## UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE PATENT TRIAL AND APPEAL BOARD

THERMALTAKE TECHNOLOGY CO., LTD. and THERMALTAKE INC.,

Petitioner,

v.

CHEN, CHIEN-HAO,

Patent Owner.

IPR2024-01230

U.S. Patent No. 10,690,336 B1

PATENT OWNER'S CONTINGENT MOTION TO AMEND
PURSUANT TO 37 C.F.R. § 42.121

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### I. <u>Introduction</u>

Pursuant to the Board's Scheduling Order (Paper 13) and its email of May 6, 2025, Patent Owner hereby files this Contingent Motion to Amend (the "Motion"), wherein, in the event the Board finds original claims 2 and/or 3 of U.S. Patent No. 10,690,336 (the "'336 patent") (Ex-1001) to be unpatentable, Patent Owner requests the Board to replace original claim 2 with new claim 6 and/or to replace original claim 3 with new claim 7, as explained below.

As shown in detail below, the proposed substitute claims include various features disclosed in the specification in relation to at least Figures 1-3. As also shown in detail below, the claimed features of the substitute claims are disclosed in the '336 patent (Ex-1001) and its earliest priority document, *i.e.*, Taiwanese Patent Application No. 107217659 U (the "TW'659 application") (Ex-2017). Further, the substitute claims are patentable over the prior art known to Patent Owner.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> As noted in Patent Owner's Mandatory Notices, a concurrent *ex parte* reexamination proceeding has been filed as Serial No. 90/019,565. The PTAB stayed that reexamination on March 12, 2025 (Paper 14). In accordance with Rule 1.56, a copy of the file history for the reexamination is included as Exhibit 2007, and a listing of potentially material art known to Patent Owner from the District Court litigation has been attached to this Motion in Appendix B.

### II. Statement of Relief Requested

Patent Owner hereby moves to amend the '336 patent contingent upon whether original claims 2 and/or 3 are found unpatentable in the present IPR proceeding. 37 C.F.R. § 42.121. Specifically, if original claim 2 is found to be unpatentable, Patent Owner requests the Board order the replacement of claim 2 with claim 6. Further, if original claim 3 is found to be unpatentable, Patent Owner requests the replacement of claim 3 with claim 7. No other changes are proposed. 37 C.F.R. § 42.22(a)(1); 35 U.S.C. § 316(d).

### III. Patent Owner's Request for Preliminary Guidance

Patent Owner respectfully requests that the Board issue preliminary guidance on this Motion after Petitioner files its opposition (or after the due date for the opposition, if none is filed by Petitioner). (Scheduling Order at 8-9.)

## IV. The Motion and Proposed Amendments Comply With § 42.121

The Motion meets the requirements of § 41.121. The Motion is timely filed, being filed with Patent Owner's Response to the Institution Decision ("Decision"). 37 C.F.R. § 42.121(a)(1).

The Motion's proposed amendments are also responsive to the grounds of unpatentability. 37 C.F.R. § 42.121(a)(2)(i). The Decision instituted trial against, inter alia, claims 2-3 of the '336 patent. The amendments proposed for claims 2-3

presented herein add limitations not found in the prior art relied on by Petitioner in the applicable Grounds of the Petition.

The amendments also do not enlarge the scope of the claims and do not introduce new subject matter. 37 C.F.R. § 42 .121(a)(2)(ii). Specifically, replacement claim 6 includes all the limitations of claim 1 plus additional limitations supported by the specification of the '336 patent and its priority application. Likewise, replacement claim 7 includes all the limitations of claim 1 plus additional limitations beyond those included in replacement claim 6 relating to flat surfaces of the first and second connectors, all of which are supported by the specification of the '336 patent and its priority application.

The Petition asserted claims 2-3 are unpatentable based on prior art involving Tsuji, Huang, Lai, and Hasegawa. (Petition at 5-6.) If original claim 2 is found to be unpatentable, Patent Owner requests the Board order the replacement of claim 2 with claim 6, as shown herein. Further, if original claim 3 is found to be unpatentable, Patent Owner requests the replacement of claim 3 with claim 7, as shown herein. None of the Tsuji, Huang, Lai and Hasegawa references relied on by Petitioner, alone or in any combination, disclose the limitations of the replacement claims.

A reasonable number of substitute claims are also presented.

37 C.F.R. § 42.121(a)(3). Specifically, Patent Owner's proposed amendments seek

a one-to-one correspondence between proposed substitute claims 6-7 and potentially canceled claims 2-3.

The Motion includes a claim listing (Appendix A) and identifies support in the original disclosure of the earliest priority application (the TW'659 application), the application for the '336 patent, and the '336 patent itself for the proposed amendments. 37 C.F.R. § 42.121(b)(1) and (b)(2). Accordingly, Patent Owner has satisfied all requirements of 37 C.F.R. § 42.121.

### V. Claim Listing

Patent Owner's claim listing is attached hereto as Appendix A. 37 C.F.R. § 42.121(b). Currently, the '336 patent contains 5 claims. Trial was instituted on claims 1-5. A clean listing of the proposed substitute claims is provided, as well as a redlined version showing the differences between the proposed substitute claims and the original claims.

