UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

MIDAS GREEN TECHNOLOGIES, LLC, Plaintiff, v. GREEN REVOLUTION COOLING, INC., Defendant.	Civil Action No. 6:24-cv-166-ADA JURY TRIAL DEMANDED

PLAINTIFF MIDAS GREEN TECHNOLOGIES, LLC'S FIRST SET OF REQUESTS FOR PRODUCTION (Nos. 1-28)

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiff Midas Green Technologies, LLC ("Midas" or "Plaintiff"), by and through its counsel, hereby requests that Defendant Green Revolution Cooling, Inc. ("GRC" or "Defendant") produce the documents and things requested herein in accordance with all applicable Rules and the Definitions and Instructions set forth below within thirty (30) days of service. GRC is requested to supplement its production as required by Rule 26(e) of the Federal Rules of Civil Procedure, at any such location and time as the parties may agree, and permit inspection and copying of the following documents and other tangible things that are in GRC's possession, custody, or control.

DEFINITIONS

For the purposes of these requests for production, the following definitions, regardless of capitalization, shall apply:

1. The terms "You," "Your," "Defendant," and "GRC" means

    a. Green Revolution Cooling, Inc., the named Defendant in this Action, and/or all

Midas Green Tech., Ex-2007
IPR2025-00196

persons or names under which Defendant has done or is doing business;

b. Any entity or person either (i) acting or purporting to act on behalf of, or (ii) controlled or directed by, persons or entities that fit the definition in subsection (a) above including, without limitation, all present and former officers, directors, investors, employees, independent contractors, agents, representatives, attorneys, consultants, or other personnel;

c. all predecessors, successors, or owners/purchasers of persons or entities that fit the definitions in subsection (a) and/or (b);

d. all past or present divisions, subsidiaries, or affiliates of persons or entities that fit the definition in subsections (a), (b), and/or (c) above (whether owned in whole or in part); and/or

e. all past or present directors, officers, employees, agents, or representatives of any person or entity that fit the definitions in subsections (a)-(d).

2. The term "Plaintiff" means Midas and its present and former directors, officers, employees, parent organization(s), subsidiary organization(s), predecessors in interest, successors in interest, divisions, servants, agents, attorneys, consultants, partners, associates, investigators, representatives, accountants, financial advisors, distributors, and any other person acting on their behalves, pursuant to their authority or subject to their control.

3. The term "document(s)" has its broadest meaning under Rule 34(a) of the Federal Rules and includes ESI, "writing(s)" and "recording(s)" under Rule 1001 of the Federal Rules of Evidence and includes, but is not limited to, all of the following matter in Your actual or constructive possession, custody, or control: all written, typed, printed, recorded, textual, graphic or photographic matter, software, source code, and object code, however produced or reproduced,

any notes or drafts, and all copies on which any mark, alteration, writing, or any other change from the original has been made.

4. The term "communication(s)" means any transmission of information between persons by any means or medium, whether in original, draft, or copy form, whether stored in hard copy, on tape, or electronically, and whether oral or in writing, including: conversations; correspondence; electronic mails; telexes; facsimile transmissions; telecopies; recordings; telephone or message logs; notes or memoranda; and any translations.

5. "Electronically stored information" and "ESI" means any information on operational systems including accounting, financial, distribution, or manufacturing systems; E-mail; Instant Messages (IM); Web pages; text messages; cell phone data; Excel spreadsheets and underlying formulae; metadata; computer databases (i.e., Access); erased, fragmented or damaged data; Blackberry data; and anything stored on computer or other electronic means located on or in, but not limited to cache memory; optical disks; magnetic tapes/back-up tapes; magnetic disks (hard drive, floppy disks, etc.); PDAs, Blackberries and Palm Pilots; cell phones; IM tools; or USB drives.

6. A document, thing, or communication "relating to," "related to," "concerning," or "regarding" a subject shall mean all documents, things, or communications that directly or indirectly constitute, contain, embody, concern, evidence, show, comprise, reflect, identify, state, refer to, deal with, comment on, respond to, describe, involve, mention, discuss, record, support, negate, or are in any way pertinent to that subject.

7. The terms "Asserted Patent" and "Patent-in-Suit" are defined as U.S. Patent No. 10,405,457 ("'457 patent"), as well as additional patents that may be added to this case, whether added in an amended complaint or added at the final infringement contention stage or at any other

time with leave of Court.

8. The term "Action" refers to this suit, Civil Action No. 6:24-cv-166-ADA.

9. The term "Asserted Claims" is defined as the claims of the Asserted Patent that Plaintiff identified in its infringement contentions. Any additional claims identified by Plaintiff in any amended version(s) of its infringement contentions are within the meaning of the term as of the date that such amended version is served on Defendant.

