UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

PacifiCorp,

Petitioner

v.

Birchtech Corp.

Patent Owner

IPR2025-00424
Patent No. 10,589,225

PETITIONER'S AND PATENT OWNER'S MOTION TO SEAL

Petitioner and Patent Owner respectfully move to seal portions of the Institution Decision (Paper 69), which contains confidential information as described below. The parties are concurrently filing a redacted version of the Institution Decision, but request that Paper 69 be maintained under seal in accordance with the Default Protective Order.

I. GOOD CAUSE EXISTS FOR SEALING

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).

The Institution Decision quotes Exhibit 2060, an Ownership and Operating Agreement between PacifiCorp and other entities. Exhibit 2060 was filed under seal in the present IPR proceeding.

The Institution Decision also quotes from various agreements between Chem-Mod and former Petitioners. *See, e.g.,* Exhibit 2037. These agreements were filed under seal in the present IPR proceeding.

The Institution Decision also identifies information contained in a confidential settlement agreement between Chem-Mod and Patent Owner. *See* Exhibit 2053. Exhibit 2053 was filed under seal in the present IPR proceeding.

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

Petitioner and Patent Owner have conferred, and both sides agree to sealing portions of the Institution Decision.

THEREFORE, Petitioner and Patent Owner jointly request that the Board grant the Motion to Seal.

Date: May 28, 2026

Respectfully submitted,

/s/ David J. Tobin

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

ATTORNEYS FOR PETITIONER

Dated: May 28, 2026

Respectfully submitted,

/s/ 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

ATTORNEYS FOR PATENT OWNER

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on the 28th day of May, 2026, a complete and entire copy of the foregoing **PETITIONER'S AND PATENT OWNER'S MOTION TO SEAL** was served on Patent Owner via email to counsel of record for the Patent Owner at the following addresses:

hhamad@caldwellcc.com
jnemunaitis@caldwellcc.com
rcochrane@caldwellcc.com
midwest@caldwellcc.com

Date: May 28, 2026

Respectfully submitted,

/s/ David J. Tobin

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