

NOTE: This order is nonprecedential.

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

**EBATES PERFORMANCE MARKETING, INC.,
dba Rakuten Rewards,**
Appellant

v.

**INTERNATIONAL BUSINESS MACHINES
CORPORATION,**
Appellee

2024-1232

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2022-
00438.

O R D E R

The parties having so agreed, it is ordered that:

(1) The proceeding is DISMISSED under Fed. R. App.
P. 42 (b).

2

EBATES PERFORMANCE MARKETING, INC. v. IBM

(2) Each side shall bear their own costs.

FOR THE COURT

April 29, 2024
Date



Jarrett B. Perlow
Clerk of Court

ISSUED AS A MANDATE: April 29, 2024