

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

, v.

SITNET LLC,
Patent Owner

U.S. Patent No. 8,332,454

IPR Case No.: 2024-00529

**SITNET LLC'S RESPONSE TO PETITION FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 8,332,454**

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EXHIBIT LIST

No.	Exhibit Description
2001	Joint Claim Construction Brief in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23- cv-06389-AS (Dkt. 57).
2002	Amended Joint Claim Construction Chart in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 58).
2003	Order regarding Trial Schedule in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23- cv-06389-AS (Dkt. 32).
2004	Statistics for Southern District of New York Judges
2005	Expert Report of Dr. Aviel D. Rubin
2006	Markman Hearing Transcript in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23- cv- 06389-AS (July 1, 2024).
2007	Claim Construction Order in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23- cv- 06389-AS (Dkt. 79).
2008	U.S. Patent Application Series No. 11/924,711
2009	Supplemental Expert Report of Dr. Aviel D. Rubin
2010	Excerpts from the Deposition of Jeremy Cooperstock

I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner SitNet LLC (“SitNet”) submits the following Response to the Petition for *Inter Partes* Review of claims 1-20 of U.S. Patent No. 8,332,454 B1 (“the 454 Patent”) filed by Petitioner, Meta Platforms, Inc. (“Petitioner” or “Meta”). The patent at issue is currently being asserted against Petitioner in *SitNet LLC v. Meta Platforms, Inc.*, No. 1:23-cv-06389-AS (S.D.N.Y. July 24, 2024) (“*SitNet v. Meta*”).

II. CLAIM CONSTRUCTION

A. 37 C.F.R. § 42.100(b) Statement

Pursuant to 37 C.F.R. § 42.100(b), Patent Owner respectfully requests the Board considered and adopt the District Court’s construction of all terms in *Sitnet v. Meta*, as detailed in Ex. 2007.

B. Event Node

The District Court determined the term “event node” needed no construction, but noted the “the claims clarify that ‘the event node corresponds to a situation.’” Ex. 2007, at 6. The specification itself, however, provides a definition for an event node.

Claim 1 recites, “an event node *in a multi-dimensional personal information network*, the event node *corresponding to a situation*.” (Emphasis added.) Similarly, claim 20 recites, “event node *in a multi-dimensional personal information network*, the event node *corresponding to a situation*.” Accordingly,

claims 1 and 20 each recite an event node corresponding to a situation in in a multi-dimensional personal information network. The specification defines a multi-dimensional personal information network as an N-dimensional social network (NDSN). 454 Patent, 14:28-31 (“An *N-dimensional social network (NDSN)*, *also called a multi-dimensional personal information network*, captures and manages multi-dimensional relationships between persons and other entities that are users of the network.”) (emphasis added). Claims 1 and 20, therefore, each explicitly recite an event node within a N-dimensional social network (multi-dimensional personal information network) corresponding to the situation.

Unlike claims 1 and 20, claim 10 does not recite an event node, but rather the server responsible for establishing an event node. Specifically, claim 10 recites, “receiving, by a first device corresponding to a node *in a multi-dimensional personal information network*, an invitation to establish a link with an *event node server*.” (Emphasis added.) As with claims 1 and 20, claim 10 is explicitly limited to a N-dimensional social network (i.e., a multi-dimensional personal information network). Furthermore, as its name implies, an event node server hosts an event node. See 454 Patent, 19:56-60 (“[T]he *event node corresponding to an event node server* 3011 may be established, or hosted, by a situation authority 207 or trusted provider, Such as news source (e.g., CNN or weather.com) or a government

agency.”) (emphasis added). Claim 10, therefore, also requires an event node to be established within an N-dimensional social network.

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

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

454 Patent, 7:42-51. According, an event node is defined in the specification as a type of node that communicates, or propagates, up-to-date information in a NDSN. This definition is consistent with the general definition of a node provided in the specification.

