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

IN RE: MIDWEST ENERGY EMISSIONS CORP. PATENT LITIGATION	MDL CASE NO. 4:24-md-03132-SHL-WPK **ORDER GRANTING MOTIONS TO STAY AND DENYING WITHOUT PREJUDICE OR AS MOOT ALL OTHER PENDING MOTIONS**

In this multidistrict patent infringement case, the parties jointly move to stay the case in light of recent decisions by the Patent Trial and Appeal Board ("PTAB") to institute *inter partes* review of some of the patents-in-suit. The Court GRANTS the Motions to Stay (ECF 202; ECF 208) and CONTINUES all existing case deadlines until further notice, as discussed below. The Court DENIES WITHOUT PREJUDICE most other pending motions, including PacifiCorp's Motion for Judgment on the Pleadings (ECF 190), MidAmerican Energy Company's Motion for Partial Judgment on the Pleadings (ECF 194; ECF 195), and Midwest Energy Emissions Corp.'s Motions for Leave to Amend its Answer to PacifiCorp's Second Amended Counterclaims (ECF 207; ECF 209). These motions may be refiled after the stay is lifted, along with any other motions that may be appropriate depending on the outcome of *inter partes* review proceedings. Finally, the Court DENIES AS MOOT Midwest Energy Emissions Corp.'s Motion for Extension of Time Pending the Court's Ruling on the Parties' Joint Motion to Stay (ECF 211).

I. BACKGROUND.

Plaintiff Midwest Energy Emissions Corp. ("ME2C") sued, collectively, more than a dozen companies in various judicial districts for allegedly infringing ME2C's patents related to processes for capturing mercury emissions from coal-fired power plants. (ECF 1; ECF 34; ECF 39; ECF 114.) The cases were consolidated in this district by the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. § 1407. ME2C settled with some Defendants, and others have been dismissed. (See, e.g., ECF 25; ECF 94.) Three remain: PacifiCorp, MidAmerican Energy Company ("MidAmerican"), and Union Electric Company ("Union Electric").

Each of the consolidated cases involves claims of infringement of five patents: Patent No. 10,343,114 (the "'114 Patent"); Patent No. 10,596,517 (the "'517 Patent"); Patent No. 10,589,225

(the "'225 Patent"); Patent No. 10,668,430 (the "'430 Patent"); and Patent No. 10,933,370 (the "'370 Patent"). In addition, the cases against MidAmerican and PacifiCorp involve claims of infringement of a sixth patent, Patent No. 10,926,218 (the "'218 Patent").

MidAmerican and PacifiCorp filed petitions for *inter partes* review of all six patents, starting with two petitions for review of the '114 Patent filed on January 17, 2025, and concluding with two petitions for review of the '218 Patent filed on April 8, 2025. (ECF 117-1, p. 21.) In between those two dates, MidAmerican and PacifiCorp filed petitions relating to the other four patents on roughly two-week intervals. (Id.) In June and July 2025, Union Electric similarly filed petitions for *inter partes* review of the five patents (all but the '218 Patent) it is accused of having infringed. (ECF 200.) The PTAB has up to six months from the date of each petition to decide whether to institute *inter partes* review proceedings. *See Guntert & Zimmerman Constr. Div., Inc. v. Gomaco Corp.*, No. 20-CV-4007-CJW-KEM, 2021 WL 7185089, at *2 (N.D. Iowa Jan. 13, 2021), *objections overruled by* 2021 WL 9682165 (N.D. Iowa Feb. 22, 2021).

MidAmerican, PacifiCorp, and Union Electric (among other then-Defendants) moved to stay the case in late April 2025 based on the pending petitions for *inter partes* review. (ECF 117; ECF 127.) Although the Court denied the motion, it did so without prejudice, recognizing that the arguments in support of a stay would be far stronger if the PTAB ended up instituting *inter partes* review. (ECF 131, pp. 3–6.) On September 8, 2025, the PTAB did just that, issuing decisions instituting *inter partes* review on the '114 Patent and '517 Patent. (ECF 202-8; ECF 202-9; ECF 202-10; ECF 202-11.) Decisions are expected imminently on the other four patents-in-suit. It seems highly likely that *inter partes* review will be instituted on those patents, too, given the PTAB's decisions to date. Accordingly, all parties (even ME2C itself) now move to stay the case. ME2C has, however, requested Director Review of the decisions to institute *inter partes* review of the '114 Patent and '517 Patent. If granted, this could result in the overturning of the PTAB's decision to institute *inter partes* review.

