

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

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) Case Numbers: IPR2024-00528, IPR2024-
) 00612
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EXPERT REPORT OF DR. AVIEL D. RUBIN



Aviel D. Rubin

December 4, 2024

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I. INTRODUCTION

1. My name is Aviel D. Rubin. I have been retained as an expert witness to provide my independent opinion in regard to the matters at issue in inter partes review of U.S. Patent No. 8,249,932 (“the ‘932 patent”) in IPR2024-00528. I have been retained by Sitnet, LLC (“Sitnet”), the Patent Owner in this proceeding. Petitioner is Meta Platforms Inc. (“Meta” or “Petitioner”).

2. I am being compensated \$925 per hour for my time spent working in connection with this case. My compensation is in no way related to the outcome of this litigation. If called as a witness, I would testify as to the statements and opinions contained in this report.

3. I am not a legal expert and offer no opinions on the law. However, I have been informed by counsel of the various legal standards that apply, and I have applied those standards in arriving at my conclusions.

II. BACKGROUND AND QUALIFICATIONS

4. I have more than 30 years of experience in the fields of computer science and applied cryptography. My professional career has been dedicated to issues relating to software, networks, and computer systems more generally.

5. I received a Bachelor of Science in Computer Science with Honors from the University of Michigan in 1989, a Master of Science in Computer Science and Engineering from the University of Michigan in 1991, and a Ph.D. in Computer Science and Engineering from the University of Michigan in 1994. My Ph.D. dissertation was titled “Nonmonotonic Cryptographic Protocols” and concerned authentication in long-running network operations.

6. I am a Professor Emeritus in Computer Science at Johns Hopkins University (the “University”). I joined the Computer Science faculty at the University in 2003 and was promoted to full professor with tenure in April 2004. As a member of the faculty, I perform research, teach

graduate and undergraduate courses in computer science and related subjects, advise undergraduate and Masters students, and supervise the research of Ph.D. candidates and other students. I have taught courses including Networking, Security and Privacy in Computing, Cryptography, and Advanced Topics in Computer Security. In September 2023, I was appointed Professor Emeritus.

7. I also served as the Technical Director of the University's Information Security Institute ("ISI"). The ISI is the University's focal point for research and education in information security, assurance, and privacy. The University, through the ISI's leadership, has been designated as a Center of Academic Excellence in Information Assurance by the National Security Agency and leading experts in the field.

8. I also have significant industry experience. Since 2011, I have served as the founder and chief scientist of Harbor Labs, a software and networking consulting firm specializing in data security and privacy. Previously, from 2005 to 2011, I served as the founder and President of Independent Security Evaluators ("ISE"), a computer security consulting firm. In that capacity, I guided ISE through the qualification process to become an independent testing laboratory for Consumer Union, which produces the Consumer Reports magazine. ISE provided consulting services to various companies on potential security flaws and weaknesses in products and systems. These companies included Fortify Software, Verdasys, and Security First Corp. As an independent testing laboratory for Consumer Union, I managed an annual project where we tested popular anti-virus products. Our results were published in Consumer Reports each year for three consecutive years.

9. In addition, I came to the University from AT&T Labs, Secure Systems Research Department, where I spent six years focused on Internet and computer security. Prior to AT&T

Labs, I spent two years at Bellcore in its Cryptography and Network Security Research group, also focusing on Internet and computer security issues. I also interned at IBM in 1989. During my time there, I worked on the IBM System/360 family of mainframe computer systems.

10. I am the author or co-author of five books regarding information security issues: Brave New Ballot, Random House, 2006; Firewalls and Internet Security (second edition), Addison Wesley, 2003; White-Hat Security Arsenal, Addison Wesley, 2001; Peer-to-Peer, O'Reilly, 2001; and Web Security Sourcebook, John Wiley & Sons, 1997.

11. I have received numerous awards for my work and research in the field of computer security, including:

12. In 2020, I received the Distinguished Service Award from the Institute of Electrical and Electronics Engineers ("IEEE") Computer Society Technical Committee on Security and Privacy;

13. In 2010, I received a Fulbright Scholarship to serve as a Visiting Professor at Tel Aviv University in Israel;

14. In 2009, I received a Google Research Award for my work on securing medical records on smartphones;

15. In 2007, I received the Privacy Enhancing Technologies Award for Outstanding Research for my work on a security analysis of a cryptographically enabled RFID device;

16. In 2004, I was named Baltimorean of the Year by Baltimore Magazine for my work in safeguarding the election process;

17. In 2004, I received the Electronic Frontiers Foundation Pioneer Award; and

18. In 2000, I received the Best Paper Award at the 9th USENIX Security Symposium.

19. I serve, or have served, on several technical and editorial advisory boards. For example, I served on the Editorial and Advisory Board for the International Journal of Information and Computer Security. I also served on the Editorial Board for the Journal of Privacy Technology. In addition, I have been Associate Editor of the IEEE Security and Privacy Magazine and served as Associate Editor of the Association for Computing Machinery's ("ACM") Transactions on Internet Technology. I also served as Associate Editor of the journal Communications of the ACM, and I was an Advisory Board Member of Springer's Information Security and Cryptography Book Series. I also have served in the past as a member of the Defense Advanced Research Projects Agency's Information Science and Technology Study Group, a member of the Government Infosec Science and Technology Study Group of Malicious Code, a member of the AT&T Intellectual Property Review Team, Associate Editor of the Electronic Commerce Research Journal, Co-editor of the Electronic Newsletter of the IEEE Technical Committee on Security and Privacy, a member of the board of directors of the USENIX Association (the leading academic computing systems society), and a member of the editorial board of the Bellcore Security Update Newsletter.

20. I have spoken on information security and electronic privacy issues at more than 50 seminars and symposia. For example, I presented keynote addresses on the topics "Security of Electronic Voting" to Computer Security 2004 Mexico in Mexico City, Mexico, in May 2004; "Electronic Voting" to the Secure Trusted Systems Consortium 5th Annual Symposium in Washington, D.C., in December 2003; "Security Problems on the Web" to the AT&T EUA Customer Conference in March 2000; and "Security on the Internet" to the AT&T Security Workshop in June 1997. I also presented a talk about hacking devices at the TEDx conference in October 2011 and another TEDx talk on the same topic in September 2015.

21. I am a named inventor on 10 United States patents, including U.S. Patent Nos. 5,638,446 (“Method for the Secure Distribution of Electronic Files in a Distributed Environment”) and 5,809,140 (“Session Key Distribution Using Smart Cards”).

22. A detailed record of my professional qualifications is set forth in the attached Exhibit A, which is my curriculum vitae, including a list of publications, awards, research grants, and professional activities. My curriculum vitae also lists the matters in which I have served as an expert.

