

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

Berkshire Hathaway Energy Company, and
PacifiCorp

Petitioners

v.

Birchtech Corp.

Patent Owner

IPR2025-00422
Patent No. 10,668,430

PETITIONERS' MOTION TO SEAL

Petitioners respectfully move to seal Exhibits 1151 and 1153-1159 and Petitioners' Supplemental Reply to Patent Owner's Supplemental Response, which cites to Exhibits 1151 and 1153-1159, each of which contains confidential information as described below. Petitioners request that the documents referenced below be maintained under seal in accordance with the Default Protective Order.

Other than changing the cover page, an identical motion to seal is being filed concurrently in IPR2025-00422, IPR2025-00423, IPR2025-00424, and IPR2025-00425.

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).

A. Exhibit 1151

Exhibit 1151 is the Deposition Transcript of Jim Trettel, March 6, 2026. During Mr. Trettel’s deposition, counsel for Patent Owner designated the transcript

confidential under the IPR protective order. The deposition of Mr. Trettel discussed confidential agreements, including with Talen (EX2052), Chem-Mod (EX2053), and others. Patent Owner has filed EX2052 and EX2053 under seal during this proceeding.

B. Exhibit 1153

Exhibit 1153 is a letter from PacifiCorp's outside counsel to ME2C's counsel, dated September 30, 2024, that relates to terms of the Talen Agreement (EX2052).

C. Exhibit 1154

Exhibit 1154 is a response letter from ME2C's counsel to PacifiCorp's counsel, dated October 14, 2024, and discussing the terms of the Talen Agreement.

D. Exhibit 1155

Exhibit 1155 is an email between counsel for ME2C and counsel for MidAmerican, dated April 2, 2025, and discussing terms of the Chem-Mod Agreement (EX2053).

E. Exhibit 1156

Exhibit 1156 is PacifiCorp's Motion for Judgment on the Pleadings from *In re: Midwest Energy Emissions Corp. Patent Litig.*, No. 4:24-MD-03132-SHL-WPK, ECF 190 (S.D. Iowa September 10, 2025). The document was filed under seal in Iowa, as it discusses terms of the Talen Agreement.

F. Exhibit 1157 [corresponding to previously filed EX2009]

Exhibit 1157 is MidAmerican Energy Company's Amended Answer from *In re: Midwest Energy Emissions Corp. Patent Litig.*, No. 4:24-MD-03132-SHL-WPK, ECF 84 (S.D. Iowa March 21, 2025). The document was filed under seal in Iowa. Petitioner's counsel has received permission from MidAmerican's district court counsel to file EX1157 with this proceeding, but only if it is maintained under seal.

G. Exhibit 1158 [corresponding to previously filed EX2010]

Exhibit 1158 is Wisconsin Power and Light Company's Amended Answer from *In re: Midwest Energy Emissions Corp. Patent Litig.*, No. 4:24-MD-03132-SHL-WPK, ECF 85 (S.D. Iowa March 21, 2025). The document was filed under seal in Iowa. Petitioner's counsel has received permission from WPL's district court counsel to file EX1158 with this proceeding, but only if it is maintained under seal.

H. Exhibit 1159

Exhibit 1159 is MidAmerican's Motion for Partial Judgment on the Pleadings *In re: Midwest Energy Emissions Corp. Patent Litig.*, No. 4:24-MD-03132-SHL-WPK, ECF 195 (S.D. Iowa Sept. 11, 2025). The document was filed under seal in Iowa. Petitioner's counsel has received permission from MidAmerican's district court counsel to file EX1159 with this proceeding, but only if it is maintained under seal.

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

Petitioners have conferred with Patent Owner, who does not oppose sealing these documents.

THEREFORE, Petitioners respectfully request that the Board grant Petitioners' Motion to Seal.

Respectfully submitted,

Mar. 30, 2026
Date

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on March 30, 2026, a copy of the Petitioners' Motion to Seal was electronically served on the following counsel of record for Patent Owner:

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March 30, 2026

Date

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