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

PATENT OWNER'S MOTION TO AMEND AND REQUEST FOR PRELIMINARY GUIDANCE

TABLE OF CONTENTS

I. INTRODUCTION 1

II. STATEMENT OF RELIEF REQUESTED 2

III. THE SUBSTITUTE CLAIMS MEET ALL THE REQUIREMENTS OF 37 C.F.R. § 42.121 3

- A. REASONABLE NUMBER OF SUBSTITUTE CLAIMS 4
- B. THE PROPOSED CLAIMS ARE RESPONSIVE TO THE INSTITUTED GROUNDS 4
- C. THE PROPOSED CLAIMS DO NOT ENLARGE THE SCOPE OF THE ORIGINAL CLAIMS 4

IV. THE SUBSTITUTE CLAIMS DO NOT INTRODUCE NEW SUBJECT MATTER 5

- A. THE PRIORITY CLAIM OF THE 932 PATENT 5
- B. SUPPORT FOR SUBSTITUTE CLAIMS 24-36 5

V. CLAIM CONSTRUCTION: EVENT NODE 11

VI. SUBSTITUTE CLAIMS 21-30 ARE PATENTABLE OVER AMIDON AND THE WONG/GOGIC COMBINATION 13

VII. CONCLUSION 24

TABLE OF AUTHORITIES

Page(s)

Cases

Aqua Prods. v. Matal,
872 F.3d 1290 (Fed. Cir. 2017) 2, 3

Bosch Auto. Serv. Sols. LLC v. Matal,
878 F.3d 1027 (Fed. Cir. 2017) 2

Statutes

35 U.S.C. § 316(d) 1, 3

35 U.S.C. § 316(e) 3

Regulations

37 C.F.R. § 42.121 ..... *passim*

37 C.F.R. § 42.22(a)(1) 3

EXHIBIT LIST

No.	Exhibit Description
2001	Joint Claim Construction Brief in *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23- cv-06389-AS (Dkt. 57).
2002	Amended Joint Claim Construction Chart in *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23-cv-06389-AS (Dkt. 58).
2003	Order regarding Trial Schedule in *SitNet LLC v. Meta Platforms, Inc.,* 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 *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23- cv- 06389-AS (July 1, 2024).
2007	Claim Construction Order in *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23- cv- 06389-AS (Dkt. 79).
2008	*INTENTIONALLY LEFT BLANK*
2009	Supplemental Expert Report of Dr. Aviel D. Rubin

I. INTRODUCTION

Patent Owner, SitNet LLC ("SitNet") respectfully submits this Motion to Amend under 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121 contingent upon a finding of unpatentability with respect to the original challenged claims 1 and 22 of U.S. Patent No. 8,249,932 ("the 932 Patent") (Ex. 1001).

Patent Owner submits the present motion on a contingent basis. If the Patent Trial and Appeal Board ("Board") determines claims 1 and 22 of the 932 Patent to be unpatentable, Patent Owner respectfully requests the Board look to the present motion to see whether the corresponding substitute claim is patentable.

Pursuant to 37 C.F.R. § 42.121(e), Patent Owner requests the Board provide preliminary guidance on the present motion, and an opportunity for Patent Owner to file a reply responding to the preliminary guidance, or a revised motion to amend under 37 C.F.R, § 42.121(f), if needed.

Patent Owner attaches the proposed substitute claim as Appendix A. Patent Owner proposes to substitute claims 1-11 and claims 22-23 with substitute claims 24-36. Proposed substitute claims 24-36 contain additional limitations not found in the prior art of record. As shown in Appendix A, substitute claims 23-34 and 36 are substantively identical to existing claims 2-11 and 23, but depend upon substituted claims 24 and 36, respectively rather than claims 1 and 22. The proposed substitute

claims are presented on a contingent basis for consideration in the event the Board finds that claims 1 and 22 are unpatentable.

As this motion demonstrates, the substitute claims meet all of the requirements of 37 C.F.R § 42.121. Namely, the amendments are responsive to a ground of unpatentability on which trial was instituted, and none of the amendments seek to enlarge the scope of the claims or introduce new subject matter. Further, the motion shows the changes that are sought and the support in the original disclosure of the patent and a priority application for each substitute claim.

Moreover, although the burden of persuasion for any substitute claims is on the Petitioner to show that such claims are unpatentable, *see Aqua Prods. v. Matal*, 872 F.3d 1290, 1324-25 (Fed. Cir. 2017) (en banc); *Bosch Auto. Serv. Sols. LLC v. Matal*, 878 F.3d 1027, 1040 (Fed. Cir. 2017), this motion demonstrates that the substitute claims are patentable over the references in this proceeding.