III. CLAIM CONSTRUCTION

23. It is my understanding that claim construction is a matter of law and that the claims of a patent define the invention claimed. I understand that an Opinion and Order construing the claims of the ‘345 Patent was issued in *SitNet LLC v. Meta Platforms, Inc.* No. 1:23-cv-06389-AS (S.D.N.Y. July 24, 2024) and that Patent Owner requested under 37 C.F.R. § 42.100(b) the Board to consider and adopt the District Court’s construction.

24. I have adopted those claim constructions during my analysis of the IPR filings, and I have been guided by these constructions in the discussion of the grounds of invalidity.

25. I understand that the Claim Construction Order does not construe every term that appears in the claims of the ‘932 Patent. For claim terms that the Court and Board have not construed, I have been informed that such terms are to be interpreted based on their plain and ordinary meanings as understood by one of ordinary skill in the art at the time of the invention.

26. I reserve the right to supplement this report if necessary or appropriate, including but not limited to, in the event that any of the claim constructions change.

Claim	District Court Construction
“situational network”	a network created in response to an event or situation

“situation authority”	an entity providing information concerning a situation
“event node”	Needs no construction
“multi-dimensional personal information network (NDSN)”	Relationships between users based on subscription information
“projection of a situational network”	a subset of a situational net work
“roll call information”	the status responses and the roll call list
“Caus[e/ing] an automatic redirection of a web browser application operating on each of the devices”	caus[e/ing] a redirection of a web browser application operating on each of the devices without the user’s choosing to go to the redirected page at that time
“Caus[e/ing] an automatic redirection of a web browser application on each of the de vices to a webpage and provid[e/ing] ... at least one of the plurality of advertisements ... for display on the webpage”	caus[ing] an automatic redirection . . . to a webpage” must occur prior to “provid[ing] at least one of the plurality of advertisements [. . .] for display on the webpage
“web browser application”	an application that enables users to browse webpages

27. The ‘932 Patent discloses numerous elements that are integral to their respective teachings and innovations. Here, I provide descriptions for several of these elements that are most relevant. Throughout my report, I refer to these elements and refer back to these definitions, which I use as the foundation for my opinions regarding the alleged prior art’s disclosure of the ‘932 Patent claim elements. In my opinion, a POSITA would have understood these elements to have the following definitions at the time of filing for each patent.

28. For any terms below that are covered by claim construction, I have adopted those constructions, and the descriptions below are to provide additional detail. Those that have not been included in claim construction are described in a way that is my opinion of what would be the plain and ordinary definition.

29. **Situation Authority Server (Event Node Server)** – There is a corresponding situation authority server, also referred to as an event node server, for each situation authority. The situation authority server may be connected to a database for storing information related to the situation, or data related to other participants in the situational network.

30. **Trusted Provider** – Source of event/situation information that is provided to a situation network (e.g., news networks, weather networks).

31. **Roll Call List** – A list of users in a situational network, as well as their response to an emergency notification on the status of their safety.

32. **Targeted Marketing** – A marketing strategy that uses profiles constructed about users in order to automatically deliver advertisements to specific users for which they are most relevant. Profiles are constructed on users through the collection of various data such as, but not limited to, demographics, purchase history, location, attended events, interests, hobbies, and more. This is done by platforms without the involvement of the user and without an opt-in by the user for specific events, products, or topics. For example, when a social media user interacting with a specific page or subscribing to events at a specific location receives an advertisement for that event or page as a result of that subscription, it does not constitute targeted marketing.

33. **Social Network (Personal Information Network)** – Traditionally, a social network is a network that consists of individuals who are interconnected by various personal information and social metrics such as interests, location, demographics, community, and more. However, social networks have evolved to also include incorporating businesses, organizations, groups, and other entities into the interconnections of users as their own nodes in the network. As such, these entities can often masquerade in social networks as individual users and appear to users as such.

34. **Node** - A node within a social network is an object that has attributes defining the node. A node can be various types of objects. For example, Meta defines in their Graph API documentation that “a node is an individual object with a unique ID. For example, there are many User node objects, each with a unique ID representing a person on Facebook. Pages, Groups, Posts, Photos, and Comments are just some of the nodes of the Facebook Social Graph.”¹ Thus, in addition to the connections (i.e., edges) of the graph, a node has attributes that contain unique properties about the node.

IV. PERSON OF ORDINARY SKILL IN THE ART (POSITA)

35. A person of ordinary skill in the art (“POSITA”) would have had a bachelor's degree in computer science or electrical engineering or equivalent discipline, and approximately two years of experience in computer networking, database management, or mobile communications. Additional education in a graduate program could substitute for professional experience, and significant accomplishments in an industry environment could substitute for graduate education.

V. OVERVIEW OF THE ALLEGED PRIOR ART

A. Carlson

36. Carlson describes a method for incorporating advertisements with alerts that a user has requested. This entails a “server-side alert delivery system [that] can be used by a partner server, client device, or other server to deliver an alert to a user about some event the user has requested” (Carlson Abstract). After a user subscribes to an event, the alert server will “maintain access to user settings” and “manage alert subscriptions” with actions such as “confirm[ing] a user has subscribed to an event” (§ 29). A content provider will detect an event and determine the users

¹ <https://developers.facebook.com/docs/graph-api/overview/>

to receive the alert by “access a database or mailing list” (§ 57). It will then forward the event data and user data to an ad service. The ad service determines the relevant ad based on “user account data for a mail provider service, user contact lists, user alert subscription information, user instant messaging account information, user mobile device account information, and other data.” (§ 30). It will also use “event data, including the time of day, location of the user, and content of the event data.” (§ 31) and returns the ad to the content provider. The content provider then forwards the ad, event, and user data to an alert server. The alert server confirms the user is subscribed to the event. Then by using user preference, will route the alert and ad to a messenger server (e.g., instant messaging app or email), which will then deliver the message to the user (§ 25).

B. Shahine

37. Shahine discloses a method for advertisers to target specific calendar users with the advertisers’ events. When uploading information for an advertisement to a service provider system, the advertiser provides targeting criteria along with advertisement content. The targeting criteria are compared against user data stored about the user within one or more databases in the service provider system to select targeted recipients that meet the targeting criteria. The advertised events are then downloaded for display alongside a user’s calendar interface, where users may add the event to their calendars. Shahine, Abstract.

C. Lundy

38. Lundy teaches a method for “creating an advertisement that includes real-time information related to [] dynamic content within a predetermined range of the location of the [] user and presenting the advertisement to the user” (Lundy Abstract). A user, using a browser, connects to a content provider. The content provider, “in response to the request, constructs a web page [] and adds ad tags” (§ 44). The dynamic content alert server (DCA) determines if the user is

within a predetermined range of an event. If it does, the DCA will send an automatic insertion order to the ad server which will then use the ad tags and insertion order to generate an advertisement and event message associated with the dynamic content identified.