Each node is capable of communicating in a peer-to-peer fashion with other nodes in the NDSN, and thus is a user’s point of connection to the NDSN, providing a user with access to information that can be obtained from other users of the NDSN with whom the user has a relationship.

454 Patent, 15:1-4.

Given that an event node “*propagates up-to-date information on the situation*” and that “each node is capable of communicating in a peer-to-peer fashion

with other nodes,” an event node must be a node within an NDSN that communicates information regarding the event in a peer-to-peer fashion with other nodes of a NDSN. Furthermore, claims 1, 10 and 20 each recite an event node, or an event node server, within a NDSN. Thus, an event node per claims 1 and 20 is a node within an NDSN providing up-to-date information regarding an event or situation via peer-to-peer communication with other nodes. Likewise, the event node server recited in claim 10 corresponds to an event node within an NDSN providing up-to-date information regarding an event or situation via peer-to-peer communication with other nodes.

III. RESPONSE TO GROUNDS FOR INVALIDITY RAISED

A. Ground 1: Claims 1-7, 10-17, 19, and 20 Are Not Rendered Obvious by Amidon

The Petition fails to demonstrate Amidon (U.S. Patent No. 8,346,864) discloses a “event node” as recited in independent claims 1 and 20 and “event node server” as recited in independent claim 10. Amidon, therefore, cannot render the challenged claims invalid and unpatentable.

1. Event Node

As detailed *supra*, independent claims 1 and 20 each recite a “event node” within a multi-dimensional personal information network (*i.e.*, an N-dimensional social network) that corresponds to a situation. As also detailed *supra*, independent claim 10 recites an “event node server” within a multi-dimensional personal

information network (*i.e.*, an N-dimensional social network) corresponding to an event node. Petitioner contends that “Amidon’s social network conference (as defined by the stored data and accessible via window 200) teaches the claimed event node.” Petition, at 20 (citing Ex. 1003 ¶ 77). Petitioner also argues that “the social network conference (as defined by the stored data and accessible via window 200) (*i.e.*, the event node) corresponds to the situation.” Petition. at 22–23. But a conference cannot be a node, let alone an event node. Ex. 2009 (Rubin Decl.), ¶¶67-77.

A conference is defined by the American Heritage Dictionary as “a. A meeting for consultation or discussion. b. An exchange of views.” American Heritage Dictionary Entry: conference, <https://ahdictionary.com/word/search.html?q=conference>; Ex. 2009 (Rubin Decl.), ¶ 70. A meeting requires a group of participants, and a discussion requires communicating with other participants in the meeting. Thus, a conference is a group of individuals communicating with one another.

Consistent with the accepted meaning of “conference,” Amidon states:

Users may *participate* in social network conferences by way of any *suitable communication technique(s)*. For example, conferences may comprise textual messages, such as instant message (IM) and short message service (SMS) messages. Conferences may comprise audio messages. Such as voice chat via streamed audio content, shared audio files, telephone (including VoIP, cellular, or other telephonic

communication), or other suitable technique. Conferences may comprise video messages, such as video chat via streamed video, shared video files, or other suitable techniques. Of course, combinations of the foregoing (and additional communication techniques) may be used in conferencing.

For purposes of this disclosure, the term “conferencing system” is used to refer to components arranged to provide social network conferencing functionality. ***Conferencing functionality may be provided by a separate communication system*** dedicated to conferencing or may be provided as a component in a larger communication system.

Amidon, 3:4-21. Amidon thus details a user participates in the conference by means of communicating with other participants of the conference via “any suitable communication technique.” Furthermore, Amidon notes that “conference functionality” is provided by a “communication system.” Accordingly, Amidon defines its social networking conference consistent with the plain and ordinary meaning of a conference – *i.e.*, a group of individuals communicating with one another.

FIGS. 4 and 5 of Amidon (reproduced below) reveal that the social networking conference is nothing more than individuals communicating with one another in a conference group chat.