To satisfy the requirement of 37 C.F.R. § 42.121(a), Patent Owner emailed the Board on November 15, 2024, to state that it intended to file a motion to amend. That day, the Board responded by email permitting Patent Owner to file a motion to amend.

II. STATEMENT OF RELIEF REQUESTED

Patent Owner hereby moves to amend the 932 Patent contingent upon claim 10 being found unpatentable in the present proceeding. If claim 1 and 22 are found to be unpatentable, Patent Owner requests the Board order the following:

- Replacement of independent claim 1 with substitute claim 23;
- Replacement of dependent claims 2-11 with substitute claims 25-34;
- Replacement of independent claim 22 with substitute claim 35;
- Replacement of dependent claims 23 with substitute claims 36;

No other changes are proposed. *See* 37 C.F.R. § 42.22(a)(1); *see also* 35 U.S.C. § 316(d).

III. THE SUBSTITUTE CLAIMS MEET ALL THE REQUIREMENTS OF 37 C.F.R. § 42.121

Under 35 U.S.C. § 316(d)(1)(B), a patent owner may propose a reasonable number of substitute claims for each challenged claim. A patent owner must show that each amendment in the proposed substitute claims is responsive to a ground of unpatentability involved in the trial, does not seek to broaden a challenged claim, and is supported by the filed or earlier filed disclosures. 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2).

If a patent owner has met these statutory requirements, then the Board considers whether the substitute claims are unpatentable by a preponderance of the evidence. *Western Digit. Corp. v. Spex Techs., Inc.*, IPR2018-00082, Paper 13 at 4 (PTAB Apr. 25, 2018). The petitioners have the burden to show that the amended claims are unpatentable over the prior art. 35 U.S.C. § 316(e); *Aqua Prods. Inc.*, 872 F.3d at 1324-25.

A. Reasonable Number of Substitute Claims

As shown in Appendix A, Patent Owner proposes only one substitute claim for each conditionally canceled claim, thus satisfying the general presumption that "only one substitute claim would be needed to replace each challenged claim." 37 C.F.R. § 42.121(a)(3).

B. The Proposed Claims Are Responsive to the Instituted Grounds

The proposed substitute claims are responsive to one or more grounds of unpatentability at issue in this proceeding. *See* 37 C.F.R. § 42.121(a)(2)(i). Specifically, the limitations added in proposed substitute independent claim 21 obviates the asserted grounds alleging obviousness by incorporating at least one additional limitation not disclosed in Carlson in view of Shahine, Carlson-Shahine in view of Lundy, Carlson-Shahine-Lundy in view of Roskind, Amidon in view of Walsh and Shahine, and Amidon-Walsh-Shahine in view of Jones.

C. The Proposed Claims Do Not Enlarge the Scope of the Original Claims

Proposed substitute independent claims 24 and 35 include an additional limitation to address the prior art grounds that do not enlarge the scope of the claims. Instead, the amendments shown in proposed substitute independent claims 24 and 35 add at least one further limitation to the original claims 1 and 22.

Proposed substitute independent claims 24 and 35 narrow the scope of the original independent claim 10 by requiring establishing the situation network

comprises establishing an event node within a N-dimensional social network and connecting the event node to a plurality of existing nodes within the social network," wherein the existing nodes correspond with the plurality of individuals.

As discussed in more detail below, the amendments presented in substitute claims 24 and 35 have support in the specification as originally filed. In addition, proposed substitute dependent claims 25-34 and 36 only amend claims 2-11 and 23 to be dependent upon substitute claims 24 and 35, respectively claims from which they depend.

IV. THE SUBSTITUTE CLAIMS DO NOT INTRODUCE NEW SUBJECT MATTER

The originally filed disclosure of the 932 Patent supports each proposed substitute claim. *See* 37 C.F.R. § 42.121(b)(1)-(2).

A. <u>The Priority Claim of the 932 Patent</u>

The 932 Patent issued from U.S. App. Ser. No. 11/924,748, filed October 26, 2007, which claims the benefit of priority to U.S. Provisional Patent Application No. 60/887,843, filed February 2, 2007.

B. <u>Support for Substitute Claims 24-36</u>

Proposed substitute independent claims 24 and 35 include additional limitations to address the prior art grounds that do not enlarge the scope of the claims. Instead, the amendments shown in proposed substitute independent claims 24 and 35 add further limitations to the original claims 1 and 22.

Proposed substitute independent claims 24 and 35 narrow the scope of the original independent claims 1 and 22 by adding limitations (1) establishing an event node hosted by an event node server within a N-dimensional social network; (2) connecting the event node to a plurality of existing nodes within the social network; (3) wherein said plurality of existing nodes correspond with a plurality of participant devices.

As discussed in more detail below, each of the newly added limitations has support in the specification as originally filed. In addition, proposed substitute dependent claims 25-34 and 26 contain revisions to identify the substitute independent claims from which they depend.

