

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

Berkshire Hathaway Energy Company and
PacifiCorp

Petitioners,

v.

Birchtech Corp.

Patent Owner.

IPR2025-00280
Patent No. 10,596,517

PETITIONERS' OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners hereby submit the following objections to evidence filed during preliminary proceedings. *See also* Paper 85 (institution decision), 37 C.F.R. § 42.2 (including definitions for “preliminary proceeding” and “trial”).

<u>Evidence</u>	<u>Objections</u>
Exhibit 2004 (Jury Trial Transcript)	Petitioners object to Exhibit 2004 as hearsay under Fed. R. Evid. 802. Petitioners also object to Exhibit 2004 under Fed. R. Evid. 402-403. The testimony pertained to a different proceeding in which invalidity was not raised.
Exhibit 2005 (Judgment)	Petitioners object to Exhibit 2005 under Fed. R. Evid. 402-403. The judgment pertained to a different proceeding in which invalidity was not raised.
Exhibits 2012-2015 (EERC documents)	Petitioners object to Exhibits 2012-2015 as hearsay under Fed. R. Evid. 802.
Exhibit 2016 (metadata)	Petitioners object to Exhibit 2016 as hearsay under Fed. R. Evid. 802. Petitioners also object to Exhibit 2016 as non-authentic under Fed. R. Evid. 901.
Exhibit 2017 (Erickson Declaration and attachments)	Petitioners object to Exhibit 2017 as hearsay under Fed. R. Evid. 802. Petitioners object to Exhibit 2017 under Fed. R. Evid. 106, as it appears to be missing pages. Petitioners also object to Exhibit 2017 as non-authentic under Fed. R. Evid. 901.

Exhibit 2018 (Pavlish, Holmes, and Olson Declarations and attachments)	Petitioners object to Exhibit 2018 as hearsay under Fed. R. Evid. 802. Petitioners also object to Exhibit 2018 under Fed. R. Evid. 402-403. The testimony pertains to different patents. Petitioners object to Exhibit 2018 under Fed. R. Evid. 106, as it includes excerpts of only portions of documents and does not provide the complete documents.
Exhibits 2019-2021 (preliminary injunction briefs)	Petitioners object to Exhibits 2019-2021 as hearsay under Fed. R. Evid. 802. Petitioners also object to Exhibits 2019-2021 under Fed. R. Evid. 402-403. The briefs pertain to a different proceeding about different patents.
Exhibit 2022	Petitioners object to Exhibit 2022 as hearsay under Fed. R. Evid. 802.
Exhibits 2027-2034 (EERC documents)	Petitioners object to Exhibits 2027-2034 as hearsay under Fed. R. Evid. 802.

Petitioners reserve the right to move to exclude the above exhibits.

Respectfully submitted,

May 26, 2026

Date

/s/ David J. Tobin

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on May 26, 2026, a complete copy of the foregoing Petitioners' Objections to Evidence was served on Lead and Back-up Counsel for Patent Owner at the service address provided in Patent Owner's Mandatory Notices:

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May 26, 2026

Date

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