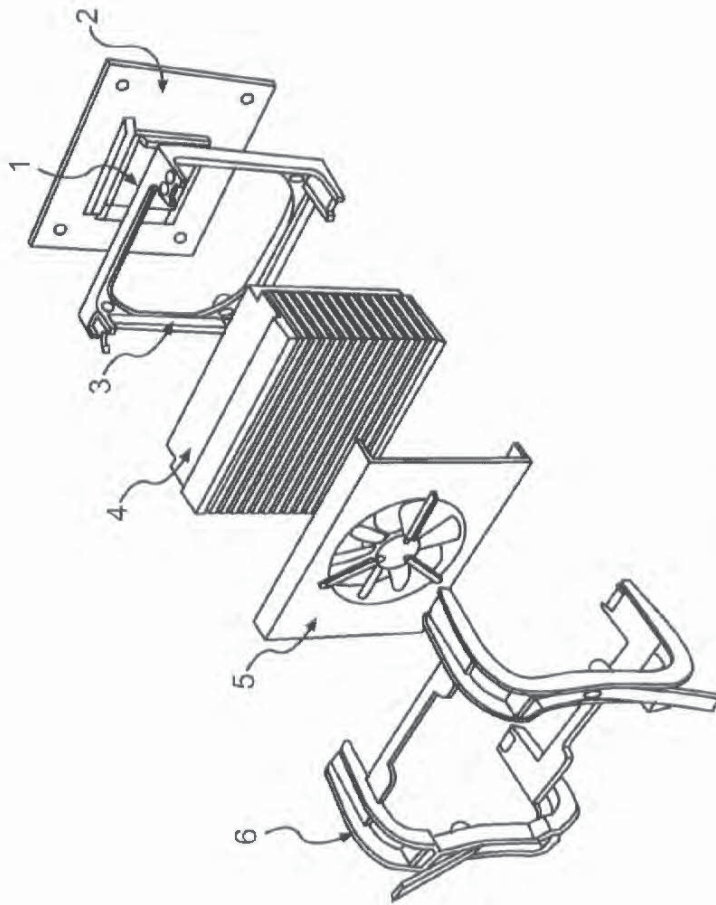


FIG. 1
PRIOR ART

