

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

Case IPR2024-00528
U.S. Patent No. 8,249,932

**DECLARATION OF BERNARD J. JANSEN, PH.D.,
IN SUPPORT OF PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

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Meta EX1053
IPR2024-00528
U.S. Patent No. 8,249,932

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I, Bernard J. Jansen, hereby declare as follows.

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of Meta Platforms, Inc. (“Petitioner”) for the above-captioned IPR. I previously submitted a declaration (EX1003) in support of the Petition in this proceeding. This declaration is in support of Petitioner’s Reply to Patent Owner’s Preliminary Response.

II. CLAIM CONSTRUCTION

2. It is my opinion that each claim term should be given its ordinary and customary meaning. EX1003, ¶38. I understand that Patent Owner (“SitNet”) proposes a construction for “situational network.” POPR, 1-10. I disagree with this construction for the following reasons.

A. “situational network”

3. SitNet construes “situational network” as shown in the table below. In my opinion, this construction is improper because it is confusing and conflicts with embodiments from the specification that do not require a situational network to be a social network.

SitNet’s Proposed Construction in the POPR
“social network formed in response to the occurrence of an event or situation by forming connections between nodes which represent the personal information and social metrics that interconnect participants of the social networking service hosting the ‘situational network’ to the underlying situation or event” POPR, 10.

4. Notably, SitNet’s construction requires the situational network to be a “social network,” which the ’932 patent also refers to as an “N-dimensional social

network” (NDSN). POPR, 3; EX1001, 14:10-15; EX2001, 6. A “situational network” as described in the ’932 patent is not so limited. The specification confirms that the situational network is established using a social network in only a *single* embodiment, explaining: “*In one embodiment*, the situational network may be established using the framework of an N-dimensional social network (NDSN).” EX1001, 7:24-29, *see also* 14:10-15:7, 19:35-36.

5. To support its construction, SitNet quotes one statement describing that situational network participants “may have no prior knowledge of or connection or contact with each other . . . through ***any other type of social network*** or personal interactions.” POPR, 2 (citing EX1001, 3:46-58) (emphasis in original). In view of this statement, SitNet asserts that “the 932 Patent classifies a ‘situational network’ as a type of social network.” POPR, 2-3. However, this statement does not define a situational network as a social network.

6. First, this statement refers broadly to “any other type of ***social network or personal interactions***.” EX1001, 3:46-58 (emphasis added). This statement does not classify a situational network solely as a social network. Therefore, a POSA would not have understood this statement to define a “situational network” as being limited to a type of social network. Second, to the extent this passage even mentions a social network, it refers to only “one embodiment.” EX1001, 7:24-29, *see also* 14:10-15:7, 19:35-36. Nowhere does the

'932 patent say that every embodiment of a “situational network” must be a social network. In my opinion, SitNet’s construction improperly excludes the specification’s other embodiments of a situational network. *See, e.g.*, EX1001, 7:1-23, 25:1-55.

III. CARLSON AND SHAHINE RENDER THE CLAIMS OBVIOUS EVEN UNDER SITNET’S CONSTRUCTION OF “SITUATIONAL NETWORK.”

A. Carlson teaches a “social network.”

7. As I explain in my original declaration, the '932 patent describes “[a]n N-dimensional social network (NDSN), also called a multi-dimensional personal information network, [that] captures and manages multi-dimensional relationships between persons and other entities that are users of the network.” EX1001, 14:10-13; EX1003, ¶144. Carlson teaches such a network in which users are connected through multiple relationships, for example, through various alert subscriptions, contact lists, and other preferences. EX1003, ¶¶144-47 (citing EX1005, ¶¶30, 52-53). Carlson, in fact, discloses a “[u]ser data store 128” that stores this relationship information. EX1005, ¶30.

8. Carlson further provides a “situational network” that is a subset of this larger social network, for example, the users receiving an alert or advertisement in response to an event. EX1003, ¶¶93-96 (citing EX1005, ¶¶40, 52-53, 58-59). This reading is consistent with SitNet’s proposed construction in the POPR, which requires connecting certain “participants of [a] social networking service hosting

the ‘situational network’ to the underlying situation or event.” POPR, 10.