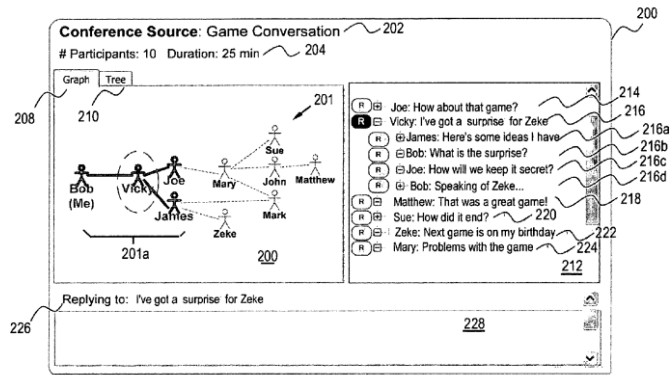


FIGURE 4

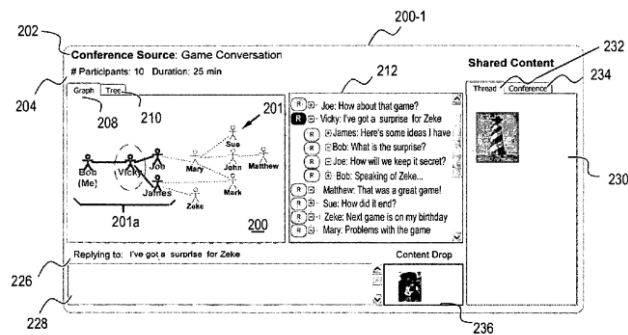


FIGURE 5

With respect to the above figures, Amidon describes that its “display area comprises a portion of the window comprising a display of *social network conference group 201 comprising Bob, Vicky, James, Joe, Mary, Zeke, Sue, John, Matthew, and Mark.*” Amidon, 17:7-10. As the conference merely comprises members, it is nothing more than an online meeting of individual users. Furthermore, “[w]indow 200 further includes conference thread display area 212 ... includes a plurality of threads (214, 216, 218, 220, 222, 224), each thread comprising data (messages, content, etc.) exchanged 25 amongst the members of conference 201.” Amidon, 17:21-26. In other words, the members of Amidon’s conference are

communicating with another; Amidon's conference is a merely group of individual members in communication.

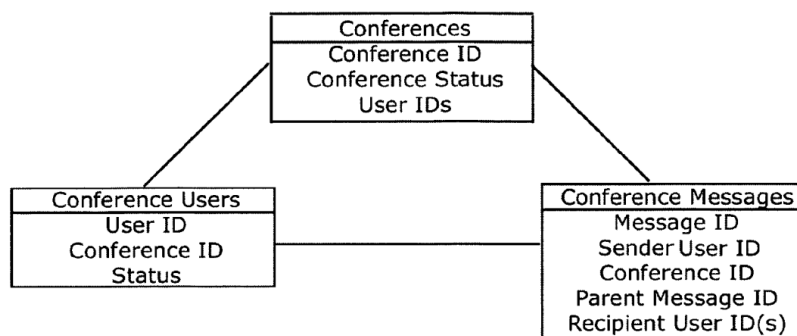
A group of individuals cannot be a node, let alone an event node. The specification states: "Each node is capable of communicating in a peer-to-peer fashion with other nodes in the NDSN". 454 Patent, 15:1-2. Additionally, "an event node in an NDSN that propagates up-to-date information on the situation." *Id.*, 7:48-50. Accordingly, as noted *supra*, an event node is node communicating information regarding a situation in a peer-to-peer fashion. Communicating in peer-to-peer fashion requires one node communicating with another user. *See* Definition of peer-to-peer PCMag, <https://www.pcmag.com/encyclopedia/term/peer-to-peer> ("From user to user. Peer-to-peer implies that either side can initiate a session and has equal responsibility."); Ex. 2009 (Rubin Decl.), ¶¶73, 79. Accordingly, an event node could be an element *within* a conference, but *not* the conference itself. *See* also Ex. 2009 (Rubin Decl.), ¶70.

