**BEFORE THE UNITED STATES**

**JUDICIAL PANEL ON**

**MULTIDISTRICT LITIGATION**

| | |
|---|---|
| In re:<br><br>Valtrus Patent Litigations | MDL-____ |

**BRIEF IN SUPPORT OF VALTRUS INNOVATIONS LTD.'S AND KEY PATENT INNOVATIONS LTD.'S MOTION FOR TRANSFER OF ACTIONS AND CONSOLIDATION PURSUANT TO 28 U.S.C. § 1407**

# TABLE OF CONTENTS

**Page**

# TABLE OF AUTHORITIES

**Page(s)**

**Cases**

**Statutes**



**Rules**



**Other Authorities**

## I. INTRODUCTION

This litigation presents a clear-cut case for multidistrict transfer and consolidation under 28 U.S.C. § 1407 and Rule 6.2 of the Rules of the Judicial Panel on Multidistrict Litigation. Valtrus Innovations Ltd. ("Valtrus") and Key Patent Innovations Ltd. ("KPI") (together, "Movants") are defendants in two declaratory judgment actions and plaintiffs in ten cases involving patents related to methods for data center cooling. All twelve cases arise out of U.S. patent law, 35 U.S.C. §101 *et seq*. All twelve cases involve overlapping patents. All twelve cases involve overlapping technology. And all twelve cases involve overlapping facts related to infringement, validity, and damages. The cases are:

- *Vertiv Corp. v. Valtrus Innovations Ltd.*, No. 24-cv-00361 (E.D. Tex. Aug. 22, 2025) (date second amended complaint filed);
- *Vertiv Corp. v. Valtrus Innovations Ltd., et al.*, No. 26-cv-00084 (E.D. Tex. Feb. 2, 2026);
- *Valtrus Innovations Ltd., et al. v. EvoDC, LLC*, No. 26-cv-00286 (E.D. Tex. Apr. 9, 2026);
- *Valtrus Innovations Ltd., et al. v. STACK Infrastructure, Inc.*, No. 26-cv-00287 (E.D. Tex. Apr. 9, 2026);
- *Valtrus Innovations Ltd., et al. v. Cologix, Inc*., No. 26-cv-03884 (D.N.J. Apr. 13, 2026);
- *Valtrus Innovations Ltd., et al. v. Iron Mountain Data Centers LLC*, No. 26-cv-03890 (D.N.J. Apr. 13, 2026);
- *Valtrus Innovations Ltd., et al. v. H5 Data Centers LLC*, No. 26-cv-03886 (D.N.J. Apr. 13, 2026);
- *Valtrus Innovations Ltd., et al. v. Netrality Properties, LP*, No. 26-cv-03929 (N.D. Ill. Apr. 8, 2026);
- *Valtrus Innovations Ltd., et al. v. NTT Global Data Centers Americas, Inc*., No. 26-cv-03945 (N.D. Ill. Apr. 9, 2026);
- *Valtrus Innovations Ltd., et al. v. CoreSite, LLC*, No. 26-cv-03926 (N.D. Ill. Apr. 8, 2026);

- *Valtrus Innovations Ltd., et al. v. Prime Data Centers, LLC*, No. 26-cv-03958 (N.D. Ill. Apr. 9, 2026); and
- *Valtrus Innovations Ltd., et al. v. Lumen Technologies, Inc*., No. 26-cv-01346 (W.D. La. Apr. 27, 2026).

Currently, these actions span four judicial districts and are pending before seven different judges. Transfer and consolidation of these actions would conserve judicial resources, prevent duplicative discovery, protect against inconsistent pre-trial rulings and contradictory results, and provide a more convenient forum for the parties and potential witnesses. As explained further below, Movants respectfully request that this Panel centralize the cases before Judge Rodney Gilstrap in the Eastern District of Texas, as one of the declaratory actions has already made substantial progress—including claim construction—before Judge Gilstrap.

## II. FACTUAL BACKGROUND

### A. The Parties

Valtrus is the successor in interest to a substantial patent portfolio created by Hewlett Packard Enterprise. KPI is the beneficiary of a trust pursuant to which Valtrus owns, holds, and asserts the patents at issue. Included in Movants' patent portfolio are several patents related to methods for data center cooling.

Vertiv Corporation ("Vertiv") manufactures and sells equipment used in cooling data centers. Vertiv is the plaintiff in two declaratory judgment actions against Valtrus and KPI. The remaining parties are all operators of data centers throughout the United States: EvoDC, LLC; STACK Infrastructure, Inc.; CoreSite, LLC; Lumen Technologies, Inc.; Netrality Properties, LP; NTT Global Data Centers Americas, Inc.; Prime Data Centers LLC; Cologix, Inc.; H5 Data Centers LLC; and Iron Mountain Data Centers LLC (together, "Data Center Defendants").

