

---

**From:** Albridge III, Kenneth M (23067) <kmalbridge@michaelbest.com>  
**Sent:** Tuesday, October 31, 2017 1:56 PM  
**To:** Chen, Reuben; Chen, Kyle  
**Cc:** Margolies, Jonathan H (12784); Best, J. Donald (22272); 'fbernstein@ipsingularity.com'; Austin, Christopher B (18266); Weinstein, Mark  
**Subject:** RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California  
**Attachments:** Waiver of the Service of Summons - Cooler Master -- 22112247 v1.pdf; Waiver of the Service of Summons - CMI -- 22112243 v1.pdf; Notice of a Lawsuit and Request to Waive Service of a Summons - Cooler M....pdf; Notice of a Lawsuit and Request to Waive Service of a Summons - CMI -- 2....pdf

Counsel,

As we discussed on today's call, please find attached requests to Defendants for waiver of service.

Given your statements on our call indicating that Defendants will waive service, please confirm that you agree to accept these via email and that can we agree to forego the return-postage and copy requirements of Rule 4.

Best regards,  
Ken

**Kenneth M. Albridge III**

Senior Counsel

T 608.257.3067 | michaelbest.com



---

**From:** Albridge III, Kenneth M (23067)  
**Sent:** Monday, October 30, 2017 3:53 PM  
**To:** 'Chen, Reuben'; Chen, Kyle  
**Cc:** Margolies, Jonathan H (12784); Best, J. Donald (22272); 'fbernstein@ipsingularity.com'; Austin, Christopher B (18266); Weinstein, Mark  
**Subject:** RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Dear Kyle and Reuben,

In advance of tomorrow's call at 11:30am Central, we have been authorized to inform you that Aavid is looking for a settlement along the following lines:

1. Defendants agree to stop all infringement;
2. Defendants agree to a non-confidential admission of liability;
3. Defendants provide an accounting for all infringing sales—not just those identified in the Complaint; and
4. Defendants pay for past infringement in an amount to be negotiated.

We look forward to speaking with you. Please let us know whether you will agree to accept service on behalf of your clients.

Thanks and best regards,  
Ken

## Kenneth M. Albridge III

Senior Counsel

T 608.257.3067 | michaelbest.com



Michael Best & Friedrich LLP

---

**From:** Chen, Reuben [<mailto:rchen@cooley.com>]

**Sent:** Friday, October 27, 2017 5:04 PM

**To:** Chen, Kyle; Albridge III, Kenneth M (23067)

**Cc:** Margolies, Jonathan H (12784); Best, J. Donald (22272); 'fbernstein@ipsingularity.com'; Austin, Christopher B (18266); Weinstein, Mark

**Subject:** RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Ken,

Can we please move the time on our call to 9:30 am Pacific / 11:30 am Central?

Thanks,  
Reuben

**Reuben Chen**

Cooley LLP

(650) 843-5480

[rchen@cooley.com](mailto:rchen@cooley.com)

[www.cooley.com/rchen](http://www.cooley.com/rchen)

---

**From:** Chen, Kyle

**Sent:** Tuesday, October 24, 2017 5:07 PM

**To:** Albridge III, Kenneth M (23067) <[kmalbridge@michaelbest.com](mailto:kmalbridge@michaelbest.com)>

**Cc:** Margolies, Jonathan H (12784) <[JHMargolies@michaelbest.com](mailto:JHMargolies@michaelbest.com)>; Best, J. Donald (22272)

<[JDBest@michaelbest.com](mailto:JDBest@michaelbest.com)>; 'fbernstein@ipsingularity.com' <[fbernstein@ipsingularity.com](mailto:fbernstein@ipsingularity.com)>; Austin, Christopher B (18266) <[CBAustin@michaelbest.com](mailto:CBAustin@michaelbest.com)>; Weinstein, Mark <[mweinstein@cooley.com](mailto:mweinstein@cooley.com)>; Chen, Reuben <[rchen@cooley.com](mailto:rchen@cooley.com)>

**Subject:** Re: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Hi Ken,

Thank you for the information. Let's set up a call at 10:30 am Pacific (12:30 pm Central) next Tuesday, 10/31 then.