# VI. The Originally Filed Application Provides Written Description Support for Each Proposed Amended Claim

As noted previously, the '336 patent corresponds to patent application no. 16/403,867 ("the '867 application"). The as-filed version of the '867 application is shown at pages 51-63 of Ex-1002. The '867 application claims priority to a Taiwanese application (TW'659), filed December 26, 2018. The TW'659 application includes the same Figures 1-3 and substantially the same corresponding

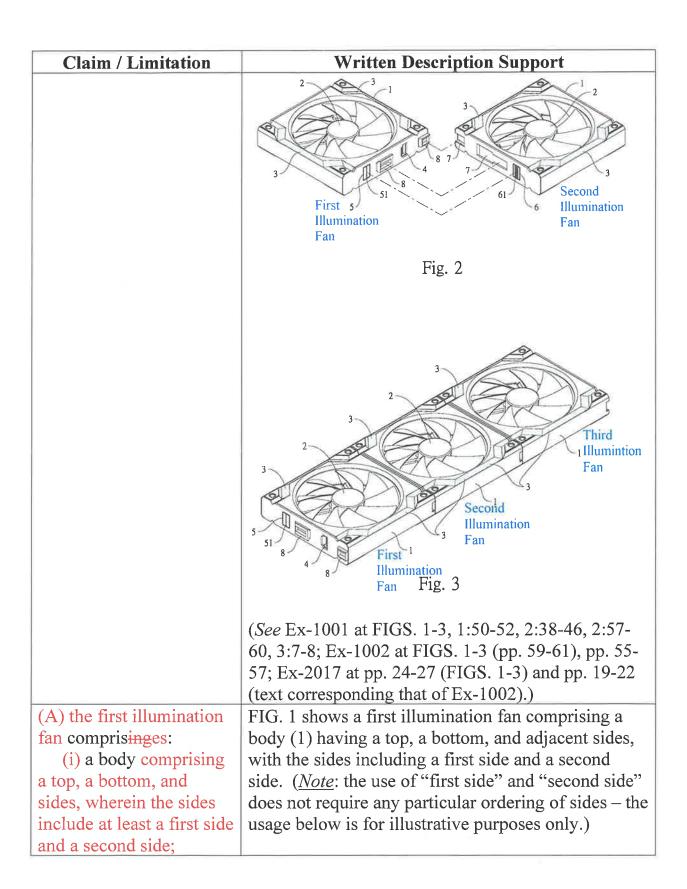
text as the '867 application. (*Compare* Ex-2017, pp. 16-27 with Ex-1002, pp. 51-61.)

Patent Owner is only relying on disclosures contained in the '867 application and the TW'659 application. Specifically, Patent Owner is relying on embodiments primarily associated with Figures 1-3. Such embodiments and disclosures are contained in the '867 application and the TW'659 application, which provide written description support for the proposed substitute claims. Accordingly, there is adequate written description support for the proposed amended claims. 37 C.F.R. § 42.121(b).

### A. Claim 6

Claim 6 includes all the limitations of claim 1, plus additional limitations supported by Figures 1-3 and the corresponding text of the '336 patent and its priority application.

Claim / Limitation	Written Description Support		
6. An system comprising	FIGS. 2-3 show a system of illumination fans for a		
a first illumination fan for	computer comprising at least a first illumination fan		
a computer connectable	and a second illumination fan.		
with a second at least one			
illumination fan for a			
computer, wherein:			



Claim / Limitation	Written Description Support
	A second side 7  A fourth side 8  A third side 3  Fig. 1
	(See Ex-1001 at FIG. 1, 2:38-40, 2:61-67; Ex-1002 at FIG. 1 (pp. 59), pp. 56-57; Ex-2017 at FIG. 1 (pp. 25), pp. 21-22.)
(ii), provided with a	FIG. 1 shows a first illumination fan comprising a
center fan located in a	center fan (2) located in the center of the body (1).
center of the body;	-

Claim / Limitation	Written Description Support			
	Rody Center 2 Fan  3  8  4			
	Fig. 1 (See Ex-1001 at FIG. 1, 2:68-3:3; Ex-1002 at FIG. 1 (pp. 59), pp. 57; Ex-2017 at FIG. 1 (pp. 25.),			
(iii) an illumination area located at the top of the body and disposed on at least two sides of the center fan at top of the	pp. 21-22.) FIG. 1 shows a first illumination fan comprising an illumination area (3) located at the top of the body (1) and disposed on at least two sides of the center fan (2).			
body;,	7- Illumination 3 Area 1Body 2			
	Illumination Area 5			
	Fig. 1			

Claim / Limitation	Written Description Support			
	(See Ex-1001 at FIG. 1, 2:64-65; Ex-1002 at FIG. 1			
	(pp. 59), pp. 57; Ex-2017 at FIG. 1 (pp. 25.),			
	pp. 21-22.)			
(iv) a power socket	FIG. 1 shows a first illumination fan comprising a			
comprising an opening	power socket (4) comprising an opening disposed on			
disposed on the first side	a first side of the body (1).			
of the body; and				
	7-			
	3 Body			
	6 61 2			
	8			
	Power 8			
	Socket Socket			
	5 First Opening Side			
	Fig. 1			
	(See Ex-1001 at FIG. 1, 2:64-65; Ex-1002 at FIG. 1			
	(pp. 59), pp. 57; Ex-2017 at FIG. 1 (pp. 25.),			
	pp. 21-22.)			
(v) a first connector	FIG. 1 shows a first illumination fan comprising a			
disposed on the first one	first connector (5) disposed on the first side of the			
side of the body, wherein	body (1), wherein the first connector (5) is			
the first connector is	structurally distinct and separable from the power			
structurally distinct and	socket (4), and wherein the first connector (1)			
separable from the power	` ' '			
socket, and wherein the				
first connector comprises				
a first electrical terminal				
configured to electrically				
connect with a second				
electrical terminal of the				

