

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

Case IPR2024-00529
U.S. Patent No. 8,332,454

**PETITIONER'S *SOTERA* STIPULATION AND
REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE**

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1001	U.S. Patent No. 8,332,454 to Cona <i>et al.</i> (“’454 patent”).
1002	Prosecution History of U.S. Patent No. 8,332,454 (“’454 File History”).
1003	Declaration of Jeremy Cooperstock, Ph.D.
1004	<i>Curriculum Vitae</i> of Dr. Jeremy Cooperstock
1005	U.S. Patent No. 8,346,864 B1 to Amidon <i>et al.</i> (“Amidon”)
1006	U.S. Patent Application Publication No. 2008/0103784 A1 to Wong <i>et al.</i> (“Wong”)
1007	U.S. Patent No. 8,103,300 B2 to Gogic (“Gogic”)
1008	U.S. Patent No. 7,801,971 B1 to Amidon <i>et al.</i> (“Amidon-971”)
1009	Palen <i>et al.</i> , <i>Online Forums Supporting Grassroots Participation in Emergency Preparedness and Response</i> , Communications of the ACM, Vol. 50, No. 3 (March 2007)
1010	U.S. Patent No. 7,016,307 B2 to Vasudev <i>et al.</i> (“Vasudev”)
1011	U.S. Patent Application Publication No. 2006/0230053 A1 to Eldering (“Eldering”)
1012	Harghirian <i>et al.</i> , <i>Increasing Advertising Value of Mobile Marketing – An Empirical Study of Antecedents</i> , Proceedings of the 48th Hawaii Int’l Conf. on System Sciences, IEEE (2005).
1013	Boyd & Ellison, <i>Social Network Sites: Definition, History, and Scholarship</i> , Journal of Computer-Mediated Communication, 13 (2008) pp. 210-230.
1014	U.S. Patent No. 8,024,330 to Franco <i>et al.</i> (“Franco”)
1015	November 26, 2006 Wikipedia page “Social network” (from web.archive.org) (accessed January 24, 2024)
1016	Barry Wellman, <i>Network Analysis: Some Basic Principles</i> , Sociological Theory, Vol. 1 (1983) pp. 155-200 (“Wellman”)
1017	Civil Case Management Plan and Scheduling Order, 1:23-cv-06389 (S.D.N.Y.), Document 35 (10/20/2023)

Exhibit No.	Description
1018	Declaration of Dr. Jeremy Cooperstock in Support of Petitioner's Reply to Patent Owner's Preliminary Response
1019	Joint Claim Construction Statement, <i>SitNet, LLC v. Meta Platforms, Inc.</i> , Case No. 1:23-cv-06389 (S.D.N.Y.) (Feb. 21, 2024)

I. INTRODUCTION

SitNet advocates for impermissibly narrow constructions that differ significantly from the constructions it submitted in the corresponding district-court litigation. The Board should reject these constructions because they improperly import optional limitations from the specification and add more confusion than clarification. But even under SitNet’s impermissibly narrow constructions, the prior art renders the challenged claims obvious.

II. CLAIM CONSTRUCTION

The Petition explains that each term should be given its plain and ordinary meaning. Pet., 10; EX1018, ¶2. SitNet has not given the Board reason to do otherwise. The Board should thus reject SitNet’s proposed constructions.

A. Situational Network

As shown in the table below, SitNet proposes a 45-word construction for “situational network” here that is substantially narrower than its proposed construction in district court. POPR, 10.¹ The Board should reject SitNet’s proposed construction for this reason alone. *Amazon.com, Inc. v.*

Barnesandnoble.com, Inc., 239 F.3d 1343, 1351 (Fed. Cir. 2001) (“A patent may

¹ To the extent the POPR relies on Dr. Rubin’s testimony (EX2005), the Board should give his testimony no weight because his declaration does not include the statements required by 37 C.F.R. § 1.68. *See* 37 C.F.R. §§ 42.2, 43.53(a).

not, like a nose of wax, be twisted one way to avoid [invalidity] and another to find infringement.”) (cleaned up). Moreover, the Board should reject this construction because, to the extent it is even understandable, it confuses more than clarifies and improperly imports embodiments from the specification. EX1018, ¶3.