Thanks and best regards,

Kyle

---

Kyle D. Chen  
Cooley LLP  
3175 Hanover St.  
Palo Alto, CA 94304  
650 843 5019 (O)  
650 646 8249 (C)

---

**From:** [kmalbridge@michaelbest.com](mailto:kmalbridge@michaelbest.com)

**Sent:** October 24, 2017 9:58 AM

**To:** [kyle.chen@cooley.com](mailto:kyle.chen@cooley.com)

**Cc:** [JHMargolies@michaelbest.com](mailto:JHMargolies@michaelbest.com); [JDBest@michaelbest.com](mailto:JDBest@michaelbest.com); [fbernstein@ipsingularity.com](mailto:fbernstein@ipsingularity.com); [CBAustin@michaelbest.com](mailto:CBAustin@michaelbest.com); [mweinstein@cooley.com](mailto:mweinstein@cooley.com); [rchen@cooley.com](mailto:rchen@cooley.com)

**Subject:** RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Kyle,

We are generally available next Tuesday (10/31) between 10am and 2pm Central. Let us know what time works best for you.

Best regards,  
Ken

Kenneth M. Albridge III  
Senior Counsel  
T: 608.257.3067 | [michaelbest.com](http://michaelbest.com)  
Michael Best & Friedrich LLP

-----Original Message-----

From: Chen, Kyle [<mailto:kyle.chen@cooley.com>]

Sent: Monday, October 23, 2017 3:07 PM

To: Albridge III, Kenneth M (23067)

Cc: Margolies, Jonathan H (12784); Best, J. Donald (22272); 'fbernstein@ipsingularity.com'; Austin, Christopher B (18266); Weinstein, Mark; Chen, Reuben

Subject: Re: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Dear Ken,

Thank you for the information. We need some time to study it. Would you be available to talk next Tuesday (10/31)? We are also checking with our clients re: services and will get back to you shortly.

Thanks and best regards,

Kyle

---

Kyle D. Chen  
Cooley LLP  
3175 Hanover St.  
Palo Alto, CA 94304  
650 843 5019 (O)  
650 646 8249 (C)

From: [kmalbridge@michaelbest.com](mailto:kmalbridge@michaelbest.com)

Sent: October 20, 2017 12:39 PM

To: [kyle.chen@cooley.com](mailto:kyle.chen@cooley.com)

Cc: [JHMargolies@michaelbest.com](mailto:JHMargolies@michaelbest.com); [JDBest@michaelbest.com](mailto:JDBest@michaelbest.com); [fbernstein@ipsingularity.com](mailto:fbernstein@ipsingularity.com); [CBAustin@michaelbest.com](mailto:CBAustin@michaelbest.com); [mweinstein@cooley.com](mailto:mweinstein@cooley.com); [rchen@cooley.com](mailto:rchen@cooley.com)

Subject: RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of

California

Confidential Settlement Communication

Subject to Fed. R. Evid. 408

Kyle,

In follow up to our conversation on October 9, 2017, regarding potential informal resolution of the above-captioned matter, please find attached claim charts detailing our preliminary infringement contentions with respect to the patent claims identified in the Complaint. These charts are being provided on a confidential basis, subject to Federal Rule of Evidence 408. They are necessarily preliminary as discovery has not begun, and Aavid has not received any documents or other discovery responses from Defendants. Aavid's investigation into Defendants' infringement is continuing. In the event that the parties cannot resolve their disputes without further litigation, as discovery is conducted, and as Aavid's investigation continues, additional claims may be asserted. Additional products may be accused, as well. Moreover, the parties have not discussed proposed constructions for, and the Court obviously has not yet construed, any of the patents' claims. Accordingly, Aavid reserves the right to modify, amend or otherwise supplement these preliminary infringement contentions consistent with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Northern District of California going forward.

You also requested a proposed structure for settlement. Please let us know your availability for a teleconference late next week.

Lastly, will you agree to accept service of the Complaint and Summons on behalf of your clients? The Court has already set deadlines relating to the initial case management conference, and we will need to provide the Court with an update regarding service in advance of those deadlines.

