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Paper 40
Date: June 26, 2026

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.

IPR2025-00389 (Patent 11,923,498 B2)
IPR2025-00431 (Patent 11,799,131 B2)
IPR2025-00432 (Patent 11,575,148 B2)
IPR2025-00524 (Patent 12,015,118 B2)

Before DONNA M. PRAISS, JOHN G. NEW, KEVIN W. CHERRY, and DEBRA L. DENNETT, *Administrative Patent Judges*.

PER CURIAM.

TERMINATION[1]
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] This Order addresses substantively identical motions filed in each of the above-captioned proceedings. We exercise our discretion to issue one Order to cover all proceedings. The parties are not authorized to use this caption without express permission of the Board.

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Joint Motion to Terminate due to settlement in each of the above-captioned proceedings. Paper 39 ("Joint Motion").[2] In support of each Joint Motion, Petitioner filed a confidential Litigation Agreement (Ex. 1100 ("Agreement")), a Stipulation of Dismissal (Ex. 1101), as well as a Joint Request to Keep Agreement Business Confidential and Separate under 37 C.F.R. § 42.74(c) (Paper ("Joint Request")) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. DISCUSSION

In each Joint Motion, the Parties represent that they have resolved their disputes regarding the patents at issue in these proceedings and that the filed Agreement is a true and correct copy of the Parties' agreement and contains their entire agreement. Joint Motion 1–3.

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." Section 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

We instituted trial in the above-captioned proceedings and have not yet decided the merits of these proceedings, and a final written decision has

[2] This Order cites to items filed in IPR2025-00389. Corresponding items were filed in IPR2025-00431, -00432, and -00524.

not been entered. The Parties have shown adequately that the termination of each proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate these proceedings.

The Parties also filed in each proceeding a Joint Request to Keep Agreement Business Confidential and Separate under 37 C.F.R. § 42.74(c). After reviewing the Agreement between Petitioner and Patent Owner, we find that the Agreement contains confidential business information regarding the terms of settlement. We therefore determine that good cause exists to treat the Agreement between Petitioner and Patent Owner as business confidential information, to keep the Agreement separate from the file of the involved patent, and to limit availability pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions in the above-captioned proceedings are *granted*, and the above-captioned proceedings are *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Requests are *granted*, and the Agreement (Exhibit 1100 in each of the proceedings) shall be kept separate from the file of the corresponding patent and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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