Claim / Limitation	Written Description Support		
second illumination fan;	7-		
nd	Firsts Connector Fig. 1		
	FIG. 2 shows that the first electrical terminal (51) is configured to electrically connect with a second electrical terminal (61) of the second illumination fan.  First    Second   Se		
	Fig. 2		
	(See Ex-1001 at FIGS. 1-2, 2:64-65; Ex-1002 at FIGS. 1-2 (pp. 59-60), pp. 57; Ex-2017 at FIGS. 1-2 (pp. 25-26), pp. 21-22.)		
(vi) a second connector disposed on the second another side of the body;	FIG. 1 shows a first illumination fan comprising a		

Claim / Limitation	Written Description Support	
	Second Side 7 Body Connector 6 Second 7 Second 7 Second 7 Second 8 Second 7	
	Fig. 1	
	(See Ex-1001 at FIG. 1, 2:64-65; Ex-1002 at FIG. 1 (pp. 59), pp. 57; Ex-2017 at FIG. 1 (pp. 25.), pp. 21-22.)	
(B) wherein the power socket is electrically connected with the first connector, the second	The text of the specification describes the limitations of (B), as shown below.  • "In order to achieve the above and other	

(B) wherem the power socket is electrically connected with the first connector, the second connector, the center fan and the illumination area, such that when the power socket on the one-first side of the body is supplied with power, the center fan and the illumination area of the body of the first illumination fan are respectively driven into rotation and illumination; and

objects, the present invention provides an illumination fan connectable with at least one illumination fan for a computer, which may include a body, provided with a fan in a center of the body, an illumination area on at least two sides of the fan at top of the body, a power socket and a first connector on one side of the body, and a second connector on another side of the body, wherein the power socket is electrically connected with the first connector, the second connector, the fan and the illumination area, such that when the power socket on the one side of the body is supplied with power, the fan and the illumination area of the body can be respectively driven into rotation and illumination..."

Claim / Limitation	Written Description Support			
	(See Ex-1001 at 1:53-2:2; Ex-1002 at pp. 55; Ex-			
	2017 at pp. 20.)			
(C) when the first	The text of the specification describes the limitations			
connector of the body is	of (C), as shown below.			
connected with a second				
connector of a body of	"In order to achieve the above and other			
another the second	objects, the present invention provides an			
illumination fan, a center	illumination fan connectable with at least one			
fan and an illumination	illumination fan for a computer, which may			
area of the body of	include a body, provided with a fan in a center			
another the second	of the body, an illumination area on at least			
illumination fan are	two sides of the fan at top of the body, a power			
respectively driven into	socket and a first connector on one side of the			
rotation and illumination.	body, and a second connector on another side			
	of the body, wherein the power socket is			
	electrically connected with the first connector,			
	the second connector, the fan and the			
	illumination area, such that when the power			
	socket on the one side of the body is supplied			
	with power, the fan and the illumination area of the body can be respectively driven into			
	rotation and illumination, and when the first			
	connector of the body is connected with a			
	second connector of a body of another			
	illumination fan, a fan and an illumination			
	area of the body of another illumination fan			
	can be respectively driven into rotation and			
	illumination."			
	(Ex-1001 at 1:53-2:2; Ex-1002 at pp. 55; Ex-2017 at			
	pp. 20.)			

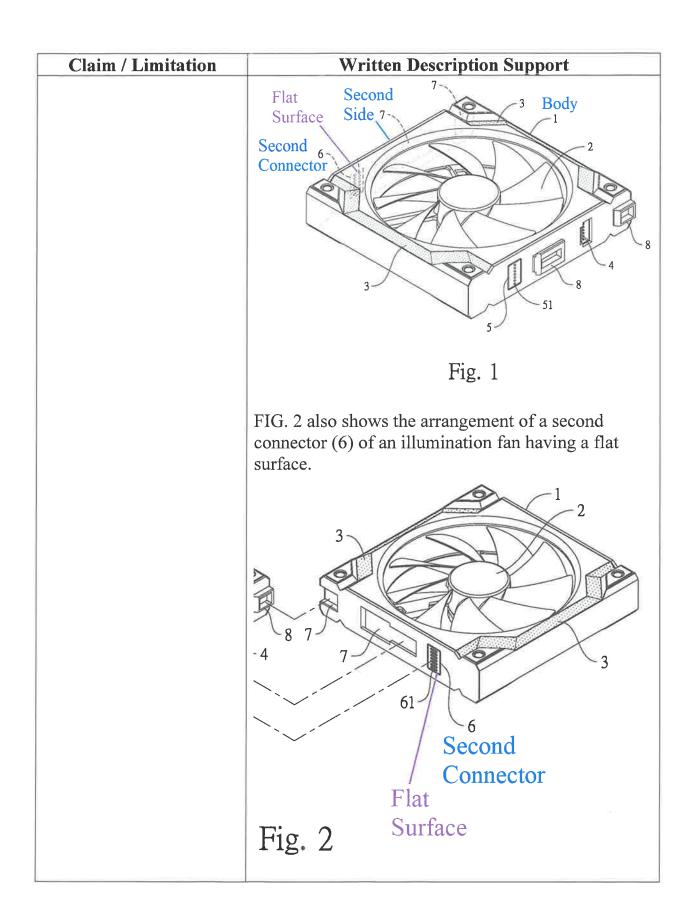
# B. <u>Claim 7</u>

Claim 7 includes all the limitations of claim 1, plus additional limitations supported by Figures 1-3 and the corresponding text of the '336 patent and its

priority applications. Specifically, claim 7 includes all the limitations of claim 6 plus additional limitations relating to a flat surface of the first and second connectors.