10. The term "Accused Products" means and includes the accused immersion cooling products identified in Plaintiff's original complaint, any amended complaint, Plaintiff's preliminary infringement contentions, any amended infringement contentions, and any final infringement contentions (including all ancillary products or services such as control systems, monitoring hardware and/or software, measurement devices, mounting devices, and other items that may be advertised, sold, or offered to sale with the foregoing), including without limitation:

a. Any and all versions of GRC's ICEraQ10;

b. Any and all versions of GRC's HashRaQ Max;

c. All other GRC immersion cooling products that are reasonably similar and/or functionally similar to the above-named GRC products, including all ICEraQ-branded products (*e.g.*, ICEraQ Micro, ICEraQ SX, and ICEraQ FLEX), ICEtank-branded products, and all HashTank-branded products, but only to the extent that these products are reasonably similar and/or functionally similar to the above-referenced GRC ICEraQ10 or HashRaQ Max immersion cooling products.

11. "Describe," when used in relation to an act, event, instance, occasion, transaction, conversation, or Communication, shall mean (1) to state the date and place thereof; (2) to identify

the individual participants; (3) to summarize separately for each individual participant what was said or done; and (4) to identify each document used or prepared in connection therewith or making any reference thereto.

12. "Identification," "Identify," or "Identity" when used in reference to:

a. A natural person means: (1) the person's full name and title if applicable, last known address, and telephone number; (2) the person's present employer(s) and place(s) of employment; (3) the person's job title or position held; and (4) that person's date(s) of employment.

b. Document, means: (1) its date, author, and addressee(s); (2) the type of Document (e.g., letter, memorandum, etc.); and (3) its present location and Identity of its custodian; and the Bates number of that document.

c. A statement, either written or spoken means: (1) the substance of each such statement; (2) the exact words used by each person participating in the statement; (3) to Identify each person engaging in the statement; (4) the Identity of each person present at the making or reception of such statement; (5) the time and place of the statement; (6) the means of such statement (e.g., written, telephone, face-to-face, etc.).

13. "Including" means "including, but not limited to."

14. The term "Party" shall mean any natural person, corporation, partnership, association, joint venture, government body, or other legal entity including Plaintiff and Defendant. The term "Third Party" shall mean any natural person, corporation, partnership, association, joint venture, government body or other legal entity other than Plaintiff and Defendant.

15. "Person" means all natural persons, male or female, and all types and kinds of

business or other entities, including, but not limited to, corporations, partnerships, joint ventures, associations, and sole proprietorships and any reference to an individual person, either singularly or as part of a defined group, including that person's employees, agents, legal representatives, non-legal representatives, personal representatives, attorneys, heirs, successors, assigns, and any other person or entity acting on the behalf of such individual person.

16. "Related Patents" includes, but is not limited to, patents issuing directly indirectly from any ancestor, continuation, continuation-in-part, divisional, or reissue application of the Asserted Patent, or from any interference or reexamination proceedings regarding any such patents or applications thereof.

17. The term "sale" shall include "lease," "rental," and "consignment."

18. The terms "Thing" or "Things" is used in the most comprehensive and inclusive sense permitted by the Federal Rules of Civil Procedure and includes, but is not limited to, prototypes, models, specimens, or other devices, and commercially manufactured items.

19. The term "each" shall mean each and every.

20. The term "any" shall include the word "all," and vice versa.

21. The terms "and," "or," and "and/or" shall be construed in the conjunctive or the disjunctive, whichever makes the discovery request more inclusive so as to bring within the scope of the request all documents that might otherwise be construed to be outside of its scope.

22. Singular forms or nouns or pronouns encompass their plural forms and vice versa, and any verbs encompass all tenses.

INSTRUCTIONS

1. In answering the following Requests, furnish all available information, including information in the possession, custody, or control of any of Your attorneys, directors, officers,

agents, employees, representatives, associates, investigators or division affiliates, partnerships, parents or subsidiaries, predecessors or successors, and all persons under Your control, who have the best knowledge, not merely the first instance of responsive information that You identify. If You cannot or refuse to fully respond to the following Requests after exercising due diligence to secure the information requested thereby, so state, and specify (a) the portion of each Request that is not responded to fully and completely (b) what efforts were made to obtain the requested information (c) the facts relied upon that support the contention that the Request cannot be answered fully and completely; and (d) what knowledge, information or belief You have concerning the unanswered portion of any such Request.

2. Each document is to be produced with all non-identical drafts thereof in their entirety, without abbreviation or redaction.

