

MIDAS GREEN TECHNOLOGIES, LLC,
Plaintiff,
v.
GREEN REVOLUTION COOLING, INC.
Defendant.

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§ CIVIL ACTION NO. 6:24-CV-166-ADA
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Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Green Revolution Cooling, Inc. (“GRC”), by and through its undersigned counsel, hereby requests that Plaintiff Midas Green Technologies, LLC (“Midas”) fully respond in writing to the following First Set of Interrogatories (collectively, the “Interrogatories,” and individually, each an “Interrogatory”) within thirty (30) days of service, in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, and the instructions and definitions stated below.

For purposes of these Requests, the terms and phrases set forth below shall have the following meanings:

Midas Green Tech., Ex-2013
IPR2025-00196

as any person working for Midas that Midas identified as full-time equivalent employees, including the persons working for Midas out of Monterrey, Mexico, and other organizational or operating units, each of their respective predecessors and successors, and each of their respective employees, officers, directors, attorneys, agents, representatives, and all persons acting or purporting to act on its behalf.

2. The term “Defendant” or “GRC” shall mean Green Revolution Cooling, Inc., and all past and present agents, employees, shareholders, officers, directors, executives, subsidiaries, parent corporations, attorneys, and other persons or entities acting on their behalf.

3. The term “GRC Patents” shall mean U.S. Patent Nos. 9,992,914 (the “’914 Patent”) and 10,123,463 (the “’463 Patent”).

4. The term “Related GRC Patent” or “Related GRC Patents” shall mean any U.S. patent, non-U.S. patent, continuation, continuation-in-part, divisional, reexamination, reissue, counterpart patent, or patent application (including all published and unpublished, pending, and abandoned applications) that shares all or substantially all of its specification with any of the GRC Patents or claims direct or indirect priority to any of the GRC Patents or from which any of the GRC Patents claims priority, or that are otherwise identified in the GRC Patents as related to those patents.

5. The term “Patent-in-Suit” means U.S. Patent No. 10,405,457 (the “’457 Patent”) and any other United States patent that is hereafter asserted in this Action.

6. The term “Related Patent” or “Related Patents” shall mean any U.S. patent, non-U.S. patent, continuation, continuation-in-part, divisional, reexamination, reissue, counterpart patent, or patent application (including all published and unpublished, pending, and abandoned applications) that shares all or substantially all of its specification with the Patent-in-Suit or claims direct or indirect priority to the Patent-in-Suit or from which the Patent-in-Suit claims priority, or that are otherwise identified in the Patent-in-Suit as related to the patent.

7. “Practicing Product(s)” is defined as any product used by Riot, that was sold, leased, or otherwise provided to Riot by Midas, that implements or is capable of implementing immersion cooling.

8. “Accused Products” refers to any and all of the following versions of Defendant’s products specifically identified in Plaintiff’s Complaint and amended Infringement Contentions, the ICeraQ10 and/or the HashRaQ Max, and any amendments and/or supplements thereto.

9. “License Agreement” means any agreement (past and present) that includes a license, covenant not to sue or release for the infringement of any patent or other rights to use, make, sell, offer to sell or import any immersion cooling product or service in the United States, including those where the granted rights include additional jurisdictions.

10. The term “Riot Case” means, *Green Revolution Cooling, Inc. v. Riot Platforms, Inc.*, Civil Action No. 6:24-cv-152 filed in the Waco Division of the United States District Court for the Western District of Texas.

11. The term “Rhodium Case” means *Midas Green Technologies, LLC v. Rhodium Enterprises, Inc. et al*, 6:22-cv-00050-ADA, filed in Waco Division of the United States District Court for the Western District of Texas.

12. The term “Action” or “Lawsuit” refers to the above-captioned action, *Midas Green Technologies, LLC v. Green Revolution Cooling, Inc.*, 6:24-cv-116-ADA, filed in the Waco Division of the United States District Court for the Western District of Texas.

13. The term “Written Description” means the requirement that “[t]he specification shall contain a written description of the invention,” as set forth in 35 U.S.C. §112(a).

14. The term “Enabling Disclosure” means the requirement that “[t]he specification shall contain a written description . . . of the manner and process of making and using [the invention], in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains,

or with which it is most nearly connected, to make and use the same . . .” as set forth in 35 U.S.C. §112(a).

