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# Birchtech Receives Decision Increasing Its Judgment Amount to Approximately \$78 Million from U.S. District Court of Delaware in Patent Infringement Case Against Major Energy Companies

*Capital from Judgment Provides Launchpad for Novel Water Purification Technologies*

CORSICANA, Texas, Dec. 18, 2025 (GLOBE NEWSWIRE) -- **Birchtech Corp.** (TSX:BCHT) (OTCQB:BCHT), a leader in specialty activated carbon technologies for sustainable air and water treatment, today announced that U.S. District Court Judge Christopher J. Burke has issued a final memorandum opinion and called for a proposed final judgement following the March 2024 patent infringement jury verdict against operating companies of refined coal (the remaining "CERT" Defendants).

The Court's decision resolved the final outstanding issues that needed to be addressed before entering final judgment. Those issues included motions affecting the final calculation of the judgment amount. The Court declined to increase the verdict amount based on Defendants' willful infringement, but it did increase the judgment amount by awarding pre-judgment interest compounded quarterly at the prime rate, and post-judgment interest.

Birchtech anticipates that this will result in a final judgment of approximately \$78 million with additional interest accruing each day until the judgment is paid. The Court has ordered that a proposed final judgment be submitted to the Court no later than December 23, 2025.

Since filing the initial lawsuit in July 2019 against 43 defendants that included four major power utilities and numerous refined coal companies, Birchtech obtained a pre-trial settlement with defendants AJ Gallagher, DTE, and a CERT Defendant in late 2023. Following the jury trial in the U.S. District Court of Delaware with the remaining CERT Defendants, the Company was awarded a \$57 million verdict with a unanimous finding of willful infringement, along with inducing and contributory infringement. In July 2024, the Company filed three separate lawsuits against a total of 14 defendants, which were consolidated and centralized in the Southern District of Iowa in December 2024. At present, the consolidated Iowa lawsuit includes two remaining defendants following the release of a number of other defendants who each obtained license agreements with Birchtech.

Today's order is the result of intellectual property protection efforts that began in 2019. Since that time, the Company has gained nine license and/or supply agreements with coal-fired utilities, including ten coal-fired utilities previously named as defendants, collectively, in the 2019 and 2024 lawsuit filings. In total, approximately \$37 million in license fees and settlements have been received prior to today's final memorandum opinion.

"Today's news is an unequivocal validation of our patented technology claims," said Richard MacPherson, CEO of Birchtech. "The federal court's acknowledgement will allow for the significant increase in our market share across the U.S. coal-fired power fleet, which has the potential to double over the next couple of years. As we seek to establish solid business relationships with these utilities currently using and others believed to be using our patented technologies for mercury emissions capture, we expect to gain numerous new licenses and/or supply contracts, which typically extend between 3-5 years.

"This significant "win" in court becomes an immediate asset from which funds can be issued and which lays a strong foundation to aggressively move forward with our new technologies in water purification that will remove harmful contaminants, such as PFAS or "forever chemicals", from potable drinking water more efficiently, sustainably and affordably than current alternatives.

"With a solid core business built from the recurring revenue base in our mercury emissions technologies, and increasing momentum in our new water purification technologies, the next 12 to 18 months will see the execution of a series of operational catalysts that have the potential to create sustainable value for our shareholders over the long-term," concluded MacPherson.

### **About Birchtech Corp.**

Birchtech Corp. (TSX: BCHT) (OTCQB: BCHT) is a leader in specialty activated carbon technologies, serving as America's clean coal and clean water Company by delivering innovative solutions for air and water purification to support a cleaner, more sustainable future. The Company provides patented SEA<sup>®</sup> sorbent technologies for mercury emissions capture for the coal-fired utility sector and is developing disruptive water purification technologies with a specialization on forever chemicals such as PFAS and PFOS. Backed by a strong intellectual property portfolio and a world-class team of activated carbon experts, Birchtech provides cleaner air to North American communities and is applying this expertise to a novel approach in water purification. To learn more, please visit [www.birchtech.com](http://www.birchtech.com).

### **Safe Harbor Statement**

With the exception of historical information contained in this press release, content herein may contain "forward-looking statements" that are made pursuant to the Safe Harbor Provisions of the U.S. Private Securities Litigation Reform Act of 1995 or forward-looking information under applicable Canadian securities laws (collectively, "forward-looking statements"). Forward-looking statements are generally identified by using words such as "anticipate," "believe," "plan," "expect," "intend," "will," and similar expressions, but these words are not the exclusive means of identifying forward-looking statements. Forward-looking statements in this release include statements relating to expected developments and growth in Birchtech's business. These statements are based on management's current expectations and are subject to uncertainty and changes in circumstances. Investors are cautioned that forward-looking statements involve risks and uncertainties that could cause actual results to differ materially from the statements made. In addition, this release contains time-sensitive information that reflects management's best analysis only as of the date of this release. Birchtech does not undertake any obligation to publicly update or revise any forward-looking statements to reflect future events, information or circumstances that arise after the date of this release. Further information concerning issues that could materially

affect financial performance or other forward-looking statements contained in this release can be found in Birchtech's periodic filings with the Securities and Exchange Commission or Canadian securities regulators.

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