SitNet’s Proposed Claim Construction in District Court	SitNet’s Proposed Construction in the POPR
“a network that is a subset of a larger network, comprising member nodes, formed in response to an event or situation” (EX2001, 6)	“a social network formed in response to the occurrence of an event or situation by forming connections between nodes which represent the personal information and social metrics that interconnect participants of the social networking service hosting the ‘situational network’ to the underlying situation or event” (POPR, 10)

At bottom, SitNet’s construction requires the situational network to be a “social network,” which the ’454 patent also refers to as an “N-dimensional social network” (NDSN). POPR, 3; EX1001, 14:28-33; EX2001, 6. But a situational network is not so limited. The specification repeatedly confirms that the situational network is established using a social network in *only a single embodiment*—“[i]n *one embodiment*, the situational network may be established using the framework of an N-dimensional social network (NDSN).” EX1001, 7:37-44, *see also* EX1001, 14:28-33, 19:52-56. EX1018, ¶4.

SitNet ignores this. It relies instead on a single vague statement that situational network participants “may have no prior knowledge of or connection or

contact with each other . . . through ***any other type of social network*** or personal interactions,” asserting “the 454 Patent classifies a ‘situational network’ as a type of social network.” POPR, 2-3 (citing EX1001, 3:60-4:5) (emphasis in original). But this statement doesn’t redefine a situational network as a social network. *Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1371 (Fed. Cir. 2014) (“[W]e do not read limitations from the embodiments in the specification into the claims.”). First, this statement refers broadly to “any other type of ***social network or personal interactions***.” EX1001, 3:60-4:5 (emphasis added). Therefore, a POSA would not have understood this statement to define a “situational network” as being limited to a type of social network. EX1018, ¶5. Second, to the extent this passage even mentions a social network, it is relegated to only “one embodiment.” EX1001, 7:37-44, *see also* EX1001, 14:28-33, 19:52-56. The ’454 patent does not say that every embodiment of a “situational network” must be a social network. SitNet’s construction thus improperly excludes the specification’s other embodiments of a situational network. *See, e.g.*, EX1001, 7:15-36, 25:17-26:4. EX1018, ¶5.

That a “situational network” is not required to be a “social network,” is further confirmed by the fact that the ’454 patent’s independent claims *separately recite* a “multi-dimensional personal information network,” e.g., a social network. *See* EX1001, claims 1, 10, 20; EX1018, ¶6; *Wasica Fin. GmbH v. Cont’l Auto. Sys., Inc.*, 853 F.3d 1272, 1288 n.10 (Fed. Cir. 2017) (“It is highly disfavored to

construe terms in a way that renders them void, meaningless, or superfluous.”).

The rest of SitNet’s construction is premised on a situational network being a social network, and therefore also fails. EX1018, ¶7. The Board should reject SitNet’s proposed construction and apply the plain and ordinary meaning.

B. Event Node/Event Node Server

SitNet’s constructions for “event node” and “event node server” are tied together, in that SitNet’s proposed construction for “event node server” is simply “a server that hosts an ‘event node.’” POPR, 10. SitNet construes “event node” as “a node on a personal information network corresponding to an event or situation.” POPR, 10-11; EX1019, 10. This construction, however, confuses more than it clarifies and improperly narrows the claim. EX1018, ¶8.

SitNet’s construction leads to confusion in element [1.1], for example, which would read: “creating, by an event node server, *a node on a **personal information network** corresponding to an event or situation* in a **multi-dimensional personal information network . . .**.” It is unclear whether the *personal information network* and the *multi-dimensional personal information network* are the same or if they have different meanings. EX1018, ¶9. And, to the extent they are the same, such a construction would create an unnecessary redundancy in the claims, rendering the “multi-dimensional personal information network” superfluous. *TMI Prods., Inc. v. Rosen Ent. Sys., L.P.*, 610 F. App’x 968, 972 (Fed. Cir. 2015)

(rejecting a construction that would “create[] a redundancy” in claim limitations, rendering language “unnecessary”); EX1018, ¶9.

