UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PACIFICORP,

Petitioner

v.

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

Patent Owner

Case IPR2025-00717
Patent 10,926,218

JOINT MOTION TO EXPUNGE CONFIDENTIAL INFORMATION FROM THE RECORD

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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.56, Patent Owner and Petitioners respectfully file this Joint Motion to Expunge confidential documents filed under seal in this proceeding. In particular, the parties request that the Board expunge the following documents that were submitted under seal in this proceeding:

- Confidential Exhibits 2011 (Part 1 and Part 2), 2017 (Part 1 and Part 2),

A. Exhibit 2011 (Part 1 and Part 2)

Exhibit 2011 is the Expert Report of Dr. Stephen Niksa, dated October 25, 2022, from Midwest Energy Emissions Corp., et al. v. Arthur J. Gallagher & Co., et al., C.A. 1:19-cv-01334 (D. Del.), which was designated "CONFIDENTIAL" by the defendants in that case.

B. Exhibit 2017 (Part 1 and Part 2)

Exhibit 2017 contains details regarding confidential processes maintained by a third party—the Energy & Environmental Research Center ("EERC"). In particular, the document contains information regarding the EERC's use of and operating procedures for its Pilot Test Combustor, which it generally maintains as confidential to protect its research initiatives and the confidentiality of information from entities that work with the EERC.

II. GOOD CAUSES EXISTS TO EXPUNGE

A party seeking expungement from the record must show good cause by demonstrating "that any information sought to be expunged constitutes confidential information, and that Petitioner's interest in expunging it outweighs the public's interest in maintaining a complete and understandable history of this inter partes review." *Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 97 at 2 (P.T.A.B. Apr. 15, 2015).

As described above and in the parties' motions to seal (Paper 15), the documents include the parties' and third parties' confidential information and sensitive business information regarding business relationships, confidential agreements and could cause competitive business injury to the involved parties and third parties. The Board granted Patent Owner's and Petitioners' motions to seal. Order Granting Motion to Seal, Paper 50.

For Exhibits 2011 and 2017, the first Institution Decision, Paper 35, makes no reference to either exhibit. The second Institution Decision, Paper 41, makes no reference to Exhibits 2011 and 2017. Therefore, the public would be able to understand the Board's decisions and the record without referencing Exhibits 2011 and 2017.

Therefore, expunging these exhibits would not impact the public's understanding of the record as to the substantive merits. Furthermore, these

exhibits contain confidential and sensitive business information that would create competitive injury to the parties and third parties were it made public.

THEREFORE, Patent Owner and Petitioners respectfully request that the Board expunge the confidential documents.

Dated: August 19, 2026

Respectfully submitted,

Birchtech Corp.

/Hamad M. Hamad/

Hamad M. Hamad, Reg. No. 64,641
Justin T. Nemunaitis (admitted *pro hac vice*)
Richard A. 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
midwest@caldwellcc.com

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

It is hereby certified that on this 19th day of August, 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

dtobin@mcdermottlaw.com
boaks@mcdermottlaw.com
sfareed@mcdermottlaw.com
ctatum@mcdermottlaw.com
PacifiCorp-PTAB-ME2C@mcdermottlaw.com

Date: August 19, 2026

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