B. Carlson’s “situational network” is established “in response to the occurrence of an event or situation.”

9. Based on its proposed construction, SitNet further argues that, in Carlson, “the connections between users and various alert services are subscriptions established *prior* to the occurrence or expected occurrence of an event or situation.” POPR, 13-15 (emphasis in original); *see also* EX2005, ¶39 (“Subscribing to a service and/or indicating a preference requires establishing a connection with the service *prior to* the occurrence or expected occurrence of an event or situation.”) (emphasis in original). In my opinion, SitNet and Dr. Rubin miss the point—SitNet and Dr. Rubin confuse subscriptions, i.e., a preference to receive alerts in connection with a service, with establishment of a “situational network” when an event occurs. That Carlson stores user subscription information does not prevent a “situational network” from later being established. Instead, Carlson’s user subscription information is used to facilitate the establishment of a “situational network” when an event occurs. *See* Pet., 15-17.

10. For example, as I explain in my original declaration, Carlson’s “[c]ontent provider 110 *detects an event* at step 405,” and, in response to this detection, “[c]ontent provider 110 *determines users to receive an alert* at step 410.” EX1003, ¶94 (citing EX1005, ¶¶52, 53) (emphasis added). Therefore, in response to an event, Carlson’s user subscription information is used to determine

a subset of users to connect to the alert service—in line with the timing requirements of SitNet’s proposed construction—allowing the users to receive information about the event.

IV. AMIDON, WALSH, AND SHAHINE RENDER THE CLAIMS OBVIOUS EVEN UNDER SITNET’S CONSTRUCTION OF “SITUATIONAL NETWORK.”

11. Dr. Rubin does not dispute that Amidon teaches a social network. *See* EX2005, ¶¶46-48. Instead, Dr. Rubin challenges the alleged timing requirements for the formation of a “situational network.” EX2005, ¶¶46-48. For example, Dr. Rubin argues that “Amidon’s architecture does not create new connections but instead creates chatrooms, referred to as ‘conferences,’” and that these “chatrooms are created using existing social networks to determine the participants in a chatroom (i.e., conference).” EX2005, ¶47. Dr. Rubin, therefore, asserts that “these chatrooms are not created *in response* to an event or situation.” EX2005, ¶47 (emphasis in original). However, nothing in SitNet’s proposed construction, nor the specification, prevents the use of existing social network information in forming a “situational network.” In other words, a “situational network” may be formed in response to a situation whether or not it uses existing social network information, such as knowledge that a user may be interested in a situation.

12. I understand that in the district court, SitNet explained, “[w]hat is clear is that a subset of nodes in an online social network, when formed in response

to the occurrence of an event or situation, is a ‘situational network’ within the meaning of the asserted claims.” EX2001, 7. To the extent this is required by the claims, SitNet’s characterization of a “situational network” is what Amidon teaches.

13. As I explain in my original declaration, in Amidon’s system, “a user can specify the nature and extent of a conference amongst members of a social network,” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference.” EX1007, 2:57-63; EX1003, ¶198. Each conference is formed in response to a situation (“a user can specify the nature . . . of a conference,” EX1007, 2:57-63). Therefore, Amidon’s conferences connect a subset of the users of the larger social network in response to an event or situation. EX1003, ¶¶197-99.

14. In certain embodiments, Amidon also discloses “send[ing] an invitation to users . . . to join in the conference” as part of conference formation. EX1007, 21:5-8. In the POPR, when arguing its construction of “event node,” SitNet points to a similar embodiment in the ’932 patent “show[ing] a situation in which a user is invited to connect to an event node (‘invite(Event Node)’) based on a likely interest in the event underlying the ‘situational network.’” POPR, 7-8 (citing EX1001, 19:58-66). The cited passage of the ’932 patent also explains that “[t]he automatic invitation may be based on a stored user profile” to determine

whether a user “would likely be interested in the information about the event.”

EX1001, 19:58-66; POPR, 8. Therefore, even the portions of the '932 patent allegedly supporting SitNet's POPR construction confirm that a “situational network” may be formed using existing social network information, such as whether a user “would likely be interested in the information about the event.”

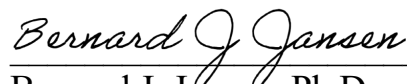
EX1001, 19:58-66.

V. CONCLUSION

15. In signing this declaration, I recognize that the declaration will be filed as evidence in an *inter partes* review before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and within the United States. If cross-examination is required, I will appear for cross-examination within the United States during the time allotted.

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on this 12th day of July 2024, in Phuket, Thailand.



Bernard J. Jansen, Ph.D.