D. Roskind

39. Roskind teaches a method for “regulating a communications pathway” (Claim 1.C) between two users where “implicit trust” can be established by hecking the contact lists of both users. Each user of a messaging application will have a user list of contacts. As such, a POSITA could determine implicit trust by checking if both users appear in the other’s contact list. A “communication application” (Abstract) can facilitate automatic connections due to the implicit trust.

E. Amidon

40. Amidon teaches a computer-based systems and methods provide additional management options for members of social networks whereby the members can define and participate in conferences, with the extent of the participation and messaging within such conferences based on the structure of the underlying social network(s) (Abstract:1-6). The present disclosure also refers to the relay of communicated data over a network such as the Internet but may operate over other network types (e.g., dial-in networks, LANs, WANs, PSTNs, or intranets) (6:11-17). This system primarily involves communications via instant messaging (IM). Furthermore, multiple social networks and/or multiple portions of social networks may be utilized in defining conferences and messaging within conferences (7:65-67).

41. This system includes a messaging server and a social network server. Additionally, this system includes stores (i.e., databases) that maintain information about the status of various aspects of the system. The servers access instructions stored in a database(s), and the instructions

configure the servers to provide social network conferencing functionality (8:4-11). Conferencing clients (i.e., one or more computing devices each accessing instructions that configure the client to provide messaging functionality) interface with this system (8:15-16). The social networking and conference functionality may be modularly decoupled or combined in a single application (8:23-35).

42. Key functionality is that all users who wish to participate in the conferencing must be directly connected to a conferencing client, the conferencing system, or a social network (8:45-59). After connection and download of metadata, conference clients may operate with each other in a peer-to-peer (P2P) fashion (20:8-10). The relationships of users in a conference may be defined externally through the underlying social media network (9:9-22). Conferencing relationships may be defined by metadata (e.g., degrees of separation, geographical location, relationships, active/inactive) that is stored in the social network, calculated dynamically, or given by a user (9:39-67). This metadata is used as direct parameters for the creation of the conference network (10:11-19). These inclusion criteria may span multiple social networks (10:29-31).

43. After the establishment of the conference, message sending may be further restricted to selected participants, or widely broadcast to all participants (10:47-51). These message inclusion parameters are handled by the social network servers (10:59-62). The parameters may be used to access cached messages to receive filtered messages (11:29-34). Users may specify any number or combination of rules, preferences, and parameters in defining the extent of conference participation, distribution of messages, and distribution of replies to messages (12:37-40). Inclusion criteria may define different permissions such as viewing, contributing to, or moderating the conference (13:8-17).

44. The system may automatically form a conference including all users currently listening to the same song, music by the same artist, music of the same genre, etc. (14:1-3).

F. Walsh

45. Walsh discloses a system and method for generating a profile of communication sessions that involves generating ratings for a selected set of messages and metadata associated with content items that are shared by a network user participating in a communication session. Ratings may be based on keyword scores which may then be adjusted based on user participation parameters, network characterization parameters, and user-selected options. Generated profiles may be stored, frequently retrieved, or used in applications. Walsh, Abstract.

G. Jones

46. Jones teaches “[a] system and method of electronic advertisement and commerce, wherein commercial advertisements are electronically mailed to a prospective and/or current consumer via a global networking system (§ Abstract).” The advertisements are created by a business entity (i.e., organization and/or industry seeking to advertise any of its current products and/or services, upcoming products and/or services, upcoming events, promotional offerings, etc.) (§ 24). The business entity may gather email addresses (e.g., mailing lists, newsgroups, user groups, public list serves, public subscription groups, digital bulletin board systems, online voluntary email Submittal processes, Voluntary email submittal processes, etc.) to distribute advertisements (§ 26).

47. One or more advertisements are sent from a business entity to a consumer/email recipient via conventional global networking systems and are received and viewed by the recipient graphically (§ 27). Upon receiving an advertisement, the recipient can “receiv[e] immediate information [] with regard to the advertised product, service, or the like, depicted in

advertisement(s) (§ 28).” This immediate information is called an e-commerce response and “preferably includes an electronic ‘pop-up’ page or window (§ 29).” This pop-up prompts or permits the email recipient to enter a real-time live chat room, utilize a telephonic response system, and/or directly enter into electronic-business (§ 29).”

48. The live chat room is an online discussion/ form and is sponsored by and/or maintained by the business entity (§ 30). In the chat room, the advertisement recipient may discuss the advertised products/services with sales representatives associated with the business entity (§ 30). The “e[]mail recipient may request additional product/service information, make transactional requests or place purchase orders [], request consumer surveys and/or product/ service ratings, request sample products or services [], request an in-person conference with local representatives of business entity 20, and the like (§ 30).”

49. Alternatively, an email recipient may utilize a live chat room to discuss with other consumers/email recipients also in receipt of the advertisement (§ 31). A live chat room may further provide links to other chat rooms or online discussion forums relating to the non-retail subject matter depicted in the advertisement (§ 31).

50. Regardless of using a live chat room or a telephonic response system, or in conjunction therewith, following completion of advertisement a window may further prompt an email recipient to directly enter into further e-business or e-commerce transactions (§ 36).

VI. SUMMARY OF PATENTS

A. U.S. Patent No. 8,249,932 (‘932 Patent)

51. The 932 Patent discloses a method of presenting targeted advertising in a situational network. 932 Patent, Abstract. The method creates a situational network, shown in Figure 2, in which a situational authority 207 can create a situational network 3000 of identified users 250 to

an event 3011 that is controlled by the situational authority 207. When a situational authority creates a situational network, the users 250 form connections with the event node 3011 through a network 900 and can form connections with other users connected to the event node. 932 Patent, 3: 46-58, 14:28-34.

52. Figure 28 shows an example of a situational authority 207 creating an event node 3000 due to the snowstorm 3005. Users 3026 and 3029 discover the situational network by seeking out information on the snowstorm. Users 3027 and 3028 are invited to the situational network by the event node identifying them to be affected by the situation 3005. 932 Patent, 23:10-40.

53. The situational network can be implemented in a multi-dimensional social network (NDSN) that allows multiple connections between individual nodes. 932 Patent, 5:51-58. Projections of the NDSN take a subset of the connections subject to criteria to create a smaller and more relevant network. 932 Patent, 16:8-12. Nodes within an NDSN can query their neighbors to discover new nodes that meet a criterion to initiate a connection. 932 Patent, 17:38-44. Thus, users within a situational network can identify other users within the situational network to connect with.

VII. THE ‘932 CLAIMS ARE VALID OVER THE INSTITUTED GROUNDS AND ART

54. In my opinion, Meta Platforms Inc. has failed to disclose any of the ‘932 Patent claims in light of all alleged prior art. For the reasons detailed below, the alleged prior art and combinations do not disclose the claimed invention of the ‘932 Patent.