### B. The Present Cases

**The declaratory judgment actions.** On May 14, 2024, Vertiv filed a declaratory judgment action in the Northern District of Texas against Valtrus and KPI. That action was

subsequently transferred to the Eastern District of Texas and is now before Judge Gilstrap. Vertiv was given leave to file its operative complaint on September 12, 2025. *See Vertiv Corp. v. Valtrus Innovations Ltd., et al.*, No. 24-cv-00361, Dkts. 124 (second amended complaint), 143 (order granting leave to file second amended complaint) (*Vertiv I*). The only remaining issue in that case is whether certain of Vertiv's data center cooling products can be used by data center operator customers to infringe U.S. Patent No. 6,854,287 (filed Feb. 15, 2005) (the "'287 patent"), which Movants own.[1] On February 2, 2026, Vertiv filed a second declaratory judgment action in the Eastern District of Texas seeking, among other things, a declaration that its data center cooling products cannot be used by data center operator customers to infringe U.S. Patent Nos. 6,854,284 (filed Feb. 15, 2005) (the "'284 patent"), 6,868,682 (filed Mar. 22, 2005) (the "'682 patent"), and 6,868,683 (filed Mar. 22, 2005) (the "'683 patent"). *Vertiv Corp. v. Valtrus Innovations Ltd., et al.,* No. 26-cv-00084, Dkt. 1 (E.D. Tex. Feb. 2, 2026) (*Vertiv II*). That case is also before Judge Gilstrap. The parties have made significant headway in the first declaratory judgment action, including completion of claim construction as to the '287 patent and hiring of a technical advisor, and the Court has familiarity with the equipment and technology at issue. Valtrus has also moved to consolidate *Vertiv I* with *Vertiv II*. *See Vertiv I*, Dkt. 315. That motion remains pending.

**The data center operator actions.** In early April 2026, Movants filed new lawsuits against ten data center operators. These cases allege that the Data Center Defendants infringed the '287 patent and the '682 patent, with certain cases also alleging infringement of U.S. Patent No.

[1] The *Vertiv I* case has an unusual procedural posture—there are no counterclaims for infringement and no damages claims. The case involves only Vertiv's declaratory judgment claims for invalidity and noninfringement, with jurisdiction based solely on Vertiv's indemnity claims to its customers. *See Vertiv I*, Dkt. 253 (report and recommendations regarding motion to dismiss).

6,718,277 (filed Apr. 6, 2004) (the "'277 patent").[2] In particular, each case alleges that the Data Center Defendant used data center cooling equipment from Vertiv and/or another supplier to perform methods that infringe on the asserted patents. The equipment used to perform the claimed methods overlaps across all ten cases. For example, Vertiv supplied equipment used by multiple Data Center Defendants. Other suppliers whose equipment Data Center Defendants used include Stulz, Trane, DataAire, Schneider Electric, Automated Logic, and Nlyte. To the extent the same or similar products recur across facilities, the actions will raise overlapping factual issues concerning how those products operate, how they are configured and integrated into a data center cooling system, and whether those configurations satisfy the claimed methods.

The cases against the Data Center Defendants are currently scattered across seven different judges in four different jurisdictions. Three of these cases are before Judge Jamel Semper in the District of New Jersey. *Valtrus Innovations Ltd., et al. v. H5 Data Centers LLC*, No. 26-cv-03886 (D.N.J. Apr. 13, 2026); *Valtrus Innovations Ltd., et al. v. Cologix, Inc*., No. 26-cv-03884 (D.N.J. Apr. 13, 2026); *Valtrus Innovations Ltd., et al. v. Iron Mountain Data Centers LLC*, No. 26-cv-03890 (D.N.J. Apr. 13, 2026). One is before Judge Jorge Alonso in the Northern District of Illinois. *Valtrus Innovations Ltd., et al. v. CoreSite, LLC*, No. 26-cv-03926 (N.D. Ill. Apr. 8, 2026). One is before Judge John Tharp, Jr. in the Northern District of Illinois. *Valtrus Innovations Ltd., et al. v. Netrality Properties, LP*, No. 26-cv-03929 (N.D. Ill. Apr. 8, 2026). One is before Judge Virginia Kendall in the Northern District of Illinois. *Valtrus Innovations Ltd., et al. v. NTT Global Data Centers Americas, Inc*., No. 26-cv-03945 (N.D. Ill. Apr. 9, 2026). One is before Judge John

[2] The '277 patent was at issue in *Vertiv I* prior to January 15, 2026, and was included in claim construction. *See Vertiv I*, Dkt. 242. Valtrus no longer asserts the '277 patent against any data center operators based on use of Vertiv equipment based on a covenant not to sue agreement. *Id*.

