

No. 19-1630, 19-1682

---

---

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

---

---

ELYSIUM HEALTH, INC.

*Appellant,*

v.

TRUSTEES OF DARTMOUTH COLLEGE,

*Cross-Appellant.*

---

---

Appeal from the United States Patent and Trademark Office,  
Patent Trial and Appeal Board in proceeding No. IPR2017-01795

---

---

**UNOPPOSED MOTION TO TERMINATE CROSS-APPEAL**

---

---

John L. Abramic  
(Lead Counsel)  
jabramic@steptoe.com  
STEPTOE & JOHNSON LLP  
115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1264  
Facsimile: (312) 577-1370

Jamie L. Lucia  
STEPTOE & JOHNSON LLP  
1 Market Street,  
Steuart Tower, Suite 1800  
San Francisco, California 94105  
Telephone: (415) 365-6711  
Facsimile: (415) 365-6681

August 14, 2019

*Counsel for Cross-Appellant,  
Trustees of Dartmouth College*

Pursuant to Fed. Cir. R. 27 and Fed. R. App. P. 42(b), Cross-Appellant, Trustees of Dartmouth College (“Cross-Appellant” or “Dartmouth”), by and through its counsel, respectfully moves for an order dismissing the above-captioned cross-appeal, Case No. 19-1682.

Cross-Appellant contacted counsel for Appellant, Elysium Health, Inc., who confirmed that they consent to the motion. Accordingly, Cross-Appellant respectfully requests that the Court dismiss the cross-appeal (Case No. 19-1682) and that each party bear its own costs and fees related to the cross-appeal.

Dated: August 14, 2019

*/s/ John L. Abramic*

John L. Abramic  
STEPTOE & JOHNSON LLP  
115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1264  
Facsimile: (312) 577-1370

*Counsel for Cross-Appellant,  
Trustees of Dartmouth College*

**CERTIFICATE OF INTEREST FOR APPELLANTS**

Pursuant to Federal Circuit Rules 26.1 and 47.4, counsel for Cross-Appellant hereby certifies the following:

1. The full name of every party represented by me is:

Trustees of Dartmouth College

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None

3. All parent corporations and any publicly-held companies that own 10% or more of the stock of any party represented by me are:

None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:

Harold H. Fox  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

James R. Nuttall  
STEPTOE & JOHNSON LLP  
115 South LaSalle Street, Suite 3100  
Chicago, IL 60603

5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal:

ChromaDex, Inc. v. Elysium Health, Inc., Case No. 16-cv-02277-CJC (C.D. Cal.);  
ChromaDex, Inc. et al v. Elysium Health, Inc., Case No.18-cv-01434-CFC (D.DE)

Dated: August 14, 2019

/s/ John L. Abramic

John L. Abramic  
STEPTOE & JOHNSON LLP

115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1264  
Facsimile: (312) 577-1370

*Counsel for Cross-Appellant,  
Trustees of Dartmouth College*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 14th day of August, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which thereby served a copy upon all counsel of record via email or electronic means.

Dated: August 14, 2019

/s/ John L. Abramic

John L. Abramic  
STEPTOE & JOHNSON LLP  
115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1264  
Facsimile: (312) 577-1370

*Counsel for Cross-Appellant,  
Trustees of Dartmouth College*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2) and Fed. Cir. R. 27(d). This motion contains 80 words, excluding the parts of the brief exempted by Fed. R. App. P. 27(d)(2) and 32(f), and Fed. Cir. R. 27(d), as counted by Microsoft® Word 2016, the word processing software used to prepare this brief.

This motion complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6). This motion has been prepared in a proportionally spaced typeface using Microsoft® Word 2016, Times New Roman, 14 point.

Dated: August 14, 2019

/s/ John L. Abramic

John L. Abramic  
STEPTOE & JOHNSON LLP  
115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1264  
Facsimile: (312) 577-1370

*Counsel for Cross-Appellant,  
Trustees of Dartmouth College*