A. CARLSON DOES NOT TEACH OR SUGGEST THE LIMITATIONS OF THE ‘932 PATENT CLAIMS

55. Carlson does not disclose and/or render obvious the claims of the 932 Patent as Carlson does not teach a situational network. A situational network, as taught by the 932 Patent,

is created when an event or situation “causes connections to be established between, within or among participants [that] allows the participants [] to interact and exchange information [] to or through a computer network” (3:46-53). The IPR claims that Carlson teaches this because “the alerts and advertisements sent in response to a situation are sent over connections to a computer network” (IPR2024-00528 petition at p.10), but this wrongly characterizes the connections of the 932 Patent. First, Carlson does not teach that connections are created *in response to* the event. Carlson discloses that “[u]ser data store 128 stores data and other information for users . . . The stored information can include data such as user account data for a mail provider service, user contact lists, **user alert subscription information** [].” Carlson, ¶ [0030] (emphasis added). The stored data thus includes a user’s subscription to receive alert notifications. Carlson teaches an alert is delivered to a user “about some event **the user has requested.**” Carlson, Abstract (emphasis added). ‘932 discloses that edges can be created between nodes within the NDSN including the event node.

56. 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. Thus, connections are created by the user subscribing to an event are not in response to the event.

57. Second, as the Petition recognizes, Carlson discloses that computing devices may “operate in a networked environment using logical connections to one or more remote computers” such as over the network 180. IPR2024-00528 petition at p.10. Logical connections permitting computers to exchange data over the internet and the like are completely different from the connections forming and defining a social network. While a social networking service would require the use of a logical connection transmitting data for access, that sort of access network should not be confused with the social network itself, as the Petition has done.

58. the IPR claims Carlson's advertisement system uses a situational network. This is incorrect. Carlson's advertisement system does not create a network in response to an event or situation.

59. The plain and ordinary meaning of a “network” is an interconnected system of elements that transmits information. The American Heritage Dictionary defines a network as: “a. A group or system of electric components and connecting circuitry designed to function in a specific manner. b. Computers A system of computers interconnected by telephone wires or other means in order to share information. Also called net.”

60. Similarly, PC Mag defines a “network” as: “(1) Any arrangement of elements that are interconnected. See neural network and network database. (2) A system that transmits data between users, which includes the client devices (computers, tablets and phones) and the network equipment (servers, switches, routers, and cables). In wireless systems, antennas replace the cables.”

61. Each of these definitions specifies a “network” as a system of interconnected elements that transmit information or data. Thus, one of the key elements that defines a network is the connections established between the various components or elements present within the network. It is important to note that for this analysis, we must consider logical networks rather than just physical networks. In a logical network, the links that connect the different elements or components of the network are logical, as the name would imply, rather than physical. For example, in a social network, the connections between the various users are logical connections, such as friendships or group memberships, rather than physical wires connecting each of the members of the social network. These different logical connections (e.g., friends, group

memberships, etc.) can be thought of as different connections between the users, similar to having multiple physical connections between elements of a network (e.g., Ethernet, Wi-Fi, etc.).

62. With this in mind, the act of creating a network logically must include constructing the interconnection that defines the network. These connections can be created from pre-existing connections or be derived specifically for the new network. In either case, the logical connections that define a specific network are distinct to that network. In other words, if a pre-existing network were used to define a new network, any changes made to the pre-existing network after the creation of the new network should not necessarily be reflected in the new network. For example, consider a situational network that was formed using a pre-existing social network that included a group for a specific local activity. After the situational network was formed, a member of the local activity group left the group, breaking the relationship used to include the user in the situational network. The user's departure from the local activity group should not guarantee removal of the user from the ongoing situational network, since the departure does not guarantee the user is no longer local to and, therefore, impacted by the ongoing situation. Alternatively, users opting out of a situational network should not alter the pre-existing connections used to form the situational network. For example, let us return to our previous example. If a member of the local activity group were to opt out of a situational network, that action should not remove the user from the local activity group. Thus, the two networks must remain distinctly separate from one another after the creation of new network since the logical connections used to create the networks are different, even if one logical network was used to during the creation of another.

63. Carlson's advertisement system does not create a network in response to a situation or event. As described above/below (Paragraph 43 of 932), Carlson teaches that an alert is delivered to a user that requests notifications about a specific event. Users of Carlson's advertising

system can tailor their subscriptions to their specific preferences, which requires a connection prior to the event or situation happening. Thus, Carlson's advertisement system does not create a network in response to an event or situation but simply uses a pre-existing network.

64. The IPR also claims that Carlson teaches a multi-dimensional personal information network, however, that is not true. A situational network “may be established by using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network” (7:24-26). Users in the NDSN can “interact and exchange information” (3:51) as well as “connect to [] other members” (15:10-11). Further, a user “may choose to see if he can discover the existence of members of one or more NDSNs” (17:20-21). Carlson does not teach that users can interact, discover, or form connections with each other. Furthermore, ‘932 teaches that a projected view of the NDSN that “allows the user to use and manage smaller portions of the entire social network” (14:35-37) can be provided to users. Thus, a participant of the NDSN can “discover and utilize the indirect relationships to other users that are connected to him through first-degree users” (14:28-30). Thus, the NDSN defined by the ‘932 patent is dynamic. Further, ‘932 teaches that a situation network can include “external entities 207, also called situation authorities” (3:59-61). Thus, in terms of targeted advertising, an advertiser may combine projected views of the NDSN to identify users to connect to. Carlson does not suggest or teach such a projection to allow the users to interact with the network. The “stored data” does not allow the actions of an NDSN, and thus Carlson does not teach an NDSN.

65. Even if Carlson teaches an NDSN, which I do not say it does, the resulting graph of Carlson is a star graph where the internal node is the server-side alert system, and the leaf nodes are the user devices, as the user devices would not be able to connect to each other. Furthermore, if you consider a directed graph, the graph of Carlson would only have directed connections from

the leaf nodes to the internal node. Patent '932 can create a fully connected graph or any subgraph thereof for the users of the NDSN, and each connection can have n dimensions. Each dimension is a separate relationship between the nodes (e.g., two users can be related with an interest in cooking and related with an interest in camping). Furthermore, each node within the graph can create directed connections between any node in the graph. Even if Carlson allowed users to connect with each other, which it does not, it would still require a central connection to the alert server. Each user node would always be two connections away from each other (i.e., each user node is in the second neighborhood of all other user nodes). Thus, Carlson defines a symmetric graph. Patent '932 teaches that "connections between PIAs [] may be established where one or both of the PIAs are not linked directly to the event node" (7:44-47). Thus, there are no constraints on the neighborhoods of nodes or the resulting graph. Therefore, Carlson does not teach or suggest the limits of the situation network. Further, the '932 Patent teaches that a situational network "may have more than one event node" (7:38-39), which in my opinion is not suggested or taught by Carlson.

