

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY,
MIDAMERICAN ENERGY COMPANY, PACIFICORP, and
WEC ENERGY GROUP, INC.,
Petitioner,

v.

BIRCHTECH CORP.,
Patent Owner.

IPR2025-00422 (Patent No. 10,668,430)
IPR2025-00423 (Patent No. 10,668,430)

Before KRISTINA M. KALAN, ZHENYU YANG, and AVELYN M.
ROSS, *Administrative Patent Judges*.

ROSS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

IPR2025-00422 (Patent No. 10,668,430)

IPR2025-00423 (Patent No. 10,668,430)

On September 11, 2025, with our prior authorization, Petitioner Berkshire Hathaway (“Berkshire”) filed a Motion to Withdraw Petitioner Berkshire Hathaway Energy Company’s Counsel in IPR2025-00422 and IPR2025-00423. Paper 30 (“Motion”).¹ Together with the Motion, Berkshire filed a copy of its Revocation of Power of Attorney and Appointment of New Power of Attorney (Paper 31) and a Revised Mandatory Notices (Paper 32).

In its Motion, Berkshire seeks to withdraw “Gibson, Dunn & Crutcher LLP, specifically Benjamin Hershkowitz, David L. Glandorf, and NoahLani Litwinsella, as back-up counsel for Petitioner.” Motion 1. In addition, Berkshire requests to substitute Fredrickson & Byron, P.A., specifically Thomas M. Patton and R. Scott Johnson, as new back-up counsel. *Id.* Berkshire states that “Patent Owner does not oppose the substitution of back-up counsel.” *Id.*

ORDER

In view of the foregoing, it is

ORDERED that Berkshire’s Motion is granted and that Gibson, Dunn & Crutcher LLP, specifically Benjamin Hershkowitz, David L. Glandorf, and NoahLani Litwinsella may withdraw as back-up counsel from the above-identified proceedings; and

FURTHER ORDERED that Fredrickson & Byron, P.A., specifically Thomas M. Patton and R. Scott Johnson, are substituted as new back-up counsel.

¹ Papers cited herein are to IPR2025-00422. Similar papers have been filed in IPR2025-00423 (Papers 30, 31, 32).

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