Claim / Limitation	Written Description Support		
7. An system comprising a first illumination fan for a computer connectable with a second at least one illumination fan for a computer, wherein:	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.		
(A) the first illumination fan comprisinges:  (i) a body comprising a top, a bottom, and sides, wherein the sides include at least a first side and a second side;	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.		
(ii), provided with a center fan located in a center of the body;	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.		
(iii) an illumination area located at the top of the body and disposed on at least two sides of the fan at top of the body;	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.		
(iv) a power socket comprising an opening disposed on the first side of the body; and	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.		
(v) a first connector comprising a first flat surface disposed on the first one side of the body,	This limitation is identical to claim 6, except it further requires the first connector to have "a first flat surface."		
wherein the first connector is structurally distinct and separable from the power socket, and wherein the first	FIG. 1 illustrate a first connector (5) with a first flat surface disposed on the first side of the body (1).		

Claim / Limitation	tation Written Description Support		
connector comprises a first electrical terminal configured to electrically connect with a second electrical terminal of the second illumination fan; and	See Ex-1001 at FIG. 1, 2:61-3:16 Ex-1002 at FIG. 1 (pp. 59), pp. 57; Ex-2017 at FIG. 1 (pp. 25), pp. 21-22.)		
(vi) a second	The remainder of this limitation is the same as that of claim 6 and thus has written description support for the same reasons provide above relative to claim 6.  This limitation is identical to claim 6, except it further requires the second connector to have "a		
connector comprising a second flat surface disposed on the second another side of the body;	further requires the second connector to have "a second flat surface."  FIG. 1 illustrates a second connector (6) with a second flat surface disposed on the second side of the body (1).		



Claim / Limitation	Written Description Support			
	(See Ex-1001 at FIGS. 1-2, 2:61-3:16, Ex-1002 at FIGS. 1-2 (pp. 59-60), pp. 57; Ex-2017 at FIGS. 1-2 (pp. 25-26), pp. 21-22.)			
(B) wherein the power socket is electrically connected with the first connector, the second connector, the center fan and the illumination area, such that when the power socket on the one-first side of the body is supplied with power, the center fan and the illumination area of the body of the first illumination fan are respectively driven into rotation and illumination;; and	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.			
(C) when the first connector of the body is connected with a second connector of a body of another the second illumination fan, a center fan and an illumination area of the body of another the second illumination fan are respectively driven into rotation and illumination.	This limitation is identical to claim 6, and thus has written description support for the same reasons provide above relative to claim 6.			

### VII. The Substitute Claims Are Patentable

When a Patent Owner files a Motion to Amend in an IPR, the burden to establish unpatentability lies only with Petitioner. Aqua Products Inc. v. Matal, 872 F.3d 1290, 1307 (Fed. Cir. 2017) ("Congress's choice reflects its intention that the burden of proof be placed on the petitioner for all propositions of unpatentability arising during IPRs, whether related to originally challenged or entered amended claims."). Patent Owner need only meet the requirements of 35 U.S.C. § 316(d) and 37 C.F.R. § 41.121(a)(2)-(3) and (b)(1)-(2), and the Board will proceed to determine whether the substitute claims are unpatentable by a preponderance of the evidence based on the entirety of the record. (See 37 C.F.R. § 41.121(d)(1); Patent Trial and Appeal Board, Consolidated Trial Practice Guide, November 2019 at 67-8.) Further, although Patent Owner need not do so, out of an abundance of caution, below Patent Owner provides a few reasons why the prior art recited in the Grounds fails to render the substitute independent claim unpatentable.

Independent claims 6 and 7 both require "(iv) a power socket comprising an opening located on the first side of the body" and "(v) a first connector disposed on the first side of the body, wherein the first connector is structurally distinct and separable from the power socket…" None of the cited prior art disclose, teach or suggest these requirements. Ex-2006, ¶ 117.

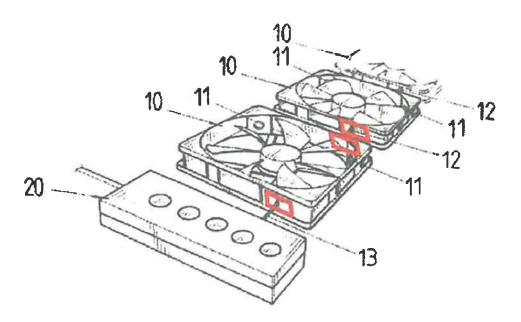
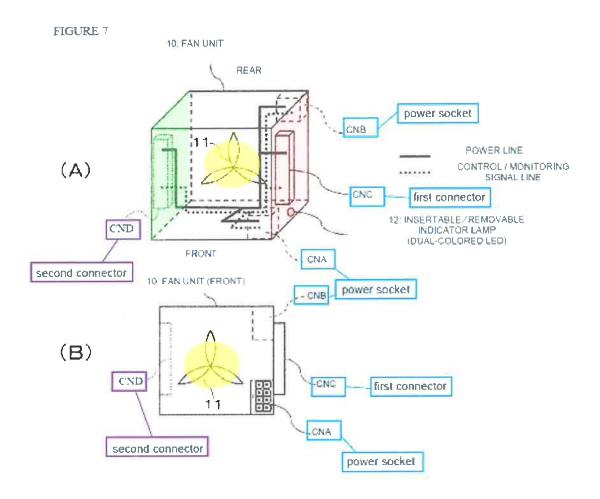


FIG. 3 of Lai (modified to position connectors on sides of the LED fan 10 body as shown in red boxes)

As can be seen above, Lai discloses (at best) a *single* connector on each of the two opposite sides of a fan body, but Lai fails to disclose "(iv) a power socket comprising an opening located on the first side of the body" *and* "(v) a first connector disposed on the first side of the body, wherein the first connector is structurally distinct and separable from the power socket …." Ex-2006, ¶ 118.