15. The term “document(s)” shall mean, according to L.R. CV-26(b)(2), any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term. To prevent any ambiguity, “documents” includes, without limitation, WhatsApp messages, emails, documents located in Your Google Drive, hard-copies of documents before they were transcribed and/or digitized, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, receipts, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, e-mails, offers, notations of any sort of conversations, working papers, applications, permits, surveys, indices, telephone calls, voice messages, meetings, printouts, teletypes, telefax, invoices, work sheets, text messages, and all drafts, alterations, modifications, changes and amendments of the foregoing, graphic or oral representations of any kind (including, without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and e-mail).

16. The term “thing(s)” shall be used in the most comprehensive and inclusive sense permitted by Fed. R. Civ. P. 34 and includes, but is not limited to, objects of every kind and nature other than a document. By way of example, and not by way of limitation, “thing” or “things” includes prototypes, models, specimens, and the like, and commercially manufactured items.

17. The term “communication(s)” shall mean, according to L.C. CV-26(b)(1), the transmittal of information (in the form of facts, ideas, inquiries or otherwise), which includes, but it not limited to any oral, written, or electronic transmittal of information or request for information

made from one person to another person, whether made in person, electronically, by telephone, or by any other means and includes any document(s) made only for the purpose of recording a communication, a fact, an idea, a statement, an inquiry, an opinion, a belief, or otherwise. This definition includes calls, texts, and messages sent via WhatsApp, as well as emails.

18. The term “agreement(s)” shall mean any contract, transaction, license, or other arrangement of any kind, whether conditional, executed, executory, express, or implied, and whether oral or written, in which rights are granted or obligations are assumed. As used herein, “agreement(s)” shall encompass completed, actual, contemplated, or renewals of agreements.

19. The term “person(s)” shall mean any natural person, business entity, whether a corporation, partnership, limited partnership, association, unincorporated association, firm, or joint venture, any governmental body or entity, whether a government agency, board, division, or department, or any other entity, and its directors, officers, employees, partners, employees, former employees, agents, and representatives.

20. The term “concerning” shall mean relating to, referring to, describing, evidencing, or constituting, and shall be construed in the broadest possible sense to require the production of all documents or things which contain or comprise any communication that refers to and any documents that discuss, mention, or pertain to the subject matter of the Requests.

21. The terms “relate to,” “refer to,” and any derivation thereof are used in their broadest possible sense and include all matters comprising, constituting, containing, concerning, embodying, reflecting, involving, discussing, describing, analyzing, identifying, stating, referring to, dealing with, or pertaining to in any way.

22. The term “describe” when used in relation to an act, event, instance, occasion, transaction, conversation, or communication means: (i) to state the date and place thereof; (ii) to identify the individual participants; (iii) to summarize separately for each individual participant what

was said or done; and (iv) to identify each document used or prepared in connection therewith or making any reference thereto.

23. The term “identification,” “identify,” or “identity,” when used in reference to:

(a) a natural person, means: to state, to the extent known, (1) the person’s full name or title, last known address, e-mail address, and telephone number; (2) the person’s present employer(s) and place(s) of employment; and (3) the person’s job title or position held.

(b) an entity, other than a natural person, means: to state, to the extent known, (1) the name or title of the entity; (2) the type of entity; and (3) the present or last known address and telephone number of its business and/or organizational offices.

(c) a Document, means: to identify the Document by (1) its date, author, and addressee(s); (2) state the type of Document (e.g., letter, memorandum, etc.); (3) identify its present location and identity of its custodian; and (4) identify the Document by its Bates number range.

(d) 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.).

24. The term “including” means including, but not limited to.

25. The terms “infringe” and “infringement” should be understood to include direct infringement, inducement of infringement, literal infringement, and infringement by the doctrine of equivalents.

26. “Infringement Contentions” is defined as Plaintiff’s Infringement Contentions, including any amended or supplemented version(s) of the Infringement Contentions as of the date that such amended or supplemented version is served upon Defendant.

