

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

PacifiCorp and Berkshire Hathaway Energy Co.,

Petitioners

v.

Birchtech Corp.

Patent Owner

IPR2025-00274
Patent No. 10,343,114

PETITIONERS' AND PATENT OWNER'S MOTION TO SEAL

Petitioners and Patent Owner respectfully move to seal portions of the Institution Decision (Paper 87), which contains confidential information as described below. The parties are concurrently filing a redacted version of the Institution Decision, but request that Paper 87 be maintained under seal in accordance with the Default Protective Order.

Other than changing the cover page and paper numbers, an identical motion to seal is being filed concurrently in IPR2025-00274, IPR2025-00280, and IPR2025-00422.

I. GOOD CAUSE EXISTS FOR SEALING

In determining whether to grant a Motion to Seal, the Board must find “good cause” and “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 37 C.F.R. § 42.54(a). As described in the Office Trial Practice Guide, the Board identifies confidential information “in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” Patent Trial & Appeal Board, Consolidated Trial Practice Guide at 19 (Nov. 2019).

The Institution Decision quotes Exhibit 2060, an Ownership and Operating Agreement between PacifiCorp and other entities. Exhibit 2060 was filed under seal in the present IPR proceeding.

The Institution Decision also quotes from various agreements between Chem-Mod and former Petitioners. *See, e.g.*, Exhibit 2037. These agreements were filed under seal in the present IPR proceeding.

The Institution Decision also identifies information contained in a confidential settlement agreement between Chem-Mod and Patent Owner. *See* Exhibit 2053. Exhibit 2053 was filed under seal in the present IPR proceeding.

II. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. § 42.54.

Petitioners and Patent Owner have conferred, and both sides agree to sealing portions of the Institution Decision.

THEREFORE, Petitioners and Patent Owner jointly request that the Board grant the Motion to Seal.

Date: May 27, 2026

Respectfully submitted,

/s/ David J. Tobin

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ATTORNEYS FOR PETITIONERS

Dated: May 27, 2026

Respectfully submitted,

/s/ Hamad M. Hamad

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on the 27th day of May, 2026, a complete and entire copy of the foregoing **PETITIONERS' AND PATENT OWNER'S MOTION TO SEAL** was served on Patent Owner via email to counsel of record for the Patent Owner at the following addresses:

hhamad@caldwellcc.com
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Date: May 27, 2026

Respectfully submitted,

/s/ David J. Tobin

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