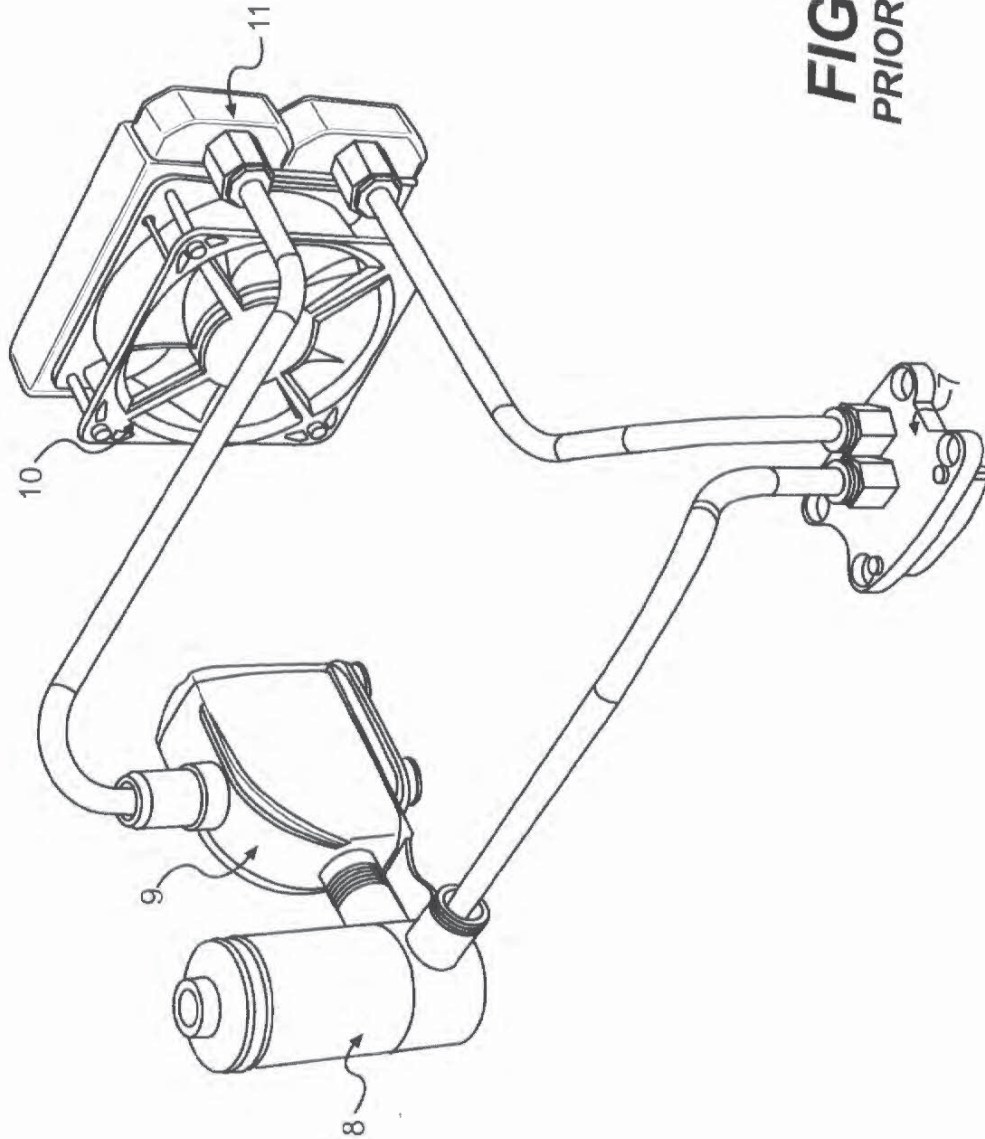


FIG. 3
PRIOR ART

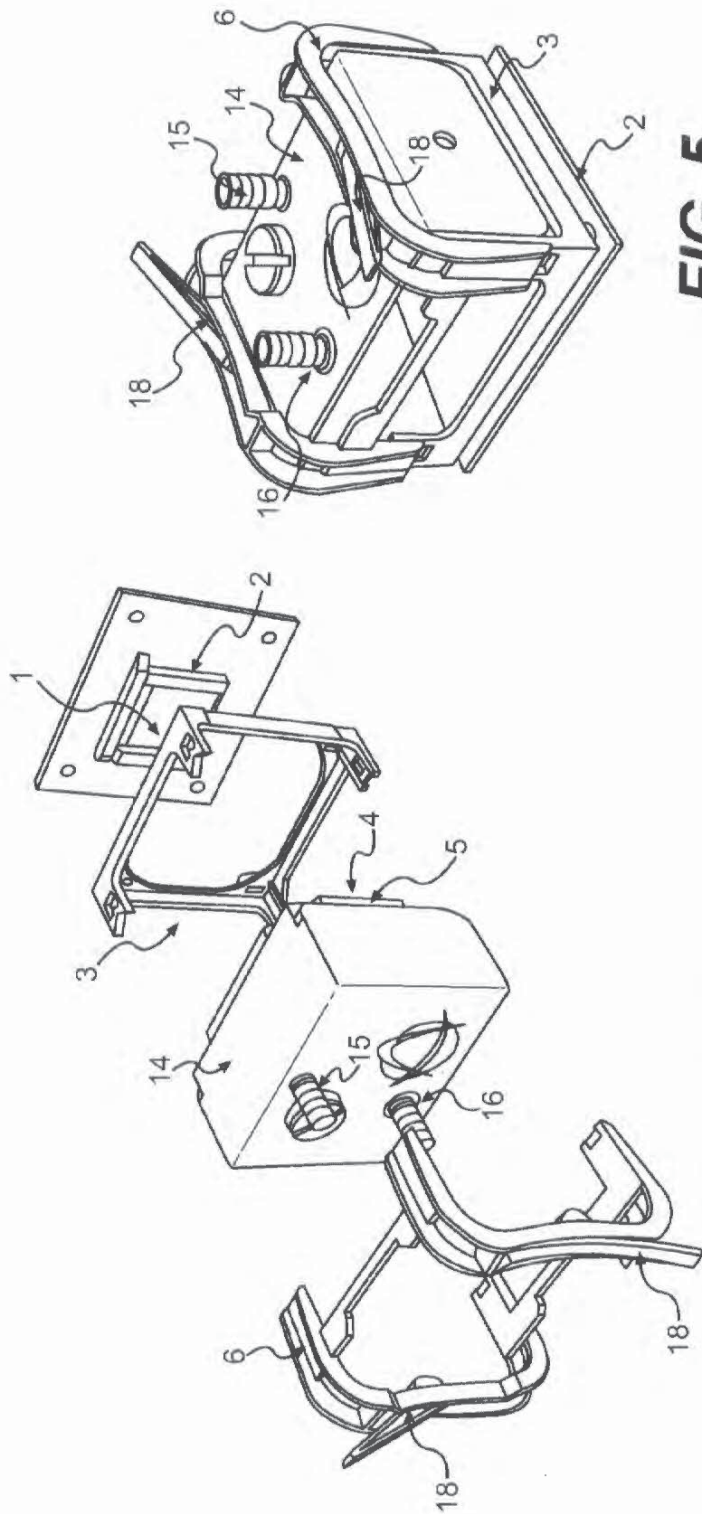


