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 FOURTH SET OF INTERROGATORIES (No. 21)

Pursuant to Federal Rules of Civil Procedure 26 and 33, the applicable Local Civil Rules of the United States District Court for the Western District of Texas, Plaintiff Midas Green Technologies, LLC ("Midas" or "Plaintiff"), by and through its counsel, requests that Defendant Green Revolution Cooling, Inc. ("GRC" or "Defendant") answer the following interrogatories within thirty (30) days of service. Defendant's obligation to respond to this interrogatory request is continuing and its response is to be supplemented to include subsequently acquired information in accordance with requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

1) The terms "Defendant," "You," "Your," and "GRC" mean Defendant Green Revolution Cooling, Inc., and their present and former directors, officers, employees, predecessors in interest, successors in interest, servants, agents, attorneys, consultants, partners, associates,

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investigators, representatives, accountants, financial advisors, distributors, and any other person acting on their behalf, pursuant to their authority, or subject to their control.

2) The term "Plaintiff" means Plaintiff Midas Green Technologies LLC, and their present and former directors, officers, employees, predecessors in interest, successors in interest, servants, agents, attorneys, consultants, partners, associates, investigators, representatives, accountants, financial advisors, distributors, and any other person acting on their behalf, pursuant to their authority, or subject to their control.

3) The term "document(s)" has its broadest possible meaning under Rule 34(a) of the Federal Rules of Civil Procedure and includes "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) 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.

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

7) The terms "and," "or," and "and/or" shall be construed conjunctively and disjunctively, 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.

8) "Identify," "identity," and "identification," when used to refer to a document, means to state with sufficient particularity for fully productive use in a subpoena duces tecum or request for production of documents the following:

a) The Bates number/s of the document where applicable;

b) The subject of the document;

c) The title of the document;

d) The type of document (e.g., letter, memorandum, telegram, chart);

e) The date the document was created, modified, sent or received, or if the specific date thereof is unknown, the month and year or other best approximation of such date;

f) The identity of the person or persons who wrote, contributed to, prepared, originated such document;

g) The identity of the person or persons to whom the document was directed or who received the document or copies of the document or any portion thereof; and

h) The present or last known location and custodian of the document.

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9) "Identify," "identity," and "identification" when used with respect to an agreement, negotiation, or transaction requires that you provide the information enumerated above regarding any related document/s and/or communications, and provide:

a) the consideration paid or to be paid;

b) any proposed or actual royalty rate or payment;

c) the relevant time period or proposed time period,

d) those persons involved in the negotiation concerning such license or attempt to license; and

e) the three persons most knowledgeable about the facts underlying your answer.

10) "Identify," "identity," and "identification" when used with respect to a product requires that You provide:

a) model number,

b) product name,

c) product code name/s,

d) product category name, and/or

e) product category name.

11) "Identify," "identity," and "identification" and "describe" in connection with an act, event, or course of conduct means to provide the date and a complete description of the act, event, or course of conduct, and identify the person(s) who took part in and the documents relevant to the act, event, or course of conduct.

12) "Identify," "identity," and "identification" when used with respect to a natural person requires that you provide the following information with respect to the person:

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a) Name;

b) Last known business address;

c) Last known residence address;

d) Last known telephone number; and

e) Name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.

13) "Identify," "identity," and "identification" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person and provide the additional information of the nature of the entity (e.g., partnership, corporation, etc.).

14) "Identify," "identity," and "identification" when used with respect to a communication, means to state the parties to the communication, the date or approximate date of the communication, the substance of the communication, the medium of the communication, and identify all documents containing or relating to the communication.

15) Singular forms or nouns or pronouns encompass their plural forms and vice versa, and any verbs encompass all tenses; and where a word is used in the masculine gender, it also includes the feminine.

16) 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.

17) "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.

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

19) 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.

20) The term "Action" refers to this suit, Civil Action No. 6:24-cv-116-ADA.

21) "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.

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

23) 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.

24) The term "each" shall mean each and every.

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

26) 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.

INSTRUCTIONS

1) To the extent You rely on Federal Rule of Civil Procedure 33(d) and contend that the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Your business records (including electronically stored information), *and* the burden of deriving or ascertaining the answer will be substantially the same for Plaintiff as You , you may answer by:

a) specifying the records that must be reviewed, and describing such in sufficient detail to enable Plaintiff to locate and identify said records as readily as You could; and

b) giving Plaintiff a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries; or

c) providing the Bates numbers of the specific records that are responsive in Your document production.

2) If any document identified in an answer to an Interrogatory was, but is no longer, in your possession, custody or control, or was known to you but is no longer in existence, state what disposition was made of it and/or what became of it. No document requested to be identified herein should be destroyed or disposed of by virtue of a record retention program or for any other reason.

3) In your response to these Interrogatories, please restate the text of each Interrogatory preceding your response thereto.

4) If you cannot or will not answer an Interrogatory fully, after exercising the requisite diligence to secure all information requested, so state and answer to the extent possible, specifying your inability to answer or the grounds for refusing to answer, and state whatever information or knowledge you have concerning the unanswered portion detailing your efforts in attempting to secure the unknown additional information.

5) These Interrogatories are continuing and require prompt supplemental answers if You obtain any additional responsive information and/or on any other grounds between the time its answers are served and the time of trial.

INTERROGATORIES

INTERROGATORY NO. 21:

Identify all factual bases—including but not limited to all analyses, test results or data, customer surveys, *etc.*—supporting or refuting any of the following claims about the accused ICEraQ10 product made by GRC at https://www.grcooling.com/iceraq-systems/: "Lower upfront greenfield deployment costs up to 30%;" and at https://www.grcooling.com/press-releases/grc-releases-tacc-lonestar6-case-study/: "Using GRC's ICEraQ to cool TACC's servers, the system is … reducing the facility's carbon footprint up to 40%;" and include in your answer an explanation of all documents provided and an identification of the three persons associated with GRC who are most knowledgeable regarding the foregoing.

Dated: February 27, 2025

Respectfully submitted,

/s/ Matthew A. Blair

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on February 27, 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

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