Not only is Amidon's social network conference not an "event node," but Amidon also fails to disclose that its social network conferences include an "event." With respect to the above figures, Amidon states that "display area comprises a portion of the window comprising a display of *social network conference group 201 comprising Bob, Vicky, James, Joe, Mary, Zeke, Sue, John, Matthew, and Mark.*" Amidon, 17:7-10. Only users are listed as participants of the conferences and shown

in FIGS. 4 and 5. Consequently, the conferences do not include as a participant the situation or event underlying the conference.

Being a group of participants that excludes the underlying situation or event, the conferences do not include an “event node” corresponding to a situation as required by claims 1 and 20. Furthermore, the absence of an “event node” from the conferences demonstrates Amidon’s social network conferences do not include or utilize an “event node server” as required by claim 10. Ex. 2009 (Rubin Decl.), ¶¶76-79.

In addition to the graphical depictions of the social network conferences provided in FIGS. 4 and 5, Amidon provides illustrations of “the stored data” defining a conference that Petitioner also asserts teaches the claimed “event node.” Petition, at 20. For example, Amidon’s FIG. 3 (reproduced below) shows “a plurality of exemplary data structures suitable for use in defining and tracking social network conferences.” Amidon, 5:24-26.



As shown in the above FIG. 3, “conferences may be defined by a database record including a *conference ID and list of users by user ID.*” Amidon, 15:10-12. Furthermore, “[c]onference activity may *be cross-referenced between database records*—for instance, a record may be included for each user indicating the status of each user with regard to one or more conferences by conference ID.” Amidon, 15:12-15. Accordingly, Fig. 3 shows a database entry for a conference. Ex. 2009 (Rubin Decl.), ¶¶ 71-73. The record includes a cross-reference (foreign key) establishing a relationship with another database entry representing a user – *i.e.*, the “user ID”. *Id.*, ¶¶ 71-73. This relationship by foreign key cross-reference is shown in Fig. 3 by the line connecting the “Conferences” database record with the “Conference Users” database record. *Id.*, ¶¶ 71-73.

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

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

Showing database records and their relationships via foreign keys, Amidon’s Fig. 3 depicts the architecture of a relational database. But the architecture of relational database is *not* the claimed “event node” which communicates information regarding a situation in a peer-to-peer fashion with other nodes. See 484 Patent, 15:1-5. Furthermore, the architecture fails to include a database record for the situation underlying the conference. The failure to include a database record defining the situation further indicates that Amidon’s social network conferences lack an “event node” corresponding to the underlying event node corresponding situation, and necessarily, an “event node server” hosting such a node.

As Amidon fails to disclose or suggest an “event node” and an “event node server”, the Petition fails to establish Amidon invalidates claims 1-7, 10-17, 19, and 20.

2. Dependent Claim 2

Dependent claim 2 requires that “the event node is created in response to identification of the situation by a situation authority.” The District Court construed a “situation authority” as “an entity providing information concerning a situation.” Ex. 2007, p. 5. When this construction is incorporated in the claim, claim 2 requires that “the event node is created in response to identification of the situation by an entity providing information concerning a situation.” For claim 2, Petitioner states that the “situation” is “parameters” “for initiating possible conferences” citing Amidon 21:18-61. Petition, p. 29. Examples of “parameters” are users within one degree of separation of the user specifying the parameters AND sharing content on a particular topic, a certain number of invitees have accepted invitations, etc.

Petitioner’s reliance upon “parameters” as “situations” is misplaced since claim 2 requires “information concerning” the parameters and there is no indication or argument that Amidon’s user is providing such information.

