

1 COOLEY LLP
 2 REUBEN H. CHEN (SBN 228725)
 rchen@cooley.com
 3 KYLE D. CHEN (SBN 239501)
 kyle.chen@cooley.com
 4 3175 Hanover Street
 Palo Alto, CA 94304-1130
 5 Telephone: (650) 843-5000
 Facsimile: (650) 849-7400

6 Attorneys for Defendant
 7 CMI USA, Inc.

FINNEGAN, HENDERSON, FARABOW,
 GARRETT & DUNNER, LLP

ROBERT F. MCCAULEY (SBN 162056)
 robert.mccauley@finnegan.com
 ERIK R. PUKNYS (SBN 190926)
 erik.puknys@finnegan.com
 JEFFREY D. SMYTH (SBN 280665)
 jeffrey.smyth@finnegan.com
 3300 Hillview Avenue
 Palo Alto, California 94304
 Tel: (650) 849-6600
 Fax: (650) 849-6666

ARPITA BHATTACHARYYA
 (*pro hac vice*)
 arpita.bhattacharyya@finnegan.com
 Two Seaport Lane, 6th Floor
 Boston, MA 02210-2001
 Telephone: (617) 646-1600
 Facsimile: (617) 646-1666

Attorneys for Plaintiff
 ASETEK DANMARK A/S

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

20 ASETEK DANMARK A/S,
 21 Plaintiff,
 22 v.
 23 CMI USA., INC. fka COOLER MASTER
 USA, INC.,
 24 Defendant.

Case No. 3:13-cv-00457 JST

**JOINT STIPULATION TO APPROVE
 BOND AND TO STAY EXECUTION OF
 JUDGMENT THROUGH APPEAL
 PURSUANT TO FRCP 62; ~~PROPOSED~~
 ORDER**

Complaint Filed: January 31, 2013
 Trial Date: December 2, 2014
 Judge: Jon S. Tigar

1 Plaintiff Asetek Danmark A/S (“Asetek”) and Defendant CMI USA, Inc. (“CMI”)
2 (collectively the “Parties”) respectfully submit this joint stipulation pursuant to Federal Rule of
3 Civil Procedure 62(d) (“Rule 62(d)”) for entry of an order by this Court: (1) approving the
4 supersedeas bond in the amount of \$607,500.00 submitted herewith in combination with a
5 supplemental cash deposit in the amount of \$37,000 as the “supersedeas bond” provided in Rule
6 62(d), and (2) staying execution of the Court’s “Revised Judgment” entered on June 2, 2015 (Dkt.
7 No. 261) and the amended judgment to be entered pursuant to the Court’s September 22, 2015
8 Order Denying Defendant’s Post-Trial Motions; Granting in Part and Denying in Part Plaintiff’s
9 Post-Trial Motions (Dkt. No. 322, hereinafter the “Order”) (collectively the “Judgment”), pending
10 CMI’s appeal to the United States Court of Appeals for the Federal Circuit. Said bond in the
11 amount of \$607,500.00 is attached as Exhibit 1 to the Declaration of Kyle Chen in Support of the
12 Parties’ Stipulation. The parties have met and conferred and stipulate that the cash deposit of
13 \$37,000 will be submitted to the Court to hold in escrow pending the appeal. CMI will submit a
14 cashier’s check or equivalent form of payment to the Court within ten (10) days of the Court’s
15 expected order approving this joint stipulation. As directed on the Court’s website, the check will
16 be made payable to “Clerk, U.S. District Court,” will include reference to the case number, and
17 will be delivered or mailed to “U.S. District Court, 450 Golden Gate Avenue., San Francisco, CA
18 94102,” along with a copy of the expected order approving this stipulation.

19 CMI filed a Notice of Appeal on September 30, 2015 (Dkt. No. 323) within the time limit
20 prescribed in Federal Rule of Appellate Procedure 4 after the Order. Rule 62(d) states: “[i]f an
21 appeal is taken, the appellant may obtain a stay by supersedeas bond” and “[t]he stay takes effect
22 when the court approves the bond.”¹ The Parties hereby stipulate that the bond in the amount of
23 \$607,500.00 in combination with the supplemental cash deposit of \$37,000 to be deposited with
24 the Court (collectively the “Plaintiff’s Security”) satisfies and has the same legal effect as the

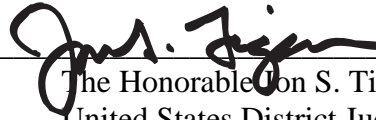
25 _____
26 ¹ Rule 62(d) provides that enforcement of a judgment may be stayed as a matter of right pending
27 appeal, provided a supersedeas bond is posted. Fed. R. Civ. P. 62(d); *Fed. Prescription Serv.,*
28 *Inc. v. Am. Pharm. Ass’n*, 636 F.2d 755, 760-61 (D.C. Cir. 1980); 12-62 *Moore’s Federal*
Practice – Civil § 62.03 (2015).

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~~PROPOSED~~ ORDER

Pursuant to the Parties' joint stipulation, IT IS SO ORDERED.

Dated: October 21, 2015



The Honorable Jon S. Tigar
United States District Judge
Northern District of California

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