Best regards,

Ken

Kenneth M. Albridge III

Senior Counsel

T: 608.257.3067<<tel:6082573067>> | michaelbest.com<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_michaelbest.com&d=DwIF-g&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf\\_Q&m=15gzVcLE18bYSbIG\\_Uze\\_qlJhmXqjv8yk5E6iYyDTJs&s=0qcsItxiqWyNpsEehfB52u8GG-71ezdnPXFh-v6lh20&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__michaelbest.com&d=DwIF-g&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf_Q&m=15gzVcLE18bYSbIG_Uze_qlJhmXqjv8yk5E6iYyDTJs&s=0qcsItxiqWyNpsEehfB52u8GG-71ezdnPXFh-v6lh20&e=>)>

Michael Best & Friedrich LLP

-----Original Message-----

From: Chen, Kyle [<mailto:kyle.chen@cooley.com><<mailto:kyle.chen@cooley.com>>]

Sent: Tuesday, October 03, 2017 11:24 AM

To: Albridge III, Kenneth M (23067)

Cc: Margolies, Jonathan H (12784); Best, J. Donald (22272); 'fbernstein@ipsingularity.com'<<mailto:fbernstein@ipsingularity.com>>;

Austin, Christopher B (18266); Weinstein, Mark; Chen, Reuben  
Subject: Re: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Ken,

Yes, please call my office number (650 843 5019<[tel:\(6508435019\)](tel:6508435019)>). Look forward to speaking with you at 1 pm. Central time on Monday, October 9th.

Thanks and best regards,

Kyle

---

Kyle D. Chen

Cooley LLP

3175 Hanover St.

Palo Alto, CA 94304

650 843 5019<<tel:6508435019>> (O)

650 646 8249<<tel:6506468249>> (C)

From: [kmalbridge@michaelbest.com](mailto:kmalbridge@michaelbest.com)<<mailto:kmalbridge@michaelbest.com>>

Sent: October 2, 2017 8:45 PM

To: [kyle.chen@cooley.com](mailto:kyle.chen@cooley.com)<<mailto:kyle.chen@cooley.com>>

Cc: [JHMargolies@michaelbest.com](mailto:JHMargolies@michaelbest.com)<<mailto:JHMargolies@michaelbest.com>>;  
[JDBest@michaelbest.com](mailto:JDBest@michaelbest.com)<<mailto:JDBest@michaelbest.com>>; [fbernstein@ipsingularity.com](mailto:fbernstein@ipsingularity.com)<<mailto:fbernstein@ipsingularity.com>>;  
[CBAustin@michaelbest.com](mailto:CBAustin@michaelbest.com)<<mailto:CBAustin@michaelbest.com>>; [mweinstein@cooley.com](mailto:mweinstein@cooley.com)<<mailto:mweinstein@cooley.com>>;  
[rchen@cooley.com](mailto:rchen@cooley.com)<<mailto:rchen@cooley.com>>

Subject: RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Kyle,

I am travelling this week as well. Let's plan for Monday, October 9 at 1pm Central. Should we call you at your office number in the signature block of your original email?

Thanks,

Ken

Kenneth M. Albridge III

Senior Counsel

T 608.257.3067<<tel:6082573067>> | michaelbest.com<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_michaelbest.com&d=DwIF-g&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf\\_Q&m=15gzVcLE18bYSbIG\\_Uze\\_qIJhmXqjv8yk5E6iYyDTJs&s=0qcsltxiqWyNpsEehfB52u8GG-71ezdnPXFh-v6lh20&e=><https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.michaelbest.com&d=DwMGaQ&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf\\_Q&m=AdAOFZS-NCpdxTowqclYPYp43Fmegg3vG70BmoVnhMoU&s=eNUcfH1a4Y59fdbRDMkOALq4xCnoTNKQ0Jwg7Ax4dv0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_michaelbest.com&d=DwIF-g&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf_Q&m=15gzVcLE18bYSbIG_Uze_qIJhmXqjv8yk5E6iYyDTJs&s=0qcsltxiqWyNpsEehfB52u8GG-71ezdnPXFh-v6lh20&e=><https://urldefense.proofpoint.com/v2/url?u=http-3A_www.michaelbest.com&d=DwMGaQ&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf_Q&m=AdAOFZS-NCpdxTowqclYPYp43Fmegg3vG70BmoVnhMoU&s=eNUcfH1a4Y59fdbRDMkOALq4xCnoTNKQ0Jwg7Ax4dv0&e=>)