Claim Limitation	**Support for Substitute Claims 21-30 in U.S. App. Ser. No. 11/924,748**
Claim 24 – Substituting for Claim 1 A method of presenting targeted advertising in a situational network, the method comprising:	Ex. 1002, at ¶¶ [0155], [0168], [0169]
(a) receiving a plurality of advertisements from at least one advertising entity;	Ex. 1002, at ¶¶ [0155], [0168], [0169]
(b) obtaining an indication of an occurrence of a situation;	Ex. 1002, at ¶¶ [0155], [0168], [0169]

(c) automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation, wherein establishing the situation network comprises establishing an event node hosted by an event node server within a N-dimensional social network and connecting the event node to a plurality of existing nodes within the social network, said plurality of existing nodes corresponding with the plurality of individuals;	Ex. 1002, at ¶¶ [0070], [0112]-[0116], [0119], [0155], [0161], [0162], [0168], [0169], [0181]

(d) causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation; and	Ex. 1002, at ¶¶ [0161], [0162], [0181]
(e) providing to each of the devices at least one of the plurality of advertisements for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property.	Ex. 1002, at ¶¶ [0155], [0168], [0169]

Claim 25 The method of claim 24 [[1]], wherein the affiliation is based at least in part on the location of the at least one individual.	Ex. 1002, at ¶¶ [0155], [0168], [0169]
Claim 26 The method of claim 25 [[2]], wherein the location of the at least one individual is determined using positional coordinates obtained from the connected device.	Ex. 1002, at ¶¶ [0063], [150], [0175]
Claim 27 The method of claim 24 [[1]], wherein the affiliation is based at least in part on a profile for the at least one individual.	Ex. 1002, at ¶¶ [0155], [0168], [0169]
Claim 28 The method of claim 24 [[1]], wherein the profile is stored on the connected device.	Ex. 1002, at ¶¶ [0155], [0168], [0169]
Claim 29 The method of claim 24 [[1]], wherein the indication is obtained by a situation authority.	Ex. 1002, at ¶¶ [0065], [0147], [0148]

Claim 30 The method of claim 29 [[6]], wherein the situation authority establishes an event node in a multi-dimensional personal information network corresponding to the situation and the devices include personal information aggregators, each personal information aggregator corresponding to a node in the multi-dimensional personal information network.	Ex. 1002, at ¶¶ [0070], [0112]-[0116], [0119], [0147], [0148],
Claim 31 The method of claim 24 [[1]], wherein the situation is a weather phenomenon.	Ex. 1002, at ¶ [0059]
Claim 32 The method of claim 24 [[1]], wherein some of the plurality of advertisements provide notifications about services relevant to the situation.	Ex. 1002, at ¶¶ [0155], [0168], [0169]
Claim 33 The method of claim 24 [[1]], wherein the affiliation is based in part on a projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation.	Ex. 1002, at ¶¶ [0155], [0168], [0169]
Claim 34 The method of claim 33 [[10]], wherein the projection is a geographic projection of nodes of the situational network.	Ex. 1002, at ¶¶ [0155], [0168], [0169]

Claim 35 – Substituting for Claim 22 A system for presenting targeted advertising in a situational network, the system comprising:	Ex. 1002, at ¶¶ [0155], [0168], [0169]
(a) a central server, corresponding to a situation authority, configured to <u>establish the situation network by establishing an event node within a N-dimensional social network and connecting the event node toa plurality of existing nodes within the social network, wherein the existing nodes correspond to a plurality of individuals,</u> receive a plurality of advertisements from at least one advertising entity, obtain an indication of an occurrence of a situation, automatically connect devices corresponding to a plurality of individuals to the situational network established in response to the situation, cause an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation, and provide at least one of the plurality of advertisements to each of the devices for display on the webpage based on determining an affiliation	Ex. 1002, at ¶¶ [0070], [0112]-[0116], [0119], [0155], [0161], [0162], [0168], [0169], [0181]

of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property; and	
(b) a database associated with the central server for storing information related to availability of a service at a plurality of service locations affected by the situation; and	Ex. 1002, at ¶ [0056]
(c) a plurality of devices, each device corresponding to an individual connected via the situational network, configured to connect to the central server, and receive at least one of the advertisements based on the affiliation of the respective individual to the situation.	Ex. 1002, at ¶¶ [0063], [0070]- [0073], [0155], [0168], [0169]
Claim 36 The systems of claim **35** [[22]], wherein at least one device of the plurality of devices is a personal information aggregator.	Ex. 1002, at ¶¶ [0063], [0070]- [0073], [0155], [0168], [0169]

V. CLAIM CONSTRUCTION: EVENT NODE

The District Court determined the term "event node" needed no construction. The specification itself, however, provides a definition for an event node.