66. Carlson does not teach or suggest dynamic connections in response to an event. A situational network may disconnect users as "the users are no longer determined to be affected by the event or situation" (5:16-19). Carlson cannot create new connections or remove connections but operates by "access[ing] a database or mailing list" (§ 53). Thus, Carlson does not teach an NDSN but instead discloses a mailing list.

67. Carlson does not teach or suggest a situation authority. The IPR states that Carlson teaches a situation authority because the content provider is "associated with a service the user has accepted or subscribed to" (§ 52, IPR pg. 34). This does not constitute a situation authority, as Carlson requires the user "subscribe to" (§ 24) or "request[]" (Carlson Abstract) before the content

provider can interact with the user. ‘932 teaches that “participants 250 and 207,” where 207 is the situation authority, “may have no prior knowledge of or connection or contact with each other participant” (3:51-56). ‘932 teaches that a situation authority “aggregates and provides comprehensive information” (3:59-63). The IPR claims that an alert server is a situation authority as the alert server provides information, but they do not show, and in fact leave out in their argument, that it must aggregate the information. The alert server “manages alert subscriptions, receives alert event messages, retrieves advertisement data, and transmits alerts to users” (§ 29). This does not constitute aggregating information. The “generat[ed] event” that the IPR claims Carlson does cannot aggregate numerous alerts from the content provider. Therefore, the alert server is not a situation authority.

68. Furthermore, ‘932 teaches that the situation authority “establishes an event node” (7:35-36). A node is an object that contains unique properties associated with the node (e.g., a User, Comment, or Post). Even if the alert server and content provider together made a situation authority, which it does not, Carlson does not teach that the content provider or the alert server can “facilitate the formation of peer-to-peer connections” (6:61-62). When viewing the network as a graph, the content provider and alert server cannot establish a directional connection to the users. The users can only initiate the directional connection to the alert server. Thus, the content provider and alert server cannot perform the same functions as the situation authority. Further, Carlson’s content provider or alert server cannot act as a user with the actions described above (e.g., connect, discover, or exchange), which the situation authority in ‘932 can do (3:49-58). In Carlson’s own framework, the content provider or the alert server cannot subscribe to an event. Therefore, separate or combined, the alert server and content provider do not constitute a situation authority.

69. Therefore, for the reasons outlined above, Carlson does not teach a situational network. Thus, it is my opinion that the 932 Patent and Carlson operate on different technology and therefore, Carlson does not disclose and/or render obvious the limitations of the 932 Patent.

***a. SHAHINE DOES NOT REMEDY THE DEFICIENCIES OF
CARLSON***

70. The IPR combines Shahine with Carlson attempting to show that advertising content is received from advertisers but fails to address the deficiencies of Carlson. Shahine does not teach a situational network that is created in response to a situation or event. Shahine allows users to “enter an event via [the] calendar interface” (4:38). This does not constitute a situational network. Thus, Shahine does not teach a situational network, and Carlson in view of Shahine does not teach or suggest a situation network.

71. A social network contains nodes that have defining attributes (e.g., a user, a post, or a comment). The node contains relationships within the network (i.e., edges) that form a graph. As such, Shahine does not disclose a social network or messaging behavior, as it does not create nodes within a network that have defining traits.

72. Shahine also does not teach a situational network that is “create[d] when an occurrence or expected occurrence of an event [] causes connections to be established between, within or among participants [that] allows the participants [] to interact and exchange information” (3:46-53). Shahine allows users to “enter an event via [the] calendar interface” (4:38). This does not constitute a situational network, and the user does not generate connections via an event/event node. Further, Shahine does not describe any method for users to “discover and utilize the indirect relationships to other users that are connected to him through first-degree users” (14:28-30).

Shahine does not create an NDSN or event nodes as the calendar constitutes a mailing list. Thus, Shahine does not teach a situational network.

73. Shahine further does not teach a situation authority. Shahine teaches a shared calendar that can be created by “computing device 106 *a* [] or client computing device 106 *b*” (10:49-50) where both 106*a* and 106*b* are user devices. Thus, shared calendars are only made by users. A situation authority can “act as a participant” (6:44-45) and “facilitate the formation of peer-to-peer connections” (6:61-62), which Shahine does not teach or suggest as neither the calendar application, event database, or advertiser can facilitate the connections. All connections are formed via the user.

74. Further, these deficiencies are not remedied by the combination of Shahine and Carlson. Assuming this combination, the process of allowing advertisers to submit content to a content server would simply be adding an extra connection between the advertisement server and the advertiser content server. This does not change Carlson’s defined behavior for users, the alert server, and the content provider. If considering this as a graph, Shahine does not change the connections of the end users. Each user node is still isomorphic to each other.

75. Shahine's method for advertisers to target specific calendar users with advertisers' events does not comprise a situation network. Instead, Shahine relies on a "targeting criteria" to be "compared against user data stored about the user within one or more databases". Additionally, Lundy's goal is to ultimately "insert the ad as an event into his or her calendar interface".

76. As described previously, one key aspect of a network is the distinct set of interconnections contained within the network. During the creation of a network, these interconnections can be derived from an existing network, however, once created the two networks

are fundamentally separate. Thus, a change to either network should not fundamentally alter the other network.

77. Shahine's calendar advertisement fails to create a network in response to the event. Instead, Shahine uses a pre-existing network of users derived from a database of user data to send out an advertisement a single time. However, this process does not create a network, as changes made to the pre-existing network of users will affect later advertisements. For instance, in the example provided by Shahine, "[a] targeting engine within the advertiser server is responsible for selecting recipients of an ad based on the targeting data and user information stored in a profile store also included on the service provider system. The targeting data may be in a form that allows the engine to compare the targeting data against the user information in the profile store to identify the users that meet the targeting data criteria. The ad is then downloaded and displayed alongside the calendar interface to those users identified as matches by the targeting engine." (Shahine column 2, 16-27) Now imagine if a user were to update their information in the calendar immediately following the advertisement. If the event the advertiser was advertising was still ongoing, and the advertiser wished to send another advertisement, the user who originally received the first advertisement may not receive the second advertisement. Thus, Shahine's system did not create a network specific to a given event and is therefore reliant on a pre-existing network.

78. Shahine also does not teach a situational network that is "create[d] when an occurrence or expected occurrence of an event [] causes connections to be established between, within or among participants [that] allows the participants [] to interact and exchange information" (3:46-53). Shahine allows users to "enter an event via [the] calendar interface" (4:38). This does not constitute a situational network, and the user does not generate connections via an event/event node. Further, Shahine does not describe any method for users to "discover and utilize the indirect

relationships to other users that are connected to him through first-degree users” (14:28-30). Thus, Shahine does not teach a situational network."

79. Therefore, Shahine and Carlson in view of Shahine do not teach or suggest a situation network or a situation authority.

