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 IPR2025-00423
Patent 10,668,430

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 Midwest Energy Emissions Corp. respectfully moves to seal Exhibits 2037–42, as well as Patent Owner's Preliminary Response, which contain confidential information as described below. Patent Owner and Petitioners have jointly requested entry of the Board's default order, and Patent Owner re-raises that request here.

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 2037–42

Exhibits 2037–42 are certain Petitioners' agreements with refined coal suppliers, which were produced by Petitioners to Patent Owner and designated by

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

Petitioners as "Restricted – Attorneys' Eyes Only."

Patent Owner has conferred with Petitioners, who do not oppose sealing these documents.

B. Patent Owner's Preliminary Response

Patent Owner's Preliminary Response includes quotations or references to the above exhibits that may be deemed confidential for the same reasons explained above.

Patent Owner has conferred with Petitioners, who do not oppose sealing these documents.

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

Respondent has conferred with Petitioners, and Petitioners do not oppose the motion, except as noted above.

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

Dated: July 9, 2025

Respectfully submitted,

Birchtech Corp.

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

It is hereby certified that on this 9th day of July, 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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