Kness in the Northern District of Illinois. *Valtrus Innovations Ltd., et al. v. Prime Data Centers LLC*, No. 26-cv-03958 (N.D. Ill. Apr. 9, 2026). Two are before Judge Gilstrap in the Eastern District of Texas. *Valtrus Innovations Ltd., et al. v. EvoDC, LLC*, No. 26-cv-00286 (E.D. Tex. Apr. 9, 2026); *Valtrus Innovations Ltd., et al. v. STACK Infrastructure, Inc*., No. 26-cv-00287 (E.D. Tex. Apr. 9, 2026). And one has not yet had a judge assigned in the Western District of Louisiana. *Valtrus Innovations Ltd., et al. v. Lumen Technologies, Inc*., No. 26-cv-01346 (W.D. La. Apr. 27, 2026). Each of these cases is in early stages. No counsel for any Data Center Defendant has entered an appearance or filed an answering statement or motion.

**C. The Asserted Patents**

The patents at issue in the twelve cases overlap substantially. The ’287 patent is at issue in all cases involving Data Center Defendants and in the first declaratory judgement action, *Vertiv I*. The ’682 patent is also at issue in all cases involving the Data Center Defendants and in the second declaratory judgement action, *Vertiv II*. And, although not asserted as to Vertiv equipment, the ’277 patent is at issue in the majority of cases involving the Data Center Defendants. These three patents will be central in every case. The following chart identifies whether each of the three patents is at issue in the twelve cases:

| | Case | '287 Patent | '682 Patent | '277 Patent |
|---|---|---|---|---|
| **Declaratory Judgment Actions** | *Vertiv Corp. v. Valtrus Innovations Ltd.*, No. 24-cv-00361 (E.D. Tex. Jul 25, 2025) (amended complaint filed) | X | -- | -- |
| | *Vertiv Corp. v. Valtrus Innovations Ltd., et al.*, No. 26-cv-00084 (E.D. Tex. Feb. 2, 2026) | -- | X | -- |
| **Data Center Actions** | *Valtrus Innovations Ltd., et al. v. EvoDC, LLC*, No. 26-cv-00286 (E.D. Tex. Apr. 9, 2026) | X | X | -- |
| | *Valtrus Innovations Ltd., et al. v. STACK Infrastructure, Inc.*, No. 26-cv-00287 (E.D. Tex. Apr. 9, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. Cologix, Inc.*, No. 26-cv-03884 (D.N.J. Apr. 13, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. H5 Data Centers LLC*, No. 26-cv-03886 (D.N.J. Apr. 13, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. Iron Mountain Data Centers LLC*, No. 26-cv-03890 (D.N.J. Apr. 13, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. CoreSite, LLC*, No. 26-cv-03926 (N.D. Ill. Apr. 8, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. Netrality Properties, LP*, No. 26-cv-03929 (N.D. Ill. Apr. 8, 2026) | X | X | -- |
| | *Valtrus Innovations Ltd., et al. v. NTT Global Data Centers Americas, Inc.*, No. 26-cv-03945 (N.D. Ill. Apr. 9, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. Prime Data Centers, LLC*, No. 26-cv-03958 (N.D. Ill. Apr. 9, 2026) | X | X | -- |
| | *Valtrus Innovations Ltd., et al. v. Lumen Technologies, Inc.*, No. 26-cv-01346 (W.D. La. Apr. 27, 2026) | X | X | X |

Further, all patents relate to the same field of technology—data center cooling—and involve overlapping inventors. **The '287 patent** is generally directed to a "system and method for cooling a room configured to house a plurality of computer systems," Exhibit 13 at 1 (abstract), and names Cullen E. Bash and Chandrakant D. Patel as inventors. These inventors are also named on the '284, '682, and '683 Patents.

**The '682 patent** is directed to a system and method of "controlling the temperature in a data center." Exhibit 15 at 2:65-67. It names Messrs. Bash and Patel, as well as Ratnesh K. Sharma as inventors.

**The '277 patent** teaches "a method of controlling atmospheric conditions within a building" including "supplying a conditioned fluid inside of the building." Exhibit 17 at 2:42-46. It names Mr. Sharma as inventor. The '277 patent is only asserted against the Data Center Defendants for their use of non-Vertiv cooling equipment.

