IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION

IN RE: MIDWEST ENERGY EMISSIONS CORP. PATENT LITIGATION	Case No. 4:24-MD-03132-SHL-WPK **JOINT MOTION TO STAY PROCEEDINGS PENDING DIRECTOR REVIEW OF INTER PARTES REVIEW**

Plaintiff Midwest Energy Emissions ("ME2C") and Defendants MidAmerican Energy Company ("MidAmerican"), PacifiCorp, and Union Electric Company ("Union Electric"), collectively referred to herein as ("Defendants") jointly move to stay proceedings pending director review of the *inter partes* review proceedings and state the following:

1. *Inter partes* review has been instituted by the Patent Trial and Appeal Board (Board) on four petitions filed by Petitioner-Defendants MidAmerican and PacifiCorp covering two of the patents ME2C asserts in this litigation. The USPTO has not yet decided whether to institute on the other eight petitions, covering the remaining four asserted patents. *See* MDL ECF 187 (institutions on IPR2025-00274, IPR2025-00278, IPR2025-00280, and IPR2025-00281).

2. Petitioner-Defendants MidAmerican and PacifiCorp filed a renewed motion to stay on September 22, 2025. *See* MDL ECF 203. ME2C has not yet filed its response to the renewed motion.

3. On September 22, 2025, ME2C also filed Requests for Director Review in each of the four instituted *inter partes* reviews, seeking for the Director of the USPTO to overturn the Board's institution decisions. "Requests for Director Review of a Board's decision on institution under 35 U.S.C. §§ 135, 314, or 324 … shall be limited to decisions presenting (a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law." *Director Review Process*, available at:

https://www.uspto.gov/patents/ptab/decisions/director-review-process (last updated Sept. 16, 2025).

4. The parties agree that the District Court litigation should be stayed to conserve the resources of the parties and the judiciary, and respectfully request the District Court litigation be stayed as follows:

a. If the Director *denies* any of ME2C's currently pending Director Review requests, the MDL case should be stayed until the Board issues final written decisions in each instituted-upon *inter partes* review;

b. If the Director *grants* ME2C's currently pending Director Review Requests and institution grants are overturned as to the matters concerning the '114 and '517 Patents or if IPR2025-00274, IPR2025-00278, IPR2025-00280, and IPR2025-00281 are dismissed, the stay should be lifted after institution is denied by the Director or the proceedings are dismissed. The parties will, thereafter, agree to renegotiate the case schedule with the goal of maintaining the current trial ready date, if feasible. *See* MDL ECF 60. The will also discuss whether a stay is appropriate in light of any additional institutional decisions concerning the patents-in-suit.

WHEREFORE, ME2C and Defendants respectfully the Court enter an Order to stay the MDL proceedings pending the Director Review process of the inter partes review proceedings.

Respectfully submitted,

Dated: October 3, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will serve notice of electronic filing to all counsel of record registered with CM/ECF.

/s/ Erica Palmer
Erica Palmer