27. The term “Riot” means Riot Platforms, Inc., including each of its subsidiaries, parents, subsidiaries of subsidiaries or parents, divisions, affiliates in which it owns a majority or a controlling interest, and other organizational or operating units, including (but not limited to) Whinstone US, Inc., Riot Corsicana, LLC, and Project Lefty, LLC, as well as each of their respective predecessors and successors, and each of their respective employees, officers, directors, attorneys, agents, representatives, and all persons acting or purporting to act on its behalf its subsidiaries and/or affiliates.

28. The term “Third Party” means any natural person, corporation, partnership, association, joint venture, government body, or other legal entity other than Plaintiff or Defendant.

29. The term “Rockdale Facility” means the Bitcoin mining data center facilities located at 2721 Charles Martin Hall Rd., Rockdale, Texas 76567, in Milam County, Texas, which is owned, operated, controlled, or otherwise affiliated with Riot.

30. The term “Corsicana Facility” means the Bitcoin mining data center facilities located at 6980 FM 709 S. Corsicana, Texas 75110, in Navarro County, Texas, which is owned, operated, controlled, or otherwise affiliated with Riot.

31. The term “Riot’s Facilities” means any and all data center facilities owned, operated, controlled, or otherwise affiliated with Riot, including, but not limited to, the Rockdale Facility and the Corsicana Facility.

INSTRUCTIONS

The following instructions shall apply to each of the Interrogatories herein:

1. With respect to each of the following Interrogatories, unless otherwise stated, the information sought is as of the date of Plaintiff’s response. These Interrogatories are of a continuing nature, and Plaintiff are required to timely serve supplemental responses if Plaintiff or any of

Plaintiff's attorneys, agents, or representatives obtains further or different information after the date of Plaintiff's initial response.

2. Whenever appropriate, verb tenses shall be interpreted to include past, present, and future tenses.

3. In answering these Interrogatories, Plaintiff is required to furnish all information that is available to Plaintiff, and not merely such information as the persons preparing the responses know of their own personal knowledge, including information in the possession of Plaintiff's attorneys, employees, or other persons directly or indirectly employed by, or connected with Plaintiff or its attorneys or consultants, or anyone acting on Plaintiff's behalf or otherwise subject to Plaintiff's control. In answering these Interrogatories, Plaintiff is required to make a diligent search of its records and of other documents and materials in its possession or the possession of its employees, attorneys, consultants, or other representatives, including information about Plaintiff's products or components thereof in the possession, custody, or control of Plaintiff's vendors or contract manufacturers.

4. In the event that any information called for by these Interrogatories is withheld based on a claim of attorney-client privilege, work product immunity, or any other privilege or protection from discovery, Plaintiff is required to provide sufficient details, including the nature of the information, to answer fully and completely and further specify the facts on which you relied to support your contentions that you are unable to answer the Interrogatory fully and completely. State what knowledge, information, or belief you have concerning the unanswered portion of the Interrogatory, and state fully, completely, and in detail the acts done and inquiries made by you to show that you have exercised due diligence to make inquiry and secure the information necessary to answer the Interrogatory.

5. If you cannot answer an Interrogatory fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and answer each Interrogatory to the extent possible. Specify the portion of such Interrogatory you claim you are unable to answer fully and completely and further specify the facts on which you relied to support your contentions that you are unable to answer the Interrogatory fully and completely. State what knowledge, information, or belief you have concerning the unanswered portion of the Interrogatory, and state fully, completely, and in detail the acts done and inquiries made by you to show that you have exercised due diligence to make inquiry and secure the information necessary to answer the Interrogatory.

6. If you object to any part of an Interrogatory and refuse to answer that part, state your objection and answer the remaining portion of that Interrogatory. If you object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, state your objection and answer the Interrogatory for the scope or time period you believe is appropriate (including in your answer a specific statement as to why you believe the scope of time period is inappropriate).

7. When asked to identify or state the identity of a natural person, state, as to such person: (i) the person's full name; (ii) the person's present or last known business title and business address and telephone number; (iii) the person's business title and business address during the time period to which the Interrogatory relates; and (iv) the relationship, if any, between such person and Plaintiff, and dates during which such relationship existed.

8. When asked to identify or state the identity of a person (entity) other than a natural person, state, as to such entity: (i) its full name; (ii) its form of organization; (iii) its address, principal place of business, and business telephone number; (iv) the identity of all persons at that entity with knowledge of the subject matter of the inquiry; and (v) the relationship, if any, between such person and Plaintiff and dates during which such relationship existed.

