

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY,
INTERSTATE POWER & LIGHT COMPANY,
MIDAMERICAN ENERGY COMPANY,
PACIFICORP,
WEC ENERGY GROUP, INC., AND
WISCONSIN POWER & LIGHT COMPANY

Petitioners

v.

BIRCHTECH CORP.
(d/b/a MIDWEST ENERGY EMISSIONS CORP.)

Patent Owner

Case IPR2025-00278

Patent 10,343,114

PATENT OWNER'S MOTION TO SEAL

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 42.14, 42.55, and the Deputy Chief Clerk’s email dated June 25, 2025, Patent Owner Birchtech Corp. (d/b/a Midwest Energy Emissions Corp. or “ME2C”) respectfully moves to seal Paper 20, Patent Owner’s Reply Brief in support of its Request for Discretionary Denial, which contains information that was designated confidential, as described below. The Brief was inadvertently filed publicly.

I. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

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).¹

Patent Owner’s Reply Brief in support of its Request for Discretionary

¹ <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialsPracticeGuideConsolidated>.

Denial contains quotations from and/or references to Exhibits 2037–42, which are certain Petitioners’ agreements with refined coal suppliers. The Brief was inadvertently filed publicly. The underlying documents were produced by Petitioners to Patent Owner and designated by Petitioners as “Restricted – Attorneys’ Eyes Only.”

Patent Owner has diligently taken steps to remove the confidential information from the public record, including seeking and obtaining authorization from the Board to have the briefs removed from public view and contacting third parties who archive PTAB documents and requesting that they remove the documents from their platforms.

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

Patent Owner has conferred with Petitioners, and Petitioners do not oppose this Motion.

THEREFORE, Patent Owner respectfully requests that the Board grant Patent Owner’s Motion to Seal.

Dated: June 25, 2025

Respectfully submitted,

Birchtech Corp.

/Hamad M. Hamad/

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)(4)

It is hereby certified that on this 25th day of June, 2025, a copy of the foregoing document was served via electronic mail, as consented to by Petitioner upon the following counsel of record:

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