

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 IPR2025-00524
U.S. Patent No. 12,015,118

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. 12,015,118
1002	File History of U.S. Patent No. 12,015,118
1003	Chinese Publication No. 202905885 with Certified English Language Translation (“Li”)
1004	Japanese Publication No. 2013-211096 with Certified English Language Translation (“Ishigaki”)
1005	U.S. Patent Publication No. 2011/0168550 (“Wang”)
1006	U.S. Patent Publication No. 2017/0256776 (“Saka”)
1007	Excel Spreadsheet of Saka Calculations
1008	U.S. Patent Publication No. 2016/0013480 (“Sikha”)
1009	U.S. Patent Publication No. 2013/0302685 (“Kim”)
1010	Declaration of Dr. Samuel Gido
1011	<i>Curriculum Vitae</i> of Dr. Samuel Gido
1012	Certified Translation of the File History of Chinese Patent No. 109004170
1013	“Lithium Ion Battery Nickel Manganese Cobalt Oxide Nmc Cathode Raw Material For Lab Battery Research,” Alibaba, accessed at https://www.alibaba.com/product-detail/Lithium-Ion-Battery-Nickel-Manganese-Cobalt_1600084022147.html
1014	<i>Intentionally Left Blank</i>
1015	File History of U.S. Patent No. 11,664,528
1016	File History of U.S. Patent No. 11,322,774
1017	File History of U.S. Patent No. 10,693,181
1018	ISO 13320-1 standard
1019	<i>Intentionally Left Blank</i>

Exhibit No.	Description
1020	Kim, J., et al., “Structure Dependent Electrochemical Behaviors of Hard Carbon Anode Materials Derived from Natural Polymers for Next-Generation Sodium Ion Battery” <i>Polymers</i> , 15(22):4373 (Nov. 2023)
1021	Malvern Instruments Ltd., “A basic guide to particle characterization,” accessed at https://www.malvernpanalytical.com/en/learn/knowledge-center/whitepapers/wp120620basicguidepartchar
1022	“Battery Capacity,” accessed at https://www.pveducation.org/pvcdrom/battery-characteristics/battery-capacity
1023	“What is the difference between hard carbon black and soft carbon black?,” <i>Dery Chemical</i> , accessed at https://www.dr-carbonblack.com/what-is-the-difference-between-hard-carbon-black-and-soft-carbon-black
1024	“Overview of carbon black industry in China,” Henan Jinhe Industry Co., Ltd., accessed at https://www.jinhetec.com/blog/overview-of-carbon-black-industry-in-china-53773.html
1025	Abanades, A., et al., “Experimental analysis of direct thermal methane cracking,” <i>International Journal of Hydrogen Energy</i> , Vol. 36, pp. 12877-86 (Aug. 2011)
1026	Kim, M., et al., “Preparation of high-crystallinity synthetic graphite from hard carbon-based carbon black,” <i>Applied Physics</i> , Vol. 127:156 (Feb. 2021)
1027	Dick, J.S., et al., “Alternate Instrumental Methods of Measuring Scorch and Cure Characteristics,” <i>Polymer Testing</i> , Vol. 14, pp. 45-84 (April 1994)
1028	Schlögl, R., “Part A: 2.1.10 Carbons,” <i>Department of Inorganic Chemistry, Fritz-Haber-Institute of the MPG</i> (2008)
1029	“PGR and IPR Institution Rates over Time,” Biologics HQ, accessed at https://biologicshq.com/stats_entry/pgr-and-iprinstitution-rates-over-time/ (last accessed Aug. 4, 2025)
1030	Declaration of John C. Evans

Exhibit No.	Description
1031	“Particle Size Distribution,” <i>Anton Paar Wiki</i> , accessed at https://wiki.anton-paar.com/en/particle-size-distribution/ (last accessed March 3, 2026)
1032	“Particle Size Analysis – Laser diffraction methods” Abstract, ISO 13320:2009, accessed at https://www.iso.org/standard/44929.html (last accessed at March 3, 2026)
1033	“Top 10 Errors in Particle Analysis and How to Avoid Them,” Microtrac MRB White Paper
1034	“Explanation of Data Reported by Microtrac Instruments,” Microtrac MRB
1035	<i>Intentionally Left Blank</i>
1036	Deposition Transcript of Dean R. Wheeler, Ph.D. (March 30, 2026)
1037	Supplemental Declaration of Dr. Samuel P. Gido, Ph.D.
1038	Particle Size Analyzer Function and Features, https://www.microtrac.com/products/particle-size-shape-analysis/laser-diffraction/bluewave/ , last accessed on April 29, 2026
1039	Kim, Y. “Lithium Nickel Cobalt Manganese Oxide Synthesized Using Alkali Chloride Flux: Morphology and Performance As a Cathode material for Lithium Ion Batteries,” <i>ACS Appl. Mater. Interfaces</i> , 4 (2012), 2329-2333
1040	National Center for Biotechnology Information (2026). PubChem Compound Summary for CID 172866199, Carbon Black. Retrieved April 29, 2026, from https://pubchem.ncbi.nlm.nih.gov/compound/172866199 .
1041	“Solef PVDF for Li-Ion Batteries,” Syensqo
1042	“Kynar HSV 302 Powder,” Technical Data Sheet, Kynar
1043	Pushnov, A.S. Calculation of average bed porosity. <i>Chem Petrol Eng</i> 42, 14-17 (2006).

Exhibit No.	Description
1044	Akimoto et al. “Synthesis and Structure Refinement of LiCoO ₂ Single Crystals” <i>J. of Solid State Chemistry</i> , vol. 141, 298-302, 1998.
1045	Oljaca et al., “Novel Li(Ni _{1/3} Co _{1/3} Mn _{1/3}) O ₂ cathode morphologies for high power Li-ion batteries,” <i>Journal of Power Sources</i> , 248 (2014) 729-738
1046-1099	<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. 12,015,118 (“the ’118 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 ’118 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 '118 patent, including an agreement to withdraw both this proceeding and Patent Owner's assertion of the '118 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 '118 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 IPR2025-00389. The parties are concurrently filing Motions to Terminate these proceedings, which do not involve the '118 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:

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