

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SNAP INC.,  
Petitioner,

v.

UBERFAN, LLC,  
Patent Owner.

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IPR2022-00753  
Patent 10,963,439 B1

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Before NEIL T. POWELL, ELIZABETH M. ROESEL, and  
IFTIKHAR AHMED, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial  
*37 C.F.R. § 42.74*

## I. INTRODUCTION

On September 22, 2022, pursuant to our authorization, Petitioner and Patent Owner (collectively, “the Parties”) filed a Joint Motion to Terminate the above-identified proceeding due to settlement. Paper 13 (“Joint Motion”). The Parties also filed a copy of a Confidential Settlement Agreement (Ex. 1088 (“Settlement Agreement”)) governing their settlement together with a joint request (Paper 14 (“Joint Request”)) that the Settlement Agreement be treated as business confidential information and kept separate from the publicly available file of the above-captioned proceeding.

## II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a “true and correct copy of the written settlement agreement.” Joint Motion 5.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that it is appropriate to terminate the proceeding.

Further, after reviewing the Parties’ Settlement Agreement, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between the Parties as business confidential information and to keep the Settlement Agreement separate from the file of the patent in the above-captioned proceeding pursuant to 37 C.F.R. § 42.74(c), and therefore grant the portion of the Joint Request to keep the Settlement Agreement separate from the file of the subject patent.

However, we deny the portion of the Joint Request seeking an order from the Board that, in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2) for access to the Settlement Agreement, any such written request be served upon the parties on the day the written request is provided to the Board. Joint Request 2. Our rules do not include such a requirement.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

### III. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate IPR2022-00753 is *granted*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted in part* and *denied in part* in the manner noted above; and

FURTHER ORDERED that the Settlement Agreement shall be kept separate from the file of Patent 10,963,439 B1 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

IPR2022-00753  
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