Substitute claim 24 recites, "an event node hosted by an event node server ***within a N-dimensional social network***." (Emphasis added.) Accordingly, claim 12

recites an event node in a N-dimensional social network. The specification explicitly defines the operation of an event node within an N-dimensional social network:

> "***In the context of the NDSN,*** a PIA associated with each user is or encompasses a node of the situational network. The situation or event itself may also be associated with a node on the SitNet, known as the event node for the SitNet. For example, an entity, such as a trusted provider of information (e.g., a news source such as CNN or weather.com), establishes ***an event node in an NDSN that propagates up-to-date information on the situation*** to PIAs of the NDSN connected to that event node." 932 Patent, 7:29-38.

Thus, an event node is defined in the specification as a type of node that communicates up to date information in a NDSN. This definition is consistent with the general definition of a node provided in the specification.

> "Each node is capable of communicating in a peer-to-peer fashion with other nodes in the NDSN, and thus is a user's point of connection to the NSDN, providing a user with access to information that can be obtained from other users of the NDSN with whom the user has a relationship." 932 Patent, 14:50-54..

Given that an event node "***propagates up-to-date information on the situation***" and that "each node is capable of communicating in a peer-to-peer fashion with other nodes," an event node must be a node with an NDSN that communicates information regarding the event in a peer-to-peer fashion with other nodes of a NDSN situational net. Furthermore, substitute claim 24 recites an event node within

a NDSN. Thus, an event node per substitute claim 24 is a node within an NDSN providing up-to-date information regarding an event or situation via peer-to-peer communication with other nodes.

VI. SUBSTITUTE CLAIMS 21-30 ARE PATENTABLE OVER AMIDON AND THE WONG/GOGIC COMBINATION

No prior art of record in this proceeding anticipates or renders obvious proposed substitute claims 24-36.

Substitute claim 24, from which substitute claims 25-36 dependent, recites "an event node hosted by an event node server within a N-dimensional social network." The prior art of record does not disclose nor suggest an event node or an event node server within a N-dimensional social network. Petitioner contends that "Amidon [(U.S. Patent No. 8,346,864)] teaches '*establishing an event node for the situation in a multi-dimensional personal information network*' in the form of a 'social network conference' to which users may connect." *Meta Platforms, Inc. v. Sitnet LLC,* IPR2024-00612, Paper 1 at 16 (Petition). Petitioner further contends that "Amidon's social network conference (as defined by the stored data and accessible via window 200) teaches the claimed event node." *Meta Platforms, Inc. v. Sitnet LLC,* IPR2024-00529, Paper 1 at 20 (citing Ex. 1003 ¶ 77)(Petition). Petitioner also argues that "the social network conference (as defined by the stored data and accessible via window 200) (i.e., the event node) corresponds to the situation." IPR2024-00529, Paper 1 at 22–23. But a conference cannot be a node, let alone an event node.

A conference is defined by the American Heritage Dictionary as "a. A meeting for consultation or discussion. b. An exchange of views." American Heritage Dictionary Entry: conference, https://ahdictionary.com/word/search.html?q=conference. A meeting requires a group of participants, and a discussion requires communicating with other participants in the meeting. Thus, a conference is a group of individuals communicating with one another.

Consistent with the accept meaning of "conference", Amidon states:

> "Users may ***participate*** in social network conferences by way of any ***suitable communication technique(s)***. For example, conferences may comprise textual messages, such as instant message (IM) and short message service (SMS) messages. Conferences may comprise audio messages. Such as voice chat via streamed audio content, shared audio files, telephone (including VoIP. cellular, or other telephonic communication), or other suitable technique. Conferences may comprise video messages, such as video chat via streamed video, shared video files, or other suitable techniques. Of course, combinations of the foregoing (and additional communication techniques) may be used in conferencing.
>
> For purposes of this disclosure, the term "conferencing system' is used to refer to components arranged to provide social network conferencing functionality. ***Conferencing functionality may be provided by a separate communication system*** dedicated to conferencing or may be provided as a component in a larger communication system." Amidon, 3:4-21.

Amidon thus details a user participates in the conference by means communicating with other participants of the conference via "any suitable communication technique." Furthermore, Amidon notes that "conference functionality" is provided by a "communication system". Accordingly, Amidon defines its social networking conference consistent with the plain and ordinary meaning of a conference – i.e., a group of individuals communicating with one another.

FIGS. 4 and 5 of Amidon (reproduced below) clearly show its social networking conference is nothing more individuals communicating with one another.

