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Paper 15
Date: July 25, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

GREEN REVOLUTION COOLING, INC.,
Petitioner,

v.

MIDAS GREEN TECHNOLOGIES, LLC,
Patent Owner.

IPR2025-00196
Patent 10,405,457 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

ORDER
Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of *Inter Partes* Review

Midas Green Technologies, LLC ("Patent Owner") filed a request for Director Review of the Decision granting institution ("Decision," Paper 7) and Green Revolution Cooling, Inc. ("Petitioner") filed an authorized response. *See* Paper 9 ("DR Request"); Paper 10. Patent Owner argues that the Board erred in its fact finding as to *Fintiv*[1] factors 1, 4, and 6—whether a stay has been granted in the parallel proceeding, the overlap between issues raised in the petition and the parallel proceeding, and the strength of the petition's merits, respectively. DR Request 8–11, 13–14. In particular, Patent Owner argues the Board gave too much weight to Petitioner's stipulation, which does not apply to system art Petitioner asserts as invalidating in the parallel proceeding, and overestimated the strength of the petition. *Id.* at 8–11.

Petitioner responds that its stipulation prevents any overlap between the petition and the parallel proceeding because Petitioner enhanced its stipulation after institution and agreed not to combine its CarnoJet system art with the published prior art used in the petition. *See* Paper 10, 1–2. Petitioner also argues the strength of its petition is compelling, and that the Board's assessment of the other factors was correct. *Id.* at 3–5.

The Board erred in giving too much weight to Petitioner's stipulation and not enough weight to the advanced state of the parallel district court proceeding. The district court has not granted a stay and the likely trial date in the parallel proceeding is approximately four months before the final written decision. As such, it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs. Considering the

[1] *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential).

Fintiv factors as a whole, although Petitioner's enhanced stipulation may mitigate some concern of duplication between the parallel proceeding and this proceeding, the stipulation does not outweigh the other *Fintiv* factors. Accordingly, the efficiency and integrity of the system are best served by denying review.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board's Decision granting institution of *inter parties* review (Paper 7) is vacated; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

For PETITIONER:

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