UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY &
PACIFICORP,

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, Patent Owner respectfully moves to seal Patent Owner's Supplemental Response and accompanying Exhibits 2059 - 2062, which contain confidential information as described below.

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]

A. Exhibits 2059, 2061, 2062

Exhibits 2059, 2061, and 2062 are the deposition transcripts of Jennifer McIvor, David Cabello, and Brad Richards and designated as Confidential and/or Protective Order Material.

[1] https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL= TrialPracticeGuideConsolidated.

B. Exhibit 2060

Exhibit 2060 is the Ownership and Operation Agreement of Colstrip Units #3 & #4, dated May 6, 1981, which is a confidential document produced by Petitioners, designated as "Restricted—Attorneys' Eyes Only."

C. Patent Owner's Supplemental Response.

Patent Owner's Supplemental Response contains quotations or references to the above exhibits that may be deemed confidential for the same reasons explained above, or to other exhibits in this proceeding that have been filed under seal.

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: March 16, 2026

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 16th day of March, 2026, 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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