

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

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

**DECLARATION OF DR. JEREMY COOPERSTOCK
IN SUPPORT OF PETITIONER’S REPLY TO
PATENT OWNER’S PRELIMINARY RESPONSE**

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Meta EX1018
IPR2024-00529
U.S. Patent No. 8,332,454

TABLE OF CONTENTS

I. INTRODUCTION 1

II. CLAIM CONSTRUCTION 1

 A. Situational Network 1

 B. Event Node/Event Node Server 3

III. AMIDON AND THE WONG-GOGIC COMBINATION RENDER
THE CLAIMS OBVIOUS EVEN UNDER SITNET’S IMPROPER
CONSTRUCTIONS.....6

 A. Amidon and the Wong-Gogic combination teach a situational
network. 6

 B. Amidon teaches an event node/event node server.....7

 C. The Wong-Gogic combination teaches an event node/event node
server.....9

IV. CONCLUSION 10

I, Jeremy Cooperstock, hereby declare as follows.

I. INTRODUCTION

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

II. CLAIM CONSTRUCTION

2. It is my opinion that each claim term should be given its plain and ordinary meaning. EX1003, ¶47. I understand that Patent Owner (“SitNet”) proposes constructions for “situational network,” “event node server,” and “event node.” POPR, 1-15. I disagree with these constructions for the following reasons.

A. Situational Network

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

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

4. 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. In my opinion, this is improper because the specification repeatedly explains 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. The specification includes other embodiments where situational networks are not formed using social networks. *See, e.g.,* EX1001, 7:15-36 (disclosing a peer-to-peer architecture). Thus, a POSA would have understood that the ’454 patent does not *require* a situational network to be a social network *in every embodiment*.

5. As support for its construction, SitNet relies on one 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.” POPR, 2 (citing EX1001, 3:60-4:5). I disagree that this statement defines a situational network as a social network. First, this statement refers broadly to “any other type of *social network or personal interactions.*” EX1001, 3:60-4:5 (emphasis added). In my opinion, a POSA would not have understood this statement to define a “situational network” as being limited to a type of social network. Second, to the extent this passage mentions a social network, it does not stand for the proposition that a situational network *must* be a

social network, because, as I just explained, the '454 patent does not say that *every embodiment* of a “situational network” *must be* a social network. *E.g.*, EX1001, 7:37-44 (“*In one embodiment*, the situational network may be established using the framework of an N-dimensional social network (NDSN)"); *see also* EX1001, 14:28-33, 19:52-56. That is, while some embodiments teach a social network, others do not. SitNet’s construction does not account for these other embodiments. *See, e.g.*, EX1001, 7:15-36, 25:17-26:4.

6. 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.

7. The rest of SitNet’s convoluted, confusing construction is premised on a situational network being a social network, and therefore also fails. Thus, it is my opinion that SitNet’s construction is improper.

B. Event Node/Event Node Server

SitNet’s Proposed Constructions in the POPR
<i>Event Node</i> : “a node on a personal information network corresponding to an event or situation” (POPR, 10)
<i>Event Node Server</i> : “a server that hosts an ‘event node’” (POPR, 10)

8. SitNet construes “event node” and “event node server” as shown in the above table. SitNet’s constructions for these terms are tied together, in that SitNet’s proposed construction for “event node server” is simply “a server that

hosts an ‘event node.’” In my opinion, SitNet’s construction of “event node” is improper because it confuses more than it clarifies and improperly narrows the claim.

9. SitNet’s construction leads to confusion in element [1.1], for example. Substituting SitNet’s construction into element [1.1] 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 . . .**” In my opinion, this results in language that is unclear whether the *personal information network* and the *multi-dimensional personal information network* are the same or if they have different meanings. Further still, to the extent they are the same, it is my opinion that such a construction would create an unnecessary redundancy in the claims, rendering the “multi-dimensional personal information network” superfluous.