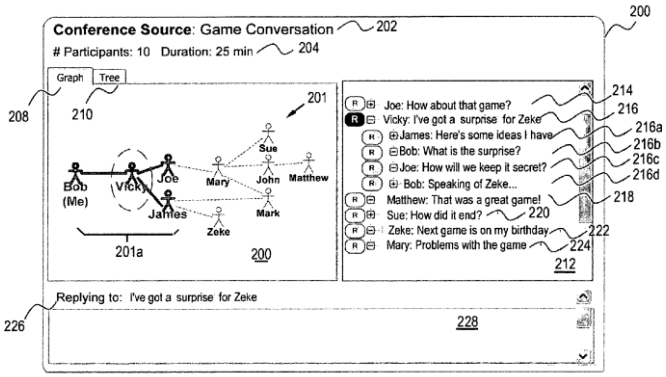


FIGURE 4

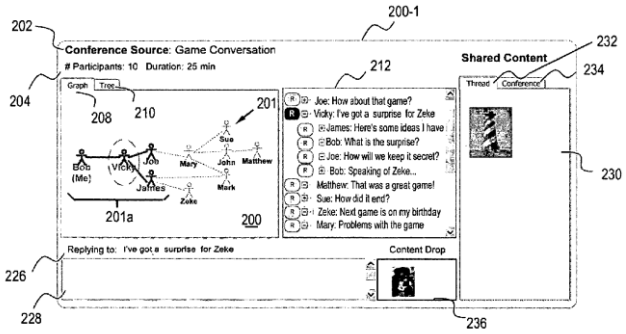


FIGURE 5

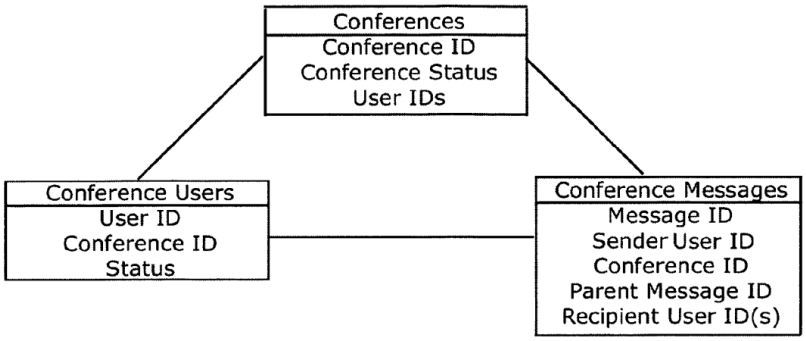
With respect to the above figures, Amidon states that "display area comprises a portion of the window comprising a display of ***social network conference group 201 comprising Bob, Vicky, James, Joe, Mary, Zeke, Sue, John, Matthew, and Mark***." Amidon, 17:7-10. As the conference comprises members, it is nothing more than a meeting of individuals. Furthermore, "Window 200 further includes conference thread display area 212 … includes a plurality of threads (214, 216, 218, 220, 222, 224), each thread comprising data (messages, content, etc.) exchanged 25 amongst the members of conference 201." Amidon, 17:21-26. Thus, the members of the Amidon's conference are communicating with another. Accordingly, Amidon's conference is a group of individuals communicating with one another.

A group of individuals cannot be a node, let alone an event node. As noted *supra,* the specification states, "Each node is capable of communicating in a peer-to-peer fashion with other nodes in the NDSN". 932 Patent, 14:50-51. "[A]n event node in an NDSN that propagates up-to-date information on the situation," 932 Patent, 7:35-37. Accordingly, as noted *supra,* an event node is node communicating information regarding a situation in a peer-to-peer fashion. Communicating in peer-to-peer fashion requires one node communicating with another user. *See* Definition of peer-to-peer | PCMag, https://www.pcmag.com/encyclopedia/term/peer-to-peer ("From user to user. Peer-to-peer implies that either side can initiate a session and has

equal responsibility.") Accordingly, an event node would be an element ***within*** a conference, but ***not*** a conference.

Not only can an event node not be Amidon's social network conference, but Amidon also fails to disclose the social network conferences include an event. With respect to the above figures, Amidon states that "display area comprises a portion of the window comprising a display of ***social network conference group 201 comprising Bob, Vicky, James, Joe, Mary, Zeke, Sue, John, Matthew, and Mark***." Amidon, 17:7-10. Only users are listed as participants of the conferences and shown in FIGS. 4 and 5. Consequently, the conferences do not include as a participant the situation or event underlying the conference. Being a group of participants that excludes the underlying situation or event, the conferences do not include an "event node" corresponding to a situation as required by claim 12.

In addition to the graphical depictions of the social network conferences provided in FIGS. 4 and 5, Amidon provides illustrations of "the stored data" defining a conference that Petitioner also asserts teaches the claimed "event node." Illustrated by Amidon in FIG. 3 (reproduced below) is "a plurality of exemplary data structures suitable for use in defining and tracking social network conferences." Amidon, 5:24-26.