**The '284 and '683 patents** are only at issue in *Vertiv II*. The '284 patent teaches a "method of cooling a plurality of racks in a data center[.]" Exhibit 14 at 18:24-25. The '284 patent names Messrs. Bash, Patel, and Sharma, as well as Abdlmonem H. Beitelmal as inventors. The '683 patent also teaches a "method of cooling a plurality of racks in a data center[.]" Exhibit 16 at 18:23-24. The '683 patent names Messrs. Bash, Patel, Beitelmal, and Sharma as inventors. At this stage, neither of these patents has been asserted by Valtrus against any of the Data Center Defendants—Vertiv includes them in the declaratory judgment action based solely on their reference in prior infringement notice letters to Vertiv customers.

## III. LEGAL STANDARD

This Panel may order consolidation of two or more civil actions pending in different judicial districts when the cases (1) "involv[e] one or more common questions of fact"; (2) doing so is for the "convenience of parties and witnesses"; and (3) centralization will "promote the just and efficient conduct of such actions." 28 U.S.C. § 1407(a); *In re Midwest Energy Emissions Corp. Pat. Litig.*, 764 F. Supp. 3d 1380, 1381 (J.P.M.L. 2024) (analyzing consolidation by considering these three factors). Applying this standard, centralization may be warranted even where "different combinations of patents are asserted in the actions" and there is not complete overlap in the asserted patents across the proceedings. *In re Proven Networks, LLC, Pat. Litig.*,

492 F. Supp. 3d 1338, 1339 (J.P.M.L. 2020) (holding that centralization was warranted where various combinations of patents were asserted across eight cases and no single patent was present in all cases); *In re Denosumab Pat. Litig.*, 766 F. Supp. 3d 1336, 1338 (J.PM.L. 2025) (granting centralization despite "many non-overlapping patents [being] asserted against each defendant").

Similarly, centralization can be appropriate even where the accused products differ among the cases. *In re Proven Networks*, 492 F. Supp. 3d at 1339 ("[D]ifferences in the accused products and infringement allegations in the cases do not prevent centralization where common factual issues involving claim construction and patent invalidity are shared."); *In re Bear Creek Techs., Inc. ('722) Pat. Litig.*, 858 F. Supp. 2d 1375, 1379 (J.P.M.L. 2012) ("The Panel has often centralized litigation involving different products which allegedly infringe a common patent or patents."); *In re Mobile Telecomms. Techs., LLC Pat. Litig.*, 222 F. Supp. 3d 1337, 1338 (J.P.M.L. 2016) (same). Indeed, in cases like this one, which involve "complex technology patents that will require substantial time and effort by the courts when claim terms are construed," centralization of multiple pending cases in a single jurisdiction may "eliminate duplicative discovery; prevent inconsistent pretrial rulings . . . and conserve the resources of the parties, their counsel and the judiciary." *In re Taasera Licensing, LLC, Pat. Litig.*, 619 F. Supp. 3d 1352, 1352-53 (J.P.M.L. 2022); *In re RAH Color Techs. LLC Pat. Litig.*, 347 F. Supp. 3d 1359, 1360 (J.P.M.L. 2018) (granting centralization when nine overlapping patents were asserted in three different judicial districts); *In re TransData, Inc., Smart Meters Pat. Litig.,* 830 F. Supp. 2d 1381, 1382 (J.P.M.L. 2011) ("There are efficiencies to be gained by allowing the claim construction process to include all seven actions.").

## IV. ARGUMENT

Each of the Section 1407(a) factors supports centralization. Every proceeding involves the same complex data center cooling technology and at least one overlapping patent. Consolidation

in the Eastern District of Texas before Judge Gilstrap will conserve judicial resources because the Court is already familiar with the three relevant patents and technology at issue. And it will benefit the parties and witnesses by avoiding duplicative discovery and ensuring that key witnesses, like the inventors, are not required to travel to different jurisdictions on different timetables.

### A. All Twelve Actions Involve Common Questions of Fact and Law.

Centralization is warranted where there is at least some overlap of issues such that consolidation would "eliminate duplicative discovery, prevent inconsistent pretrial rulings (particularly on claim construction issues), and conserve the resources of the parties, their counsel and the judiciary." *In re RAH Color Techs.*, 347 F. Supp. 3d at 1360 (granting centralization when nine overlapping patents were asserted in three actions as "[a]ll actions involve factual questions about the alleged infringement, validity and enforceability" of the patents), *id.* at 1359. Here, because there are overlapping patents in actions across four judicial districts involving twelve defendants or declaratory judgment plaintiffs, there are common questions of fact and law as to at least discovery, claim construction, infringement, invalidity, and damages.