***b. LUNDY DOES NOT REMEDY THE DEFICIENCIES OF CARLSON
ALONE AND/OR IN COMBINATION WITH SHAHINE***

80. Lundy describes a “method for distributing Dynamic Content Alerts (DCA) to end users that are consuming IP-enabled content” (¶ 3) and fails to operate over a situational network. The combination of Carlson-Shahine-Lundy does not allow a user to connect with other users and fails to constitute a situational network.

81. Lundy's "method for distributing Dynamic Content Alerts (DCA) to end users" does not comprise a network created in response to a situation or event. Instead, Lundy's relies on determining the location of the user so that the system can provide the user with an advertised alert.

82. As described previously, one key aspect of a network is the distinct set of interconnections contained within the network. During the creation of a network, these interconnections can be derived from an existing network, however, once created the two networks are fundamentally separate. Thus, a change to either network should not fundamentally alter the other network.

83. Lundy's advertisement system does not create a network in response to an event. Instead, Lundy's system provides individual users with location-specific advertisements based on the geolocation determined by their IP when visiting a website. For instance, the example given by Lundy, "if the temperature is above 90 degrees, then display sponsor X1 (a brand of a popular

soft drink), if the temperature is below 70 degrees, then display sponsor X2 (an advertisement for weather stripping), and otherwise display sponsor X3 (an advertisement for clothing)". Nowhere in this example is a network created in response to an event. Instead, Lundy has provided a single user with a custom advertisement based on their current location.

84. Therefore, it is my opinion that Lundy or Carlson-Shahine-Lundy do not teach or suggest a situational network.

85. ***ROSKIND DOES NOT REMEDY THE DEFICIENCIES OF CARLSON ALONE AND/OR IN COMBINATION WITH SHAHINE***

86. The IPR also combines Roskind with Carlson-Shahine-Lundy in an attempt to suggest obviousness of Claim 5 but fails to remedy the deficiencies of Carlson-Shahine-Lundy. Carlson-Shahine-Lundy does not teach or suggest a situational network or situational authority for the reasoning I provide here.

87. Roskind does not teach or suggest a situational network or situational authority. Roskind teaches "regulating a communications pathway between a first client device associated with the first user and a second client device associated with the second user" (Roskind Claim 1.C). Thus, Roskind does not disclose "automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation" (Claim 1.C), as it cannot create connections in response to an event.

88. Carlson-Shahine-Lundy in view of Roskind does not teach or suggest a situational authority. Roskind teaches that "a user A starts an IM session" (9:19-20). Thus, the user initiates the connection.

89. Therefore, the alert server and the content provider cannot be a situational authority as the user is still required to initiate the connection.

***B. AMIDON DOES NOT TEACH OR SUGGEST THE LIMITATIONS OF THE
'932 PATENT CLAIMS***

90. In my opinion, Amidon fails to disclose and/or render obvious the claims of the '932 Patent. There are several unique attributes taught by the '932 Patent that are not disclosed by Amidon, nor would such disclosures have been made obvious to a POSITA.

91. Firstly, Amidon does not disclose an event node. An “event node” as described in the '932 Patent is a node in a situational network that corresponds to an event². The node is created by a situation authority/event node server, and it is disclosed that “users may automatically be invited to connect to the event node corresponding to the event”³. This provides the technical solution of incorporating into a social graph the concept of transmitting an invitation to establish a link with the event node to the devices corresponding to each node in the projection (situational network). As such, the event node taught by the '932 Patent operates as a member of a social network, that communicates with a situation authority/event node server.

92. A node within a social network is an object that has attributes defining the node. A node can be various types of objects. For example, Meta defines in their Graph API documentation that “a node is an individual object with a unique ID. For example, there are many User node objects, each with a unique ID representing a person on Facebook. Pages, Groups, Posts, Photos, and Comments are just some of the nodes of the Facebook Social Graph.”⁴ Thus, in addition to the connections (i.e., edges) of the graph, a node has attributes that contain unique properties about the node. The '932 Patent defines “The situation or event itself may also be associated with a node on the SitNet, known as the event node” (7:44-46). Thus, the event node is a node within the NDSN

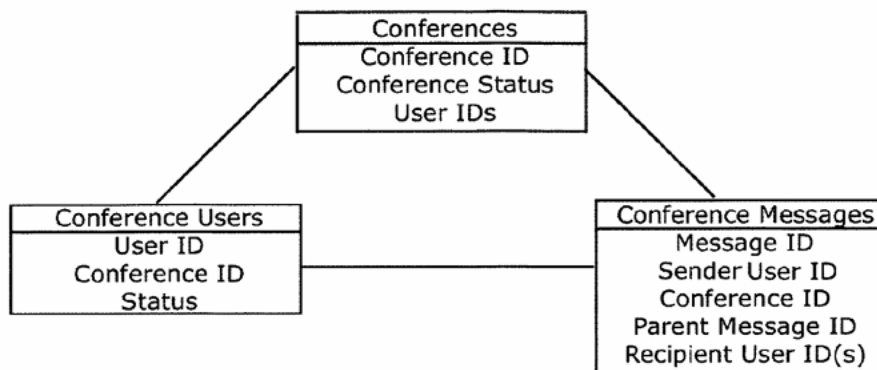
² '932 Patent at ¶¶ 7:31-33

³ '932 Patent at ¶¶ 19:58-60

⁴ <https://developers.facebook.com/docs/graph-api/overview/>

and cannot constitute a social network. The event node cannot facilitate the creation of other nodes. The resulting edges created between event nodes and other nodes within the social network are facilitated by the social network the event node exists in. Furthermore, the event node corresponds to an event and as such, would have the unique properties that define the event.

93. Amidon does not define an event node. A conference as shown in Figure 3 does not have the dynamic connections formed within the network. Figure 3 in Amidon is clearly defined as "illustrat[ing] a plurality of exemplary data structures suitable for use in defining and tracking social network conferences". However, the petitioner insists that this figure demonstrates that Amidon's conference is a situation network because the conference describes an event node. As stated above, the event node must contain the attributes of the event, which a conference cannot do. Further, a conference is defined by the American Heritage Dictionary as "a. A meeting for consultation or discussion. b. An exchange of views".⁵ This does not define or suggest an NDSN.



94. In contradiction to what the petitioner claims, an event node cannot act as the social network as it exists within the NDSN. This directly contradicts Amidon itself. In fact, Figure 3 from '864 most closely resembles the logical schema found associated with a relational database.

⁵ <https://ahdictionary.com/word/search.html?q=conference>

As defined in the American Heritage Dictionary, a schema as a plan, outline, or model.⁶ This implies that a database schema is the plan, outline, or model used to create the database. This matches the definition for database schema given by IBM, one of the original⁷ and still primary companies⁸ in the database space, which defines database schema as:

95. "A database schema defines how data is organized within a relational database; this is inclusive of logical constraints such as, table names, fields, data types and the relationships between these entities."

