UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY
and PACIFICORP,
Petitioners

v.

MIDWEST ENERGY EMISSIONS CORP.
Patent Owner

Case IPR2025-00281
Patent 10,596,517

JOINT REQUEST FOR ORAL ARGUMENT

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

In accordance with 37 C.F.R. § 42.70(a), Patent Owner and Petitioners hereby jointly request oral argument in the present *inter partes* review. Other than updating the cover page, the parties are jointly filing an identical request in the following proceedings:

- IPR2025-00274 (U.S. Patent No. 10,343,114)
- IPR2025-00278 (U.S. Patent No. 10,343,114)
- IPR2025-00280 (U.S. Patent No. 10,596,517)
- IPR2025-00281 (U.S. Patent No. 10,596,517)

Per the Board's Scheduling Order, the oral argument is currently scheduled for June 9, 2026. The Board initially selected the USPTO Regional Office in Denver, Colorado, as the location for oral argument. *See, e.g.*, IPR2025-00274, Scheduling Order, Paper 34 at 7. After the Scheduling Order issued, the USPTO closed the office in Denver.[1]

After this Request for Oral Argument is filed, the parties expect that oral argument at the hearing will only address one petition per patent: one of IPR2025-00274 or IPR2025-00278; and one of IPR2025-00280 or IPR2025-00281. *See, e.g.*, Director's Order Supplementing Director Review Decision, IPR2025-00274, Paper 81 (March 27, 2026). The parties jointly request that oral argument be combined for the IPR proceedings concerning the '114 and '517 Patents, which,

[1] https://www.uspto.gov/about-us/uspto-locations/rocky-mountain.

per the Board's Scheduling Order, are currently scheduled for June 9, 2026. The parties further request that the hearing take place at USPTO Southwest Regional Office, 207 South Houston St., Suite 159, Dallas, Texas.

If oral arguments are combined for the IPR proceedings on two patents—10,343,114 and 10,596,517—the parties respectfully request that each side be permitted up to ninety (90) minutes of argument time in total across both proceedings, with the opportunity to reserve time for rebuttal. If oral argument is not combined for the two patents, the parties request that each side be permitted up to forty-five (45) minutes of argument time for each proceeding, with the opportunity to reserve time for rebuttal. To the extent the Board orders a different amount of time for argument, the parties request that each side be provided an equal amount of time for argument.

The parties request a projector and screen for computer-generated slides and a document camera/projector to present any demonstrative exhibits.

Without waiving consideration of any issue not listed below, the parties request the opportunity to address all issues raised in the papers, including:

- whether Petitioners have complied with statutory requirements and met their burden with respect to the challenged claims;
- any issue raised in the Board's Institution Decisions or Director Review orders;

- any argument raised in the Petition, Patent Owner's Response, Petitioners' Reply, and Patent Owner's Sur-Reply, Supplemental Patent Owner's Response, and Supplemental Petitioner's Reply including the parties' claim construction, priority date, and prior art arguments;
- any motions or issues that remain pending at the time of the hearing, including any motions to exclude evidence and responses thereto;
- any issued raised in any paper of record in this proceeding; and
- any issue raised by the Board during the oral argument.

If the Board has any questions, the parties respectfully request a telephone conference to take place at the Board's convenience.

Dated: April 27, 2026

Respectfully submitted,

Birchtech Corp.

/Hamad M. Hamad/
Hamad M. Hamad, Reg. No. 64,641
Justin T. Nemunaitis (admitted *pro hac vice*)
Richard Cochrane (admitted *pro hac vice*)
CALDWELL CASSADY CURRY, P.C.
2121 N. Pearl St., Ste. 1200
Dallas, Texas 75201
Telephone: 214.888.4848
Facsimile: 214.888.4849
hhamad@caldwellcc.com
jnemunaitis@caldwellcc.com
rcochrane@caldwellcc.com
midwest@caldwellcc.com

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

It is hereby certified that on this 27th day of April, 2026, a copy of the foregoing document was served via electronic mail, as consented to by Petitioners upon the following counsel of record:

Brian W. Oaks (Reg. No. 44,981)
McDermott Will & Schulte LLP
300 Colorado Street, Suite 2200
Austin, TX 78701
Tel: 512-726-2574

Email: dtobin@mcdermottlaw.com
boaks@ mcdermottlaw.com
PacifiCorp-PTAB-ME2C@ mcdermottlaw.com
rsjohnson@fredlaw.com
tpatton@fredlaw.com
MidAmerican@fredlaw.com

Date: April 27, 2026

/Hamad M. Hamad/
Hamad M. Hamad, Reg. No. 64,641