

NOTE: This order is nonprecedential.

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

VAPORSTREAM, INC.,
Appellant

v.

SNAP INC.,
Appellee

**ANDREI IANCU, Director, U.S. Patent and Trade-
mark Office,**
Intervenor

2019-2231, -2290, -2337, 2020-1030

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2018-
00200, IPR2018-00312, IPR2018-00369, and IPR2018-
00458.

VAPORSTREAM, INC.,
Appellant

v.

SNAP INC.,
Appellee

**ANDREI IANCU, Director, U.S. Patent and Trade-
mark Office,**
Intervenor

2019-2339

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2018-
00404.

ON MOTION

Before MOORE, O'MALLEY, and STOLL, *Circuit Judges*.
O'MALLEY, *Circuit Judge*.

O R D E R

In the above-captioned appeals, Vaporstream, Inc. moves to vacate the decisions of the Patent Trial and Appeal Board and remand for further proceedings in light of *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019). Snap, Inc. opposes the motions. The Director of the United States Patent and Trademark Office intervenes and requests that the court hold any decision on the motions in abeyance pending en banc consideration of *Arthrex*.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Director of the United States Patent and Trademark Office is added as an intervenor. The revised official captions are reflected above.

VAPORSTREAM, INC. v. SNAP INC.

3

(2) The motions to vacate and remand are granted. The Patent Trial and Appeal Board's decisions are vacated, and the cases are remanded to the Board for proceedings consistent with this court's decision in *Arthrex*.

(3) Each side shall bear its own costs.

FOR THE COURT

January 23, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

s32