10. In my opinion, as properly construed, an “event node” itself is not limited to being on a personal information network (e.g., a social network). Rather, it may be a node *on a situational network*. This is consistent with the ’454 specification, which describes the event node in this way. *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 . . .”). 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. In other words, when the situational network is created within the framework of a “multi-dimensional personal information network,” the event node (which is a node on the situational network) likewise is on a personal information network. *E.g.*, EX1001, 7:37-52. But, when the situational network is created in a different way (i.e., outside of the framework of a “multi-dimensional personal information network”), the event node is *not* on a personal information network but *is* on the situational network. *E.g.*, EX1001, 6:28-62 (“A variety of different architectures may be used to connect the devices of participants in the situational network.”).

11. 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). I disagree with this contention because it is based on a faulty premise. That a situational network *may be* established within the framework of a personal information network does not mean that it *must be*

established within such a framework. 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. But, in my opinion, the term “event node” should not be limited in such a manner because, in other embodiments, the event node may be on a situational network and *not* on a personal information network.

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

A. Amidon and the Wong-Gogic combination teach a situational network.

12. As I explained in my prior declaration, 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* EX1003, ¶¶64-68. 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* EX1003, ¶¶163-173, 177.

13. In my opinion, there can be no question that both Amidon and the Wong-Gogic combination teach a situational network as part of a *personal information network* or a *social network*.

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

14. As I explained in my prior declaration, Amidon's social network 10 is a multi-dimensional personal information network. See EX1003, ¶¶70-72. Thus, in my opinion, Amidon teaches an event node in the context of a personal information network, under SitNet's proposed construction.

15. SitNet argues in the POPR 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. In my opinion, this is irrelevant to whether Amidon teaches an event node. As I previously explained, Amidon's social network conference *itself* "(as defined by the stored data and accessible via window 200) teaches the claimed event node." EX1003, ¶77. In my opinion, a teaching of any additional node is not necessary to meet the claim because Amidon's conference *is* the node.

16. 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, in my opinion, this is irrelevant. SitNet's assertion that the situation must be a *participant* rests on the faulty premise that the situational network must be a social network. As I have explained above, this is not required by the claims.

17. In my opinion, Amidon's conference need not include a node corresponding to the situation because Amidon's conference *is* the event node. Amidon's social network conference connects users to facilitate messaging about a situation (e.g., a "Game Conversation"). EX1005, 16:65-18:50, FIG. 4. That an event node connects users in communication about the event or situation is consistent with embodiments of the '454 patent. For example, in the embodiment of Figure 25 of the '454 patent, 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. EX1001, 30:39-61. The node in this embodiment simply connects users to facilitate messaging.

18. 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). I disagree. As I explained in my prior declaration, Amidon's conferences are created *upon detection of a situation*. See EX1003, ¶85. Amidon's "conference ID" identifies the conference. EX1005, 15:6-17. "Title bar 202 provides a description of the presently-selected conference ('Game Conversation')." EX1005, 17:3-5; see EX1005, 16:65-17:7, FIG. 4. In my opinion, this indicates to a POSA that this

information would be stored in the database record. In my further opinion, it need not be labeled as an “event” or “situation” in Amidon to teach the limitation.

19. Thus, for these reasons, as well as those explained in my prior declaration, it is my opinion that Amidon teaches an event node and an event node server. *See* EX1003, ¶¶69-86.

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

20. As I explained in my prior declaration, Wong’s network 24 teaches a multi-dimensional personal information network. *See* EX1003, ¶¶175-176. Thus, in my opinion, the Wong-Gogic combination teaches an event node in the context of a personal information network, under SitNet’s proposed construction.

21. As I further explained, it is my opinion that a POSA would have been motivated to modify Wong’s social network communication system to incorporate Gogic’s teachings of an ad-hoc location-based communication group. *See* EX1003, ¶¶163-168. 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, it is my opinion that 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* EX1003, ¶¶59, 177-178; EX1006, ¶¶19, 21-22, 26-27, 31-32, 44, FIGs. 5, 6; EX1007, 7:25-34, 10:16-11:13, FIG. 4.

22. Thus, for these reasons, as well as those explained in my prior declaration, it is my opinion that the Wong-Gogic combination teaches an event node and an event node server. See EX1003, ¶¶174-180.

IV. CONCLUSION

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

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

Executed on this 11th day of July 2024, in Westmount, Canada.


Jeremy Cooperstock, Ph.D.