#### 1. All twelve actions involve overlapping patents.

This Panel has recognized that cases involving the same patents are particularly well-suited for consolidation because they present many common questions of fact. For example, in *In re Taasera Licensing*, this Panel granted consolidation of four actions involving eleven different patents, six of which were asserted in all four actions. 619 F. Supp. 3d at 1352. As this Panel explained, "[t]he actions can be expected to share factual questions concerning such matters as the technology underlying the patents, prior art, and claim construction. Centralization under Section 1407 will eliminate duplicative discovery; prevent inconsistent pretrial rulings (particularly with respect to claim construction); and conserve the resources of the parties, their counsel, and the judiciary." *Id.* Indeed, this Panel has recognized that consolidation is particularly appropriate in

the patent context because of the efficiencies it affords relating to claim construction: "by having a single judge become acquainted with the complex patented technology and construing the patent in a consistent fashion (as opposed to having six judges separately decide such issues)." *In re Bear Creek Techs.*, 858 F. Supp. 2d at 1380; *In re Pharmastem Therapeutics, Inc., Pat. Litig.*, 360 F. Supp. 2d 1362, 1364 (J.P.M.L. 2005) (similar).

As shown in the chart above, *see supra* at 6, there are three core patents that overlap across the twelve actions. The '287 patent, in particular, is at issue in every case involving a Data Center Defendant and in the first declaratory judgment action; similarly, the '682 patent is involved in every case against a Data Center Defendant and the second declaratory judgment action. Litigation of each case involving those patents will involve common legal and factual issues. Although no Data Center Defendant has filed an answering statement, Movants anticipate that some may attempt to challenge the validity of the patents at issue as Vertiv has done in both declaratory judgment actions. This Panel has "consistently held that the issue of patent validity presents common questions of fact which satisfy the statutory requirements of § 1407." *In re Embro Patent Infringement Litig.,* 328 F. Supp. 507, 508 (J.P.M.L. 1971). That rule makes good sense, for consolidation of the actions before a single Court will ensure a consistent ruling regarding validity.

Same with claim construction. Without consolidation, seven different judges across the Eastern District of Texas, Northern District of Illinois, Western District of Louisiana, and District of New Jersey will be asked to construe the same claims for the same patents. Duplicative claim construction would waste judicial resources and create a risk of inconsistent decisions. In recognition of the benefits of avoiding duplicative claim construction, this Panel has observed that "[t]here are efficiencies to be gained by allowing the claim construction process to include all [pending] actions." *In re TransData,* 830 F. Supp. 2d at 1382.

Further, the patents all relate to the same field of technology—methods for data center cooling. As this Panel has recognized, actions where multiple patents relate to the same field of technology can "be expected to share factual questions concerning such matters as the technology underlying the patents, prior art, claim construction and/or issues of infringement involving the patents." *In re Rembrandt Techs., LP, Pat. Litig.*, 493 F. Supp. 2d 1367, 1369 (J.P.M.L. 2007). In such cases, "[c]entralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary." *Id*.

Finally, the actions will present common issues concerning damages. The common damages questions can be most efficiently addressed through consolidated proceedings, eliminating the need for duplicative and burdensome discovery. *See In re Proven Networks*, 492 F. Supp. 3d at 1340 (ordering transfer and consolidation where "all actions involve common factual issues relating to the patents' transfer history and associated valuation, damages, and standing issues").

**2. All twelve actions involve overlapping technology used to perform the claimed methods.**

In addition, the actions present common questions relating to the equipment used to perform the infringing methods. For instance, Vertiv, Stulz, and Trane are all suppliers of cooling equipment used by the Data Center Defendants. As shown in the chart below, each case involves equipment from at least one overlapping supplier. Movants anticipate that discovery may show additional equipment from these and other suppliers, creating further overlap across the cases.

| | Case | Vertiv Equipment | Stulz Equipment | Trane Equipment |
|---|---|---|---|---|
| **Declaratory Judgment Actions** | *Vertiv Corp. v. Valtrus Innovations Ltd.*, No. 24-cv-00361 (E.D. Tex. Jul 25, 2025) (amended complaint filed) | X | -- | -- |
| | *Vertiv Corp. v. Valtrus Innovations Ltd., et al.,* No. 26-cv-00084 (E.D. Tex. Feb. 2, 2026) | X | -- | -- |
| **Data Center Actions** | *Valtrus Innovations Ltd., et al. v. EvoDC, LLC*, No. 26-cv-00286 (E.D. Tex. Apr. 9, 2026) | X | * | X |
| | *Valtrus Innovations Ltd., et al. v. STACK Infrastructure, Inc*., No. 26-cv-00287 (E.D. Tex. Apr. 9, 2026) | * | X | X |
| | *Valtrus Innovations Ltd., et al. v. Cologix, Inc*., No. 26-cv-03884 (D.N.J. Apr. 13, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. H5 Data Centers LLC*, No. 26-cv-03886 (D.N.J. Apr. 13, 2026) | X | X | * |
| | *Valtrus Innovations Ltd., et al. v. Iron Mountain Data Centers LLC*, No. 26-cv-03890 (D.N.J. Apr. 13, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. CoreSite, LLC*, No. 26-cv-03926 (N.D. Ill. Apr. 8, 2026) | X | X | X |
| | *Valtrus Innovations Ltd., et al. v. Netrality Properties, LP*, No. 26-cv-03929 (N.D. Ill. Apr. 8, 2026) | X | * | * |
| | *Valtrus Innovations Ltd., et al. v. NTT Global Data Centers Americas, Inc*., No. 26-cv-03945 (N.D. Ill. Apr. 9, 2026) | X | X | * |
| | *Valtrus Innovations Ltd., et al. v. Prime Data Centers, LLC*, No. 26-cv-03958 (N.D. Ill. Apr. 9, 2026) | X | * | * |
| | *Valtrus Innovations Ltd., et al. v. Lumen Technologies, Inc*., No. 26-cv-01346 (W.D. La. Apr. 27, 2026) | X | * | * |

