

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

THORNE RESEARCH, INC.,
Appellant

v.

TRUSTEES OF DARTMOUTH COLLEGE,
Appellee

2023-1055

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2021-00491.

Before PROST, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

ORDER

The parties file a joint statement noting that this appeal is moot in view of *ChromaDex, Inc. v. Elysium Health, Inc.*, 59 F.4th 1280 (Fed. Cir. 2023), *cert. denied* (Oct. 16, 2023) (affirming patent-ineligibility of the claims at issue here). The parties also request that “the decision on appeal . . . be vacated and remanded with instructions” to dismiss. ECF No. 24 at 3; *see Apple Inc. v. Voip-Pal.com, Inc.*, 976 F.3d 1316, 1321 (Fed. Cir. 2020).

2 THORNE RESEARCH, INC. v. TRUSTEES OF DARTMOUTH COLLEGE

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The appeal is dismissed as moot, the final written decision of the Patent Trial and Appeal Board in IPR2021-00491 is vacated, and the case is remanded to the United States Patent and Trademark Office with instructions to dismiss IPR2021-00491 as moot.

(2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 18, 2023
Date

ISSUED AS A MANDATE: December 18, 2023