

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHUHAI COSMX BATTERY CO., LTD.,
Petitioner

v.

NINGDE AMPEREX TECHNOLOGY LIMITED,
Patent Owner

Case IPR2025-00389
U.S. Patent No. 11,923,498

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITIONER’S UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 11,923,498 B2 to Tao (“the ’498 patent”)
1002	Prosecution File History of U.S. Patent No. 11,923,498 B2 (“’498 File History”)
1003	Declaration of Ulrich von Sacken, Ph.D
1004	Curriculum Vitae of Ulrich von Sacken, Ph.D
1005	U.S. Patent Pub. No. 2011/0111276 to Sato <i>et al.</i>
1006	Japanese Patent Pub. No. 2000-67907 to Takemura <i>et al.</i>
1007	U.S. Patent Pub. No. 2011/0104539 to Oh <i>et al.</i>
1008	Japanese Patent Pub. No. 2010-55906 to Kobayashi <i>et al.</i>
1009	Japanese Patent Pub. No. 10-326629 to Maejima <i>et al.</i>
1010	Japanese Patent Pub. No. 11-26008 to Yamauchi <i>et al.</i>
1011	Japanese Patent Pub. No. 2000-285902 to Mizutani <i>et al.</i>
1012	Japanese Patent Pub. No. 2003-068271 to Nakamura <i>et al.</i>
1013	Japanese Patent Pub. No. 2007-165224 to Yoneda <i>et al.</i>
1014	U.S. Patent Pub. No. 2006-0051662 to Kwak <i>et al.</i>
1015	U.S. Patent Pub. No. 2007-0172736 to Fujikawa <i>et al.</i>
1016	Japanese Patent Pub. No. 2008-171593 to Aoki <i>et al.</i>
1017	U.S. Patent Pub. No. 2010-0035144 to Oh <i>et al.</i>
1018	Korean Patent Pub. No. 2013-0085202 to Lee <i>et al.</i>
1019	Agubra <i>et al.</i> , “Lithium Ion Battery Anode Aging Mechanisms”

Exhibit No.	Description
1020	Smart <i>et al.</i> , “Effects of Electrolyte Composition on Lithium Plating in Lithium-Ion Cells”
1021	Ratnakumar <i>et al.</i> , “Lithium Plating Behavior in Lithium-ion Cells”
1022	Eberman <i>et al.</i> , “Material and Design Options for Avoiding Lithium-Plating during Charging”
1023	Wen <i>et al.</i> , “A Review on Lithium-Ion Battery Safety Issues: Existing Problems and Possible Solutions”
1024	Complaint and Exhibit N filed in <i>Ningde Amperex Technology Ltd. V. Zhuhai CosMX Battery Co., Ltd.</i> , Case No. 2:24-cv-728 (E.D. Tex.)
1025	Unopposed Application for Extension of Time to Answer Complaint, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG (E.D. Tex. Dec. 4, 2024), ECF 16
1026	“Nearly two lithium battery fires per week on airplanes in the US alone,” International Association of Fire and Rescue Services (Dec. 19, 2024), <i>available at</i> : https://www.ctif.org/news/nearly-two-lithium-battery-fires-week-airplanes-us-alone .
1027	Docket Control Order, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG (E.D. Tex. Feb. 6, 2025), ECF 27
1028	Federal Court Management Statistics (Sept. 30, 2024)
1029	Federal Court Management Statistics (Dec. 31, 2024)
1030	Results charted from LexMachina.com, run on June 2, 2025, for patent cases before District Judge James Rodney Gilstrap
1031	Excerpt of CosMX Invalidity Contentions Cover Pleading, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:24-cv-00728-JRG (E.D. Tex. Mar. 12, 2025).