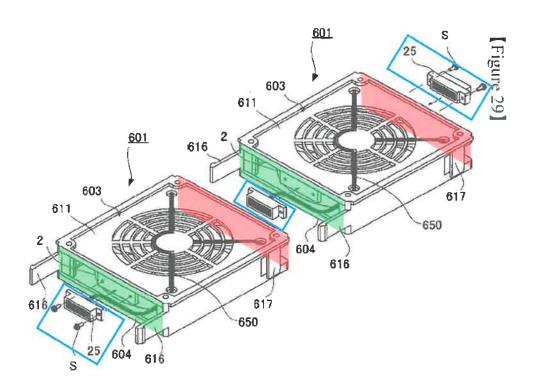
Tsuji also fails to disclose the requirements of "(iv) a power socket comprising an opening located on the first side of the body" and "(v) a first connector disposed on the first side of the body, wherein the first connector is structurally distinct and separable from the power socket...." Tsuji discloses the use of either a CNC connector having a protrusion or a CND connector having an opening, but not <u>both</u>

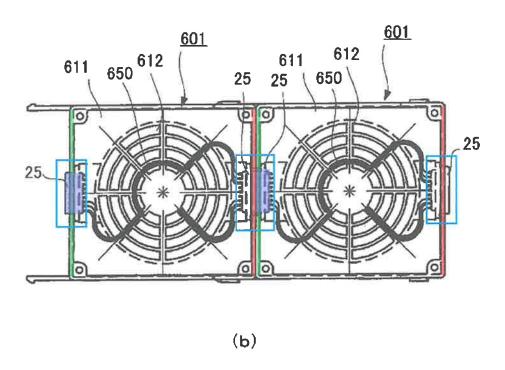
a power socket having an opening on the fan body's first side and a distinct first connector located on the *same* first side. Further, neither the CNC connector nor the CND connector of Tsuji has a flat surface as required by claim 7. Ex-2006, ¶ 119.



Hasegawa (JP 2005051085 A) is cumulative of Tsuji with respect to the connectors. Accordingly, Hasegawa also fails to disclose, teach or suggest the requirements of "(iv) a power socket comprising an opening located on the first side of the body" and "(v) a first connector disposed on the first side of the body, wherein the first connector is structurally distinct and separable from the power socket …."

Ex-2006, ¶ 120. As shown below, Hasegawa's arrangement has only a single connector (boxed in blue or purple) on each side (green or red) of the body:





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Huang also fails to disclose "(iv) a power socket comprising an opening

located on the first side of the body" and "(v) a first connector disposed on the first

side of the body, wherein the first connector is structurally distinct and separable

from the power socket ...." Specifically, Huang discloses no power socket or

connector at all. Thus, Huang cannot cure the deficiencies of Lai, Tsuji,

and/or Hasegawa. Ex-2006, ¶ 121.

For at least the above reasons, substitute claims 6 and 7 patentably define over

the prior art of Tsuji, Huang, Lai, and Hasegawa. Ex-2006, ¶ 122.

VIII. <u>Conclusion</u>

In view of the foregoing, the Contingent Motion to Amend should be granted

in the event that the original claims 2 and/or 3 are found unpatentable.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date: May 14, 2025

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### CERTIFICATE OF SERVICE

I hereby certify that on this 14th of May 2025, a copy of this Patent Owner's Contingent Motion to Amend Pursuant to 37 C.F.R. § 42.121 including all attachments and exhibits has been served in its entirety via electronic mail by emailing Petitioner's below counsel as per Petitioner's Mandatory Notices.

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GREENBERG TRAURIG, LLP

Date: May 14, 2025

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### **APPENDIX A**

### REDLINED AND CLEAN VERSIONS OF THE PROPOSED SUBSTITUTE

## Redlined Version (Relative to Original Claim 1)

- 6. An system comprising a first illumination fan for a computer connectable with a second at least one illumination fan for a computer, wherein:
  - (A) the first illumination fan comprisinges:
  - (i) a body comprising a top, a bottom, and sides, wherein the sides include at least a first side and a second side;
    - (ii), provided with a center fan located in a center of the body;
  - (iii) an illumination area located at the top of the body and disposed on at least two sides of the center fan at top of the body;
  - (iv) a power socket comprising an opening disposed on the first side of the body; and
  - (v) a first connector disposed on the first one-side of the body, wherein the first connector is structurally distinct and separable from the power socket, and wherein the first connector comprises a first electrical terminal configured to electrically connect with a second electrical terminal of the second illumination fan; and
  - (vi) a second connector disposed on the second another side of the body;
- (B) wherein the power socket is electrically connected with the first connector, the second connector, the center fan and the illumination area, such that when the power socket on the one-first side of the body is supplied with power, the

center fan and the illumination area of the body of the first illumination fan are respectively driven into rotation and illumination; and

