

NOTE: This order is nonprecedential.

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

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**THORNE RESEARCH, INC.,**  
*Appellant*

v.

**TRUSTEES OF DARTMOUTH COLLEGE,**  
*Appellee*

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2023-1055

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

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

PER CURIAM.

**O R D E R**

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).

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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