UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PACIFICORP

Petitioners

v.

BIRCHTECH CORP.
(d/b/a MIDWEST ENERGY EMISSIONS CORP.)

Patent Owner

Case IPR2025-00424
Patent 10,589,225

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 Exhibits 2050–2053, and 2056 as well as Patent Owner's Response, 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 2050 and 2051

Exhibits 2050 and 2051 are Petitioner PacifiCorp's First and Second Amended Answer, Affirmative Defenses, and Counterclaims in Response to Plaintiff's First Amended Complaint for Patent Infringement from *In re: Midwest Energy Emissions Corp. Pat. Litig.*, No. 4:24-md-03132-SHL-WPK (S.D. Iowa),

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

which were each filed under seal by Petitioner PacifiCorp in that case.

B. Exhibit 2052

Exhibit 2052 is the License Agreement Between Brandon Shores LLC, Talen Generation LLC, Talen Montana, LLC, and H.A. Wagner LLC, and Midwest Energy Emissions Corp. and MES Inc., dated Jan. 15, 2021, which contains confidential information of Patent Owner and third parties, and was filed under seal and designated as "Restricted – Attorneys' Eyes Only" in *In re: Midwest Energy Emissions Corp. Pat. Litig.*, No. 4:24-md-03132-SHL-WPK (S.D. Iowa).

C. Exhibit 2053

Exhibit 2053 is the Settlement and License Agreement Between Midwest Energy Emissions Corp. and MES Inc., and Chem-Mod LLC, Arthur J. Gallagher & Co., AJG Coal, LLC, DTE Energy Co., and DTE Energy Resources, LLC, dated December 28, 2023, which is a confidential document produced in *In re: Midwest Energy Emissions Corp. Pat. Litig.*, No. 4:24-md-03132-SHL-WPK (S.D. Iowa), designated as "Restricted – Attorneys' Eyes Only."

D. Exhibit 2056

Exhibit 2056 is Patent Owner's Response in IPR2025-00425, which includes 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.

E. Patent Owner's Response

Patent Owner's Response includes 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, who do not oppose sealing these documents.

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

Dated: January 20, 2026

Respectfully submitted,

Birchtech Corp.

/Hamad M. Hamad/
Hamad M. Hamad, Reg. No. 64,641
Justin T. Nemunaitis (*pro hac vice*)
Richard Cochrane (*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 20th day of January, 2026, a copy of the foregoing document was served via electronic mail, as consented to by Petitioner upon the following counsel of record:

David J. Tobin (Reg. No. 60,776)
McDermott Will & Schulte LLP
2801 North Harwood Street, Suite 2600
Dallas, TX 75201
Tel: (214) 210-2793

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

Date: January 20, 2026

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