II. LEGAL ANALYSIS.

A. Legal Background.

"Courts have 'broad discretion to determine whether a stay is appropriate' pending *inter partes* review." *Serv. Sols. U.S., L.L.C. v. Autel.US Inc.*, No. 13-10534, 2015 WL 401009, at *1 (E.D. Mich. Jan. 28, 2015) (quoting *Regents of Univ. of Mich. v. St. Jude Med., Inc.*, No. 12-12908, 2013 WL 2393340, at *2 (E.D. Mich. May 31, 2013)). "The party seeking a stay has the 'burden

of showing that the circumstances justify the exercise of that discretion.'" *Id.* (quoting *Everlight Elecs. Co. Ltd. v. Nichia Corp.*, No. 12-cv-11758, 2013 WL 1821512, at *6 (E.D. Mich. Apr. 30, 2013)). Courts generally consider three factors: (1) the stage of the proceedings; (2) whether and to what extent a stay will simplify the issues and facilitate trial; and (3) whether a stay would unduly prejudice the non-moving party by, for example, placing the party at a severe tactical disadvantage. *Guntert & Zimmerman Constr. Div., Inc.*, 2021 WL 7185089, at *2.

B. The Court Will Stay the Case Due to the PTAB's Decision to Institute Inter Partes *Review Proceedings.*

All three factors weigh in favor of staying litigation pending completion of the *inter partes* review process in the PTAB. First, the litigation is at a somewhat early stage, with discovery underway and a handful of rulings having been issued, some substantive and some procedural. Absent a stay, the next six months will include a flurry of labor-intensive hearings and deadlines, including claim construction briefing, a *Markman* hearing, final infringement contentions, expert deadlines, and dispositive motion deadlines—not to mention ongoing discovery. Imposing a stay will protect the parties and Court alike from the costs and burdens associated with these deadlines.

Second, there are major potential efficiency advantages from issuing a stay given the possibility of the PTAB invalidating some or all claims associated with the patents-in-suit. *See Guntert & Zimmerman Constr. Div., Inc.*, 2021 WL 7185089, at *4 (recognizing the potential for *inter partes* review to simplify the issues in the case). To that end, although the PTAB has not yet decided whether to institute *inter partes* review on all six patents-in-suit, it is highly likely that it will do so given the overlap between the two patents on which it has granted review and the remaining four for which decisions are pending. Accordingly, the potential-for-simplification factor weighs strongly in favor of issuing a stay.

Third, and finally, no party resists the stay, and thus there is by definition no prejudice to any non-moving party.

In these circumstances, the parties have met their burden of establishing that a stay is appropriate. The Court therefore GRANTS the Motions to Stay. (ECF 202; ECF 208.) All case deadlines are continued indefinitely pending further Court Order. If the PTAB Director grants ME2C's Director Review Requests and overturns the institution of *inter partes* review proceedings or otherwise dismisses those proceedings, the Court anticipates lifting the stay promptly upon notice from the parties. If the PTAB Director denies ME2C's Director Review Requests, the Court anticipates lifting the stay when the PTAB issues final written decisions on all *inter partes* review

petitions. Either way, the Court directs the parties to meet-and-confer at that time to attempt to reach agreement on proposed new deadlines for all stages of the case that have not yet been completed. Within two weeks of the completion of *inter partes* review proceedings (and irrespective of how those proceedings end), the parties must file a proposed Amended Case Management Order with a table similar to the one in the existing Case Management Order (ECF 60, pp. 2–3) that identifies all new agreed-upon deadlines and, with respect to deadlines for which agreement has not been reached, the respective proposals from each side.

In the meantime, for administrative simplicity, all pending motions except one are DENIED WITHOUT PREJUDICE. (ECF 190; ECF 194; ECF 195; ECF 207; ECF 209.) Those motions may be refiled after the stay is lifted, along with other motions, if any, that become relevant based on the outcome of *inter partes* review proceedings. The only exception is Midwest Energy Emissions Corp.'s Motion for Extension of Time Pending the Court's Ruling on the Parties' Joint Motion to Stay (ECF 211), which is DENIED AS MOOT given the imposition of the stay and continuance of all case deadlines. To the best of the Court's understanding, the stay and continuance provide ME2C with all the relief it seeks.

III. CONCLUSION.

For the reasons stated above, the Court GRANTS the Motions to Stay. (ECF 202; ECF 208), DENIES WITHOUT PREJUDICE most other pending motions (ECF 190; ECF194; ECF 195; ECF 207; ECF 209), and DENIES AS MOOT the only other pending motion (ECF 211).

IT IS SO ORDERED.

Dated this 13th day of October, 2025

Stephen H. Locher
United States District Judge