UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

PacifiCorp,
Interstate Power & Light Company,
MidAmerican Energy Company,
WEC Energy Group, Inc., and
Wisconsin Power & Light Company

Petitioners

v.

Birchtech Corp.

Patent Owner

IPR2025-00717
Patent No. 10,926,218

PETITIONERS' UPDATED EXHIBIT LIST

UPDATED EXHIBIT LIST
(Adding Exhibits 1110-1112)

Exhibit	Description of Exhibits
1001	U.S. Patent No. 10,926,218 to Olson et al. (filed July 11, 2019) **("'218 Patent" or "Challenged Patent")**
1002	Declaration of Dr. Stephen Niksa in Support of Petition for *Inter Partes* Review of U.S. Patent No. 10,926,218 **("'218 Niksa Decl.")**
1003	Curriculum Vitae of Dr. Stephen Niksa
1004	Family Tree of ME2C Patents
1005	U.S. Patent Publication No. 2004/0013589 to Vosteen et al. (filed July 24, 2002) **("Vosteen589")**
1006	U.S. Patent Pub. No. 2008/0107579 to Downs et al. (published May 8, 2008) **("Downs-Boiler")**
1007	RESERVED
1008	Travis Starns, "Full-Scale Test of Mercury Control with Sorbent Injection and an ESP at Wisconsin Electric's Pleasant Prairie Power Plant," Session AE1-C, Paper No. 43249, AIR & WASTE MANAGEMENT'S ASSOCIATION'S 95TH ANNUAL CONFERENCE (Baltimore, MD: June 23-27, 2002) **("Starns")**

Exhibit	Description of Exhibits
1009	Massachusetts Dep. of Environmental Protection, Bureau of Waste Prevention, "Evaluation of the Technological and Economic Feasibility of Controlling and Eliminating Mercury Emissions from the Combustion of Solid Fossil Fuel" (Dec. 2002) **("Mass-EPA")**, available at https://web.archive.org/web/20030411074158/http:/www.state.ma.us/dep/bwp/daqc/files/mercfeas.pdf and at https://www.mass.gov/doc/evaluation-of-technological-economic-feasibility-of-controlling-eliminating-mercury-emissions/download
1010	Sharon Sjostrom, "Full Scale Evaluations of Mercury Control Technologies with PRB Coals," Track A, Session A3 (Mercury – Control), Presentation A3b, EUEC: 8TH ELECTRIC UTILITIES ENVIRONMENTAL CONFERENCE (Tucson, Arizona: January 25, 2005) **("Sjostrom")**
1011	RESERVED
1012	U.S. Patent Pub. No. 2006/0048646 to Olson et al. (published Mar. 9, 2006) **("Olson-646")**
1013	U.S. Patent No. 6,953,494 to Nelson (filed May 6, 2003) **("Nelson")**
1014	U.S. Patent No. 7,514,052 to Lissianski et al. (filed Apr. 7, 2009) **("Lissianski")**
1015	U.S. Patent Publication No. 2011/0030592 to Baldrey (filed Feb. 10, 2011) **("Baldrey")**
1016	U.S. Patent Pub. No. 2014/0255279 to Olson et al. (published Sept. 11, 2014) **("Olson-279")**

Exhibit	Description of Exhibits
1017	RESERVED
1018	U.S. Patent No. 8,652,235 to Olson et al. (issued February 18, 2014) **("Olson-235")**
1019	File History of U.S. Patent Application No. 15/974,343, which ultimately issued as U.S. Patent No. 10,668,430 **("'430 Patent File History")**.
1020	File History of U.S. Patent Prov. App. No. 60/605,640 **("Provisional")**
1021	File History of U.S. Patent Application No. 11/209,163, which ultimately issued as U.S. Patent No. 7,435,286 **("'163 Application File History")**
1022	File History of U.S. Patent Application No. 12/201,595, which ultimately published as 2009/0062119 and was abandoned **("'595 Application File History")**
1023	Excerpts of File History of U.S. Patent Application No. 15/951,970, which ultimately issued as U.S. Patent No. 10,933,370 **("'370 Patent File History")**
1024	RESERVED
1025	File History of U.S. Patent Application No. 12/419,219, which ultimately issued as U.S. Patent No. 8,168,147 **("'147 Patent File History")**
1026	File History of U.S. Patent Application No. 15/978,760 (issued as U.S. Patent No. 10,343,114) **("'114 Patent File History")**

