

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNION ELECTRIC COMPANY
Petitioner

v.

BIRCHTECH CORP.
(f/k/a MIDWEST ENERGY EMISSIONS CORP.)
Patent Owner

Case IPR2025-01118
Patent 10,343,114

PETITIONER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14 and 42.55, Petitioner Union Electric Company respectfully moves to seal Petitioner’s Brief in Opposition to Discretionary Denial, which contains references to sealed Board Institution Decisions as described below.

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).¹

Petitioner’s Brief in Opposition to Discretionary Denial contains quotations from and/or references to the Institution Decisions in IPR2025-00274 and IPR2025-00278, which are currently under seal in those proceedings. Petitioner was served with copies of these Institution Decisions as sealed exhibits to a Renewed Motion to Stay filed on September 22, 2025 in the Multi-District Litigation. Because the Board has

¹ <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialsPracticeGuideConsolidated>.

already decided these documents should be sealed, Petitioner's Brief in Opposition to Discretionary Denial should also be sealed.

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

Petitioner has conferred with counsel for Patent Owner, and Patent Owner does not oppose the motion.

THEREFORE, Petitioner respectfully requests that the Board grant Petitioner's Motion to Seal.

Dated: October 1, 2025

Respectfully submitted,

/s/Robert M. Evans, Jr./

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

It is hereby certified that on this 1st day of October, 2025, a copy of the foregoing document was served via electronic mail, as consented to by Patent Owner upon the following counsel of record:

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