As properly construed, an “event node” itself is not limited to being on a personal information network (e.g., a social network). EX1018, ¶10. Rather, consistent with the specification, it may be a node *on a situational network*. See, e.g., EX1001, 19:56-60 (describing that an event node may be established by a situation authority), 20:8-10 (users of a situational network may be automatically invited to connect to the event node), 20:32-35 (a situational network’s temporal limit may be established at the event node), 21:65-22:1 (“Users connected to an event node of a SitNet in an NDSN through a PIA may also request a ‘projected’ view”); EX1018, ¶10. That is true even when the situational network is created within the framework of a “multi-dimensional personal information network.” See, e.g., EX1001, 5:61-6:12, 7:37-41, 14:28-35; EX1018, ¶10.

The POPR contends “a ‘situational network’ must be a type of ‘personal information network,’” because a “situational network may be established using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network.” POPR, 11 (quoting EX1001, 7:37-40). That a situational network *may be* established within the framework of a personal information network, however, does not mean that it *must be* established within such a framework. EX1018, ¶11. To be sure, in

embodiments of a situational network that use an NDSN as a framework, event nodes may simultaneously be nodes on a situational network and on a personal information network. *See, e.g.*, EX1001, 6:58-62, 7:37-52; EX1018, ¶11. But this is not a reason to limit the term “event node” in such a manner. *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004) (“[A] particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.”).

III. AMIDON AND THE WONG-GOGIC COMBINATION RENDER THE CLAIMS OBVIOUS EVEN UNDER SITNET’S IMPROPER CONSTRUCTIONS.

A. SitNet does not dispute that Amidon and the Wong-Gogic combination teach a situational network.

Despite devoting several pages to its improperly narrow construction of “situational network,” SitNet does not actually dispute that Amidon and the Wong-Gogic combination both teach a “situational network,” as in the ’454 patent claims. *See generally* POPR. In any event, the Petition shows how each of Amidon and the Wong-Gogic combination teaches a situational network, including that the situational network is a social network under SitNet’s construction. In particular, in Amidon, the situational network is a set of users communicating via a *social network* conference, created in response to a situation. *See* Pet., 14-15, 22-23; EX1018, ¶12. In the Wong-Gogic combination, an ad-hoc location-based communication group is implemented in a *social network* communication system,

for example to send updates to users about a situation. *See* Pet., 47-51, 53; EX1018, ¶12. There can be no question that these grounds teach a situational network as part of a *personal information network* or *social network*. EX1018, ¶13.

B. Amidon teaches an event node/event node server.

To the extent the Board determines the event node must be in “a node on a *personal information network*,” SitNet does not dispute that Amidon teaches a personal information network. *See generally* POPR. And, as explained in the Petition, Amidon’s social network 10 is a multi-dimensional personal information network. *See* Pet., 16-18; EX1003, ¶¶70-72; EX1018, ¶14.

Amidon teaches an event node and event node server. EX1018, ¶19. SitNet asserts that “[t]he conferences disclosed by Amidon do not disclose or suggest a node corresponding to the situation or event that is the subject of the conference.” POPR, 12. This argument misses the point. As explained in the Petition, Amidon’s social network conference *itself* “(as defined by the stored data and accessible via window 200) teaches the claimed event node.” Pet., 20. An additional node is not necessary because the conference *is* the node. EX1018, ¶15.

SitNet further argues that “[w]ithout the underlying situation or event *as a participant*, the conferences do not and cannot include an ‘event node’ corresponding to the situation or event that is the subject of the conference.” POPR, 13 (emphasis added). Again, SitNet misses the point. Requiring the

situation be a *participant* rests on the faulty premise that the situational network must be a social network (it does not). EX1018, ¶16.