Exhibit	Description of Exhibits
1027	Babcock & Wilcox, STEAM: ITS GENERATION AND USE, 40th ed. (The Babcock & Wilcox Company: 1992) **("B&W: Steam")**
1028	J. Bustard, S. Sjostrom, et al., "Full Scale Evaluation of Sorbent Injection for Mercury Control on Coal-Fired Power Plants," International Conference on Air Quality III, Paper No. A5-4 (Sept. 9-12, 2002: Arlington, VA) **("Bustard")**
1029	U.S. Patent No. 1,984,164 to Stock et al. (issued Dec. 11, 1934) **("Stock")**
1030	Electric Utilities Environment Conference 2005 Handout **("EUEC Handout")**
1031	Scan of jacket/cover of CD mailed to conference attendees from EUEC: 8th Electric Utilities Environmental Conference (Tucson, Arizona: January 23-26, 2005) **("EUEC CD Scan")**
1032	RESERVED
1033	U.S. Patent No. 8,512,655
1034	U.S. Patent No. 8,821,819
1035	U.S. Patent No. 9,757,689
1036	CRC Handbook of Chemistry and Physics, 86th Ed.; Lide, D.R., ed. **("CRC Press: March 2005")**
1037	Paul Chu, "Power Plant Evaluation of the Effect of SCR Technology on Mercury," Paper No. 106, COMBINED POWER PLANT AIR

Exhibit	Description of Exhibits
	POLLUTANT CONTROL MEGA SYMPOSIUM (MEGA) (Washington, DC: May 19-22, 2003) **("Power Plant Evaluation")**
1038	Evan J. Granite et al., "Sorbents for Mercury Removal from Flue Gas," DOE/FETC/TR–98-01, U.S. Department of Energy (Jan. 1998) **("Granite")**
1039	Thomas J. Feeley, et al., "A Review of DOE/NETL's Mercury Control Technology R&D Program for Coal-Fired Power Plants," *DOE/NETL Hg R&D Program Review* (April 2003) **("Feeley")**
1040	Oxtoby et al., PRINCIPLES OF MODERN CHEMISTRY, 4th ed (Saunders College Publishing: 1999) **("Oxtoby")**
1041	N.N. Greenwood and A. Earnshaw, CHEMISTRY OF THE ELEMENTS, 2nd ed. (Butterworth-Heinemann: 1997) **("Greenwood")**
1042	B.R. Puri, *Surface Complexes on Carbons*, *in* CHEMISTRY AND PHYSICS OF CARBON 191 (Philip L. Walker, ed.) (Marcel Dekker: 1970) **("Puri")**
1043	Frank E. Huggins et al., "XAFS Examination of Mercury Sorption on Three Activated Carbons," *Energy & Fuels* 1999(13), p. 114-121 (1999) **("XAFS")**
1044	S. Niksa et al., *Predicting Complete Hg Speciation Along Coal-Fired Utility Exhaust Systems*, MEGA SYMPOSIUM, Paper # 45 (Washington, DC: Aug. 2004) **("Hg Speciation")**
1045	D.L. Laudal et al., *Evaluation of Mercury Speciation at Power Plants Using SCR and SNCR NOx Control Technologies*, Paper No. A5-01, INT'L CONF. ON AIR QUALITY III (Arlington, VA: Sept. 9-12, 2002) **("Laudal")**