3. Dependent Claim 5

For dependent claim 5, the Petition merely identifies a statement in Amidon’s Background of the Invention that states that “a user may direct announcements or sales pitches toward members of a social network based on membership parameters, ... such as demographic groupings,” citing Amidon 2:30-35. Petition, p. 33.

But that statement in the Background is not made in connection with the later disclosed invention in Amidon, which does not discuss using the network for targeted advertisements. Furthermore, while targeted advertisements may have been known, claim 5 requires that the “first set of information about the situation” includes targeted advertisements (i.e., the targeted advertisement needs to include information about the situation), which is not disclosed in Amidon.

B. Ground 2: Claims 1-4, 6, 8-18, and 20 Are Not Rendered Obvious by Gogic and Wong

Gogic (U.S. Patent No. 8,103,300) “relates to point to multi-point communications systems” and specifically “a method and apparatus for forming an ad-hoc location-based multicast group.” Ex. 1007, Col. 1, ll. 17-20. “Although the teachings of [Gogic] are described with respect to a wireless CDMA communication system, it should be understood that the present invention can be used with any *wireless communication system* including GSM systems, AMPS systems, TDMA systems, satellite communications systems, as well as other communications systems.” *Id.* at Col. 4, ll. 40-46. Accordingly, Gogic is limited to wireless communications systems; Gogic has nothing to do with multi-dimensional personal information networks (i.e., N-dimensional social networks) as recited independent claims 1, 10, and 20.. Nor does Gogic mention an “event node” as recited in independent claims 1 and 20 nor an “event node server” as recited in independent

claim 10. Thus, it would have been technically infeasible to combine Gogic with Wong. Furthermore, the Petition has not identified the disclosure of an “event node” nor an “event node server” within the teachings of Gogic or Wong. The combination of Wong and Gogic, therefore, cannot render the challenged claims invalid and unpatentable.

1. Neither Gogic nor Wong Disclose an Event Node

As detailed *supra*, independent claims 1 and 20 each recite a “event node” within a multi-dimensional personal information network (*i.e.*, an N-dimensional social network) that corresponds to a situation. As also detailed *supra*, independent claim 10 recites an “event nodes server” within a multi-dimensional personal information network (*i.e.*, an N-dimensional social network) corresponding to an event node. The Petition fails to demonstrate that either Wong (U.S. Publication No. 2008/0103784) or Gogic (U.S. Patent No. 8,103,300) disclose or suggest an “event node server.” The combination of Wong and Gogic, therefore, cannot render the challenged claims invalid and unpatentable.

Petitioner acknowledges that “Wong describes four exemplary ‘main node types’—people, places, objects, animals.” Petition, at 53. Petitioner, therefore, does not rely on the teachings of Wong to establish the presence of an “event node” or an “event node server” hosting such a node within a N-dimensional social network.

Rather, Petitioner relies on the initiation of the ad-hoc communication group detailed in FIG. 4 (reproduced below) of Gogic. Petition, at 53.

