

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNION ELECTRIC COMPANY

Petitioner

v.

BIRCHTECH CORP.

(f/k/a MIDWEST ENERGY EMISSIONS CORP.)

Patent Owner

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Case IPR2025-01118

Patent 10,343,114

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**PETITIONER'S MOTION TO SEAL**

Pursuant to 37 C.F.R. §§ 42.14, 42.55, Petitioner Union Electric Company respectfully moves to seal Petitioner's Authorized Reply to Patent Owner's Preliminary Response ("Authorized Reply"), which contains references to sealed Board Institution Decisions and exhibits submitted under seal by Patent Owner ("PO") 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).<sup>1</sup>

Petitioner's Authorized Reply contains quotations from and/or references to the Institution Decisions in IPRs 2025-00274, 00278, 00280, and 00281, 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

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

September 22, 2025 in the Multi-District Litigation. Because the Board has already decided these documents should be sealed, Petitioner's Authorized Reply should also be sealed to prevent disclosure of confidential information.

Petitioner's Authorized Reply also contains quotations from and/or references to EX2024 and portions of the Patent Owner's Preliminary Response that quote or reference EX2024, which PO filed under seal and remain so in these proceedings. Because PO filed these documents under seal in these proceedings, Petitioner's Authorized Reply should also be sealed to prevent disclosure of confidential information.

**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 22, 2025

Respectfully submitted,

*Union Electric Company*

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

It is hereby certified that on this 22nd 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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