- (C) when the first connector of the body is connected with a second connector of a body of another-the second illumination fan, a center fan and an illumination area of the body of another-the second illumination fan are respectively driven into rotation and illumination.
- 7. An system comprising a first illumination fan for a computer connectable with a second at least one illumination fan for a computer, wherein:
  - (A) the first illumination fan comprisinges:
  - (i) a body comprising a top, a bottom, and sides, wherein the sides include at least a first side and a second side;
    - (ii), provided with a center fan located in a center of the body;
  - (iii) an illumination area located at the top of the body and disposed on at least two sides of the center fan at top of the body;
  - (iv) a power socket comprising an opening disposed on the first side of the body; and
  - (v) a first connector comprising a first flat surface disposed on the first one-side of the body, wherein the first connector is structurally distinct and separable from the power socket, and wherein the first connector comprises a first electrical terminal configured to electrically connect with a second electrical terminal of the second illumination fan; and
  - (vi) a second connector comprising a second flat surface disposed on the second another side of the body;
- (B) wherein the power socket is electrically connected with the first connector, the second connector, the center fan and the illumination area, such that when the power socket on the one-first side of the body is supplied with power, the

center fan and the illumination area of the body of the first illumination fan are respectively driven into rotation and illumination; and

(C) when the first connector of the body is connected with a second connector of a body of another the second illumination fan, a center fan and an illumination area of the body of another the second illumination fan are respectively driven into rotation and illumination.

### Clean Version

- 6. A system comprising a first illumination fan for a computer connectable with a second illumination fan for a computer, wherein:
  - (A) the first illumination fan comprises:
  - (i) a body comprising a top, a bottom, and sides, wherein the sides include at least a first side and a second side;
    - (ii), a center fan located in a center of the body;
  - (iii) an illumination area located at the top of the body and disposed on at least two sides of the center fan;
  - (iv) a power socket comprising an opening disposed on the first side of the body;
  - (v) a first connector disposed on the first side of the body, wherein the first connector is structurally distinct and separable from the power socket, and wherein the first connector comprises a first electrical terminal configured to electrically connect with a second electrical terminal of the second illumination fan; and
    - (vi) a second connector disposed on the second side of the body;
- (B) the power socket is electrically connected with the first connector, the second connector, the center fan and the illumination area, such that when the power socket on the first side of the body is supplied with power, the center fan and the illumination area of the body of the first illumination fan are respectively driven into rotation and illumination; and
- (C) when the first connector of the body is connected with a second connector of a body of the second illumination fan, a center fan and an illumination area of the body of the second illumination fan are respectively driven into rotation and illumination.

- 7. A system comprising a first illumination fan for a computer connectable with a second illumination fan for a computer, wherein:
  - (A) the first illumination fan comprises:
  - (i) a body comprising a top, a bottom, and sides, wherein the sides include at least a first side and a second side;
    - (ii), a center fan located in a center of the body;
  - (iii) an illumination area located at the top of the body and disposed on at least two sides of the center fan;
  - (iv) a power socket comprising an opening disposed on the first side of the body;
  - (v) a first connector comprising a first flat surface disposed on the first side of the body, wherein the first connector is structurally distinct and separable from the power socket, and wherein the first connector comprises a first electrical terminal configured to electrically connect with a second electrical terminal of the second illumination fan; and
  - (vi) a second connector comprising a second flat surface disposed on the second side of the body;
- (B) the power socket is electrically connected with the first connector, the second connector, the center fan and the illumination area, such that when the power socket on the first side of the body is supplied with power, the center fan and the illumination area of the body of the first illumination fan are respectively driven into rotation and illumination; and
- (C) when the first connector of the body is connected with a second connector of a body of the second illumination fan, a center fan and an illumination area of the body of the second illumination fan are respectively driven into rotation and illumination.

# **APPENDIX B**

# Listing of Potentially Material Art Known to Patent Owner from the District Court Litigation

Doc code: IDS Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-25)
Approved for use through 11/30/2027. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		16403867	
INFORMATION DISCLOSURE	Filing Date		2019-05-06	
STATEMENT BY APPLICANT	First Named Inventor	Chien	Chien-Hao Chen	
STATEMENT BY APPLICANT	Art Unit		2875	
	Examiner Name	Bao C	Q Truong	
	Attorney Docket Numb	er	5900/0619PUS1	

						U.S.	PATENTS				
Examiner Initial*	Cite No	Р	atent Number	Kind Code <sup>1</sup>	Issue D	Date	Name of Inve	entor of cited	Relev	es, Columns, Lines wher vant Passages or Relev es Appear	
	1	10	0,690,336		2020-06	6-23	Chien-Hao Ch	en			
If you wisl	h to ac	dd a	dditional U.S. Pater	nt citatio	n inform	ation, p	lease click the	Add button.			
				U.S. P	ATENT	APPLI	CATION PUB	LICATIONS			
Examiner Initial*	Cite I	No	Publication Number	Kind Code <sup>1</sup>	Publica Date	ation	of cited Document		Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1										
If you wisl	h to ac	dd a	dditional U.S. Publi	shed Ap	plicatior	n citation	n information,	please click the Ac	d butt	on.	
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Examiner Initial*	Cite No	l .	reign Document mber <sup>3</sup>	Country Code <sup>2</sup> i		Kind Code <sup>4</sup>	Publication Date	Name of Patente Applicant of cited Document		Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1										
If you wisl	h to ac	ld a	dditional Foreign Pa	atent Do	cument	citation	information, p	lease click the Ado	d butto	 n	
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INFO	RMAT	ION D	ISCL(	<b>OSURE</b>
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Application Number		16403867
Filing Date		2019-05-06
First Named Inventor Chien		-Hao Chen
Art Unit		2875
Examiner Name Bao C		Truong
Attornev Docket Numb	er	5900/0619PUS1

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If you wish to a	add add	litional non-patent literature document citation information, please click the A	dd button				
	EXAMINER SIGNATURE						
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*EXAMINER: Initial if reference considered and whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							
<sup>1</sup> See Kind Codes of USPTO Patent Documents at <a href="https://www.USPTO.GOV">www.USPTO.GOV</a> or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.							