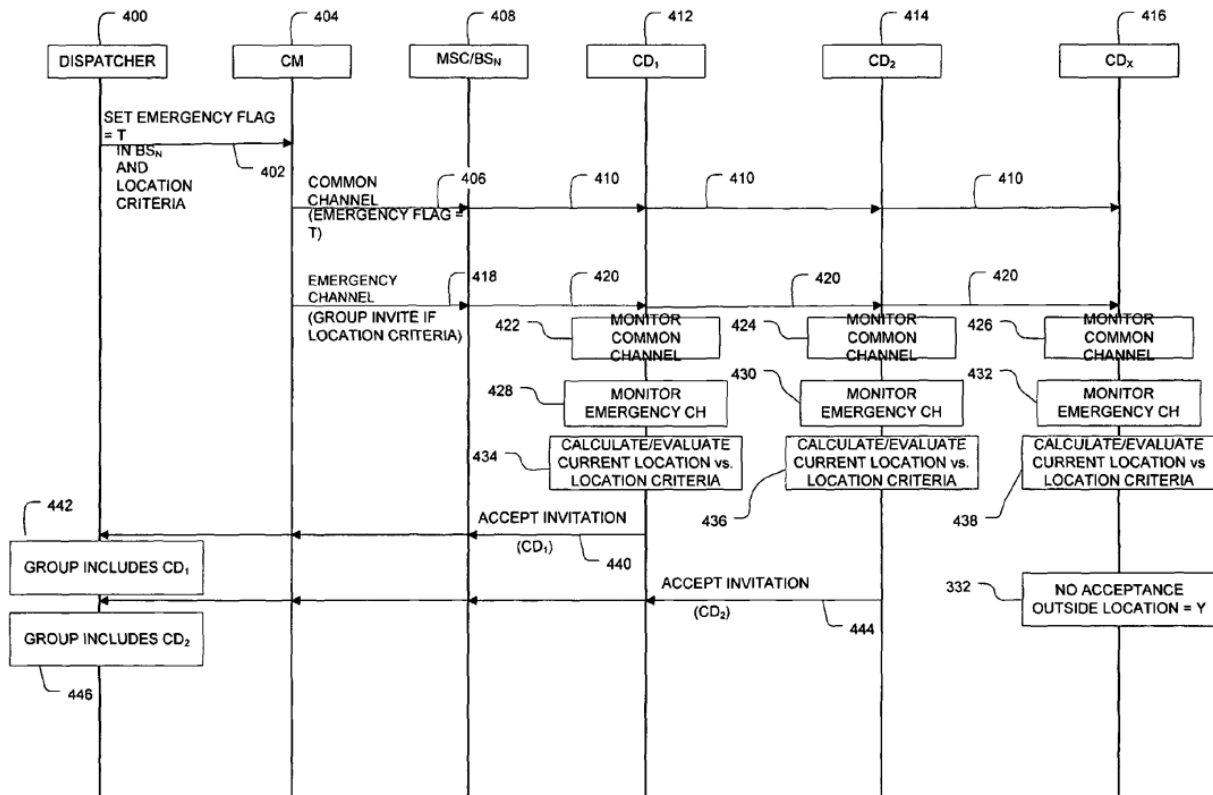


FIG. 4

The participants of the ad-hoc communication group created according to FIG. 4 of Gogic do not include an “event node corresponding to the situation” as in claims 1 and 20. Rather the ad-hoc communication group includes a dispatcher 400 who “identifies the occurrence or presence of an event or condition wherein communications between proximately located users could be beneficial” and “requests 402 the setting of an emergency flag in a commonly monitored channel (‘common channel’) such as a paging or broadcast channel that is regularly monitored by CDs [(communication devices)] located in the area of interest.” Gogic,

10:19-25. After requesting the formation of an ad-hoc communication group, the dispatcher 400 “accept[s] 444 the invitation which is relayed back to dispatcher 400 through CM404” and “amends 446 the group list to include CD 414 as a confirmed member of the group.” Gogic, 11:6-9. The dispatcher, therefore, is the individual organizing the ad-hoc communication group, and not the event or situation causing the group’s formation.

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

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

The MSC/BS is likewise not an event node, but rather the infrastructure underlying the ad-hoc communication group. “A mobile switching center (MSC) 220 comprises a well-known Inter Working Function (IWF) (not shown) for processing data packets, including the request, between MSC 220 and data network 214. MSC 220 is typically a packet switch, designed to route data packets in accordance with Internet Protocol (IP).” Gogic, 8:14-20. Thus, the MSC/BSN provides transmissions to the users’ communication devices. For instance, “the MSC/BSN 408 to transmit a set emergency flag on a common channel in at least an area serviced by a specific base station, designated herein as BS 408, that services the area surrounding the desired location of users to be included within the ad-hoc group.” Gogic, 10:37-42. Providing the infrastructure necessary for communication and transmission, the MSC/BSN is the network itself, and thus not an “event node” on the network corresponding to the underlying situation, nor a server hosting such node.