[<cid:image001.png@01D33BD0.1723B9D0>]

Michael Best & Friedrich LLP

From: Chen, Kyle [<mailto:kyle.chen@cooley.com>]

Sent: Monday, October 02, 2017 4:36 PM

To: Albridge III, Kenneth M (23067)

Cc: Margolies, Jonathan H (12784); Best, J. Donald (22272); 'fbernstein@ipsingularity.com'<<mailto:fbernstein@ipsingularity.com>>; Austin, Christopher B (18266); Weinstein, Mark; Chen, Reuben

Subject: RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Dear Mr. Albridge,

Thank you for getting back to me. I am out of town this coming Thursday and Friday (Oct 5-6), but should be available Wednesday (Oct 4) or next Monday (Oct 9) between 12 noon and 6 pm Central time. Please let me know if any of those times would work for you.

Thanks and best regards,

Kyle

From: Albridge III, Kenneth M (23067) [<mailto:kmalbridge@michaelbest.com>]

Sent: Monday, October 2, 2017 12:25 PM

To: Chen, Kyle

<[kyle.chen@cooley.com](mailto:kyle.chen@cooley.com)<<mailto:kyle.chen@cooley.com><<mailto:kyle.chen@cooley.com><<mailto:kyle.chen@cooley.com>>>>>;  
Austin, Christopher B (18266)  
<[CBAustin@michaelbest.com](mailto:CBAustin@michaelbest.com)<<mailto:CBAustin@michaelbest.com><<mailto:CBAustin@michaelbest.com><<mailto:CBAustin@michaelbest.com>>>>>  
[aelbest.com](mailto:CBAustin@michaelbest.com)>>>>

Cc: Margolies, Jonathan H (12784)

<[JHMargolies@michaelbest.com](mailto:JHMargolies@michaelbest.com)<<mailto:JHMargolies@michaelbest.com><<mailto:JHMargolies@michaelbest.com><<mailto:JHMargolies@michaelbest.com>>>>>; Best, J. Donald (22272)  
<[JDBest@michaelbest.com](mailto:JDBest@michaelbest.com)<<mailto:JDBest@michaelbest.com><<mailto:JDBest@michaelbest.com><<mailto:JDBest@michaelbest.com>>>>>; 'fbernstein@ipsingularity.com'<<mailto:fbernstein@ipsingularity.com>>>>>; 'fbernstein@ipsingularity.com'<<mailto:fbernstein@ipsingularity.com><<mailto:fbernstein@ipsingularity.com><<mailto:fbernstein@ipsingularity.com>>>>>; 'rlemieux@ipsingularity.com'<<mailto:rlemieux@ipsingularity.com>>>>>; 'rlemieux@ipsingularity.com'<<mailto:rlemieux@ipsingularity.com><<mailto:rlemieux@ipsingularity.com><<mailto:rlemieux@ipsingularity.com>>>>>; 'vbhakar@ipsingularity.com'<<mailto:vbhakar@ipsingularity.com>>>>>; 'vbhakar@ipsingularity.com'<<mailto:vbhakar@ipsingularity.com><<mailto:vbhakar@ipsingularity.com><<mailto:vbhakar@ipsingularity.com>>>>>; Weinstein, Mark  
<[mweinstein@cooley.com](mailto:mweinstein@cooley.com)<<mailto:mweinstein@cooley.com><<mailto:mweinstein@cooley.com><<mailto:mweinstein@cooley.com>>>>>>>; Chen, Reuben <[rchen@cooley.com](mailto:rchen@cooley.com)<<mailto:rchen@cooley.com><<mailto:rchen@cooley.com><<mailto:rchen@cooley.com>>>>>>>>>

Subject: RE: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Mr. Chen:

Thank you for the email. Would you be available for a call at 1pm (Central) on Friday, October 6?