FIG. 5

FIG. 4

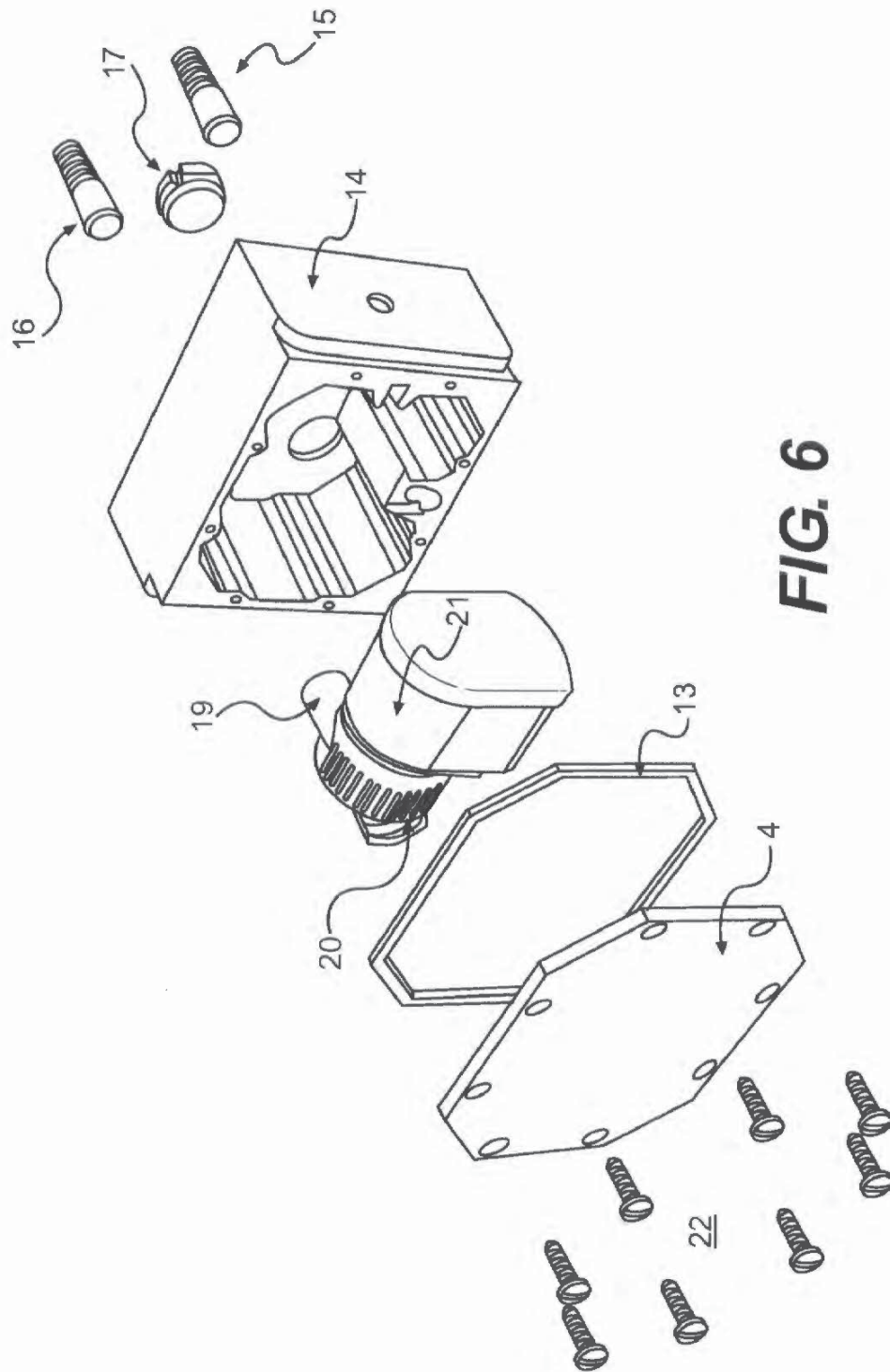


FIG. 6