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number		16403867
Filing Date		2019-05-06
First Named Inventor Chien		-Hao Chen
Art Unit		2875
Examiner Name Bao C		Truong
Attorney Docket Numb	er	5900/0619PUS1

Please see 37 CFR 1.97(e) to make the	TIMING STA ne appropriate selection(s):	TEMENT				
from a foreign patent office in a	of information contained in the information disclosure statement was first cited in any communication atent office in a counterpart foreign application not more than three months prior to the filing of the osure statement. See 37 CFR 1.97(e)(1).					
OR						
That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).						
See attached timing statement un	nder 37 CFR 1.97(e).					
A timing statement under 37 CFR	* *					
	TIMING FI					
The fee set forth in 37 CFR 1.17(p) has been submitted herewith.						
	COPIES					
An identification of an earlier application pursuant to 37 CFR 1.98(d)(1) is attached.						
SIZE FEE ASSERTION						
Please see 37 CFR 1.17(v) and the <u>IDS Auto-Load Instructions</u> for completing this form to make the appropriate selection of an assertion under 37 CFR 1.98. For the information disclosure statement (IDS) submitted herewith, the applicant or patent owner certifies the following with respect to the cumulative number of applicant-provided or patent-owner provided items of information submitted to date including those in the accompanying IDS (select only one):						
☐ No IDS size fee is required under 37 CI	FR 1.17(v) at this time.					
☐ The IDS is accompanied by the IDS	size fee under 37 CFR 1.17	7(v)(1).				
☐ The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(2).						
☐ The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(3).						
SIGNATURE  A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature.						
Signature		Date (YYYY-MM-DD)				
Name/Print		Registration Number				

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number		16403867
Filing Date		2019-05-06
First Named Inventor Chien		-Hao Chen
Art Unit		2875
Examiner Name Bao G		Truong
Attorney Docket Number		5900/0619PUS1

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.** 

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

10,690,336 (16 / 403,867)	Prod_Bates Range	Comment
20210318-P187874KR-OA		Received from
		pt20@mission.com.tw on
		2/25/25
20210428-P187874KR-claim		Received from
amendment		pt20@mission.com.tw on
		2/25/25
CN 101725571 A (Abstract)	LL-Thermaltake-0003315-	Production
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	LL-Phanteks-0003315-	
	LL-Phanteks-0003344 (abstract)	
CN 108457884 A		Cited by Examiner
CN 11241866620		Received from
		pt20@mission.com.tw on
		2/24/25
CN 11340163880		Received from
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		2/24/25
CN 209216026 U		Received from
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CN 219282042 U	THERM_001541-	Production
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CN100441883C	PHANTEKs-LL-00000498-	Production
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	PHANTEKs-LL-00000549	
CN101725571A	PHANTEKs-LL-00000470-	Production
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	THERM_002235 (Eng.)	
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CN2861563Y	LL-Thermaltake-0000198-	Production
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	LL-Phanteks-0003288 (abstract)	
DE20 2019 102 711 U1		Received from
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		2/24/25
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	LL-Phanteks-0002473	
Evaluation Report of Utility Model		Received from
Patent		pt20@mission.com.tw on
		2/24/25
https://web.archive.org/web/2017	LL-Thermaltake-0000358-	Invalidity Contentions
0127133839/www.nzxt.com/produ	LL-Thermaltake-0000363	
ct-overview/aer-rgb-features		
https://web.archive.org/web/2017	THERM_000404	Invalidity Contentions
0619152048/https:/sta3-		
nzxtcorporation.netdna-		
ssl.com/uploads/download/attach		
ment/600/Aer_RGB-manual-		
<u>092116-ver2.pdf</u>		
https://web.archive.org/web/2017	THERM_001020-THERM_001041	Invalidity Contentions
0926165840/https:/news.xfastest.c		
om/review/review-focus/41087/in-		
win-polaris-rgb-fan-review/		
https://www.youtube.com/watch?		Invalidity Contentions
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	LL-Thermaltake-0000916	
	LL-Thermaltake-0000917	
	THERM_000007	
	LL-Thermaltake-0000567 (video)	
https://www.youtube.com/watch?	1	Invalidity Contentions
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	LL-Thermaltake-0000844	
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JP2005051085A	THERM_001708-	IPR2024-01230
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	THERM_001745-	
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	THERM_002346-	
	THERM_002382 (Ex. 1013)	
	THERM_002414-	
	THERM_002451 (Ex. 1014, Eng.)	
JP2005-123685A	PHANTEKs-LL-00000312-	Production
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JP2010205972A	LL-Thermaltake-0000924-LL-	Invalidity Contentions
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KR2020190002333	LL-Phanteks-0003119-	
	LL-Phanteks-0003122	
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	LL-Phanteks-0000384-	
	LL-Phanteks-0000403	
TW M571644-20181211	LL-Thermaltake-0000277-	From nsg@gikkaslaw.com
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	LL-Phanteks-0000277-	
	LL-Phanteks-0000298	
	LL-Phanteks-0000420-	
	LL-Phanteks-0000424	
	LL-Phanteks-0000592-	
	LL-Phanteks-0000613	
	LL-Phanteks-0000614-	
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US 2001/0028841 A1	PHANTEKs-LL-00000164-	Production
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	LL-Phanteks-0000626	
US20040115986A1	LL-Thermaltake-0002608-LL-	Cited by Examiner
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US2009/0214337A1	PHANTEKs-LL-00000063-	Production
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US2009/0246015A1	PHANTEKs-LL-00000051-	
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	Thermaltake-0002635	
	THERM_000012-	
	THERM 000021	
	_ LL-Phanteks-0000484-	
	LL-Phanteks-0000493	
	LL-Phanteks-0000762-	
	LL-Phanteks-0000771	
	LL-Phanteks-0002626-	
	LL-Phanteks-0002635	
US20150233391A1	THERM 001684-	IPR2024-01230
	THERM 001699	
	THERM 002330-	
	THERM_002345 (Ex. 1011)	
US2017/0331346 A1	LL-Thermaltake-0000494-	Cited by Examiner
	LL-Thermaltake-0000497	
	LL-Thermaltake-0000588-LL-	
	Thermaltake-0000591	
	THERM_000008-	
	THERM_000011	