Exhibit No.	Description
1032	Declaration of John C. Evans
1033	Supplemental Declaration of Ulrich von Sacken, Ph.D.
1034	Deposition Transcript of James Kaschmitter, February 20, 2026
1035	Joint Claim Construction and Prehearing Statement, <i>Amperex Technology Ltd. V. Zhuhai CosMX Battery Co., Ltd.</i> , Case No. 2:24-cv-728 (E.D. Tex. Oct. 21, 2025)
1036	Joint Claim Construction Chart, <i>Amperex Technology Ltd. V. Zhuhai CosMX Battery Co., Ltd.</i> , Case No. 2:24-cv-728 (E.D. Tex. Dec. 30, 2025)
1037	Agreed Terms from Joint Claim Construction Chart, <i>Ningde Amperex Technology Ltd. V. Zhuhai CosMX Battery Co., Ltd.</i> , Case No. 2:24-cv-728 (E.D. Tex. Dec. 30, 2025)
1038	Claim Construction Order, <i>Ningde Amperex Technology Ltd. V. Zhuhai CosMX Battery Co., Ltd.</i> , Case No. 2:24-cv-728 (E.D. Tex., Feb. 17, 2026)
1039	U.S. Patent No. 11,329,352 to Guo et al.
1040	Declaration of James Kaschmitter in IPR2023-00585
1041	U.S. Patent Pub. No. 2004/0096735 to Komatsu
1042	U.S. Patent Pub. No. 2014/0120258 to Anderson
1043	U.S. Patent No. 6,423,446 to Miyazaki
1044-1099	<i>Intentionally Left Blank</i>
1100	Settlement Agreement (CONFIDENTIAL)
1101	Stipulation of Dismissal Pursuant to Rule 41(a)(1), <i>Ningde Amperex Technology Ltd. V. Zhuhai CosMX Battery Co., Ltd.</i> , Case No. 2:24-cv-728 (E.D. Tex. June 8, 2026)

I. STATEMENT OF RELIEF REQUESTED

Zhuhai CosMX Battery Co., Ltd. (“Petitioner”) and Ningde Ampere Technology Limited (“Patent Owner”) have entered into a confidential settlement agreement that resolves all underlying disputes between Petitioner and Patent Owner with respect to U.S. Patent No. 11,923,498 (“the ’498 patent”). A copy of the parties’ settlement agreement is being filed with this motion as Exhibit 1100 (the “Agreement”). The parties are concurrently filing a separate request that the Agreement be treated as business confidential information and be kept separate from the files of the involved patent, pursuant to 37 C.F.R. § 42.74(c).

Accordingly, pursuant to 37 C.F.R. § 42.74 and the authorization provided by the Board on June 11, 2026, the parties jointly request termination of this *inter partes* review proceeding in its entirety.

II. STATEMENT OF FACTS

On May 27, 2026, the parties entered into a confidential Agreement. *See* EX1100 (Confidential). Under the terms of the Agreement, the parties agreed to jointly seek termination of this proceeding. On June 8, 2026, the parties filed a Stipulation of Dismissal Pursuant to Rule 41(A)(1) in the underlying district court case involving the ’498 Patent and stipulated to a dismissal of all claims with prejudice. EX1101 (Stipulation of Dismissal).

III. ARGUMENT

A. Termination is appropriate.

Petitioner and Patent Owner have settled their dispute regarding the '498 patent, including an agreement to withdraw both this proceeding and Patent Owner's assertion of the '498 patent in the related district court litigation, *Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co., Ltd.*, Civil Action No. 2:24-cv-00728 (E.D. Tex.).¹

Good cause exists to terminate this proceeding because the parties have settled their dispute regarding the '498 patent. The Board's Trial Practice Guide stresses that "[t]here are strong public policy reasons to favor settlement between the parties to a proceeding" and "The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 46,768 (Aug. 14, 2012). Terminating the proceeding now would serve the interests of judicial economy as well as the mutual interest of the parties.

¹ The following proceedings involving the parties are currently pending before the Board: IPR2025-00431, IPR2025-00432, and IPR2025-00524. The parties are concurrently filing Motions to Terminate these proceedings, which do not involve the '498 patent.

B. Written Agreement

The parties represent that their entire agreement in connection with the termination of this proceeding is embodied in the Agreement, which has been made in writing. There are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review.

A true and correct copy of the Agreement is filed herewith as Exhibit 1100. The Agreement has been filed for access by the “Parties and Board Only” due to the highly sensitive business confidential information it contains. The parties desire that the Agreement be maintained as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and a separate joint request to treat the settlement agreement as business confidential information is being filed concurrently.

IV. CONCLUSION

Petitioner and Patent Owner respectfully request that the Board grant the parties' Joint Motion to Terminate this proceeding in its entirety.

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned certifies that true and correct copies of the foregoing
JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW and
EXHIBITS 1100 (CONFIDENTIAL) AND 1101 were served in their entireties
electronically via e-mail on June 15, 2026, on the following counsel of record for
Patent Owner:

Christopher TL Douglas (Lead Counsel) christopher.douglas@alston.com
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