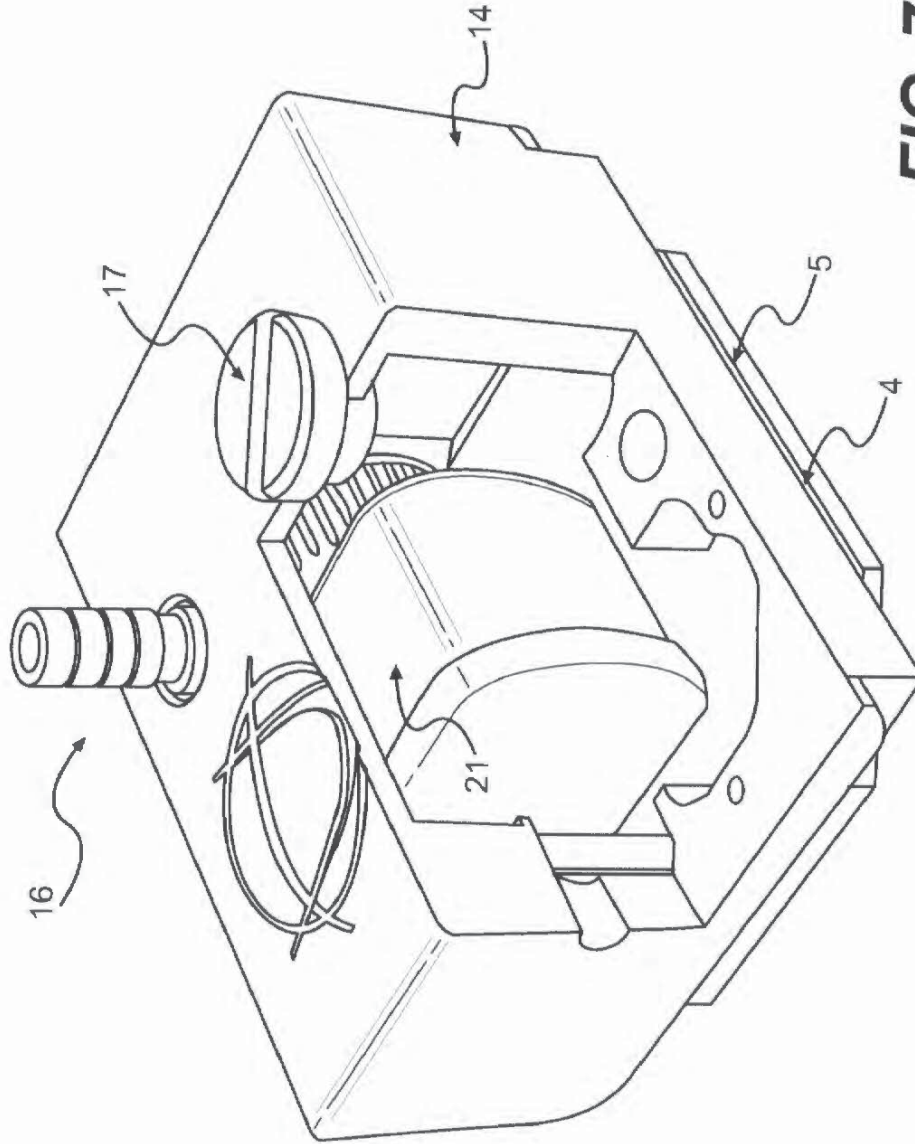


FIG. 7

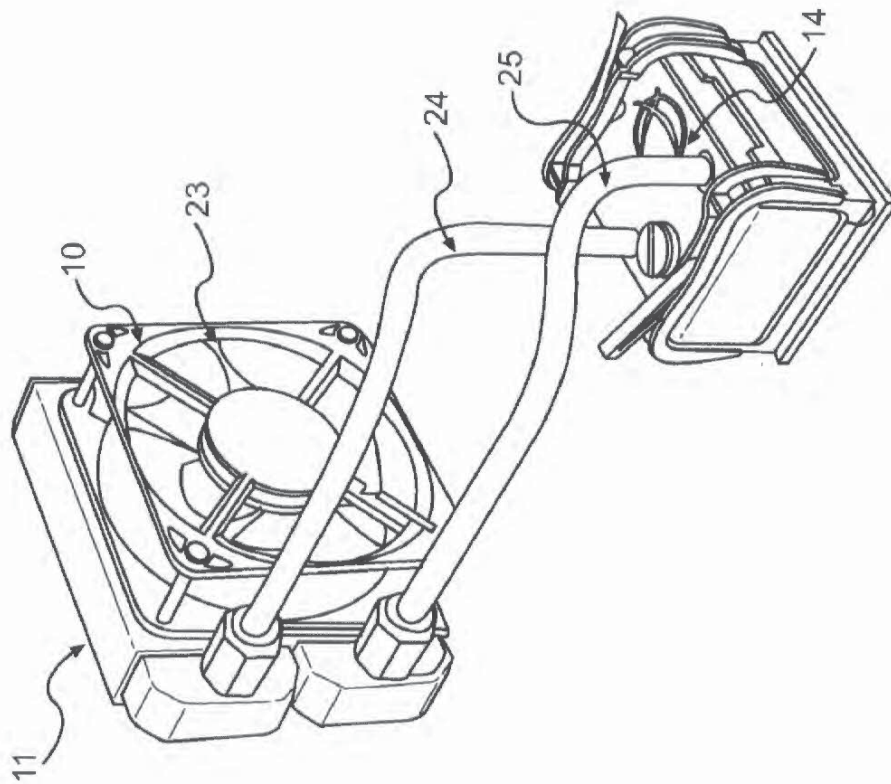


