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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

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

15 Plaintiffs,

16 v.

17 COOLIT SYSTEMS INC.,

18 Defendant.
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CASE NO.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

COMES NOW Plaintiffs Asetek A/S and Asetek Holdings, Inc. (collectively “Asetek”), by and through their attorneys, and for their Complaint against CoolIT Systems Inc. (“CoolIT”), state as follows:

Nature of the Action

1. This Complaint seeks judgment that CoolIT has infringed and continues to infringe Asetek’s U.S. Patent No. 8,749,968 (“the ’968 patent”). The ’968 patent relates to a liquid cooling system for a server. A true and accurate copy of the ’968 patent is attached hereto as Exhibit A.

The Parties

2. Plaintiff Asetek A/S is a corporation organized and existing under the laws of Denmark, and has its principal place of business at Saltumvej 27, DK-9700 Broenderslev, Denmark. Asetek A/S is the owner of the ’968 patent.

3. Plaintiff Asetek Holdings, Inc. is a corporation organized and existing under the laws of Delaware, and has its principal place of business at 5285 Hellyer Avenue, Suite 110, San Jose, California 95138. Asetek Holdings, Inc. is a subsidiary of Asetek A/S.

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

Jurisdiction

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

6. This Court has personal jurisdiction over CoolIT because CoolIT infringes the ’968 patent in the United States, in California, and in this judicial district. CoolIT maintains a website via which it promotes and offers to sell its infringing products to customers, including customers in the United States, in California, and in this judicial district. Among other things, upon information and belief, CoolIT offers to sell and sells its infringing products to customers in the United States, in California, and in this judicial district. Upon information and belief, the infringing products were operated and continue to be operated in the United States, in California, and in this judicial district.

7. Upon information and belief, CoolIT derives and/or expects to derive revenue from its sales of infringing products in California and in this judicial district, and CoolIT purposefully avails itself of the privilege of conducting activities in California, thus invoking the benefits and protections of the laws of California. Moreover, Asetek Holdings, Inc.'s principal place of business is located in San Jose, California, within this judicial district.

Facts

8. Asetek is the world leading provider of CPU and GPU liquid cooling systems for thermal and acoustic management. Asetek is addressing the server market with its RackCDU™ data center liquid cooling products, which include Asetek's low profile integrated pump and cold plate CPU coolers. The RackCDU™ low profile pump is sized perfectly to fit in 1U rack servers. The company's heat exchanger technology for servers is derived from solutions the company has developed for all-in-one and notebook PCs. Within the server market the key benefits of water-based cooling are enabling increased thermal density and energy savings.

9. U.S. Patent Application 14/186,397 ("the '397 application") issued as the '968 patent on June 10, 2014, and is titled "Liquid Cooling System For a Server." The '968 patent is assigned to Asetek A/S.

10. The United States Patent and Trademark Office issued a notice of allowance for the '397 application on April 24, 2014. Asetek issued a press release reporting the notice of allowance on the same day. In addition, CoolIT's attorneys for Asetek's ongoing litigation against CoolIT were advised of said notice of allowance, and were sent a copy of the prosecution history and notice of allowance for said application on April 29, 2014. Thus, at least as early as April 29, 2014, CoolIT had actual knowledge of the allowed claims of the '968 patent.

11. Upon information and belief, CoolIT offers to sell and sells at least Rack DCLC™ products that infringe the '968 patent, and CoolIT offers to sell and sells these infringing products to customers in the United States, in California, and in this judicial district. CoolIT also offers to sell Rack DCLC™ products through its website, www.coolitsystems.com, to customers and/or potential customers in the United States, in California, and in this judicial district.

COUNT I**Infringement of U.S. Patent No. 8,749,968**

12. Asetek incorporates by reference each and every allegation set forth in paragraphs 1 through 11 of this Complaint as if fully set forth and restated herein.

13. The '968 patent entitled "Liquid Cooling System For a Server" was duly and legally issued by the United States Patent and Trademark Office on June 10, 2014. Asetek A/S is the sole and exclusive owner by assignment of the '968 patent.

14. CoolIT, without authority or consent of Asetek, has offered for sale and sold, and continues to offer for sale and sell in the United States products that infringe the '968 patent, including but not limited to the Rack DCLC™ CHx cooling products. Thus, CoolIT has directly infringed and continues to directly infringe the '968 patent.

15. On April 24, 2014, the United States Patent and Trademark Office issued a notice of allowance for the '397 application, which issued as the '968 patent. Asetek issued a press release reporting the same on April 24, 2014. In addition, CoolIT's attorneys for Asetek's ongoing litigation against CoolIT were advised of said notice of allowance, and were sent a copy of the prosecution history and notice of allowance for said application on April 29, 2014. Thus, at least as early as April 29, 2014, CoolIT had actual knowledge of the allowed claims of the '968 patent. Despite this knowledge, on information and belief, CoolIT has continued to offer for sale and sell its infringing Rack DCLC™ products in the United States despite an objectively high likelihood that its activities constitute infringement of a valid patent, and this risk was either known or so obvious that it should have been known to CoolIT. Thus, on information and belief, CoolIT's infringement has been, and continues to be, willful and deliberate.

16. CoolIT's infringement of the '968 patent has caused and continues to cause damages and irreparable harm to Asetek.

PRAYER

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

A. A judgment in favor of Asetek that CoolIT has infringed the '968 patent;

1 B. Preliminarily and permanently enjoin CoolIT and its officers, directors, employees,
2 agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and
3 any and all persons acting in privity or in concert with any of them, from further infringing upon the
4 '968 patent;

5 C. Award Asetek actual damages pursuant to 35 U.S.C. § 284, in an amount to be
6 determined at trial, as a result of CoolIT's infringement of the '968 patent;

7 D. Order that damages for infringement of the '968 patent be trebled as provided for by
8 35 U.S.C. § 284 for CoolIT's willful infringement of the '968 patent;

9 E. Find this to be an exceptional case and award Asetek their costs and attorney's fees
10 under 35 U.S.C. § 285; and

11 F. Award and grant Asetek such other and further relief as the Court deems just and
12 proper under the circumstances.

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14 **DEMAND FOR JURY TRIAL**

15 Asetek demand a jury trial on all matters triable to a jury.

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17 Dated: June 11, 2014

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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20 By: /s/ Robert F. McCauley
21 Robert F. McCauley
22 Attorneys for Plaintiffs
Asetek A/S and Asetek Holdings, Inc.