9. When asked to identify or state the identity of a document, including any analysis or investigation, please identify the Bates number corresponding to such document in Plaintiff's document production. To the extent that the face of the document and/or metadata provided with each document does not provide the following information, then please state, as to each such document: (i) its date; (ii) its title and/or all identifying numbers or other identifying or characterizing designations; (iii) a brief description of the general nature and subject matter; (iv) the number of pages comprising the document; (v) the name, title, and address of each author, signatory, and/or preparer; (vi) the name, title, and address of each addressee and each other person receiving a copy thereof; (vii) its present location and the name and address of its present custodian; (viii) if the document is not an original, the name and address of the custodian of the original; and (ix) any other designation necessary to sufficiently identify the document so that a copy thereof may be ordered or obtained from the custodian thereof.

10. Where an identified document has been destroyed, or is alleged to have been destroyed, state the reasons for its destruction, names of the persons having any knowledge of its destruction, and the names of the persons responsible for its destruction.

11. Where an identified document is not in your possession, custody, or control, state the name of the persons who have possession, custody, or control of such document. If such document was in your possession, custody, or control in the past but is no longer in your possession, custody, or control, state what disposition was made of it, the reasons for such disposition, persons having any knowledge of such disposition, and the persons responsible for such disposition.

12. The singular form of each word shall be interpreted in the plural as well.

13. Any pronoun shall be construed to refer to the masculine, feminine, or neuter gender, as is most appropriate in each case.

14. The words “and,” “or,” and “and/or” shall be construed conjunctively or disjunctively, whichever maximizes the scope of each discovery request, definition, or in which they are used.

15. The words “any” and “all” shall be construed to mean “any and all.” The words “each” and “every” shall be construed to mean “each and every.”

16. If Plaintiff, pursuant to Federal Rule of Civil Procedure 33(d), opts to produce business records in lieu of a written response to an Interrogatory, Plaintiff must indicate, for each business record provided, the Interrogatory to which it is responsive.

17. A Protective Order has been entered in this case (Dkt. No. 60). Accordingly, if You maintain that any Interrogatory below seeks information that is subject to any other protective order, privacy interest, nondisclosure agreement (“NDA”), contractual obligation, or other confidentiality agreement owed to any Third Party, You shall produce such information subject to the Protective Order, as there is no basis to otherwise withhold such information. If You refuse to produce any such requested information, You must identify such requested information or each document in enough detail to allow for the evaluation of the claim of privilege in accordance with Your obligations to provide a Privilege Log.

FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the factual circumstances of Your first awareness of Defendant's alleged infringement, including the date You first learned of Defendant's alleged manufacture, offer for sale, and sale of the Accused Products, the date You first formed a belief that Defendant allegedly infringed one or more claims of the Patent-in-Suit, the person(s) who obtained such first awareness, the actions You took related to such first awareness, and every document (identified by bates number) upon which that knowledge was based.

INTERROGATORY NO. 2:

Describe in detail any investigation and/or evaluation regarding the validity, patentability, enforceability, scope, and/or infringement of the Patent-in-Suit, including the dates such activities took place, the person(s) or entities involved in such activities, the nature of such activities, and any non-privileged results of such investigation and/or evaluation.

INTERROGATORY NO. 3:

If You contend that any system or product developed, produced, manufactured, offered for sale, sold, or used by You is either an embodiment of or practices any claim of the Patent-in-Suit, describe in detail, on a limitation-by-limitation basis, how each such system, product, or use thereof meets and/or practices the limitations of any claim of the Patent-in-Suit.

INTERROGATORY NO. 4:

With respect to each asserted claim of the Patent-in-Suit, describe in detail all bases and evidence that You contend supports the existence of any alleged secondary consideration of non-obviousness (*e.g.*, commercial success, long-felt need, commercial acquiescence, expressions of skepticism, copying, teaching away, failed attempts by others, or simultaneous development),

including any nexus You contend exists between any such secondary consideration of non-obviousness and the claimed invention.

