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Paper 41
Date: October 2, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY,,
MIDAMERICAN ENERGY COMPANY, PACIFICORP, and
WEC ENERGY GROUP, INC.,
Petitioner,

v.

BIRCHTECH CORP.,
Patent Owner.

IPR2025-00274 (Patent No. 10,343,114 B2)
IPR2025-00278 (Patent No. 10,343,114 B2)
IPR2025-00280 (Patent No. 10,596,517 B2)
IPR2025-00281 (Patent No. 10,596,517 B2)[1]

Before CHRISTOPHER M. KAISER, AVELYN M. ROSS, and DAVID COTTA, *Administrative Patent Judges*.

ROSS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

[1] This Order addresses scheduling dates that are the same in the listed cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

On September 11, 2025, with our prior authorization, Petitioner Berkshire Hathaway ("Berkshire") filed Motions to Withdraw Petitioner Berkshire Hathaway Energy Company's Counsel in IPR2025-00274, IPR2025-00278, IPR2025-00280, and IPR2025-00281. Paper 35 ("Motion").[2] Together with the Motions, Berkshire filed copies of its Revocation of Power of Attorney and Appointment of New Power of Attorney (Paper 36) and a Revised Mandatory Notices (Paper 37).

In its Motions, Berkshire seeks to withdraw "Gibson, Dunn & Crutcher LLP, specifically Benjamin Hershkowitz, David L. Glandorf, and NoahLani Litwinsella, as back-up counsel for Petitioner." Motion 1. In addition, Berkshire requests to substitute Fredrickson & Byron, P.A., specifically Thomas M. Patton and R. Scott Johnson, as new back-up counsel. *Id.* Berkshire states that "Patent Owner does not oppose the substitution of back-up counsel." *Id.*

ORDER

In view of the foregoing, it is

ORDERED that Berkshire's Motion is granted and that Gibson, Dunn & Crutcher LLP, specifically Benjamin Hershkowitz, David L. Glandorf, and NoahLani Litwinsella may withdraw as back-up counsel from the above-identified proceedings; and

[2] Papers cited herein are to IPR2025-00274. Similar papers have been filed in IPR2025-00278 (Papers 35, 36, 37), IPR2025-00280 (Papers 36, 37, 38), and IPR2025-00281 (Papers 36, 37, 38).

FURTHER ORDERED that Fredrickson & Byron, P.A., specifically Thomas M. Patton and R. Scott Johnson, are substituted as new back-up counsel.

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