As shown in the above FIG. 3, "conferences may be defined by a database record including a ***conference ID and list of users by user ID***." Amidon, 15:10-12. Furthermore, "[c]onference activity may ***be cross-referenced between database records***—for instance, a record may be included for each user indicating the status of each user with regard to one or more conferences by conference ID." Amidon, 15:12-15. Accordingly, Fig. 3 shows a database entry for a conference. The record includes a cross-reference (foreign key) establishing a relationship with another database entry representing a user – i.e., the "user ID". This relationship by foreign key cross-reference is shown in Fig, 3 by the line connecting the "Conferences" database record with the "Conference Users" database record. *Id.*

Likewise, Fig. 3 shows a relationship between a database record for a conference and a database record for a message. "Each message may be tracked by a record including a unique message ID and cross-reference to a conference ID." Amidon, 15:18-19. Thus, each Conference Message record within the database includes a foreign key (conference ID) relating it to a specific conference. The

relationship is shown by the line connecting the “Conference Messages” database record to the “Conferences” database record.

Fig. 3 also shows a relationship between the database record for a message and the database record for the user. “[T]he message record may include a list of recipients by user ID or other data indicating recipients, such as a cross-reference to other records.” Amidon, 15:20-22. Thus, each Conference Message record within the database includes a foreign key (user ID) relating it to a specific conference user that either received or sent the message. The relationship is shown by the line connecting the “Conference Messages” database record to the “Conference Users” database record.

Showing database records and their relationships via foreign keys, Amidon’s Fig. 3 depicts the architecture of a relational database. But the architecture of relational database is not an event node communicating information regarding a situation in a peer-to-peer fashion with other nodes. Furthermore, the architecture fails to include a database record for the situation underlying the conference. The failure to include a database record defining the situation further indicates that Amidon’s social network conferences lack an “event node” corresponding to the underlying event node corresponding situation. Accordingly, Amidon fails to disclose or suggest an “event node” as required by claims 12 and 14-21.

In addition to Amidon, Petitioner relies on the combination of Gogic (U.S. Patent No. 8,103,300) and Wong (U.S. Publication No. 2008/0103784) in IPR 2024-00529 to establish the presence of an event node. Petitioner acknowledges that "Wong describes four exemplary 'main node types'—people, places, objects, animals." IPR2024-00529, Paper 1 at 53. Petitioner, therefore, does not rely on the teachings of Wong to establish the presence of an "event node" or an "event node server" hosting such a node within a N-dimensional social network. Rather, Petitioner relies on the initiation of the ad-hoc communication group detailed in FIG. 4 (reproduced below) of Gogic. IPR2024-00529, Paper 1 at 53.

