

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 IPR2025-00431
U.S. Patent No. 11,799,131

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. 11,799,131 (“the ’131 Patent”)
1002	Prosecution history of U.S. Patent No. 11,799,131 (“the ’131 Patent file history”)
1003	Declaration of Dr. Brett Lucht, Ph.D.
1004	<i>Curriculum Vitae</i> of Dr. Brett Lucht, Ph.D.
1005	China Patent Application Publication No. CN 106099187A to Zeng et al. (“Zeng”)
1006	Certified English Translation of China Patent Application Publication No. CN 106099187A to Zeng et al. (“Zeng”)
1007	U.S. Patent Application Publication No. 2013/0224535 A1 to Matsuoka et al. (“Matsuoka”)
1008	U.S. Patent Application Publication No. 2017/0288268 A1 to Kim et al. (“Kim”)
1009	Japan Patent Application Publication No. 2009-252349 to Sunose et al. (“Sunose”)
1010	Certified English Translation of Japan Patent Application Publication No. 2009-252349 to Sunose et al. (“Sunose”)
1011	China Patent No. 108023117 to Su et al. (“Su”)
1012	Certified English Translation of China Patent No. 108023117 to Su et al. (“Su”)
1013	China Patent Application Publication No. CN 105552439 A to Zhou et al. (“Zhou”)
1014	Certified English Translation of China Patent Application Publication No. CN 105552439 A to Zhou et al. (“Zhou”)

Exhibit No.	Description
1015	Chinese Patent No. 106848381 (“Hong”) and Certified Translation of Hong
1016	Petition (Paper 1) in <i>Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.</i> , IPR2023-00586 (PTAB Feb. 23, 2023)
1017	Decision Denying Institution (Paper 14) in <i>Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.</i> , IPR2023-00586 (PTAB Aug. 18, 2023)
1018	National Library of Medicine PubChem Pages
1019	Millipore Sigma data sheets for ethylene carbonate (EC), propylene carbonate (PC), ethyl propionate (EP), propyl propionate (PP), diethyl carbonate, and fluorobenzene
1020	TCI America page for 1,3,6-Hexanetricarbonitrile
1021	Complaint, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG (E.D. Tex. Sept. 6, 2024), ECF 1.
1022	Reserved
1023	U.S. Patent Application Publication No. 2017/0324116 A1 to Youichi Ohashi (“Ohashi”)
1024	U.S. Patent Application Publication No. 2016/0294007 A1 to Wang Kefei (“Kefei”)
1025	U.S. Patent Application Publication No. 2017/0069934 A1 to Yun-Hee Kim et al. (“Kim ’934”)
1026	Prosecution history of U.S. Patent No. 11,769,910 (“the ’910 Patent file history”)
1027	Alleged Infringement Claim Chart for ’131 Patent

Exhibit No.	Description
1028	Second Amended Complaint for Patent Infringement, <i>Ningde Ampere Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG (E.D. Tex. Jan. 28, 2025), ECF 23.
1029	Partial Stay Order, <i>STA Grp. LLC v. Motorola Sols., Inc.</i> , No. 2:23-cv-00030-JRG-RSP (E.D. Tex. Aug. 27, 2024), ECF 402.
1030	Order, <i>Stellar, LLC v. Motorola Sols., Inc.</i> , No. 4:23-cv-00750-SDJ (E.D. Tex. Apr. 21, 2025), ECF 170
1031	Order, <i>Cellspin Soft, Inc. v. ByteDance Ltd.</i> , No. 2:23-cv-00496-JRG-RSP (E.D. Tex. Jan. 27, 2025), ECF 106
1032	Order, <i>Intercurrency Software LLC v. Binance Holdings Ltd.</i> , No. 2:23-cv-00370-JRG (E.D. Tex. Aug. 29, 2024), ECF 86
1033	Order, <i>Netlist, Inc. v. Micron Tech., Inc.</i> , No. 2:22-cv-00203-JRG (E.D. Tex. Feb. 10, 2024), ECF 493
1034	Order, <i>BoxCast Inc. v. Resi Media LLC</i> , No. 2:21-cv-00217-JRG (E.D. Tex. May 25, 2022), ECF 163
1035	Order, <i>Datatransury Corp. v. Fiserv, Inc.</i> , No. 2:13-cv-00431-JRG-RSP (E.D. Tex. Aug. 14, 2014), ECF 616
1036	Docket Navigator Time to Trial for Eastern District of Texas District Judge Rodney Gilstrap
1037	“Nearly two lithium battery fires per week on airplanes in the US alone,” CTIF (Dec. 19, 2024), available at https://ctif.org/news/nearly-two-lithium-battery-fires-week-airplanes-us-alone
1038	Declaration of John C. Evans in Support of Petitioner’s Response to Patent Owner’s Discretionary Denial Brief
1039	Report on District Judge Rodney Gilstrap from Lex Machina

Exhibit No.	Description
1040	Verdict Form, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:22-cv-00232-JRG (E.D. Tex. Feb. 9, 2024), ECF 345.
1041	Amended Final Judgment, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:22-cv-00232-JRG (E.D. Tex. Sept. 3, 2024), ECF 427.
1042	Reserved
1043	Wheeler Group Research Webpage https://www.et.byu.edu/~wheeler/research.html
1044	Supplemental Declaration of Brett Lucht, Ph.D., dated February 18, 2026
1045	Deposition Transcript of Dean R Wheeler, Ph.D., dated January 28, 2026
1046	U.S. Patent Application Publication No. 2013/0323556 to Jeong et al.
1047	International Patent Application Publication No. WO2018/088743 A1 to Choi et al. (“Choi”) and Certified English Translation of Choi
1048	U.S. Patent No. 11,769,910 to Kefei Wang et al. (“the ’910 Patent”)
1049	Claim Construction Order, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG (E.D. Tex. Feb. 17, 2026), ECF 171.
1049-1099	<i>Intentionally Left Blank</i>
1100	Settlement Agreement (CONFIDENTIAL)

Exhibit No.	Description
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. 11,799,131 (“the ’131 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 ’131 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 '131 patent, including an agreement to withdraw both this proceeding and Patent Owner's assertion of the '131 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 '131 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: IPR2025-00389, IPR2025-00432, and IPR2025-00524. The parties are concurrently filing Motions to Terminate these proceedings, which do not involve the '131 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 entirety
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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