* Alleged on information and belief.

The equipment used to perform the patented methods for data center cooling will present common legal and factual questions regarding infringement. For example, certain Vertiv data center cooling products used by the Data Center Defendants can be configured in different ways.

Some configurations may implicate different theories of infringement. Consolidating cases where multiple defendants configure the same products in the same ways to perform the patented methods will involve common questions of fact and law.

In all events, it would be no barrier to consolidation if the specific facts regarding infringement were to vary among the cases. "Undoubtedly, there will be differences in how these products operate and how they allegedly implement the patents-at-issue. But all of the accused products operate in the same field of technology[.]" *In re Taasera Licensing*, 619 F. Supp. 3d at 1352-53; *In re Proven Networks*, 492 F. Supp. 3d at 1339 ("[D]ifferences in the accused products and infringement allegations in the cases do not prevent centralization where common factual issues involving claim construction and patent invalidity are shared."); *see also In re Aflibercept Pat. Litig.*, 730 F. Supp. 3d 1374, 1376 (J.P.M.L. 2024) ("Even if there is some variation among defendants' defenses to certain patents, it seems far more efficient to allow a single court to construe the patents at issue and to decide whether injunctive relief is warranted."). Here, all of the accused methods involve overlapping data center cooling equipment, and every action will involve common questions of fact and law relating to that technology.

And whatever can be said about the Data Center Defendants' and Vertiv's infringement, the common questions of fact and law relating to the patents will remain. Among other things, every action "will share substantial background questions of fact concerning the numerous anticipated arguments regarding the validity and enforceability of [the patent] and implicating factual issues concerning such matters as the technology underlying the patent, prior art, priority[,] . . . and/or claim construction." *In re Bear Creek Techs.*, 858 F. Supp. 2d at 1379–80. For this reason, this Panel "has often centralized litigation involving different products which allegedly infringe a common patent or patents." *Id*.

Transfer under Section 1407 "does not require" that a movant show "complete identity or even a majority of common factual or legal issues as a prerequisite to transfer." *In re Rembrandt Techs.*, 493 F. Supp. 2d at 1369. Here, however, the cases involve overlapping patents and overlapping equipment used to perform the infringing methods. In short, the cases involve many common questions of law and fact.

**B. Transfer and Consolidation Will Serve the Convenience of Parties and Witnesses.**

Consolidation of these actions will also serve the convenience of parties and witnesses by eliminating potentially duplicative efforts across multiple jurisdictions and ensuring that witnesses are not subject to multiple depositions. *In re: Bill of Lading Transmission & Processing Sys. Pat. Litig.*, 626 F. Supp. 2d 1341, 1342 (J.P.M.L. 2009) (noting that centralization before a single judge "ensur[es] that the common parties and witnesses are not subjected to discovery demands that duplicate activity that will or has occurred in other actions"); *In re Kerydin (Tavaborole) Topical Sol. 5% Pat. Litig.*, 366 F. Supp. 3d 1370, 1371 (J.P.M.L. 2019) (holding that centralization is warranted, in part due to the "overlapping pretrial obligations" to "reduce costs, and create efficiencies for the parties, courts, and witnesses").

