UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

PacifiCorp

Petitioner,

v.

Birchtech Corp.

Patent Owner.

IPR2025-00687
Patent No. 10,933,370

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submit the following objections to evidence filed during preliminary proceedings. *See also* 37 C.F.R. § 42.2 (including definitions for "preliminary proceeding" and "trial").

Evidence	**Objections**
Exhibit 2004 (Jury Trial Transcript)	Petitioner objects to Exhibit 2004 as hearsay under Fed. R. Evid. 802. Petitioner also objects to Exhibit 2004 under Fed. R. Evid. 402-403. The testimony pertained to a different proceeding about different patents.
Exhibit 2005 (Judgment)	Petitioner objects to Exhibit 2005 under Fed. R. Evid. 402-403. The judgment pertained to a different proceeding about different patents.
Exhibits 2012-2015 (EERC documents)	Petitioner objects to Exhibits 2012-2015 as hearsay under Fed. R. Evid. 802.
Exhibit 2016 (metadata)	Petitioner objects to Exhibit 2016 as hearsay under Fed. R. Evid. 802. Petitioner also objects to Exhibit 2016 as non-authentic under Fed. R. Evid. 901.
Exhibit 2017 (Erickson Declaration and attachments)	Petitioner objects to Exhibit 2017 as hearsay under Fed. R. Evid. 802. Petitioner objects to Exhibit 2017 under Fed. R. Evid. 106, as it appears to be missing pages. Petitioner also objects to Exhibit 2017 as non-authentic under Fed. R. Evid. 901.
Exhibit 2018 (Pavlish, Holmes, and Olson Declarations and attachments)	Petitioner objects to Exhibit 2018 as hearsay under Fed. R. Evid. 802. Petitioner also objects to Exhibit 2018 under Fed. R. Evid. 402-403. The testimony pertains to different patents.

	Petitioner objects 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)	Petitioner objects to Exhibits 2019-2021 as hearsay under Fed. R. Evid. 802. Petitioner also objects to Exhibits 2019-2021 under Fed. R. Evid. 402-403. The briefs pertain to a different proceeding about different patents.
Exhibit 2022	Petitioner objects to Exhibit 2022 as hearsay under Fed. R. Evid. 802.
Exhibits 2027-2034 (EERC documents)	Petitioner objects to Exhibits 2027-2034 as hearsay under Fed. R. Evid. 802.

Petitioner reserves the right to move to exclude the above exhibits.

Respectfully submitted,

Feb. 17, 2026
Date

/s/ David J. Tobin

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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on February 17, 2026, a complete copy of the foregoing Petitioner's 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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Feb. 17, 2026
Date

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