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CMI USA, Inc.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 ASETEK DANMARK A/S,  
13 Plaintiff,  
14 v.  
15 CMI USA, INC. fka COOLER MASTER  
USA, INC.,  
16 Defendant.  
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Case No. 3:13-cv-00457 JST

**DEFENDANT CMI USA, INC.'S  
NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF  
APPEALS FOR THE FEDERAL  
CIRCUIT**

Complaint Filed: January 31, 2013  
Trial Date: December 2, 2014  
Judge: Jon S. Tigar

1 Notice<sup>1</sup> is hereby given that CMI USA, Inc. (“CMI”) in the above-captioned matter  
 2 (“Matter”), hereby appeals to the United States Court of Appeals for the Federal Circuit (“Federal  
 3 Circuit”) from the Revised Judgment (Dkt. No. 261, Entered 06/02/15) in this Matter  
 4 (“Judgment”) and all interlocutory orders, decisions, and/or rulings that preceded or otherwise  
 5 relate to the Judgment, including without limitation:

- 6 • Order Re Claim Construction for Asetek’s Patents (Dkt. No. 35, Entered  
 7 12/03/13);
- 8 • Order Denying Motion for Summary Judgment and Denying Motion To Exclude  
 9 Expert Testimony (Dkt. No. 126, Entered 11/03/14);
- 10 • Final Jury Instructions (Dkt. No. 217, Entered 12/17/14);
- 11 • Oral Order Denying CMI’s Motion for Judgment as a Matter of Law on Non-  
 12 Infringement of U.S. Patent No. 8,240,362 Under Federal Rule of Civil Procedure  
 13 50(a) (Dkt. No. 269-2 (12/10/2014 Trial Tr. at 1046:13-1047:9));
- 14 • Oral Order Denying CMI’s Motion for Judgment as a Matter of Law on Damages  
 15 Under Federal Rule of Civil Procedure 50(a) (Dkt. No. 269-2 (12/10/2014 Trial Tr.  
 16 at 1051:22-1052:4));
- 17 • Final Verdict Form [Jury Verdict] (Dkt. No. 219, Entered 12/17/14);
- 18 • Order Denying Motion for Directed Verdict as to Asetek’s Claim for Contributory  
 19 Infringement (Dkt. No. 232, Entered 01/12/15); and
- 20 • Revised Judgment (Dkt. No. 261, Entered 06/02/15).

21 CMI hereby further appeals to the Federal Circuit from the post-trial orders, including  
 22 without limitation:

- 23 • Order Denying Motion To Review Clerk’s Decision Not To Tax Costs (Dkt.  
 24 No. 321, Entered 09/16/15) and
- 25 • Order Denying Defendant’s Post-Trial Motions; Granting in Part and Denying in  
 26 Part Plaintiff’s Post-Trial Motions (Dkt. No. 322, Entered 09/22/15).

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1 This Notice is timely filed under Federal Rules of Appellate Procedure 4(a)(1)(A) and 4(a)(4)(A) because the order disposing of the last previously pending motion under Federal Rule of Civil Procedure 50(b), 59, or 60 was entered on September 22, 2015. (*See* Order Denying Defendant’s Post-Trial Motions; Granting in Part and Denying in Part Plaintiff’s Post-Trial Motions (Dkt. No. 322, Entered 09/22/15)).

1 Dated: September 30, 2015

Respectfully submitted,

2 COOLEY LLP  
3 REUBEN H. CHEN  
4 KYLE D. CHEN

5 By: /s/ Kyle D. Chen

6 Attorneys for CMI USA, Inc.

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