

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner

v.

VAPORSTREAM, INC.,
Patent Owner

Inter Partes Review No. IPR2018-00404
U.S. Patent No. 8,935,351

**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW
PURSUANT TO *UNITED STATES V. ARTHREX***

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I. INTRODUCTION

Patent Owner Vaporstream, Inc. (“Vaporstream”) respectfully requests Director review of the Board’s June 28, 2019 FWD. Paper 38. Vaporstream timely filed this request within 30 days of the Federal Circuit’s remand order. *Vaporstream, Inc. v. Snap Inc.*, No. 2019-2231, Dkt. 67 (Fed. Cir. Oct. 22, 2021).

II. BACKGROUND

A. The ’351 Patent

The ’351 Patent discloses systems and methods for reducing traceability of electronic messages so as to enhance the privacy and security of modern electronic messaging. *See, e.g.*, Ex. 1001, Abstract. As the specification explains, the claimed invention allows “users of [] computers 315 and 320 to have a private conversation over [a] network 325” via “electronic messages 330.” *Id.* at 17:47-49. The specification identifies numerous problems existing in prior art electronic messaging systems because electronic messages: (1) “travel[ed] along a public network, such as the Internet, and [were] susceptible to interception by unintended third parties,” *id.* at 1:53-56; (2) were easily “logged and archived” by the prior art systems themselves, and may be “copied, cut, pasted, printed, forwarded, blind copied, . . . manipulated” or disseminated by either the sender or the recipient, giving the messages longevity or a “shelf-life” that was “uncontrollable” and often unintended, *id.* at 1:56-59; and

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