In any case, Amidon's conference need not include a node corresponding to the situation because Amidon's conference *is* the event node. EX1018, ¶17. This is consistent with embodiments of the '454 patent, where the event node connects the users in communication about the event or situation. For example, in the Figure 25 embodiment, a first user propagates messages (about a situation, e.g., a snowstorm) to other users in selected groups via a node in the network. EX1001, 30:39-61. The other users may then forward and/or reply to messages. *Id.* Here, the node simply connects users to facilitate messaging. EX1018, ¶17. Amidon's social network conference similarly connects users to facilitate messaging about a situation (e.g., a "Game Conversation"). EX1005, 16:65-18:50, FIG. 4; EX1018, ¶17.

SitNet further contends that Amidon's "database record cannot correspond to a situation or event without providing entry for the event or situation, because without such a field, the conference could not be queried based on the event or situation." POPR, 14 (citing EX2005, ¶38). But, Amidon's "conference ID" identifies the conference. EX1005, 15:6-17; EX1018, ¶18. As discussed in the Petition, Amidon's conferences are created *upon detection of a situation*. Pet., 22-23. Further, "[t]itle bar 202 provides a description of the presently-selected conference ('Game Conversation')," indicating to a POSA that this information

must be stored in the database record. EX1005, 16:65-17:7; EX1018, ¶18. It need not be labeled as an “event” or “situation” in Amidon to teach the limitation.

C. The Wong-Gogic combination teaches an event node/event node server.

To the extent the Board determines the event node must be “a node on a *personal information network*,” SitNet does not dispute that the Wong-Gogic combination teaches a personal information network. *See generally* POPR. As explained in the Petition, Wong’s network 24 teaches a multi-dimensional personal information network. *See* Pet., 51-52; EX1003, ¶¶175-176; EX1018, ¶20.

The Wong-Gogic combination teaches an event node and event node server. EX1018, ¶22. SitNet argues the references separately, but fails to address the combination presented in the Petition. POPR, 15-18; *In re Merck Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) (“Non-obviousness cannot be established by attacking references individually where the [unpatentability] is based upon the teachings of a combination of references.”). In particular, SitNet argues: “[a]s 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.’ The combined teachings of Wong and Gogic, consequently, fail to invalidate [the] claims.” POPR, 18. But SitNet misunderstands the obviousness inquiry. “The question is not whether the prior art disclosed the very thing claimed; it is whether, in light of the prior art, the claimed

invention would have nonetheless been *obvious* to a person of ordinary skill in the art as of the relevant date.” *Masimo Corp. v. Apple Inc.*, No. 2022-1894, 2024 WL 111647, at *3 (Fed. Cir. Jan. 10, 2024) (citing *Fleming v. Cirrus Design Corp.*, 28 F.4th 1214, 1222 (Fed. Cir. 2022)). The answer to that question, the Petition shows, is certainly *yes*.

In particular, as explained in the Petition, Gogic teaches creating an ad-hoc communication group in response to a situation, and based on Wong’s teachings of communication in a social network generally happening between nodes, a POSA would have found it obvious to facilitate the communication of an ad-hoc communication group within a social network using a node. *See* Pet., 47-51, 52-53; EX1006, ¶¶19, 21-22, 26-27, 31-32, 44, FIGs. 5, 6; EX1007, 7:25-34, 10:16-11:13, FIG. 4; EX1003, ¶¶177-178; EX1018, ¶21. SitNet argues that Dr. Cooperstock’s testimony on this point is “[u]nsupported conclusionary statements.” POPR, 19. But Dr. Cooperstock’s testimony is supported not only by the disclosure of the references themselves, but also by additional evidence supporting a POSA’s general understanding of nodes in a social network. *See* EX1003, ¶¶177-178.

IV. *SOTERA* STIPULATION

If the Board institutes this IPR, Petitioner will not raise in district court any grounds raised or that reasonably could have been raised in the Petition. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S
SOTERA STIPULATION AND REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE** and Exhibits 1018-1019 were served electronically
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