

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DR. FALK PHARMA GMBH,  
Petitioner,

v.

ELLODI PHARMACEUTICALS, L.P.,  
Patent Owner.

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PGR2025-00086  
Patent No. 12,290,598 B2

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**PATENT OWNER'S UNOPPOSED MOTION TO TERMINATE AND  
REQUEST FOR ADVERSE JUDGMENT UNDER  
37 C.F.R. § 1.321(a)  
37 C.F.R. § 42.73(b)(1)**

Pursuant to 37 C.F.R. §§ 42.72 and 42.73, and the Board’s authorization on April 21, 2026, Patent Owner Ellodi Pharmaceuticals, L.P. (“Patent Owner” or “Ellodi”) moves to terminate the present post grant review proceeding in light of the disclaimer filed by Patent Owner disclaiming all claims of U.S. Patent No. 12,290,598 (the “’598 Patent”).

A party before the Board “may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include “[d]isclaimer of the involved application or patent.” 37 C.F.R. § 42.73(b)(1); *see also CaptionCall, L.L.C. v. Ultratec, Inc.*, IPR2015-01886, Paper 39 at 2 (P.T.A.B. June 9, 2016) (granting request for adverse judgment under 37 C.F.R. § 42.73(b)(2) after institution of trial).

Patent Owner has no remaining claims in the instant *inter partes* review. On April 15, 2026, Patent Owner filed a statutory disclaimer under 37 C.F.R. § 1.321(a) disclaiming all remaining claims at issue in this proceeding, namely claims 1–34 of the ’598 Patent. EX2037. Given Patent Owner’s statutory disclaimer obviating the need for further proceedings in PGR2025-00086, Patent Owner respectfully requests entry of adverse judgment under § 42.73(b)(1) and moves to terminate the instant proceeding. Petitioner does not oppose this motion.

Dated: April 29, 2026

Respectfully submitted,

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By: /Jonathan Cousin/  
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**CERTIFICATION OF SERVICE**

Pursuant to 37 C.F.R. §§42.6(e)(4)(i) *et seq.*, a complete copy of the attached **PATENT OWNER'S UNOPPOSED MOTION TO TERMINATE AND REQUEST FOR ADVERSE JUDGMENT UNDER 37 C.F.R. § 1.321(a), 37 C.F.R. § 42.73(b)(1)**, including **Exhibit No. 2037**, are being served via electronic mail on the Petitioner by serving Petitioner's counsel of record as follows:

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DATED: April 29, 2026

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