FIG. 8

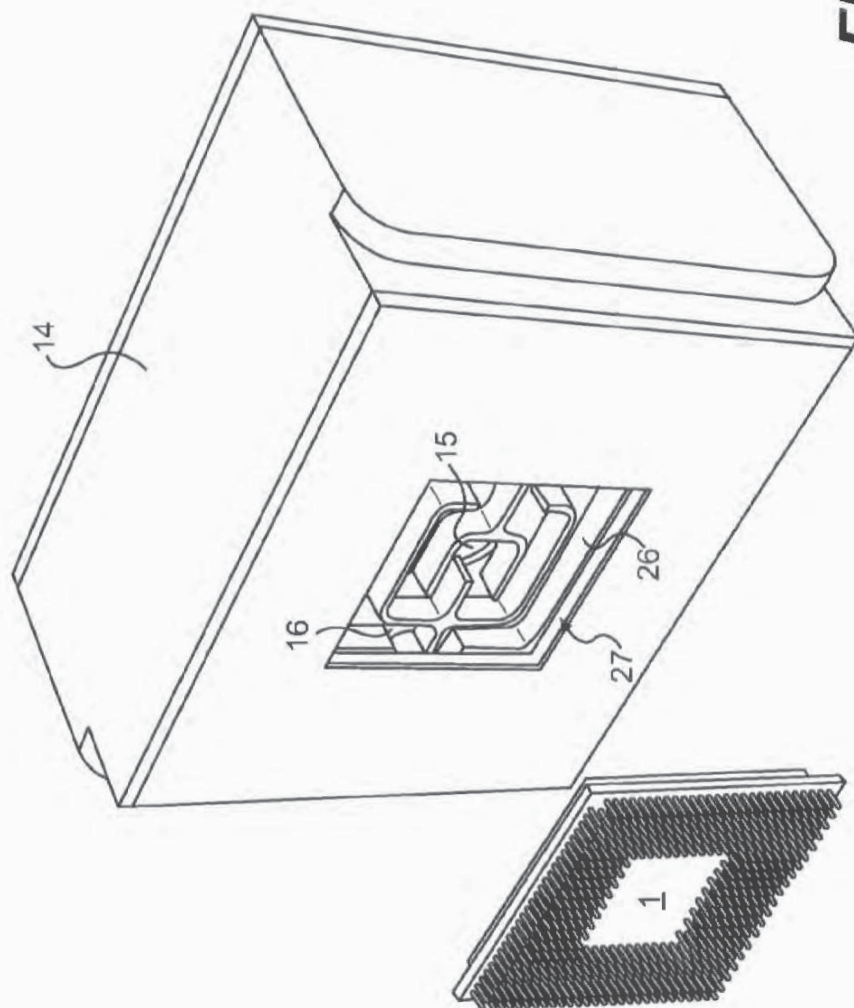


FIG. 9