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

node.” As neither Wong nor Gogic disclose a network comprising an “event node” corresponding to a situation or event, both necessarily fail to disclose or suggest an “event node server” hosting an “event node.” The combined teachings of Wong and Gogic, consequently, fail to invalidate claims 1-4, 6, 8-18 and 20.

Despite failing to identify any disclosure or suggestion of an “event node” hosted by an “event node server” with the teachings Wong and Gogic, the Petitioner asserts, “Based on these teachings of Gogic—and because, in Wong, communication happens between nodes, EX1006, ¶44—a POSA would have recognized that a new node (i.e., an event node) related to the identified event or condition (i.e., a situation) would be useful in Wong’s social network to facilitate communication related to the event or condition.” Petition, at 53. No logic, reason, or underlying rationale is provided for this conclusionary statement. Instead, the Petitioner cites paragraphs 177-178 of the Declaration of Jeremy Cooperstock, Ph.D. (Exhibit 1003). These paragraphs, however, merely repeat the conclusionary statement without offering any logic, reason, or rationale. Unsupported conclusionary statements cannot overcome the clear failure of Wong and Gogic to disclose or suggest an “event node” hosted by an “event node server.”

With respect to Wong/Gogic combination, Dr. Cooperstock described that he “ha[d]n’t offered any explicit discussion...” as to whether, as of the date of the disclosures, a person of ordinary skill in the art would use a cell phone to navigate

a social network.” Ex. 2010 (Cooperstock Dep. Tr.), at pp. 62-63. He went on to admit that he was not a POSITA as of that time frame because his “own personal experience with social networks post dates the arrival of [s]martphones, so [he was] not – [] not really in a position to be able to opine on whether users would interact with social networks in the era described by Gojek[sic] or when Gojek’s[sic] provisional ... from 2005 was filed.” *Id.*

As Wong and Gogic both fail to disclose or suggest an “event node” and an “event node server”, the Petition fails to establish the combination of Wong and Gogic invalidates claims 1-4, 6, 8-18 and 20.

2. Gogic and Wong Are Incompatible, and a POSITA Would Not Combine Them

A POSITA would not have been motivated to combine Gogic with Wong as such combination would have been technically infeasible. See Ex. 2009 (Rubin Decl.), ¶86. The disclosures of Gogic are a method and apparatus for forming an ad-hoc location-based multicast group. This is accomplished via leveraging signaling protocols used in telecommunications networks. Specifically, the teachings provided in Gogic are presented with respect to CDMA networks (one of the two most widely deployed 2G cellular technology standards). Gogic also describes that though it is presented with respect to CDMA networks, its teachings can also be applicable to GSM systems (the other widely deployed 2G cellular technology standard), AMPS systems (widely deployed 1G cellular technology standard that was entirely analog),

TDMA systems (includes GSM and various other wireless communication technologies), and satellite communication systems. Gogic at ¶ 4:40-46. All of the listed technologies are *wireless network technologies*. At the time of invention, and in accordance with the technologies listed, these wireless technologies incorporated traditional wireless communication technologies such as circuit-switched networking and traditional telecommunication signaling protocols (e.g., SS7). Moreover, with respect to AMPS, the network technology was entirely analog.