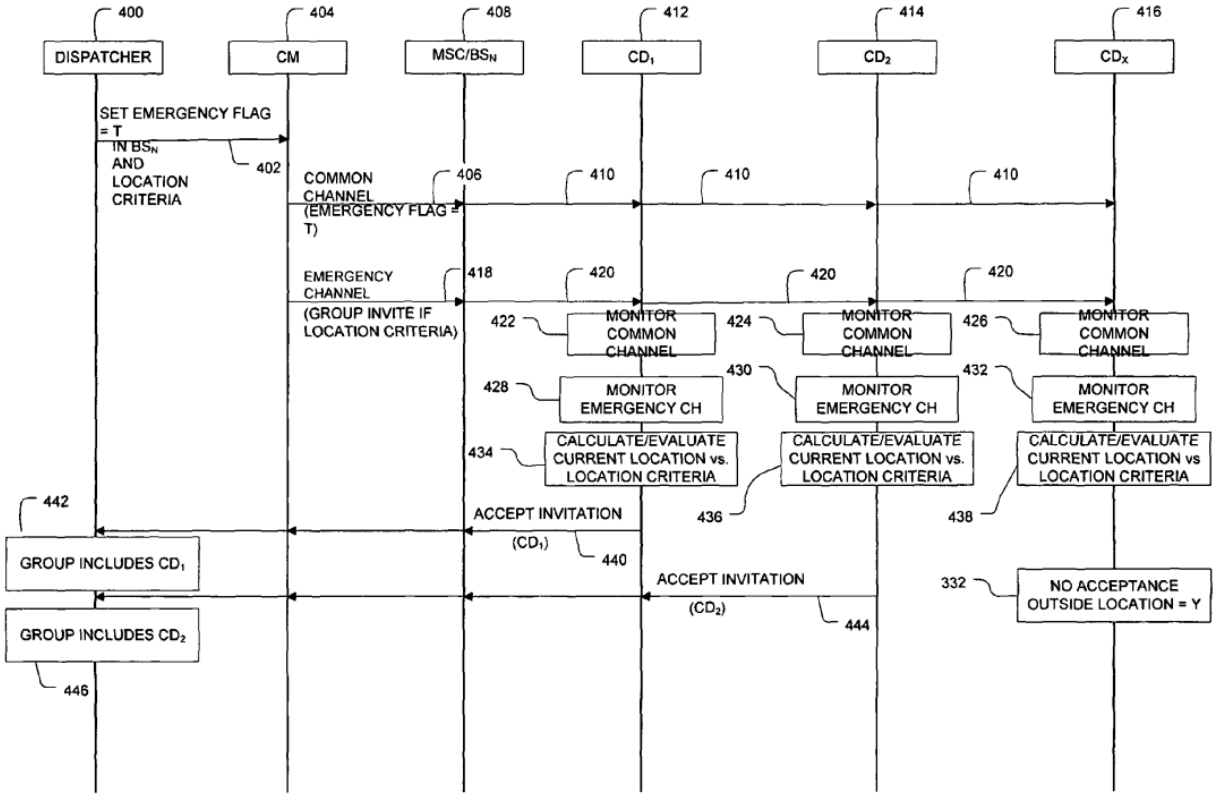


FIG. 4

The participants of the ad-hoc communication group created according to FIG. 4 of Gogic do not include an event node corresponding to the underlying situation. Rather the ad-hoc communication group includes a dispatcher 400 who "identifies the occurrence or presence of an event or condition wherein communications between proximately located users could be beneficial" and "requests 402 the setting of an emergency flag in a commonly monitored channel ('common channel') such as a paging or broadcast channel that is regularly monitored by CDs [(communication devices)] located in the area of interest." Gogic, 10:19-25. After requesting the formation of an ad-hoc communication group, the dispatcher 400 "accept[s] 444 the invitation which is relayed back to dispatcher 400 through CM404" and "amends 446 the group list to include CD 414 as a confirmed member of the group." Gogic, 11:6-9. The dispatcher, therefore, is the individual organizing the ad-hoc communication group, and not the event or situation causing the group's formation.

Likewise, the CD's are not representative of the underlying event or situation. Rather, "a group of communication device users, individually known as group or net members, communicate with one another using a wireless communication device (CD) assigned to each group or net member." Gogic, 5:66-6:2. Thus, the CDs accepting the invitations and joining the ad-hoc communication group are users and not the situation causing the group's formation.

The communication manager (CM) is also not an event node, or even a node at all. Rather the CM "manages the real-time and administrative operation of groups, including PTT request arbitration (e.g., floor request/grant/deny), maintenance, and distribution of group membership and registration lists, call set-up and tear-down of necessary system and communication resources, as well as overall control of group or net status." Gogic, 7:11-16. The CM is thus an administrator of the ad-hoc communication group and an event node nor a server hosting an event node.

The MSC/BS is likewise not an event node, but rather the infrastructure underlying the ad-hoc communication group. "A mobile switching center (MSC) 220 comprises a well-known Inter Working Function (IWF) (not shown) for processing data packets, including the request, between MSC 220 and data network 214. MSC 220 is typically a packet switch, designed to route data packets in accordance with Internet Protocol (IP)." Gogic, 8:14-20. Thus, the MSC/BSN provides transmissions to the users' communication devices. For instance, "the MSC/BSN 408 to transmit a set emergency flag on a common channel in at least an area serviced by a specific base station, designated herein as BS 408, that services the area surrounding the desired location of users to be included within the ad-hoc group." Gogic, 10:37-42. Providing the infrastructure necessary for communication and transmission, the MSC/BSN is the network itself, and thus not an "event node"

on the network corresponding to the underlying situation, nor a server hosting such node.

As neither the dispatcher, communication manager (CM), MSC/BSN, nor users' communication devices (CD) are an event node, Gogic's ad-hoc communication group does not include an "event node" corresponding to the underlying situation or event. Lacking an event node, Gogic's ad-hoc communication group necessarily lacks an "event node server." Furthermore, as the Petition acknowledges, Wong fails to disclose a social network including an "event node." As neither Wong nor Gogic disclose a network comprising an "event node" corresponding to a situation or event, both necessarily fail to disclose or suggest an "event node server" hosting an "event node."

Despite failing to identify any disclosure or suggestion of an "event node" hosted by an "event node server" with the teachings Wong and Gogic, the Petitioner asserts, "Based on these teachings of Gogic—and because, in Wong, communication happens between nodes, EX1006, ¶44—a POSA would have recognized that a new node (i.e., an event node) related to the identified event or condition (i.e., a situation) would be useful in Wong's social network to facilitate communication related to the event or condition." IPR2024-00529, Paper 1 at 53. No logic, reason, or underlying rationale is provided for this conclusionary statement. Instead, the Petitioner cites paragraphs 177-178 of the Declaration of Jeremy Cooperstock, Ph.D. (Exhibit 1003).

