

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COOLER MASTER CO., LTD.,  
Petitioner,

v.

AAVID THERMALLOY LLC,  
Patent Owner.

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Case IPR2019-00144 (Patent 7,066,240 B2),  
Cases IPR2019-00145 and IPR2019-00147 (Patent 7,100,680 B2), and  
Case IPR2019-00146 (Patent 7,100,679 B2)

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Before LINDA E. HORNER, KEN B. BARRETT, and  
ROBERT A. POLLOCK, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

ORDER  
Granting Patent Owner's  
Motions for a District Court-Type Claim Construction Approach  
*37 C.F.R. § 42.100(b)*

IPR2019-00144 (Patent 7,066,240 B2)  
IPR2019-00145, IPR2019-00147 (Patent 7,100,680 B2)  
IPR2019-00146 (Patent 7,100,679 B2)

Cooler Master Co., Ltd. (“Petitioner”) filed on October 31, 2018, Petitions requesting *inter partes* review of U.S. Patent No. 7,066,240 B2 (“the ’240 patent”), U.S. Patent No. 7,100,680 B2 (“the ’680 patent”), and U.S. Patent 7,100,679 B2 (“the ’679 patent”). IPR2019-00144, Paper 2;<sup>1</sup> IPR2019-00145, Paper 2; IPR2019-00146, Paper 2; IPR2019-00147, Paper 2. Aavid Thermalloy LLC (“Patent Owner”) filed on November 30, 2018, in each captioned case a “Motion & Certification under 37 C.F.R. § 42.100(b) Requesting District Court-Type Claim Construction.” Paper 5. Patent Owner represents that Petitioner does not oppose the motions. *Id.* at 3.

“A party may request a district court-type claim construction approach to be applied if a party certifies that the involved patent will expire within 18 months from the entry of the Notice of Filing Date Accorded to Petition.” 37 C.F.R. § 42.100(b) (2018).<sup>2</sup> The Notice of Filing Date Accorded was entered on November 21, 2018, in IPR2019-00145 and IPR2019-00147, and on December 13, 2018, in IPR2019-00144 and IPR2019-00146. Patent Owner certifies that the ’240 patent, the ’680 patent, and the ’679 patent each will expire within 18 months of the entry of the respective Notice of Filing Date Accorded, and specifically certifies that the ’240 patent and the

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<sup>1</sup> Unless otherwise noted, citations herein are to papers filed in IPR2019-00144. Similar motions were filed in IPR2019-00145, IPR2019-00146, and IPR2019-00147.

<sup>2</sup> Because the Petitions were filed prior to November 13, 2018, the effective date of Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340 (Oct. 11, 2018), the previous version of § 42.100(b) is applicable to these cases.

IPR2019-00144 (Patent 7,066,240 B2)  
IPR2019-00145, IPR2019-00147 (Patent 7,100,680 B2)  
IPR2019-00146 (Patent 7,100,679 B2)

'680 patent will expire will expire no later than May 12, 2019, and the '679 patent will expire no later than October 16, 2019. IPR2019-00144, Paper 5, 2; IPR2019-00145, Paper 8, 2; IPR2019-00146, Paper 5, 2.

On this record, we are persuaded that Rule 42.100(b) applies to this case and that Patent Owner has complied with the requirements of that rule by certifying that the subject patents will expire within 18 months of the entry of the Notices of Filing Date Accorded to Petition. Additionally, Patent Owner notes that these patents are the subject of petitions in related *inter partes* reviews filed after the effective date of the changes to the claim construction standard and, thus, a district court-type construction will be applied in those related cases. Paper 5, 3. We grant Patent Owner's motions.

In granting these motions, we merely are identifying the claim construction approach that will be applied in these cases. We have not conducted, in the cases before us, a claim construction analysis, yet, and this order should not be construed as an adoption at this time of any claim construction that may have been issued by a district court.

Accordingly, it is

ORDERED that Patent Owner's motions for a district court-type claim construction approach are *granted*.

IPR2019-00144 (Patent 7,066,240 B2)  
IPR2019-00145, IPR2019-00147 (Patent 7,100,680 B2)  
IPR2019-00146 (Patent 7,100,679 B2)

For PETITIONER:

Erik Milch  
Andrew Mace  
COOLEY LLP  
emilch@cooley.com  
amace@cooley.com

For PATENT OWNER:

Kenneth Albridge, III  
Kevin Moran  
Brian Marstall  
MICHAEL BEST & FRIEDRICH LLP  
kmalbridge@michaelbest.com  
kpmoran@michaelbest.com  
bjmarstall@michaelbest.com