

# Tian Medical, LLC Prevails over European Patent Opposition / Appeal Challenge

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The technology developed in the Tx360<sup>®</sup> may be used for headaches, cluster headaches, migraines, pain from cancer, and other medical conditions.

On March 11th, 2024, in Munich, Germany, Tian Medical ([www.europe.tianmedical.com](http://www.europe.tianmedical.com)) (<http://www.europe.tianmedical.com>) has won against a challenge to its European Patent (EP 2 326 373 B1) filed by Dr. Daniel Gruber, whom it suspects was acting on behalf of an unnamed third party. As recorded in the European Patent Office (EPO) public records (<https://register.epo.org/application?tab=doclist&number=EP09790635&lng=en>), Dr. Gruber filed an opposition (on June 5, 2019) to the just-granted application for a European Patent (EP 2 326 373 B1) filing for Tx360<sup>®</sup>, invented by Dr. Tian Xia. The Tx360<sup>®</sup> provides a groundbreaking technology that allows medical providers to deliver medicine of choice rapidly and minimally invasive to the Sphenopalatine Foramen [SPF]. In human patients, the Sphenopalatine Ganglion [SPG] hides inside of SPF covered by a thin layer of mucous membrane. The SPG is a group of nerves located behind the nose, deep in the face. These nerves are connected to the main nerve (Trigeminal) involved in headaches and connected to the limbic system. The technology developed in the Tx360<sup>®</sup> may be used for treating headaches, cluster headaches, migraines, pain from cancer, and other medical conditions that cause facial pain (<https://tianmedical.com/tx360-as-acute-treatment-for-chronic-migraine/>). Other treatments for headaches aren't as effective as the Tx360<sup>®</sup> and may have unwanted side effects including ulcers, heart attacks, toxicity, and addiction. There has also been positive preliminary usage of the Tx360<sup>®</sup> in delivering medications to help those suffering from ALS aka Lou Gehrig's disease and Alzheimer's or Dementia. Recently, the Tx360<sup>®</sup> technology has also been adopted to deliver nutraceuticals such as NAD+ for longevity and HEMP for psychology. Some of Tx360<sup>®</sup> users in the United States are delivering Exosomes for Neurodegenerative conditions.

The opposition to the European patent was filed by Dr Gruber. Dr Gruber alleged that the Tx360<sup>®</sup> wasn't sufficiently patentable to warrant a patent. Dr Gruber also objected that the language wasn't clear as to how the device could be used, and that the patent application contained subject matter extending beyond that permitted. In a hearing on 19th April 2021, the EPO Opposition Board found that the patent was clear enough for a skilled person, patentable and did not and contain subject matter extending beyond that permitted. Dr Gruber appealed against that decision. Dr Gruber's appeal was dismissed by the EPO Board of Appeal on March

11th, 2024. The patent (EP 2 326 373 B1) is maintained as granted which is a win for Tian Medical, prevailing over this challenge to its exclusive rights in the Tx360®.

Tian Medical will continue to move forward with its studies to prove the effectiveness of Tx360® on a variety of conditions as well as offering it to clinicians in the US, Canada, Europe and in the rest of the world for therapies related to headaches, migraine, and other emerging indications. Tian Medical has recently completed a successful Randomized Controlled Trial [RCT] study in the USA, whose results will be presented in the Summer of 2024.

Dr. Tian Xia, the inventor of Tx360®, is a Board-Certified Anesthesiologist and Interventional Pain Medicine Specialist. Dr. Tian Xia is focused on improving the quality of life for suffering individuals to return them to less painful, functional living.

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