Though Gogic claims that devices used in IP-based packet-switched networking environments (e.g., desktop computers) can be incorporated into the network, it would be entirely unclear to a POSITA from the patent disclosures how that would be accomplished and what role the device would play. . See Ex. 2009 (Rubin Decl.), ¶87. Gogic requires that location criteria be used to determine which devices have access to ad-hoc networks but does not explicitly define "location criteria". However, from the descriptions and figures provided in Gogic it would suggest that location is determined via technologies specific to wireless networks and telecommunications, such as via mobility management (e.g., which base station a device is connected to in a network). *Id.* The claims also reflect the requirement of telecommunication technologies such as leveraging a paging channel and/or an emergency communication channel. This, in addition to all independent claims requiring a “group of a plurality of wireless communication devices,” suggests that devices used in IP-based packet-

switched networking environments would not have the same role. *Id.* Further, even if devices used in IP-based packet-switched networking environments did have the same role, it would not be clear to a POSITA how such a device would be able to participate in the network analogous to the wireless communication devices and/or how location criteria would be obtained without leveraging wireless network technologies. *Id.*

Despite Wong claiming that the patent teachings can be applied to "mobile telephones" (Wong at ¶17, ¶42), the devices are required to have access via the same computer network. These two paragraphs in Wong are the only mention of cellular network technologies in the patent and provide no details on how to incorporate "mobile telephones", which cellular network technologies are supported, and how they could be incorporated into the teachings. Additionally, the claims of the patent do not have any mention of "mobile telephones" or any wireless/cellular communication network outside of a traditional computing device using Wi-Fi. Thus, it would have been entirely unclear to a POSITA from a technical perspective how to incorporate a cellular-connected mobile device into Wong's teachings. Ex. 2009 (Rubin Decl.), ¶88.

Even in the case where a POSITA is familiar with the GPRS cellular technology, this would not remedy the lack of motivation to combine Gogic and Wong from a technical perspective. The General Packet Radio Service (GPRS) was an upgrade to traditional 2G GSM networks that allowed for packet-based communication and began being deployed in 2000. Ex. 2009 (Rubin Decl.), ¶89. While revolutionary, the use

of GPRS at the time of invention was limited due to the user perception regarding the high costs. *Id.* In addition, the bandwidth of GPRS was limited even at the time of both patents' invention, including the enhanced version of GPRS called EDGE. *Id.* Additionally, while GPRS does allow for communication between traditional cellular technologies and the IP-based Internet, this alone would still not remedy the lack of information regarding how to incorporate IP-based devices into Gogic and cellular/wireless devices into Wong. *Id.*

Further, a POSITA would have understood that the social network described in Wong would not be possible to be added to Gogic. Ex. 2009 (Rubin Decl.), ¶90; *accord* Ex. 200X (Cooperstock Dep. Tr.), at pp. 62-63 This is because IP-based network access via cellular network-connected devices was both limited and costly at the time of invention. Ex. 2009 (Rubin Decl.), ¶90. While the use of social media by a non-smartphone (also called feature phones) could have been achieved from a technical standpoint with the use of GPRS, this would not have seen much, if any, use due to usability issues. *Id.* As such, the use of social networking by feature phones at the time of invention would have been entirely nonobvious to a POSITA. *Id.*; *accord* Ex. 200X (Cooperstock Dep. Tr.), at pp. 62-63.

In addition, Gogic supports various wireless networking technologies including AMPS which did not have support for cellular to IP-based communication and could not be achieved due to the analog nature of AMPS. Ex. 2009 (Rubin Decl.), ¶90. Thus,

the support by Gogic for wireless technologies that do not have any means of communicating with IP-based networks would further indicate to a POSITA that the combination of Gogic and Wong would be technically infeasible, regardless of prerequisite knowledge of GRPS. *Id.*

IV. CONCLUSION

The Petition fails to render the challenged claims invalid and unpatentable. Therefore, the Board should uphold the validity and patentability of claims 1-16.

Dated: December 4, 2024

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

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

Dated: December 4, 2024

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

Under the provisions of 37 C.F.R. § 42.24, the undersigned hereby certifies that word count for the foregoing Patent Owner Response (excluding the table of contents, certificate of service, word count, or listing of exhibits) total 4,697 words, which is less than the 14,000 words allowed under 37 C.F.R. § 42.24(b)(1).

Dated: December 4, 2024

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