

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

PATENT OWNER'S MOTION TO SEAL

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 42.14, 42.55, Patent Owner Birchtech Corp. respectfully moves to seal Exhibit 2024 as well as Patent Owner’s Preliminary Response, which contain confidential information as described below. Patent Owner has requested authorization to file an unopposed motion for entry of the Board’s Default Protective Order.

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

A. Exhibit 2024

Exhibit 2024 contains details regarding confidential processes maintained by a third party—the Energy & Environmental Research Center (“EERC”). In

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

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.

B. Patent Owner's Preliminary Response

Patent Owner's Preliminary Response includes quotations or references to the above exhibit that may be deemed confidential for the same reasons explained above. Patent Owner's Preliminary Response also includes quotations or references to sealed Exhibits 2014 and 2015—Petitioner's confidential agreements with third-party refined coal suppliers, which were produced to Patent Owner and have been designated "Restricted – Attorneys' Eyes Only."

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

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

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

Dated: October 1, 2025

Respectfully submitted,

Birchtech Corp.

/Hamad M. Hamad/

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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 Petitioner upon the following counsel of record:

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