96. Figure 3 in Amidon defines three tables, "Conference Users", "Conferences", and "Conferences Messages" with their respective fields within the architecture of a relational database. For example, the "Conferences" table contains the fields "Conference ID", "Conference Status", and "User IDs". The relationships denoted between the different tables are defined as the shared fields between the tables (i.e. foreign keys). For instance, the table "Conferences" has relationships with the table "Conference Users" on the shared fields "Conference ID" and "User ID(s)". Likewise, each "Conference Message" record within the database includes a shared "conference ID" field, or foreign key, relating it to a specific conference. Also, each "Conference Message" within the database has a shared "User ID" field (foreign key) relating it to a specific conference user that either received or sent the message. The relationships established by the shared fields are shown in the architecture depicted by Amidon's Fig. 3 as the lines connecting the various records. As such, Amidon does not define an NDSN, but instead discloses that a conference is a database entry containing a list of users but does not disclose or suggest objects with attributes defining them. Furthermore, Amidon does not disclose peer-to-peer connections that are required

⁶ <https://ahdictionary.com/word/search.html?q=schema>

⁷ <https://www.ibm.com/docs/en/zos-basic-skills?topic=now-history-ims-beginnings-nasa>

⁸ <https://6sense.com/tech/relational-databases/db2-market-share>

for nodes within a NDSN by '932 Patent. The conferencing disclosed by Amidon uses the centralized relational database as discussed above.

97. The disclosures of Amidon do not describe such an event node. As previously discussed, Amidon discloses a messaging platform that connects social media users based on specific interests and topics and allows for connection to relevant advertisements based on that interest. The IPR petition claims each chatroom and the underlying databases described in Amidon is the event node⁹, however, this is not an event node server and simply a multi-party chatroom. The IPR petition also claims that the chatroom can have a specific event as the subject that the chatroom was created on, but this is not sufficient in showing that it is an “event node” like is described in the '932 Patent. As discussed above, the chatroom itself is not a node in a situational network and is not generated by a situation authority/event node server.

98. The failure of the chatroom described in Amidon to disclose the event node taught in the '932 Patent is also not remedied by the ability of advertisers and businesses to have access to the chatroom with the ability to provide advertisements. The event node is a node in a social network that is part of the generated situational network¹⁰, analogous to a user. As a result, the situational authority and any business or advertiser that is part of the situational network appears to the user as such. An example of this is how advertisers on popular social media platforms like Facebook and Instagram advertise to users in ways that make it appear similar to content created by actual users. However, Amidon's disclosures are not this, and advertisements are provided via traditional mechanisms in the chatroom. Thus, this further demonstrates that the chatroom is not an event node in a situational network.

⁹ '932 IPR Petition at pg. 29

¹⁰ '932 Patent at ¶¶ 7:31-33

99. In addition to not disclosing an event node, Amidon does not teach a situation authority/event node server. The IPR petition claims the situation authority is Amidon's messaging server¹¹, but this does not meet the language disclosed in the '932 Patent. The situation authority is a party that may act as a peer or central authority depending on the architecture of the network chosen¹². The server of the situation authority is for establishing an event node for communication to users in a situational network¹³. The '932 Patent also states that the situation authority is not required to be involved in the process of creating a situational network¹⁴. Thus, this demonstrates that the entire network described in Amidon cannot be the situation authority or the situation authority/event node server, due to it being required for creating the chatroom in Amidon.

100. The IPR petition also states that Claim 6 (and therefore 1.B/22.A) is disclosed by Amidon where a messaging server is a situational authority due to being able to aggregate and provide information on a situation¹⁵. However, this still fails to demonstrate a situation authority and/or a situation authority/event node server disclosed by the '932 Patent. Regardless of the ability of a message server being able to aggregate and provide situation information, this still does not show how such a message server would fulfill the tasks of a situation authority disclosed in the '932 Patent. It is not shown how a messaging server facilitates the formation of a peer-to-peer network or the selection of users through a projection to receive an automatic invitation based on information that associates them with a situation.

101. In addition, a messaging server does not create an event node as there is no event node disclosed by Amidon. Even if an event node was disclosed by Amidon, which it is not, there

¹¹ '932 IPR Petition at pg. 71

¹² '932 Patent at ¶¶ 6:44-48

¹³ '932 Patent at ¶¶ 19:39-42

¹⁴ '932 Patent at ¶¶ 5:39-41

¹⁵ '932 IPR Petition at pg. 71

is no evidence that a messaging server would be able to create one and use it for the facilitation of communication between end users.

102. The IPR petition describes a conference as an event node and a messaging server as an event node server¹⁶. Unlike the situational network disclosed in the '932 Patent, the chatrooms (i.e., conferences) described in Amidon are not situation-specific¹⁷. While a chatroom can be created for an event in addition to topics of interest and other social network criteria, the chatroom will live on after a "situation" has occurred. More specifically, when an event ends, the chat does not have to be closed and can continue indefinitely. That is not possible in the disclosures of the '932 Patent, as the situational network is created temporarily while the situation is occurring and relevant¹⁸.

103. Furthermore, the information that is conveyed in the conference chats created on "situations" does not have to be about the situation because it is an open messaging platform. This is not an uncommon occurrence and is commonly seen in practice where chats formed on specific topics can become unrelated or off-topic.

104. Most critically, Amidon also does not disclose the use of targeted advertisements as taught by the '932 Patent, as highlighted in the IPR petition¹⁹.

105. Therefore, it is my opinion that Amidon does not disclose any of the Claims of the '932 Patent.

¹⁶ '932 IPR Petition at pg. 56-57, 71

¹⁷ '932 IPR Petition at pg. 57

¹⁸ '932 Patent at ¶¶ 20:15-16

¹⁹ '932 IPR Petition at pg. 54

a. WALSH DOES NOT REMEDY THE DEFICIENCIES OF AMIDON

106. In my opinion, Walsh in combination with Amidon fails to disclose the claims of the '932 Patent. As Walsh is a patent that is directly related to the Amidon patent with the same inventors and builds off the system taught by Amidon²⁰, all the above-discussed Amidon arguments apply to Walsh. Specifically, the IPR petition states that Walsh improves Amidon's "situational network"²¹, which shows that Amidon does not create a situational network. Additionally, there are several unique attributes taught by the '932 Patent that are not disclosed by Walsh, nor would such disclosures have been made obvious to a POSITA.

107. Firstly, Walsh's definition of a social network session, "a social network session corresponds to actual communication among ... members of a social network that have previously been or are currently connected ... for purposes of live communication, content distribution, or other purposes"²² is limiting in scope. The methods described by Walsh require an active communication session between users for the session profiling service to provide content or ads to a user²³. As discussed above, a node contains the unique properties associated with the node (e.g., a user node would have personal information of the user). Walsh does not disclose nodes within a social network.