These paragraphs, however, merely repeat the conclusionary statement without offering any logic, reason, or rationale. Unsupported conclusionary statements cannot overcome the clear failure of Wong and Gogic to disclose or suggest an "event node" hosted by an "event node server."

As such, the combination of Wong and Gogic fails to disclose or suggest an "event node".

VII. CONCLUSION

For each original claim that the Board finds unpatentable, Patent Owner respectfully requests that the Board grant this motion to amend as to the substitute claims.

Dated: December 4, 2024

Respectfully submitted,

By: */David L. Hecht/*

David L Hecht Reg. No 61,618
Hecht Partners LLP
125 Park Avenue, 25th Floor
New York, NY 10017
Tel: 212-851-6821
E: dhecht@hechtpartners.com

Counsel for Patent Owner

APPENDIX A

Proposed amended claims are shown in marked-up form below, beginning with claim 24. Underlining and double-bracketed text show, respectively the additions and deletions to the original claim being made in the corresponding substitute claim.

24 (substitute for claim 1, if found unpatentable)

A method of presenting targeted advertising in a situational network, the method comprising:

receiving a plurality of advertisements from at least one advertising entity;

obtaining an indication of an occurrence of a situation;

automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation<u>, wherein establishing the situation network comprises establishing an event node hosted by an event node server within a N-dimensional social network and connecting the event node to a plurality of existing nodes within the social network, said plurality of existing nodes corresponding with the plurality of individuals</u>;

causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation; and

providing to each of the devices at least one of the plurality of advertisements for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property.

25 (substitute for claim 2, if found unpatentable)

The method of claim 24 [[1]], wherein the affiliation is based at least in part on the location of the at least one individual.

26 (substitute for claim 3, if found unpatentable)

The method of claim 25 [[2]], wherein the location of the at least one individual is determined using positional coordinates obtained from the connected device.

27 (substitute for claim 4, if found unpatentable)

The method of claim 24 [[1]], wherein the affiliation is based at least in part on a profile for the at least one individual.

28 (substitute for claim 5, if found unpatentable)

The method of claim 24 [[1]], wherein the profile is stored on the connected device.

29 (substitute for claim 6, if found unpatentable)

The method of claim 24 [[1]], wherein the indication is obtained by a situation authority.

30 (substitute for claim 7, if found unpatentable)

The method of claim 29 [[6]], wherein the situation authority establishes an event node in a multi-dimensional personal information network corresponding to the situation and the devices include personal information aggregators, each personal information aggregator corresponding to a node in the multi-dimensional personal information network.

31 (substitute for claim 8, if found unpatentable)

The method of claim 24 [[1]], wherein the situation is a weather phenomenon.

32 (substitute for claim 9, if found unpatentable)

The method of claim 24 [[1]], wherein some of the plurality of advertisements provide notifications about services relevant to the situation.

33 (substitute for claim 10, if found unpatentable)

The method of claim 24 [[1]], wherein the affiliation is based in part on a projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation.

34 (substitute for claim 11, if found unpatentable)

The method of claim 33 [[10]], wherein the projection is a geographic projection of nodes of the situational network.

35 (substitute for claim 22, if found unpatentable)

A system for presenting targeted advertising in a situational network, the system comprising:

a central server, corresponding to a situation authority, configured to establish the situation network by establishing an event node within a N-dimensional social network and connecting the event node toa plurality of existing nodes within the social network, wherein the existing nodes correspond to a plurality of individuals, receive a plurality of advertisements from at least one advertising entity, obtain an indication of an occurrence of a situation, automatically connect devices corresponding to a plurality of individuals to the situational network established in response to the situation, cause an automatic

redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation, and provide at least one of the plurality of advertisements to each of the devices for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property; and

a database associated with the central server for storing information related to availability of a service at a plurality of service locations affected by the situation; and

a plurality of devices, each device corresponding to an individual connected via the situational network, configured to connect to the central server, and receive at least one of the advertisements based on the affiliation of the respective individual to the situation.

36 (substitute for claim 23, if found unpatentable)

The systems of claim 35 [[22]], wherein at least one device of the plurality of devices is a personal information aggregator.

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

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that the foregoing document was served on December 4, 2024 by e-mailing copies to the e-mail addresses as provided in Petitioner's Petition.

Dated: December 4, 2024

Respectfully submitted,

By: */David L. Hecht/*
David L Hecht Reg. No 61,618
Hecht Partners LLP
125 Park Avenue, 25th Floor
New York, NY 10017
Tel: 212-851-6821
E: dhecht@hechtpartners.com

Counsel for Patent Owner