INTERROGATORY NO. 5:

Describe in detail all revenues, costs, and profits, by quarterly year, generated by, or related to, the Patent-in-Suit. This Interrogatory includes, without limitation, all licensing revenues generated by the Patent-in-Suit and, with respect to any system or product developed, produced, manufactured, offered for sale, sold, imported, or used by You that You contend is either an embodiment of or practices any claim of the Patent-in-Suit, all revenues resulting from all sales of such systems or components, all services that employ or use such systems or components, and sales of all ancillary or related systems or components, including the number of such systems, components, and services sold, gross profits, costs of goods and services sold, operating costs, fixed costs, average sales price(s), and sales price by customer. This Interrogatory seeks such information from the date of first offer for sale until the present, on a monthly, quarterly, and annual basis.

INTERROGATORY NO. 6:

For each element of each asserted claim of the Patent-in-Suit, identify, in claim chart form, the portions of the application(s) that you contend is (or are) the priority application of the Patent-in-Suit (including provisional applications) that satisfy the Written Description and/or Enabling Disclosure requirements of 35 U.S.C. § 112 for that claim element.

INTERROGATORY NO. 7:

Describe in detail all facts relevant to any inspection, testing, evaluation, teardown, comparison, or other analysis of the Accused Products or Defendant's technologies or services, including without limitation, the name of each person involved, the specific contribution made by each such person, and the identity of all documents (by bates numbers) relating to any other

analysis of the Accused Products or Defendants' technologies or services.

INTERROGATORY NO. 8:

Describe in detail the complete factual and legal bases, including the identification of witnesses and any documents (by bates number), that support Your contention that You are entitled to the remedies you seek, including any injunctive relief with respect to any asserted claim of the Patent-in-Suit or any damages claims against Defendant, including, but not limited to: (a) if You are seeking reasonable royalty damages, the amount of the reasonable royalty, including any royalty rate expressed in per unit or percentage of revenues terms; the computation of the alleged reasonable royalty; and the facts and contentions relating to each of the 15 factors set out in *Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F. Supp. 1116 (S.D.N.Y. 1970), and any other factor You may contend should be considered in the determination of a reasonable royalty; and (b) if You are seeking lost profits damages, all facts and contentions relating to any of the factors set forth in *Panduit Corp. v. Stahlin Bros. Fibre Works, Inc.*, 575 F.2d 1152 (6th Cir. 1978).

INTERROGATORY NO. 9:

Describe each offer You have made to license and/or sell the Patent-in-Suit, regardless of whether such offer resulted in a license or sale, including an identification of the potential licensee/purchaser, the date of the offer, the proposed terms of the offer, whether such efforts resulted in a license or sale, and an identification of the documents relating to each offer.

INTERROGATORY NO. 10:

Describe all facts supporting Your contention that Defendant's alleged infringement has been willful, knowing, or intentional, including identifying all supporting evidence for that contention.

INTERROGATORY NO. 11:

Describe all substantive differences, if any, between the design and functionality of GRC's

immersion cooling systems as compared to Midas's immersion cooling systems.

INTERROGATORY NO. 12:

Describe Your efforts to comply with the marking requirements of 35 U.S.C. § 287 and identify any manner of marking used, the date when such marking first began, any periods when such marking ceased or was interrupted, any efforts to enforce or require marking by current or past licensees of the Patent-in-Suit, and the identity of all documents (by bates number) relating to any of the foregoing.

INTERROGATORY NO. 13:

In light of Defendant's invalidity contentions, explain why You contend that each Asserted Claim is valid. For each prior art reference cited, Your response should identify each claim limitation that You contend is missing from the prior art reference with an explanation of why it is missing. For each proposed combination of prior art references, Your response should explain why the references cannot be combined or why a person of ordinary skill in the art would not combine the references.

INTERROGATORY NO. 14:

For each of Your Interrogatory responses in this action, identify the persons most knowledgeable about the topic of that Interrogatory and all documents (by bates number) relevant to Your response.

Dated: March 12, 2025

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Ashley N. Moore

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**ATTORNEYS FOR DEFENDANT
GREEN REVOLUTION COOLING, INC.**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who have appeared electronically in this case are being served with the foregoing on March 12, 2025 by way of the primary email address that said counsel supplied to the Court's CM/ECF system.

By: /s/ Ashley N. Moore

Ashley N. Moore