

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

SITNET LLC,
Patent Owner

U.S. Patent No. 8,249,932

IPR Case No.: 2024-00528

**SITNET LLC'S SUR-REPLY TO PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S.
PATENT NO. 8,249,932**

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EXHIBIT LIST

No.	Exhibit Description
2001	Joint Claim Construction Brief in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 57).
2002	Amended Joint Claim Construction Chart in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 58).
2003	Order regarding Trial Schedule in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 32).
2004	Statistics for Southern District of New York Judges
2005	Expert Report of Dr. Aviel D. Rubin
2006	Markman Hearing Transcript in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23- cv-06389-AS (July 1, 2024).
2007	Claim Construction Order in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23- cv-06389-AS (Dkt. 79).

I. INTRODUCTION

Petitioner has not informed the Board of the positions taken, arguments advanced, and decisions rendered in the current proceedings before the District Court. Patent Owner, in its Preliminary Response, set forth the claim constructions advanced before District Court by both parties and evaluated the asserted grounds with respect to thereto. The District Court has since conducted a *Markman* hearing – the transcript of which is attached as Exhibit 2006 – and issued an Opinion and Order – attached as Exhibit 2007. The Petitioner’s Reply should be assessed with respect to these changes in the law of the case.

Petitioner’s Reply contains arguments rendered moot by the District Court’s claim construction order, should the Board adopt it. For the sake of the brevity, Patent Owner limits its response to Petitioner’s arguments conflicting with the claim construction order.

II. CLAIM CONSTRUCTION

A. 37 C.F.R. § 42.100(b) Statement

An Opinion and Order construing the claims of the Patent at issues was issued in *SitNet LLC v. Meta Platforms, Inc.* No. 1:23-cv-06389-AS (S.D.N.Y July 24, 2024). To preserve consistency between the proceedings, Patent Owner respectfully requests the Board to consider and adopt the District Court’s construction. This request should not be taken as waiving any right to appeal or as an admission to the accuracy of the District Court’s construction.

B. Situational Network

The District Court construed the term Situational Network as “a network created in response to an event or situation.” Exhibit 2007, at 2-4. In reaching this construction, the District Court observed the specification details the computer network 900 included within the situational network 3000 shown in FIG. 1 is “simply *the medium of connection*; it is not a social network.” *Id.*, at 3 (emphasis added).

The District Court did not find Petitioner’s proposed construction of “a network created when an occurrence or expected occurrence of an event or situation *causes connections to be established between, within, or among a set of participants*” (emphasis added) to be inaccurate – consistent with Court’s finding that the network of a situation network is medium of connection. Rather, “given the complexity and length of Meta’s proposed construction, the Court adopt[ed] its own” and Meta had no objections. *Id.*, at 4. As the Court found the network of a situational network to be “a medium of connections” and did not dispute the accuracy of Petitioner’s proposed construction which requires “connections to be established,” the “network created in response to the event of situation” must have a newly created connection.

III. CARLSON AND SHAHINE DO NOT RENDER THE CLAIMS OBVIOUS

C. Carlson Does Not Disclose a Network Created in Response to an Event or Situation

A situational network is a network created in response to a situation or event. Creating a network requires establishing connectivity between its members. As detailed in the Preliminary Response, the connections forming Carlson’s supposed situational network are created when a user subscribes to the service prior to the occurrence of an event or situation. Preliminary Response, 13-16. Selecting a subset of users to receive an alert over pre-existing connections does not create a new network, i.e., a situational network. If anything, it merely momentarily removes participants from the network by deleting – rather than creating – connectivity between the unselected subscribers and Carlson’s alert service.

IV. AMIDON, WALSH, AND SHAHINE DO NOT RENDER THE CLAIMS OBVIOUS

A situational network is a network created in response to a situation or event. Creating a network requires establishing connectivity between its members. As detailed in the Preliminary Response, the connections within Amidon’s conferences, and those used to establish distribution

lists therein, are formed prior to the conference. Preliminary Response, 16-21. Consequently, creating a conference, as taught by Amidon, does not create new connections. Therefore, Amidon does not create a network in response to a situation or event and thus does not teach a situational network.

To the extent Petitioner's arguments are consistent with Patent Owner's proposed claim construction before the District Court, the Court rejected that construction for being inconsistent with the specification. Exhibit 2007, 2-4.

V. CONCLUSION

Petitioner has failed to demonstrate a reasonable likelihood that they will prevail as to any of the challenged claims. *Inter partes* review should therefore be denied.

Dated: July 26, 2024

Respectfully submitted by,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that Patent Owner's Sur-Reply Preliminary Response was served on July 26, 2024 by e-mailing copies to the following e-mail addresses as provided in Petitioner's Petition:

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