Exhibit	Description of Exhibits
1046	U.S. Patent No. 4,196,173 to DeJong **("DeJong")**
1047	U.S. Patent No. 5,695,726 to Lerner **("Lerner")**
1048	Carey, T. R., Jr., O. W. H., Richardson, C. F., Chang, R., & Meserole, F. B. (1998). Factors Affecting Mercury Control in Utility Flue Gas Using Activated Carbon. *Journal of the Air & Waste Management Association*, 48(12), 1166–1174. https://doi.org/10.1080/10473289.1998.10463753 **("Carey")**
1049	NETL - Mercury Emissions Control, February, 2003, available at https://web.archive.org/web/20030315093905fw_/http://www.netl.doe.gov/coalpower/environment/mercury/control-tech/inactive.html **("U.S. DOE, Completed Mercury Projects, February, 2003")**
1050	Proposed National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units, 69 Fed. Reg. 4652-4752 [Volume 69, No. 20] (Jan. 30, 2004) **("EPA-Proposal")**
1051	U.S. EPA, "Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generation Units -- Final Report to Congress," (Vol. 1 1998), available at https://www3.epa.gov/ttn/utox/eurtc1.pdf (**"U.S. EPA – Vol. 1 1998"**)
1052	U.S. EPA, "Mercury Study Report to Congress Volume 1: Executive Summary," EPA-452/R-97-003 (Dec. 1997), available at https://www.epa.gov/sites/production/files/2015-09/documents/volume1.pdf (**"U.S. EPA – Exec. Summary Vol. 1 Dec. 1997"**)

Exhibit	Description of Exhibits
1053	U.S. EPA, AP-42: External Combustion Sources, Chapter 1: Fifth Edition, Volume I (Sep. 1998), available at https://www3.epa.gov/ttn/chief/ap42/ch01/index.html (last visited Nov. 20, 2024) **("Chapter 1 of AP-42")**
1054	U.S. DOE, Mercury Emissions Control - Regulatory Drivers (Jan. 24, 2003), available at https://web.archive.org/web/20030416142937/http:/www.netl.doe.gov/coalpower/environment/mercury/regs.html **("Mercury Emissions Control")**
1055	Clean Air Mercury Rule: Basic Information, available at https://web.archive.org/web/20050920005951/http:/www.epa.gov/mercuryrule/basic.htm **("Clean Air Mercury Rule")**
1056	EPA Newsroom, "EPA Announces First-Ever Rule to Reduce Mercury Emissions from Power Plants" (Mar. 15, 2005), available at https://archive.epa.gov/epapages/newsroom_archive/newsreleases/91ab7266e65751b985256fc50067d9b0.html **("3/15/2005 EPA Press Release")**
1057	EPA Newsroom, "Public Comment Period Begins for Proposed Power Plant Regulations" (Jan. 29, 2004), available at https://archive.epa.gov/epapages/newsroom_archive/newsreleases/4daf1d46e8dd755c85257036005511f9.html **("1/29/2004 EPA Press Release")**
1058	EPA Newsroom, "EPA Supplements Proposal to Reduce Power Plant Mercury Emissions," (Feb. 24, 2004), available at https://archive.epa.gov/epapages/newsroom_archive/newsreleases/5810096dabfc9eba85256e440078905f.html **("2/24/2004 EPA Press Release")**

Exhibit	Description of Exhibits
1059	Sharon Sjostrom et al., "Field Studies of Mercury Control Using Injected Sorbents," AWMA ANNUAL MEETING, Session Ae-1b (2002) **("Field Studies of Mercury Control")**
1060	EPA, "Mercury Study Report to Congress Volume VIII: An Evaluation of Mercury Control Technologies and Costs," EPA Report No. EPA-452/R-97-010 (Dec. 1997), available at https://www3.epa.gov/airtoxics/112nmerc/volume8.pdf **("EPA 1997 Mercury Study Report Vol. VIII")**
1061	EUEC 2005 home page, available at https://web.archive.org/web/20050303090129/http:/www.euec.com/
1062	Charlene R. Crocker et al., "Mercury Control with the Advanced Hybrid Particulate Collector Technical Progress Report," U.S. DOE-NETL (Nov. 2003) **("Crocker")**
1063	Redline Comparison, showing changes from '163 Application (as published at 2006/0048646) to '970 Application (as published at 2018/0229182)
1064	Redline Comparison, showing changes from '558 Application (as published at 2015/0246315) to '970 Application (as published at 2018/0229182)
1065	U.S. Patent No. 8,168,147
1066	U.S. Patent No. 10,933,370
1067	U.S. Patent No. 10,589,225
1068	RESERVED

