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Attorneys for Defendant
CMI USA, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASETEK DANMARK A/S,

Plaintiff,

v.

CMI USA, INC. fka COOLER MASTER
USA, INC.,

Defendant.

Case No. 3:13-cv-00457 JST

**DEFENDANT CMI USA, INC.'S
AMENDED 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 Amended Notice¹ is hereby given that CMI USA, Inc. (“CMI”) in the above-captioned
2 matter (“Matter”) amends its prior Notice of Appeal (Dkt. No. 323, Filed 9/30/2015) to appeal to
3 the Court of Appeals for the Federal Circuit (“Federal Circuit”) from the Amended Judgment
4 (Dkt. No. 339, Entered 10/20/2015) that superseded the Revised Judgment (Dkt. No. 261, Entered
5 6/2/2015) in this Matter (“Amended Judgment”) and all interlocutory orders, decisions, and/or
6 rulings that preceded or otherwise relate to the Amended Judgment, including without limitation:

- 7 • Order Re Claim Construction for Asetek’s Patents (Dkt. No. 35, Entered
8 12/03/13);
- 9 • Order Denying Motion for Summary Judgment and Denying Motion To Exclude
10 Expert Testimony (Dkt. No. 126, Entered 11/03/14);
- 11 • Final Jury Instructions (Dkt. No. 217, Entered 12/17/14);
- 12 • Oral Order Denying CMI’s Motion for Judgment as a Matter of Law on Non-
13 Infringement of U.S. Patent No. 8,240,362 Under Federal Rule of Civil Procedure
14 50(a) (Dkt. No. 269-2 (12/10/2014 Trial Tr. at 1046:13-1047:9));
- 15 • Oral Order Denying CMI’s Motion for Judgment as a Matter of Law on Damages
16 Under Federal Rule of Civil Procedure 50(a) (Dkt. No. 269-2 (12/10/2014 Trial Tr.
17 at 1051:22-1052:4));
- 18 • Final Verdict Form [Jury Verdict] (Dkt. No. 219, Entered 12/17/14);
- 19 • Order Denying Motion for Directed Verdict as to Asetek’s Claim for Contributory
20 Infringement (Dkt. No. 232, Entered 01/12/15);
- 21 • Revised Judgment (Dkt. No. 261, Entered 06/02/15); and
- 22 • Amended Judgment (Dkt. No. 339, Entered 10/20/15).

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

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

¹ This Amended Notice of Appeal is timely filed under Federal Rule of Appellate Procedure 4 because the Amended Judgment (Dkt. No. 339) was entered on October 20, 2015. The prior Notice of Appeal (Dkt. No. 323) was timely filed on September 30, 2015 because the order disposing of the last 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)).

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Dated: October 22, 2015

Respectfully submitted,

COOLEY LLP
REUBEN H. CHEN
KYLE D. CHEN

By: /s/ Kyle D. Chen

Attorneys for CMI USA, Inc.

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