3. Electronic records and computerized information must be produced in an intelligible format, together with a description of the system from which they were derived sufficient to permit rendering the records and information intelligible.

4. All documents shall be produced in the order that they are kept in the usual course of business, and shall be produced in their original folders, binders, covers or containers, or photocopies thereof.

5. Selection of documents from the files and other sources and the numbering of such documents shall be performed in such a manner as to ensure that the source of each document may be determined, if necessary.

6. Documents attached to each other shall not be separated.

7. If any information requested is claimed to be privileged, provide all information falling within the scope of the Request that is not privileged, and for each item of information

contained in a document to which a claim of privilege is made, identify such document with sufficient particularity for the purposes of a motion to compel, such identification including at least the following:

a. The basis on which the privilege is claimed;

b. The name and position of the author(s) of the document and all other persons participating in the preparation of the document;

c. The name and position of each individual or other person to whom the document, or a copy thereof, was sent or otherwise disclosed;

d. The date of the document;

e. A description of any accompanying material transmitted with or attached to the document;

f. The number of pages in the document;

g. The particular Request to which the document is responsive; and

h. Whether any business or nonlegal matter is contained or discussed in the document.

8. If Your response to a particular Request is a statement that You lack the ability to comply with that Request, You must specify whether the inability to comply is because the particular item or category of information never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in Your possession, custody, or control, in which case the name and address of any person or entity known or believed by You to have possession, custody, or control of that information or category of information must be identified. Your obligation to respond to these Requests is continuing, requiring You to supplement Your responses and production in accordance with the Federal Rules of Civil Procedure.

Midas Green Tech., Ex-2007
IPR2025-00196

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documents showing the design and technical operation of any aspects or elements of the Accused Products, *i.e.*, specifications, schematics, flow charts, artwork, formulas, diagrams, installation and/or operating manuals, or similar documentation.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to identify every version of the Accused Products, including any difference(s) between versions and the earliest date when each such version was first made, used, sold, offered by sale, or advertised.

REQUEST FOR PRODUCTION NO. 3:

CAD files showing the design and operation for each version of the Accused Products.

REQUEST FOR PRODUCTION NO. 4:

Documents sufficient to show, for each version of the Accused Products, the technical means by which warm dielectric fluid is removed from the tank that holds computers and/or servers, and any documents or communications relating to the decision to implement said design.

REQUEST FOR PRODUCTION NO. 5:

All documents, communications, and things relating to the development, design, and/or testing of the Accused Products, including: any proposals, drawings, CAD files, diagrams, or specifications created during the development process; documents sufficient to identify the individuals involved in the development process; and documents or communications describing any design considerations, goals, objectives, advantages or disadvantages, and any planned or desired features for the product.

REQUEST FOR PRODUCTION NO. 6:

All technical documents relating to or showing any aspect of the control system(s) for each version of the Accused Products, including without limitation, schematics, technical drawings, flowsheets, descriptions of software, software, and other product documentation.

REQUEST FOR PRODUCTION NO. 7:

All technical documents relating to or evidencing the measurement of any temperature in relation to each version of the Accused Products, including without limitation, schematics, technical drawings, flowsheets, descriptions of software, software, and other product documentation.

REQUEST FOR PRODUCTION NO. 8:

All documents and communications describing any disadvantages or flaws in Your earlier immersion cooling products, any advantages of the Accused Products, or otherwise comparing the Accused Products with Your earlier immersion cooling products.

REQUEST FOR PRODUCTION NO. 9:

All documents and communications describing any similarities or differences, or any advantages or disadvantages, as between any versions of the Accused Products, Midas' immersion cooling products, and/or any third-party immersion cooling products.

REQUEST FOR PRODUCTION NO. 10:

All patent and/or technology licensing agreements, settlement agreements, and covenants not to sue relating to the Accused Products.

REQUEST FOR PRODUCTION NO. 11:

Documents sufficient to identify Your organizational structure, including the officers, directors, employees, contractors, agents, any other representatives, and shareholders for each GRC entity, from the time of formation to the present.

REQUEST FOR PRODUCTION NO. 12:

Documents sufficient to identify the individuals and/or entities involved in the design, sourcing, manufacture, marketing, sale, or shipment of the Accused Products, the role of such persons or entities, and Your relationship to such persons or entities.

REQUEST FOR PRODUCTION NO. 13:

A current organizational chart or other documents sufficient to show Your corporate structure and relationships between Your parent and any related entities.

REQUEST FOR PRODUCTION NO. 14:

Documents sufficient to identify the individuals, entities, and/or business units that provide technical support to customers for the Accused Products or that otherwise handle customer or end-user complaints regarding the Accused Products.