With twelve actions spread across four districts and seven different judges, the potential for duplicative discovery is high. As the chart below shows, many of the same inventors appear on each of the key patents at issue. For example, the '287 patent that Messrs. Bash and Patel invented will be at issue in eleven cases. Consolidation would avoid the need for them to undergo eleven depositions involving the same questions. Indeed, there are common inventors for all five patents at issue who would likely be required to testify in multiple cases:

| | Cullen Bash | Chandrakant Patel | Abdlmonem Beitelmal | Ratnesh Sharma |
|---|---|---|---|---|
| **'277 Patent** | -- | -- | -- | X |
| **'284 Patent** | X | X | X | X |
| **'287 Patent** | X | X | -- | -- |
| **'682 Patent** | X | X | -- | X |
| **'683 Patent** | X | X | X | X |

Moreover, discovery across the twelve actions will likely involve the same fact witnesses and corporate representatives and may involve the same experts given the overlapping patents. Indeed, Vertiv pointed out in both declaratory judgment cases that discovery in those cases overlaps with discovery in the cases against data center operators. *See Vertiv I*, Dkt. 124 ¶¶ 32-33 (noting Valtrus' need to "procure discovery from Vertiv about its products if it were to file additional lawsuits against any Vertiv customers"); *Vertiv II*, Dkt. 1 ¶¶ 29-30 (same). And as further evidence of the convenience of a single proceeding in a single forum, Vertiv chose to file its second declaratory judgment action in the Eastern District of Texas—the same jurisdiction where its initial declaratory judgment action was also pending. Similarly, conducting twelve separate claim construction hearings with twelve separate sets of briefing would serve no purpose other than to increase the costs to the parties.

Consolidation would ensure a common pretrial schedule, coordinated fact and expert discovery, and a streamlined and consistent framework for addressing schedule modifications, motions practice, claim construction, and summary judgment. Indeed, "[c]entralization will create significant judicial efficiencies by allowing a single judge to preside over all patent challenges, claim construction issues, . . . [and] will prevent inconsistent rulings and facilitate the consistent

interpretation of the patents' claims." *In re Liquid Toppings Dispensing Sys. ('447) Pat. Litig.*, 291 F. Supp. 3d 1378, 1379 (J.P.M.L. 2018); *In re Body Sci. LLC Pat. Litig.,* 883 F. Supp. 2d 1344, 1345 (J.P.M.L. 2012) ("Centralization, however, will allow a single judge—as opposed to the now five judges in five districts—to preside over discovery relating to the two patents at issue (which will inform and aid the consistent construction of the patents' claims) and to consistently rule on challenges to the validity of those patents.").

### C. Transfer and Consolidation in the Eastern District of Texas Will Promote the Just and Efficient Conduct of These Actions.

Transfer and consolidation will promote just and efficient conduct by creating consistency in pretrial rulings, enabling related cases to be decided together, and requiring only a single judge to become familiar with the technology at issue. And consolidation before Judge Gilstrap in the Eastern District of Texas will take advantage of the significant work the Court has already undertaken in *Vertiv I* with respect to several of the key patents at issue.

First, consolidation will ensure consistency in pretrial rulings across all twelve actions. This Panel has emphasized the need for consistency in pretrial rulings, "especially with respect to time-consuming and complex matters of claims construction." *In re Desloratadine Pat. Litig.,* 502 F. Supp. 2d 1354, 1355 (J.P.M.L. 2007). Thus, this Panel has frequently ordered transfer and consolidation where, as here, "absent centralization, judges in three different districts will be called upon to become familiar with the asserted patents . . . and rule on substantially the same claim construction and patent validity defenses, which presents a significant risk of inconsistent rulings and unnecessary expenditure of judicial resources." *In re Pipe Flashing Pat. Litig.*, 713 F. Supp. 3d 1414, 1415 (J.P.M.L. 2024). Without centralization in an MDL, many claims at issue will require construction by multiple tribunals leading to potentially inconsistent rulings across venues. Further, given that the cases involve the same patents and use of the same equipment to perform the infringing methods, similar pretrial issues will arise in all twelve actions. Those disputes are

most efficiently resolved by a single judge through consolidation. *See In re Taasera Licensing*, 619 F. Supp. 3d at 1353 ("The efficiency and convenience benefits of having a single judge streamline discovery and pretrial motion practice . . . warrant centralization in this instance.").

Second, consolidation will ensure the just resolution of all cases by allowing a single tribunal to decide the related issues raised by equipment suppliers and data center operators who perform the infringing methods using that equipment. There is no dispute that the declaratory judgment cases are inextricable from the cases between Movants and the Data Center Defendants. Take, for instance, Vertiv's complaint in the first declaratory judgment action: "This action arises from Valtrus' . . . claims of patent infringement . . . based on [Vertiv's] customers' use of Vertiv data center cooling, control and sensor products." *See Vertiv I*, Dkt. 114 at ¶ 2 (E.D. Tex. Jul. 25, 2025). However, the Court in the declaratory judgement actions has noted the difficulty in resolving the cases given that no customer is a party. As the Court noted at a recent hearing: "One of my biggest concern[s] is about trying to envision how this case is going to resolve the question of infringement of the '287 involves the fact that there is no data center owner involved in the case, someone who would be practicing the method that is claimed." *Id*., Dkt. 230, 11/20/25 Tr. at 8:15-20. Consolidation would alleviate that concern, enabling these issues to proceed together.