Best regards,

Ken

Kenneth M. Albridge III

Senior Counsel

T 608.257.3067<<tel:6082573067>> | [michaelbest.com](http://michaelbest.com)<[7](https://urldefense.proofpoint.com/v2/url?u=http-3A_michaelbest.com&d=DwIF-g&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf_Q&m=15gzVcLE18bYSblG_Uze_qIJhmXqjv8yk5E6iYyDTJs&s=0qcsltxiqWyNpsEehfB52u8GG-71ezdnPXFh-v6lh20&e=>>>https://urldefense.proofpoint.com/v2/url?u=http-3A_www.michaelbest.com&d=DwMFaQ&c=5vOBDmAB7iEjDDOZLSiuMw&r=JyThMgcK-SDMom9AQ2AIYi9giPyifD5DPD9loRmPf_Q&m=UsmXgkaj9c7UUWCMvIsJgXLWiD8p7P47d2pGHtTlaWs&s=X2eCjII9T2JqHb</a>>>>></p></div><div data-bbox=)

[MnCoCNWjKygJU8-rpPZzVhDdfDi0g&c=>](#)

[\[cid:image004.png@01D33BCF.CC9014E0\]](#)

Michael Best & Friedrich LLP

From: Chen, Kyle [<mailto:kyle.chen@cooley.com>]

Sent: Monday, October 02, 2017 1:32 PM

To: Austin, Christopher B (18266)

Cc: Margolies, Jonathan H (12784); Best, J. Donald (22272); Albridge III, Kenneth M (23067);  
'fbernstein@ipsingularity.com' <<mailto:fbernstein@ipsingularity.com>>;  
'rlemieux@ipsingularity.com' <<mailto:rlemieux@ipsingularity.com>>;  
'vbhakar@ipsingularity.com' <<mailto:vbhakar@ipsingularity.com>>; Weinstein, Mark; Chen, Reuben

Subject: Aavid Thermalloy LLC v. Cooler Master Co., Ltd. and CMI USA, Inc., Case No. 3:17-cv-5363, Northern District of California

Dear Mr. Austin,

I hope this email finds you well.

I write regarding the above-referenced lawsuit. Our firm represents Cooler Master Co., Ltd. and CMI USA, Inc. If it's not too much trouble, please let me know a good time to discuss on the phone.

Thanks and best regards,

Kyle

---

Kyle D. Chen

Cooley LLP

3175 Hanover St.



Palo Alto, CA 94304

650 843 5019<<tel:6508435019>> (O)

650 646 8249<<tel:6506468249>> (C)

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reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

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UNITED STATES DISTRICT COURT

for the

Northern District of California

Aavid Thermalloy LLC

Plaintiff

v.

Cooler Master Co., Ltd. and CMI USA, Inc.

Defendant

Civil Action No. 4:17-cv-05363-JSW

WAIVER OF THE SERVICE OF SUMMONS

To: J. Donald Best, Michael Best & Friedrich LLP

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 10/31/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

Signature of the attorney or unrepresented party

Cooler Master Co., Ltd.

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the

Northern District of California

Aavid Thermalloy LLC

Plaintiff

v.

Cooler Master Co., Ltd. and CMI USA, Inc.

Defendant

Civil Action No. 4:17-cv-05363-JSW

WAIVER OF THE SERVICE OF SUMMONS

To: J. Donald Best, Michael Best & Friedrich LLP

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 10/31/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

Signature of the attorney or unrepresented party

CMI USA, Inc.

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

# UNITED STATES DISTRICT COURT

for the

Northern District of California

Aavid Thermalloy LLC

*Plaintiff*

v.

Cooler Master Co., Ltd. and CMI USA, Inc.

*Defendant*

Civil Action No. 4:17-cv-5363-JSW

## NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Cooler Master Co., Ltd., c/o Kyle D. Chen, Cooley LLP, 3175 Hanover St., Palo Alto, CA 94304

*(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)*

### Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 60 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

### What happens next?


If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 10/31/2017

  
*Signature of the attorney or unrepresented party*

J. Donald Best

*Printed name*

Michael Best & Friedrich LLP  
1 S. Pinckney Street, Suite 700  
Madison, WI 53703

*Address*

jdbest@michaelbest.com

*E-mail address*

608.257.3501

*Telephone number*



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