

**United States Court of Appeals
for the Federal Circuit**

ASETEK DANMARK A/S,
Plaintiff-Appellee

v.

**CMI USA INC., FKA COOLER MASTER USA, INC.,
COOLER MASTER CO., LTD.,**
Defendants-Appellants

2016-1026, 2016-1183

Appeals from the United States District Court for the
Northern District of California in No. 3:13-cv-00457-JST,
Judge Jon S. Tigar.

ON PETITION FOR PANEL REHEARING

Before PROST, *Chief Judge*, NEWMAN, and TARANTO,
Circuit Judges.

PER CURIAM.

ORDER

The petition for panel rehearing is granted in part.
The opinion of the court, *Asetek Danmark A/S v. CMI
USA INC.*, 842 F.3d 1350 (Fed. Cir. 2016), is modified as
follows:

At 842 F.3d at 1353, “Opinion dissenting in part filed by Chief Judge Prost” is deleted.

At 842 F.3d at 1367, the paragraph that begins “Two final, related points. ...” is replaced by the following:

Two final, related points. First, the need for further proceedings to determine the proper reach of the injunction in this case leads us to vacate the injunction, effective upon issuance of our mandate, insofar as the injunction reaches conduct by Cooler Master that does not abet new violations by CMI. The district court is to conduct those proceedings in as reasonably prompt a fashion as possible. Our partial vacatur of the injunction does not foreclose Asetek from pursuing reinstatement of the vacated portion of the injunction should there be unjustifiable delay by Cooler Master in completing the proceedings, or from pursuing any other remedies against Cooler Master, if otherwise authorized by law.

At 842 F.3d at 1367, the sentence in the CONCLUSION that begins “Insofar as ...” is replaced by the following:

Insofar as the injunction reaches such conduct, we vacate the injunction and remand for further consideration in accordance with this opinion.

At 842 F.3d at 1367, “AFFIRMED IN PART, REMANDED IN PART” is replaced by “AFFIRMED IN PART, VACATED IN PART, REMANDED IN PART.”

At 842 F.3d at 1367–71, Chief Judge Prost’s partial dissent is withdrawn.

The revised opinion accompanies this order.

ASETEK DANMARK A/S v. CMI USA INC.

3

IT IS SO ORDERED.

FOR THE COURT

April 3, 2017
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court