108. The aggregation of the active communication "collectively represents the session profile snapshot at a given instance in time"²⁴. This is in stark contrast to the methods taught by the '932 Patent in which content/advertising is derived from the underlying connections (i.e., links

²⁰ '932 IPR Petition at pg. 51, 53

²¹ IPR petition at pg. 58

²² Walsh Patent at 5:9-14

²³ Walsh Patent at 6:21-29

²⁴ Walsh Patent at 12:66-67

in a SitNet)²⁵ and the properties of the node itself (i.e., user profile information)²⁶. Simply put, the method of aggregation of user information in the Walsh patent is dependent upon user participation, whereas, in the '932 patent, the aggregation of user information is dynamic and often found within the node within the NDSN (e.g., user profile). For example, the scenario presented in the '932 patent where a user with dogs is advertised as the nearest shelter that accepts pets in an evacuation situation due to location proximity²⁷ is highly unlikely to take place in the system described by Walsh. This is because users in the Walsh system must either be actively connected to a conference, or messaging in a conference, specifically about the weather event, evacuation, and pet shelter, which is highly improbable.

109. More critically, Walsh only profiles a select set of messages and content²⁸ yet this selected set is never defined, whereas '932 is always profiling users based on connectivity to SitNets²⁹. Referring to the evacuation scenario referenced above, users in the Walsh system may be connected to a conference, or actively messaging about the weather event, evacuation, and pet shelter, but the system may not select enough of those messages/triggers to properly profile a user as needing advertisement of pet accepting shelters.

110. Furthermore, common forms of advertising involve advertisers 'masquerading' as a user in a social network via "promoted" posts. For this methodology to work an advertising server must operate as a node within the social network, which as we describe above is not possible with Walsh; yet is possible via the '932 Patent.

²⁵ '932 Patent at 22:14-27

²⁶ '932 Patent at 27:19-24

²⁷ '932 Patent at 28:63-67

²⁸ Walsh Patent at 6:33-36

²⁹ '932 Patent at 27:25-32

111. Moreover, Walsh does not create a network in response to an event. It merely collects passive information on a user as the user is in an active connection to a conference. This conference does not constitute a social network.

112. As described previously, one key aspect of a network is the distinct set of interconnections contained within the network. During the creation of a network, these interconnections can be derived from an existing network; however, once created, the two networks are fundamentally separate. Thus, a change to either network should not fundamentally alter the other network.

113. Walsh's system for communication does not create an NDSN in response to an event. More so, it requires active participation by the user during the session that the user is online. Walsh does not disclose a system where the user is a part of a situational network and is alerted. Any user of Walsh's system would be required to be in active communication with the central server for Walsh to establish the central connections. As stated above, this does not disclose the necessary parameters of a node within a social network.

114. For the reasons previously described, it is my opinion that Amidon in combination with Walsh does not disclose any of the Claims of the '932 Patent, nor does Walsh remedy the deficiencies of Amidon.

***b. SHAHINE DOES NOT REMEDY THE DEFICIENCIES OF AMIDON
ALONE AND/OR IN COMBINATION WITH WALSH***

115. Shahine describes a "method ... for advertisers to target specific calendar users with the advertiser's events"³⁰ and the IPR petition combines Shahine with Amidon-Walsh to combat

³⁰ Shahine at Abstract

the lack of a plurality of advertising entities³¹. In my opinion, Shahine, alone, or in combination with Amidon, or in combination with Walsh and Amidon fails to disclose the claims of the ‘932 Patent.

116. Firstly, Shahine does not teach a social network, let alone a situational network as described in detail in the [Shahine Section](#) above. Through this alone, Shahine does not teach or suggest the limitations of the ‘932 Patent claims. Secondly, to the extent that Shahine may build shared calendars between users and advertisers, where users may exchange information about a topic/event (i.e., advertisement)³². Shahine does not disclose the creation of a node within a social network as the calendar cannot operate as a social network. The scenario of users interacting/communicating about a specific event is a similar scenario to the conference chatroom from Amidon-Walsh where users join a conference to discuss a commonly agreed upon topic. Thus, Shahine would have the same deficiencies as Amidon-Walsh as defined above.

117. Combining Shahine with Amidon, or Amidon-Walsh does not remedy the deficiencies of Amidon or Amidon-Walsh. The IPR petition adds Shahine as alleged prior art for the express purpose of creating a database of advertisements. IPR2024-00528 petition at p.55. Simply adding storage space for multiple advertising entities into the Amidon-Walsh methodologies does not help Amidon-Walsh teach or suggest a situational network, an event node, or an event node server.

³¹ IPR petition at pg. 55

³² Shahine Patent at 9:12-15

***c. JONES DOES NOT REMEDY THE DEFICIENCIES OF AMIDON
ALONE AND/OR IN COMBINATION WITH WALSH AND/OR IN
COMBINATION WITH SHAHINE***

118. It is further my opinion that Jones does not remedy the deficiencies of Amidon alone and/or in combination with Walsh and/or in combination with Shahine.

119. Jones teaches “[a] system and method of electronic advertisement and commerce, wherein commercial advertisements are electronically mailed to a prospective and/or current consumer via a global networking system³³.” The IPR petition combines Jones with Amidon-Walsh-Shahine to explicitly cover the missed argument of “wherein the situation is a weather phenomenon.”³⁴. However, it is my opinion that, through this, Jones does not remedy the deficiencies of Amidon, Amidon-Walsh, or Amidon-Walsh-Shahine.

120. Jones is a system that is built upon email and email distributions³⁵ and like Shahine fails to teach or suggest a situational network taught by the ‘932 Patent. There are no event nodes, event node servers, situations, or situational authorities taught by Jones. Thus, through this, Jones does not teach or suggest the limitations of the ‘932 Patent claims.

VIII. CONCLUSION

121. My analysis of the materials produced in this investigation is ongoing and I will continue to review any new material as it is provided. This declaration represents only those opinions I have formed to date on the topics addressed herein. I reserve the right to revise, supplement, and/or amend my opinions stated herein based on new information and on my continuing analysis of the materials already provided. In that connection, I reserve the right to

³³ Jones Patent at Abstract

³⁴ IPR petition at pg. 81-82

³⁵ Jones Patent at ¶26

address any evidence that Defendants provide for the above-described issues and to otherwise address issues raised in Defendants' expert reports.

122. I am a U.S. citizen, a resident of the United States, over 18 years of age, and mentally competent to make this declaration. I have personal knowledge of the facts stated in this declaration and could testify competently to them if asked to do so.

123. Executed this 3rd day of December 2024 in Annapolis, MD.

A handwritten signature in black ink, appearing to read "Aviel D. Rubin", is written above a horizontal line.

Aviel D. Rubin