Finally, consolidation before Judge Gilstrap would be particularly beneficial in promoting judicial efficiency. *See In re Neo Wireless, LLC, Pat. Litig*., 610 F. Supp. 3d 1383, 1385 (J.P.M.L. 2022) (granting consolidation in part because "the common early procedural posture among the actions will facilitate their efficient coordination"). As above, Judge Gilstrap is already familiar with the technology and core patents at issue through the litigation of *Vertiv I*. *See In re Proven Networks*., 492 F. Supp. 3d at 1340 (assigning multidistrict litigation to a judge who had related cases pending within his district). Among other things, the Court has hired a technical advisor and completed claim construction of the '287 patent at issue in all ten actions against the Data Center

Defendants. *Vertiv I*, Dkts. 135 (order appointing technical advisor), 201 (claim construction), 221 (adopting claim construction order). Indeed, Vertiv chose to file its second declaratory judgment action in the Eastern District of Texas. Further, Judge Gilstrap is uniquely well suited to handle the consolidated cases given his extensive experience with patent litigation. Phil Davidson, *Judge Gilstrap Handled Nearly 800 Patent Cases*, LEGAL NEWSLINE (June 9, 2025), https://www.legalnewsline.com/southeast-texas-record/report-judge-gilstrap-handled-nearly-800-patent-cases/article_ae3fc3aa-5a4f-4c7b-987f-efb766082862.html (last visited April 27, 2026); *In re Taasera Licensing*, 619 F. Supp. 3d at 1353 (assigning multidistrict litigation to a judge who is "well-versed in complex patent litigation").

It is no barrier to consolidation that *Vertiv I* has progressed beyond the other actions at issue. To the contrary, the fact that no answer or responsive briefing has been filed in any of the other cases supports consolidation in the only Court where significant litigation has occurred so far. *See In re Aflibercept*, 730 F. Supp. 3d at 1377 ("Even though preliminary injunction proceedings in *Amgen* necessarily may trail those in the West Virginia actions, given the overlap in the involved patents, transfer of *Amgen* still will provide efficiencies for the parties and preserve judicial resources."); *In re Ozempic (Semaglutide) Pat. Litig.*, 621 F. Supp. 3d 1354, 1356 (J.P.M.L. 2022) (centralizing proceedings before a judge who was already presiding over at least one pending action).

Valtrus has sought separately to consolidate the two declaratory judgment actions. *See Vertiv I*, Dkt. 315. That motion is pending. Regardless of the outcome, transfer and consolidation of, at a minimum, the eleven pending actions other than *Vertiv I* into an MDL would lead to the most just and efficient outcome. The actions present nearly identical questions of law and fact that can be litigated most effectively together.

## V. CONCLUSION

For the reasons set forth above, Movants respectfully request that all pending actions be transferred to the United States District Court for the Eastern District of Texas for consolidated and coordinated pretrial proceedings, pursuant to 28 U.S.C. § 1407. In the alternative, Movants request that the eleven actions other than *Vertiv I* be transferred and consolidated. Movants also request oral argument.

Dated: April 28, 2026

Respectfully submitted,

*/s/ Matthew Berkowitz*

Matthew G. Berkowitz – LEAD ATTORNEY
Aaron Morris
REICHMAN JORGENSEN LEHMAN
& FELDBERG LLP
100 Marine Parkway, Suite 300
Redwood Shores, CA 94065
Tel: (650) 623-1401
mberkowitz@reichmanjorgensen.com
amorris@reichmanjorgensen.com

Patrick Colsher (NJ Bar # 012732010)
Sean M. McCarthy
REICHMAN JORGENSEN LEHMAN
& FELDBERG LLP
650 Fifth Avenue, Suite 2320
New York, NY 10019
Tel: (212) 381-1965
pcolsher@reichmanjorgensen.com
smccarthy@reichmanjorgensen.com

Connor S. Houghton
Nathaniel G. Warner
REICHMAN JORGENSEN LEHMAN
& FELDBERG LLP
1909 K Street NW, Suite 800
Washington DC, 20006
Tel: (202) 894-7310
choughton@reichmanjorgensen.com

nwarner@reichmanjorgensen.com

Eric H. Findlay (TX Bar No. 00789886)
FINDLAY CRAFT, P.C.
7270 Crosswater Avenue, Suite B
Tyler, Texas 75703
Tel: (903) 534-1100
Fax: (903) 534-1137
efindlay@findlaycraft.com

*Attorneys for Valtrus Innovations Ltd. and Key Patent Innovations Ltd.*