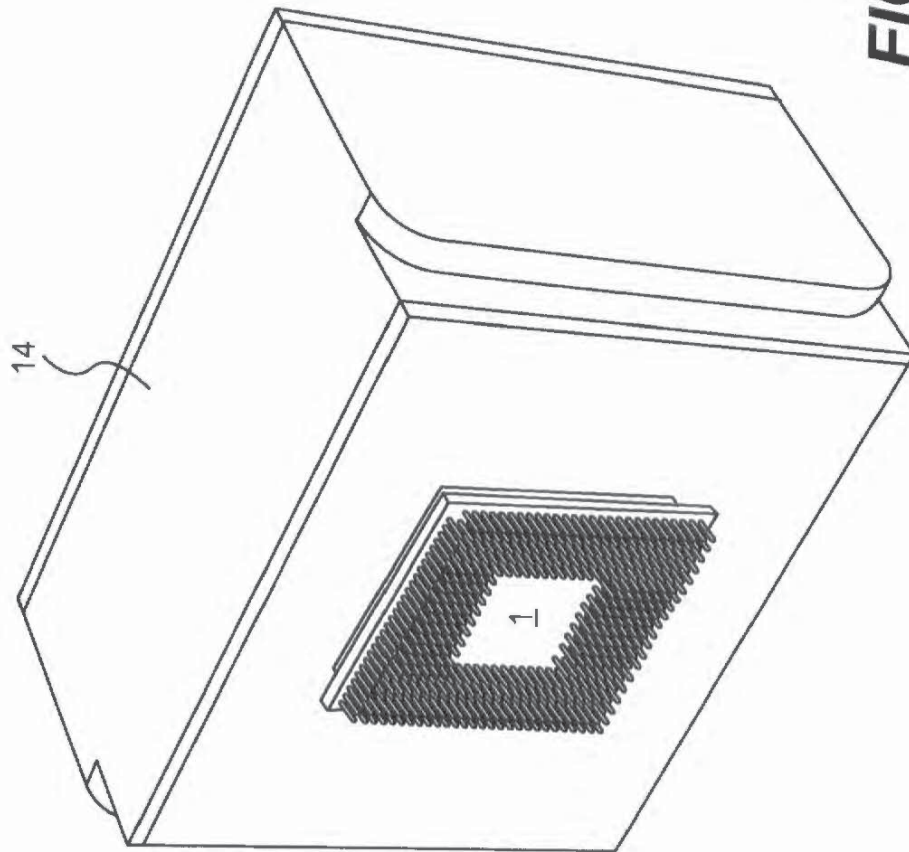


FIG. 10

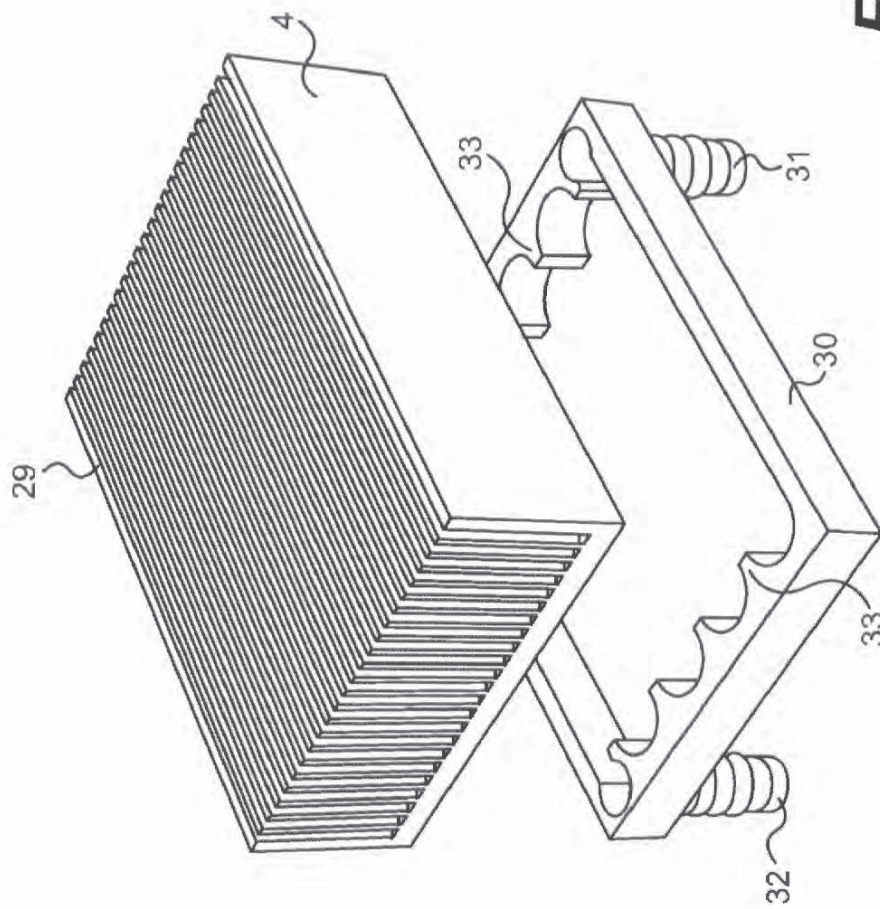