REQUEST FOR PRODUCTION NO. 15:

All documents and communications concerning Midas, the Patent-in-Suit, or this Action.

REQUEST FOR PRODUCTION NO. 16:

Documents sufficient to show the earliest date when you first became aware of the Asserted Patent, any Related Patent(s), or any patent application that would eventually publish or issue as the same.

REQUEST FOR PRODUCTION NO. 17:

All documents concerning any budgets, forecasts, business strategies, and any marketing, development, or business plans for the Accused Products.

REQUEST FOR PRODUCTION NO. 18:

With respect to each Accused Product since September 3, 2019 and up to one year before, documents sufficient to determine on a quarterly basis (or other shortest interval for which you keep records):

a. Identity of and quantity of units sold (by product, customer, period, and location);

b. Gross and net revenues (by product, customer, period, and location);

c. Cost of goods sold;

d. Actual total cost or variances from standard cost;

e. Research and development expenses;

f. Marketing expenses;

g. Direct and indirect costs associated with the manufacturing or production of Accused Products at facilities involved in their creation, including but not limited to labor, materials, overhead expenses, and any financial analysis reflecting profit margins related to those costs;

h. All costs allocated to the Accused Products, including selling, general, and administrative expenses;

i. Other operating expenses; and

j. Gross profits.

REQUEST FOR PRODUCTION NO. 19:

Documents constituting or concerning advertising, marketing, or promotion of the Accused Products, including but not limited to contracts, packaging, labels, market studies, research, reports, surveys, demographic studies, projections, forecasts, print and video advertisements, promotional materials, brochures, coupons, Internet advertisements, and demonstrations.

REQUEST FOR PRODUCTION NO. 20:

All documents and communications relating to the pricing of the Accused Products and any services associated with the Accused Products, including documents sufficient to show the decision-making process and any factors considered in setting or adjusting said prices, as well as any documents discussing the effects of any such pricing change.

REQUEST FOR PRODUCTION NO. 21:

For the Accused Products, and from at least one year before the date the Accused Products were first made, sold, offered for sale, tested, or used in the United States, please produce documents relating to the use, desirability, market demand, or importance of any feature or characteristic of the Accused Products, including but not limited to consumer satisfaction surveys, as well as internal analyses prepared by or on behalf of You.

REQUEST FOR PRODUCTION NO. 22:

Documents, studies, or reports that analyze the market for immersion cooling products (including but not limited to the Accused Products), including but not limited to:

a. Definitions or analyses of market segments relevant to the Accused Products or other immersion cooling products;
b. Estimates of the size of factual and potential markets for the Accused Products or other immersion cooling products;
c. Growth rates for markets relevant to the Accused Products or other immersion cooling products;
d. Profiles or analyzes of potential or actual customer bases;
e. Competitive analyses, including information about competitors' product offerings and pricing;
f. Customer lists;
g. Actual and anticipated market share for the Accused Products or other immersion cooling products; and
h. Analyses of product sales and profitability.

REQUEST FOR PRODUCTION NO. 23:

Representative contracts, purchase orders, or agreements related to the production, assembly, manufacture, testing, marketing, sale of, or supply of components for, the Accused Products and/or any GRC services related to the Accused Products, including contracts related to the sale and/or lease of the Accused Products.

REQUEST FOR PRODUCTION NO. 24:

Documents and things relating to any allegedly non-infringing alternative that You contend can avoid practicing the subject matter of the technologies claimed in the Asserted Claims of the Patent-in-Suit, including technical details, development records, cost analyses, market feasibility studies, and other materials supporting the contention.

REQUEST FOR PRODUCTION NO. 25:

Documents identified or otherwise relied upon in response to any interrogatories served upon You in this Action.

REQUEST FOR PRODUCTION NO. 26:

All documents identified in Your answer, affirmative defenses, and/or counterclaims to the Complaint in this Action and any documents that you otherwise intend to rely upon in support of said affirmative defenses and/or counterclaims.

REQUEST FOR PRODUCTION NO. 27:

Documents relating to Your practices, procedures, and policies with respect to the retention or destruction of documents both prior to this Action and during this Action, including documents sufficient to show whether and how You have conformed to those practices, procedures, and/or policies in this Action.

REQUEST FOR PRODUCTION NO. 28:

Documents produced or otherwise provided to You by any third party whether in response to a subpoena issued in this Action or otherwise relevant to this Action.

Dated: February 4, 2025

Respectfully submitted,

/s/ Matthew A. Blair

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Attorneys for Defendant Midas Green Technologies, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on February 4, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

/s/ Matthew A. Blair
Matthew A. Blair

Midas Green Tech., Ex-2007
IPR2025-00196