10,690,336 (16 / 403,867)	Prod_Bates Range	Comment
US20170314777A1	LL-Thermaltake-0003141-	Invalidity Contentions
	LL-Thermaltake-0003150	IPR2024-01230
	THERM_001700-	
	THERM_001707	
	THERM_002131-	
	THERM 002161	
	PHANTEKs-LL-00000043-	
	PHANTEKs-LL-00000050	
	LL-Phanteks-0003141-	
	L-Phanteks-0003150	
US20170331346A1	LL-Thermaltake-0002636-	Production
	LL-Thermaltake-0002639	
	LL-Phanteks-0000494-	
	LL-Phanteks-0000497	
	LL-Phanteks-0000588-	
	LL-Phanteks-0000591	
	LL-Phanteks-0002636-	
	LL-Phanteks-0002639	
US20180231241A1	LL-Thermaltake-0000498-	Invalidity Contentions
03201002312117(1	LL-Thermaltake-0000508	From nsg@gikkaslaw.com
	LL-Thermaltake-0000577-	on 10/6/2023
	LL-Thermaltake-0000587	011 10/ 0/ 2023
	THERM_000025-	
	THERM 000035	
	LL-Phanteks-0000498-	
	LL-Phanteks-0000508	
	LL-Phanteks-0000577-	
	LL-Phanteks-0000587	
US20190242688A	LL-Thermaltake-0002640-	Cited by Examiner
0320130242088A	LL-Thermaltake-0002653	Production
	LL-Phanteks-0002640-	rioddetion
	LL-Phanteks-0002653	
US20190301473A1	LL-Thermaltake-0002654-	Cited by Examiner
0320130301473711	LL-Thermaltake-0002666	Production
	LL-Phanteks-0002654-	rioddetion
	LL-Phanteks-0002666	
US2020208832A1	LL-Filanteks-0002000	Espacenet
	LL-Thermaltake-0002667-LL-	Production
US20220381253A1	Thermaltake-0002689	Froduction
	LL-Phanteks-0002667-	
	LL-Phanteks-0002689	
LIC2022018800144		Dradustian
US20230188001A1	LL-Thermaltake-0002690-LL-	Production
	Thermaltake-0002719	
	LL-Phanteks-0002690-	
	LL-Phanteks-0002719	

10,690,336 (16 / 403,867)	Prod_Bates Range	Comment
US6,679,771	LL-Thermaltake-0000436-	Invalidity Contentions
	LL-Thermaltake-0000443	
	LL-Thermaltake-0000946-LL-	
	Thermaltake-0000955	
	LL-Phanteks-0000436-	
	LL-Phanteks-0000443	
	LL-Phanteks-0000946-	
	LL-Phanteks-0000955	
US6,827,549 B1	PHANTEKs-LL-00000032-	Production
	PHANTEKs-LL-00000042	
US7332841	LL-Thermaltake-0000444-	Cited by Examiner
	LL-Thermaltake-0000457	
	LL-Thermaltake-0002573-	
	LL-Thermaltake-0002586	
	LL-Phanteks-0000444-	
	LL-Phanteks-0000457	
	LL-Phanteks-0002573-	
	LL-Phanteks-0002586	
US7563070	LL-Thermaltake-0000458-LL-	Production
	Thermaltake-0000464	
	LL-Phanteks-0000458-	
	LL-Phanteks-0000464	
US8,162,691	LL-Thermaltake-0000956-LL-	Invalidity Contentions
	Thermaltake-0000970	
	THERM_000708-	
	THERM_000722	
	LL-Phanteks-0000956-	
	LL-Phanteks-0000970	
WO 2008/061519 A1	LL-Thermaltake-0003153-	Production
	LL-Thermaltake-0003184	
	THERM_001859-	
	THERM_001889	
	THERM_001890-	
	THERM_001907 (abstract)	
	THERM_002383-	
	THERM_002413	
	 THERM_002452-	
	THERM_002468 (abstract)	
	PHANTEKs-LL-00000001-	
	PHANTEKs-LL-00000031	
	LL-Phanteks-0003153-	
	LL-Phanteks-0003184 (Eng.)	
	LL-Phanteks-0003185-	
	LL-Phanteks-0003202 (abstract)	