

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 REQUEST TO TREAT SETTLEMENT AGREEMENT AND
UPSTREAM CONSENT AS BUSINESS CONFIDENTIAL INFORMATION
PURSUANT TO 35 U.S.C. § 327(b)**

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.

If requested, the rules permit the parties to have any filed agreement treated as business confidential information and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 327(b).

Accordingly, pursuant to 37 C.F.R. § 42.74(c) and 35 U.S.C. § 327(b),

Petitioner and Patent Owner jointly request that the Office treat the settlement agreement and “Upstream Consent” filed concurrently herewith as EX. 1031 and EX. 1032 as business confidential information, that the agreements be kept separate from the file of the involved patent, and that the agreements be made available only to Federal Government agencies on written request, or to other persons only on a showing of good cause.

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 REQUEST TO TREAT SETTLEMENT AGREEMENT AND
UPSTREAM CONSENT AS BUSINESS CONFIDENTIAL INFORMATION
PURSUANT TO 35 U.S.C. § 327(b)** was served on Patent Owner's counsel of
record via electronic mail as follows:

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By: /Geneva Eaddy/

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