Exhibit	Description of Exhibits
1069	U.S. Patent Pub. No. 2018/0229182 to Olson et al. (published Aug. 16, 2018) **("Published '970 Application")**
1070	Roop Chand Bansal, et al., ACTIVE CARBON (Marcel Dekker:1988). **("Bansal")**
1071	*Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB, Dkt. No. 440 (D. Del. June 24, 2022) **("Dkt No. 440")**
1072	*Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB, Dkt. No. 447 (D. Del. July 12, 2022) **("Dkt No. 447")**
1073	Welcome Page of CD mailed to conference attendees of the 2002 Air & Waste Management's Association's 95th Annual Conference & Exhibition (Baltimore, Maryland: June 23-27, 2002) **("AWMA CD Scan")**
1074	Main Menu of CD mailed to conference attendees of the 2002 Air & Waste Management's Association's 95th Annual Conference & Exhibition (Baltimore, Maryland: June 23-27, 2002) **("AWMA CD Scan, Main Menu")**
1075	Author Index of CD mailed to conference attendees of the 2002 Air & Waste Management's Association's 95th Annual Conference & Exhibition (Baltimore, Maryland: June 23-27, 2002) **("AWMA CD Scan, Author Index")**
1076	Papers by Session of CD mailed to conference attendees of the 2002 Air & Waste Management's Association's 95th Annual Conference & Exhibition (Baltimore, Maryland: June 23-27, 2002) **("AWMA CD Scan, Papers by Session")**

Exhibit	Description of Exhibits
1077	Scan of jacket/cover of CD mailed to conference attendees of the 2002 Air & Waste Management's Association's 95th Annual Conference & Exhibition (Baltimore, Maryland: June 23-27, 2002) **("AWMA CD Photo")**
1078	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020613041559/http://www.awma.org/about/overview.htm **("AWMA Overview")**
1079	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020527005933/http://www.awma.org/ **("AWMA Homepage", advertising AWMA 2002 Conference)**
1080	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020604012426/http://www.awma.org:80/about/ **("AWMA About Page")**
1081	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020601173851/http://www.awma.org/ACE2002/tech-program/MondayPM.asp#AE-1c **("AWMA Technical Program Schedule for June 24, 2002 for Session AE-1C")**
1082	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020616091740/http://www.awma.org/ACE2002/exhibition/list.asp **("AWMA 2002 Conference list of exhibitors")**
1083	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020601121532/http://www.awma.org/ACE2002/top10list.asp **("AWMA 2002 Conference Top Ten Reasons")**

Exhibit	Description of Exhibits
1084	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020610093515/http://www.awma.org/ACE2002/welcome.asp **("AWMA 95th Annual Conference and Exhibition Welcome Page")**
1085	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020806044928/http://www.awma.org:80/pubs/bookstore/ItemInfo.asp?OrderCode_s=VIP-110-CD **("AWMA Bookstore Page for 2002 AWMA Conference CD")**
1086	AWMA Website (Internet Archive), available at https://web.archive.org/web/20020806041256/http://www.awma.org:80/pubs/bookstore/ **("AWMA Bookstore Homepage")**
1087	State of Massachusetts Mass-EPA (Internet Archive) (dated Jan. 6, 2003), available at https://web.archive.org/web/20030106044457/http://www.state.ma.us/dep/bwp/about.htm (describing mission of Mass Department of Environmental Protection, Bureau of Waste Prevention)
1088	State of Massachusetts Mass-EPA (Internet Archive) (dated Dec. 21, 2002), available at https://web.archive.org/web/20021221040816/http://www.state.ma.us/dep/bwp/bwpprogs.htm (describing the divisions and programs of the Mass Bureau of Waste Prevention)
1089	State of Massachusetts Mass-EPA (Internet Archive) (dated Jan. 6, 2003), available at https://web.archive.org/web/20030106024342/http://www.state.ma.us/dep/bwp/bwppubs.htm (describing the publications by program of the Mass Bureau of Waste Prevention)
1090	State of Massachusetts Mass-EPA (Internet Archive) (dated Dec. 20, 2002), available at https://web.archive.org/web/20021220143210/http://www.state.ma.

Exhibit	Description of Exhibits
	us/dep/bwp/daqc/daqcpubs.htm#ecp (describing the Air Program Planning Unit Publications of the Mass Bureau of Waste Prevention)
1091	Internet Archive Standard Affidavit, explaining how to interpret hyperlinks, available at https://archive.org/legal/affidavit.php
1092	Expert Report of Philip J. O'Keefe, PE Regarding Infringement (Oct. 25, 2022) (excerpted), submitted by Patent Owner in *Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB
1093	Deposition Transcript of Phillip O'Keefe Vol. 1 (Mar. 2, 2023), taken in *Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB.
1094	Deposition Transcript of Phillip O'Keefe Vol. 2 (Mar. 3, 2023), taken in *Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB.
1095	Deposition Transcript of Edwin Olson (Aug. 26, 2022) (excerpted), taken in *Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB.
1096	Deposition Transcript of Michael Holmes (Aug. 24, 2022) (excerpted), taken in *Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB.
1097	Deposition Transcript of John Pavlish (Aug. 25, 2022) (excerpted), taken in *Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al.*, No. 1:19-cv-01334-CJB.

Exhibit	Description of Exhibits
1098	Affidavit of Tanya Zeif, Custodian of Records for Internet Archive (1/10/2025), sponsoring Exhibits 1078-1086
1099	Affidavit of Tanya Zeif, Custodian of Records for Internet Archive (1/13/2025), sponsoring Exhibits 1009, 1061, 1087-1090
1100	RESERVED
1101	RESERVED
1102	RESERVED
1103	RESERVED
1104	*IN RE: MIDWEST ENERGY EMISSIONS CORP. PATENT LITIGATION*, No. 4:24-md-03132-SHL-WPK, Dkt. No. 60 (S.D. Iowa Mar. 7, 2025) **("Dkt No. 60")**
1105	*NRG Energy, Inc. et al. v. Midwest Energy Emissions Corp.*, IPR2020-00926, Paper 13 (P.T.A.B. Sep. 4, 2020)
1106	Clarion Energy Content Directors, "A Variety of Hg Capture Solutions Are Available" (June 1, 2009), available at https://www.power-eng.com/environmental-emissions/a-variety-of-hg-capture-solutions-are-available/ **("Variety of Hg Capture Solutions")**
1107	Modern Power Systems, "Full scale tests show KNXTM is effective for mercury control" (October 1, 2009), available at https://www.modernpowersystems.com/analysis/full-scale-tests-show-knxtm-is-effective-for-mercury-control/ **("KNXTM is effective")**

Exhibit	Description of Exhibits
1108	File History of U.S. Patent Application No. 16/509,071, which ultimately issued as U.S. Patent No. 10,926,218 **("'218 Patent File History")**
1109	U.S. Patent Pub. No. 2019/0336913 to Olson et al. (published Nov. 7, 2019) **("Published '071 Application")**
1110	Petitioner PacifiCorp's Stipulation Regarding District Court Proceedings
1111	Petitioner MEC's Stipulation Regarding District Court Proceedings
1112	Petitioners WPL and IPL's Stipulation Regarding District Court Proceedings

Respectfully submitted,

April 28, 2025
Date

/s/ David J. Tobin

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on April 28, 2025, a copy of the PETITIONERS' UPDATED EXHIBIT LIST and EXHIBITS 1110, 1111, and 1112 were served on Patent Owner at the correspondence address of record for the subject patent,

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via Express Mail or by means at least as fast and reliable as Express Mail.

Additionally, a courtesy copy was served via electronic mail on the Patent Owner's counsel at the following email address:

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