FIG. 11

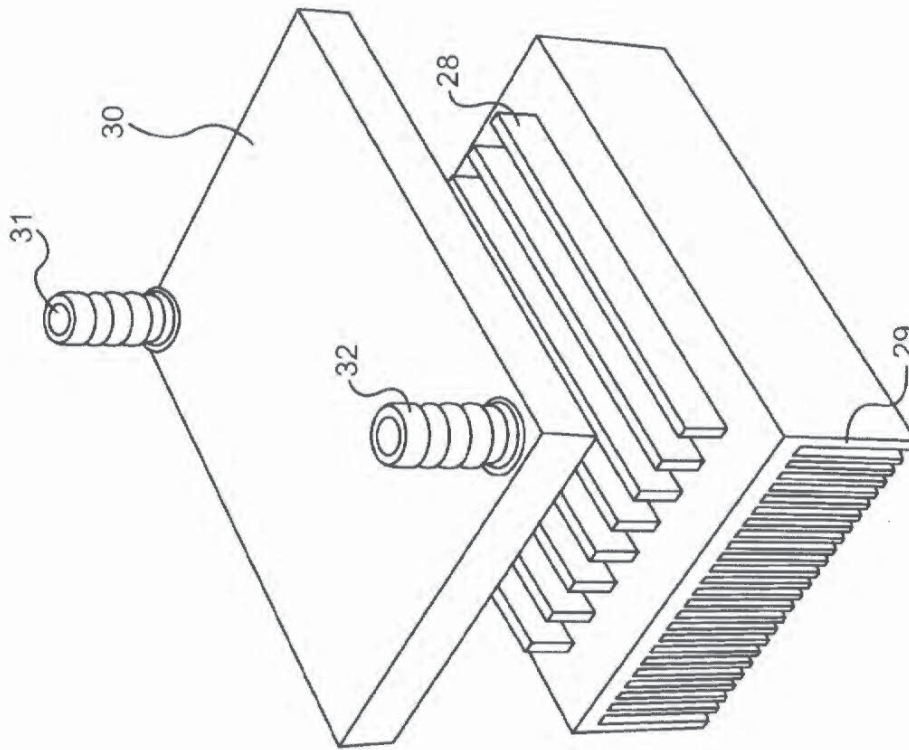


FIG. 12