

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ITM Isotope Technologies Munich SE
Petitioner

v.

The Johns Hopkins University
Patent Owner

Case PGR2025-00065
Patent No. 12,115,233

JOINT MOTION TO TERMINATE PROCEEDING

Petitioner ITM Isotope Technologies Munich SE and Blue Earth Diagnostics Ltd., the exclusive sublicensee of U.S. Patent No. 12,115,233 (“the ’233 patent”) from Patent Owner The Johns Hopkins University, have entered into a settlement agreement that resolves all underlying disputes between the parties, including this PGR2025-00065 currently before the Board.

In an email dated September 29, 2025, the Board authorized the parties to file a joint motion to terminate and a joint request to treat the settlement agreement as business confidential information. In accordance with 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(b), true copies of the settlement agreement between the parties and the “Upstream Consent” referred to therein are being submitted concurrently herewith in this proceeding as EX. 1031 and EX. 1032. There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.

Petitioner and Patent Owner jointly request that the Board terminate this proceeding in its entirety. The Board has not issued an institution decision in this proceeding. Termination is appropriate at this early stage in view of the settlement agreement. *See* Patent Office Trial Practice Guide, 77 Fed. Reg. 48,768 (Aug. 14, 2012) (“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.”). The agreement ends all patent disputes between the parties, including this PGR proceeding.

No other petitioners remain in this PGR, and no final written decision on the merits has been entered. For at least these reasons, termination of the post-grant review is proper under 35 U.S.C. § 327(a) and 37 C.F.R. §§ 42.72, 42.74(a).

Dated: October 3, 2025

By: /David M. Kohn/
David M. Kohn (Reg. No. 53,150)
LEWIS KOHN & WALKER LLP

Counsel for Petitioner ITM Isotope
Technologies Munich SE

CERTIFICATE OF SERVICE

The undersigned certifies that on October 3, 2025, a copy of the foregoing **JOINT MOTION TO TERMINATE** has been served on Patent Owner's counsel of record via electronic mail as follows:

Eldora L. Ellison
Olga A. Partington
Christopher M. Gallo
Christina E. Dashe
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1101 K Street, NW, 10th Floor
Washington, DC 20005
ellison-PTAB@sternekessler.com
opartington-PTAB@sternekessler.com
cgallo-PTAB@sternekessler.com
cdashe-PTAB@sternekessler.com
PTAB@sternekessler.com

Dated: October 3, 2025

By: /Geneva Eaddy/
Geneva Eaddy
Case Manager
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP