

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 OPPOSITION TO
PATENT OWNER'S CONTINGENT MOTION TO AMEND**

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PETITIONER’S EXHIBIT LIST

Exhibit No.	Description
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)
1020	Transcript of the Deposition of Aviel D. Rubin, Ph.D., February 7, 2025
1021	Declaration of Dr. Jeremy Cooperstock in Support of Petitioner's Reply to Patent Owner's Response and in Support of Petitioner's Opposition to Patent Owner's Contingent Motion to Amend
1022	U.S. Patent No. 7,747,648 to Kraft et al. ("Kraft")
1023	Order on Motion to Dismiss, <i>SitNet LLC v. Meta Platforms, Inc.</i> , SDNY-1-23-cv-06389 (March 19, 2024)

I. INTRODUCTION

The Petition shows that all claims of the '454 patent would have been obvious. Recognizing the deficiencies in those claims, SitNet seeks to amend original independent claim 10 by adding an express recitation of an “event node.”

But this proposed amendment cannot salvage the '454 patent for three reasons. *First*, the substitute claims merely recite conventional networking components that do nothing more than receive and manipulate data. These claims are therefore patent ineligible under 35 U.S.C. § 101 as the Federal Circuit has held in a long line of cases. *Second*, the proposed substitute claims are obvious for the same reasons as set forth in the Petition because, as SitNet admits, the proposed amendment merely “brings claim 21 in line with independent claims 1 and 20,” MTA, 12, and, therefore, adds nothing new. And, *third*, even under SitNet’s impermissibly narrow proposed construction of “event node,” the claims also are unpatentable in view of Amidon-Kraft and Wong-Gogic-Kraft.

Thus, SitNet’s motion to amend the '454 patent should be denied.

II. CLAIM CONSTRUCTION – EVENT NODE

As SitNet concedes, the District Court determined that the term “event node” needs no construction. EX2007, 5-6; POR, 3. SitNet argues, nonetheless, that an “event node” should be construed as “a node within an NDSN providing up-to-date information regarding an event or situation via peer-to-peer

communication with other nodes.” POR, 6; *see* MTA, 16 (applying this construction).¹

SitNet’s proposed construction should be rejected for two reasons. *See* Reply, 2-5 (Section II). *First*, as explained in Petitioner’s Reply, SitNet’s construction improperly imports optional limitations from the specification. *See* EX1001, 7:42-51 (“In the context of the NDSN, ... *[f]or example*, an entity ... establishes an event node in an NDSN that propagates up-to-date information on the situation.”). Dr. Rubin confirmed that the ’454 patent does not provide a definition for “node” different from its plain an ordinary meaning.² EX1020, 44:11-45:18. *Second*, SitNet’s proposed construction is inconsistent with other embodiments in the specification and its own expert’s testimony. For example, the ’454 patent says, “[n]otifications may be distributed in the SitNet 300 using [] peer

¹ SitNet does not explicitly address the construction of “event node” in its Motion to Amend. SitNet’s arguments, however, are premised on the construction for “event node” set forth in the PO Response. *See* POR, 3-6.

² Petitioner notes that SitNet has not relied on Dr. Rubin’s testimony in support of its Motion to Amend. However, even if the Board relies on Dr. Rubin’s testimony cited in the PO Response, the substitute claims are unpatentable for the reasons discussed herein.

to peer connections, *or* through connections to a centralize[d] service.” EX1001, 30:36-38, *also* 19:52-20:19, 21:53-64. Dr. Rubin’s description of a “node” likewise does not include any requirement for communication, but rather is “an object that has attributes defining the node.” EX2009, ¶34; EX1020, 25:19-28:19 (confirming his understanding of “node” applies to the ’454 patent), 32:17-33:7 (explaining that “objects” are simply data structures). *See also* EX1021, ¶¶6-13.

Regardless, even under SitNet’s narrow construction, SitNet’s motion to amend should be denied because, as explained below, the proposed amended claims are patent ineligible under § 101 and obvious under § 103.

III. PATENT INELIGIBILITY UNDER 35 U.S.C. § 101

The substitute claims recite nothing but patent-ineligible subject matter. Determining patent eligibility is a two-step test. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). The first step examines whether the claims are directed to an abstract idea. *Id.* at 220. If so, the second step “examine[s] the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Id.* at 221 (quoting *Mayo Collaborative Services v. Prometheus Labs., Inc.*, 566 U.S. 66, 72, 80 (2012)). As explained below, the substitute claims fail

both steps of *Alice* and are therefore unpatentable under § 101.³

A. Alice Step One: The substitute claims are directed to the abstract idea of establishing a connection in response to an invitation.

Substitute claim 21 is representative.⁴ It is directed to *collecting* data (“receiving . . . an invitation to establish a link” and “receiving information about the situation”), *transmitting* a response to that data (“transmitting a response accepting the invitation”), and *providing a result* (“establishing a link with the event node”). MTA, App’x A. Each of these steps comprises nothing more than

³ Meta raised patent ineligibility of the ’454 patent in a motion to dismiss in the district court. EX1023, 1. The court concluded that the ’454 claims “might also be directed to [an] abstract idea” under *Alice* step one. *Id.*, 5. But, the court declined to hold those claims unpatentable under *Alice* step two because “plausible factual disputes” precluded such a determination at the motion-to-dismiss stage. *Id.*, 6-7. No such factual disputes are present here. Thus, as explained below, the substitute claims of the ’454 patent are unpatentable under § 101.

⁴ “Courts may treat a claim as representative in certain situations, such as if the patentee does not present any meaningful argument for the distinctive significance of any claim limitations not found in the representative claim or if the parties agree to treat a claim as representative.” *Berkheimer v. HP, Inc.*, 881 F.3d 1360, 1365 (Fed. Cir. 2018).

routine data manipulation.

The Federal Circuit has consistently held such data manipulation to be abstract. For example, in *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355 (Fed. Cir. 2023), claims for “creating a poll-based network” were “focused on ‘collecting information, analyzing it, and displaying certain results,’ which place[d] them in the ‘familiar class of claims “directed to” a patent-ineligible concept.’” 72 F.4th at 1362 (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016)). Similarly, in *Sanderling Mgmt. Ltd. v. Snap Inc.*, 65 F.4th 698 (Fed. Cir. 2023), claims for “distributing a digital image processing function” were directed to the “distribution of information,” which “is an abstract idea.” 65 F.4th at 703. And, finally, in *Chamberlain Grp., Inc. v. Techtronic Inds. Co.*, 935 F.3d 1341 (Fed. Cir. 2019), claims for operating a “movable barrier,” e.g., a garage door, were directed to an abstract idea of “wirelessly communicating status information.” 935 F.3d at 1345, 1348.

The same conclusion is appropriate here. Like the claims in *Trinity*, *Sanderling*, and *Chamberlain*, substitute claim 21 merely recites the manipulation of data—i.e., establishing a link based on a received and acknowledged invitation. In fact, substitute claim 21 is even more abstract than the claims in *Trinity*, *Sanderling*, and *Chamberlain*. At least those claims culminated in the display or transmission of useful information. *Trinity*, 72 F.4th at 1359 (“displaying to the

user the user profiles”); *Sanderling*, 65 F.4th at 703 (“automatically forwarding . . . at least one digital image processing function”); *Chamberlain*, 935 F.3d at 1345 (“transmit[ing] a status condition signal”). Here, in contrast, substitute claim 21 merely receives more “information” after “establishing” the link, which SitNet’s expert admits is merely the manipulation of data. EX1020, 61:22-62:7.

In fact, SitNet’s expert admitted that every single step of claim 10 merely manipulates or receives data. EX1020, 59:16-62:7. He also conceded that the “event node” and “event node server”—which SitNet seeks to add in substitute claim 21—amounts to nothing more than “manipulating data somehow to make [the] attributes” that define the event node. EX1020, 59:9-15. “In a long line of cases, the Federal Circuit has held that ‘collecting information, analyzing it, and displaying certain results’”—like substitute claim 21 here—“is a patent-ineligible abstract idea.” EX1023, 4 (citing *Trinity*, 72 F.4th at 1362).

To be sure, a computer-related invention could be non-abstract if it were accomplished by “a specific technique that departs from earlier approaches to solve a specific computer problem.” *Ancora Techs., Inc. v. HTC Am., Inc.*, 908 F.3d 1343, 1348 (Fed. Cir. 2018) (cleaned up). For example, in *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016), claims to “a *self-referential* table for a computer database” were patent eligible because those claims were “directed to an improvement in the functioning of a computer.” 822 F.3d at 1337, 1338.

Substitute claim 21, in contrast, provides no technological improvement to the claimed network. Instead, the specification of the '454 patent confirms that: (i) the “nodes” of the claimed “situational network” “may be implemented using a wide variety of available hardware and technologies generally known in the art,” EX1001, 15:17-20; (ii) the “interconnect[ions]” or “links” between those nodes may use “a wide variety of available hardware and technologies generally known in the art,” *id.*, 15:21-24; and (iii) the “attributes” that define those nodes may be implemented with “numerous well-known software and hardware technologies,” *id.*, 16:6-7. Claiming such “functions in general terms, without limiting them to technical means for performing the functions that are arguably an advance, does not make a claim eligible at step one.” *Ericsson Inc. v. TCL Commc'ns Tech. Holdings Ltd.*, 955 F.3d 1317, 1328 (Fed. Cir. 2020) (cleaned up).

Substitute claim 21's recitation of “an event node server” in a social network, moreover, does not nudge it from the abstract to the concrete. For example, in *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759 (Fed. Cir. 2019), the Federal Circuit held that claims directed to remote server communications through a wide area network were directed to an abstract idea. *Id.* at 766-69. Such claims were abstract even though they were associated with a physical device, such as an electric vehicle charging station. *Id.* at 770, 772-73. Like the claims in *ChargePoint*, the “event node server” in substitute claim 21

merely comprises generic “networking capabilities” that amounts to nothing more than the “abstract idea of communication over a network.” *Id.* at 767-71.

Thus, substitute claim 21 is directed to an abstract idea under *Alice* step one.

Additionally, under the USPTO’s Section 101 Guidance, the substitute claims recite a judicial exception that is not integrated into a practical application. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Revised Guidance”); *ProFrac Holding Corp. v. Halliburton Energy Servs., Inc.*, PGR2023-00023, Paper 26 (October 29, 2024). Under Step 2A, Prong One, the substitute claims describe a mental process as well as a method of organizing human activity. For example, “receiving information about the situation” can be performed in the human mind. Further, under Step 2A, Prong Two, this judicial exception is not integrated into a practical application. For example, the generic distribution of information over a social network may link the judicial exception to a technical field but does not add any “meaningful limitation to the claim,” and therefore does not integrate the exception into a practical application. *ProFrac*, PGR2023-00023, Paper 26 at 12, 15; 2019 Revised Guidance, 84 Fed. Reg. at 54–55; MPEP, 2106.04(d), 2106.05(e). Thus, under the USPTO’s Step 1, Prong One and Prong Two analysis, the claims are directed to an abstract idea (i.e., establishing a connection in response to an invitation).

B. Alice Step Two: The substitute claims implement the abstract idea using conventional networking technology and thus lack an inventive concept.

Substitute claim 21 also fails *Alice* step two because it provides no inventive concept beyond the abstract idea itself. *See* EX1021, ¶¶34-43.

The claimed “receiving” and “transmitting” steps are not inventive. The ’454 patent does not describe any unusual or unconventional manner for receiving and transmitting the claimed data, and, in any event, “sending” and “receiving” data over a network is “not even arguably inventive.” *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014). The patents explain, moreover, that the entities sending and receiving the data can use “devices generally known to those skilled in the art,” such as “cell phones, PDA’s, personal computers, network servers, PVR’s,” or “in-vehicle and portable navigation systems.” EX1001, 4:26-30. Such devices are “indisputably generic computer components.” *Prism Techs. LLC v. T-Mobile USA, Inc.*, 696 F. App’x 1014, 1017 (Fed. Cir. 2017); *Universal Secure Registry LLC v. Apple Inc.*, 10 F.4th 1342, 1355 (Fed. Cir. 2021).

The claimed “establishing a link” step is likewise not inventive. The specification explains that the claimed “link[s]” in a “multi-dimensional personal information network” are implemented using “available hardware and technologies generally known in the art.” EX1001, 15:17-25; EX1020, 60:21-61:4 (conceding that “a multidimensional personal information network” is no “different than a

social network”). The “invocation of computers and networks that are not even arguably inventive” is “insufficient to pass the test of an inventive concept.” *Trinity*, 72 F.4th at 1366-67 (cleaned up).

The claim limitations also do not provide an inventive concept when considered as an ordered combination because the claimed steps represent an intuitive and conventional process. An “invitation” cannot be accepted until it is received; a “link” cannot be established until the invitation is accepted; and information cannot be received over the link until that link has been established. *See Boom! Payments, Inc. v. Stripe, Inc.*, 839 F. App’x 528, 533 (Fed. Cir. 2021) (“[T]he order and timing of the claim elements are merely the necessary steps of executing payment escrow and so do not constitute an inventive concept.”). The components for performing these functions, moreover, are arranged in a conventional architecture—the ’454 patent does not suggest otherwise.

The district court concluded that the formation of a projection created “‘plausible factual disputes’ over inventiveness,” which precluded a finding of patent ineligibility at the motion-to-dismiss stage. EX1023, 7. But no such factual disputes exist here. Indeed, SitNet’s expert admitted (i) that a projection is merely a “subset[] of connections” within a social network and (ii) that the ’454 patent “did not invent the concept of a social network” or “any type of new technology” that “would be needed for two users to communicate over a social network.”

EX1020, 25:14-18, 27:14-17, 43:6-11. Using conventional components to send information to a generic “participant device” does not provide an inventive concept. *Elec. Power*, 830 F.3d at 1355.

In sum, representative substitute claim 21 performs routine data manipulation without requiring “a new source or type of information,” “new techniques for analyzing it,” or “any nonconventional computer.” *Elec. Power*, 830 F.3d at 1355 (cleaned up). Accordingly, the substitute claims do not provide an inventive concept under *Alice* step two and are thus unpatentable under § 101.

IV. UNPATENTABILITY UNDER 35 U.S.C. § 103

A. Ground 1: Proposed claims 21-28 and 30 would have been obvious in view of Amidon.

1. Independent Claim 21 (Substitute for Claim 10)

Proposed independent claim 21 adds to claim 10 an express recitation of an “event node in the multi-dimensional personal information network, said event node hosted by an event node server.” MTA, App’x A, Claim 21. SitNet admits that “[t]he inclusion of an ‘event node’ brings claim 21 in line with independent claims 1 and 20.” MTA, 12; *see also id.*, 5 (“This limitation [of claim 10] is similar to independent claim 1”). Thus, Amidon renders obvious proposed claim 21 for the same reasons as discussed for claims 1, 10, and 20 in the Petition. Pet., 10-29, 36-37, 43-44; EX1003, ¶¶48-56, 63-103, 130-134, 158-161; *see* EX1021, ¶¶44-53.

In support of the amended claims, SitNet argues that Amidon’s conference is

simply a meeting, and that a group of individuals in communication cannot be a node because the conferences do not include as a participant the situation or event underlying the conference. SitNet is wrong for two reasons. *First*, SitNet’s arguments are premised on a mischaracterization or misunderstanding of Petitioner’s position. *Second*, SitNet’s argument hinges on an impermissibly narrow construction of “event node.”

a. SitNet’s arguments that Amidon’s conference is not an event node mischaracterize Petitioner’s position and hinge on an improperly narrow construction.

SitNet contends “a conference cannot be a node, let alone an event node.”

MTA, 13. As support, SitNet cites to a generic dictionary definition of “conference” as a “meeting,” arguing that a conference is, thus, “a group of individuals communicating with one another.” *Id.* But SitNet’s reliance on a generic dictionary definition of “conference” to characterize Amidon’s teachings is misplaced. Amidon’s “conference” is not simply a meeting. It is implemented on a computer and is based on the underlying social network. *See* EX1005, 3:16-39, 7:56-61, 9:9-22, 16:65-19:3. And data defining the conference—including a participant list, a conference ID, and message information—is stored in, for example, the database of Figure 3. EX1005, 3:37-39, 15:6-26, FIG. 3. Thus, contrary to SitNet’s position, MTA, 14, Amidon’s conference is not simply a group of individuals communicating with one another. Rather, Amidon’s conference, like

the '454 patent's event node, includes stored attributes that define the conference and connects users in communication about the event or situation. *See* EX1001, 30:39-61; EX1005, 16:65-18:50, FIG. 4; EX1018, ¶17; EX1021, ¶15.

SitNet further contends that Amidon's "social networking conference is nothing more than individuals communicating with one another in a conference group chat." MTA, 14. Pointing to the "display of social network conference group 201" in Amidon's Figures 4 and 5, SitNet argues that because "the conference merely comprises members, it is nothing more than an online meeting of individual users." MTA, 15; EX1005, 17:7-10. But, as the Petition explains, Amidon's conference is defined by more than just its membership list. *See* Pet., 19-22; EX1003, ¶¶76-79. Rather, data defining the conference may also include, e.g., a conference ID and message information. EX1005, 3:37-39, 15:6-26, FIG. 3. And to be clear, Amidon's Figures 4 and 5 depict the *user interface* by which a user may access the communications occurring within the conference, but this user interface is not itself the conference. Pet., 19-20; EX1003, ¶¶75-77.

SitNet continues, "Amidon's conference is [] merely group of individual members in communication," and contends that a "group of individuals cannot be a node, let alone an 'event node.'" MTA, 16. But Petitioner does not rely on the group of individuals participating in Amidon's conference as teaching the event node. Rather, the conference itself (as defined by the stored data and accessible via

window 200) is the claimed event node. *See* Pet., 20; EX1003, ¶¶77-78. In

Amidon, each of the participants is included in a list of users as part of the stored data defining the conference. EX1005, 15:6-17. In this way the conference is a “node,” because it “store[s] and manage[s] [its] profile and relationships with other users of the [social network],” as a node is broadly described in the ’454 patent. EX1001, 14:62-64. This is consistent with Dr. Rubin’s understanding of a “node” as well. *See* EX2009, ¶34. According to Dr. Rubin, a node is simply a logical construct—i.e., a collection of attributes that define an “object.” EX1020, 27:18-28:19. In fact, Dr. Rubin confirmed that a “node” is “a data structure that includes attributes that define it.” EX1020, 61:5-8. Amidon’s social network conference meets Dr. Rubin’s interpretation of a “*node*.” EX1021, ¶¶16-17.

Further, relying on its impermissibly narrow construction of event node (with an alleged requirement for peer-to-peer communication between the event node and other nodes), SitNet argues “an event node would be an element *within* a conference, but *not* a conference.” MTA, 16 (emphasis SitNet’s). But the ’454 patent includes embodiments in which users share information related to the situation directly with other users, even when an event node is present. EX1001, 19:52-20:19; 21:53-64; 30:36-38. In other words, the claimed event node may, but *is not required* to, provide peer-to-peer communication with users. EX1021, ¶18.

Further, Amidon’s conference need not include a node corresponding to the

situation because Amidon's conference *is* the event node. EX1018, ¶17; EX1021, ¶19. As the Board recognized at institution, the '454 patent allows for the situation to be *associated with* a node—the situation or event does not have to *be* the node, which SitNet's theory implies. Inst. Dec., 15 (citing EX1001, 7:44-45).

This is consistent with other 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.

Amidon-971, which was "incorporated by reference for all purposes" into Amidon,⁵ EX1005, 7:27-34, confirms that users in the conference are connected to social network circuit server (i.e., the event node server). In particular, Amidon-971 explains that Amidon's server "may be implemented as more or fewer

⁵ U.S. Patent No. 7,801,971 (EX1008) issued from 11/526,955, which is "incorporated by reference for all purposes" into Amidon. EX1005, 7:27-34.

physical or logical units [than a single server]” or the functionality thereof “may be distributed across a plurality of networked servers or even to supernodes within the social network.” EX1008, 8:47-52, 12:46-63, FIG. 5; EX1021, ¶20.

For these reasons, SitNet’s arguments are unavailing, and Amidon’s conference teaches the claimed event node.

b. SitNet’s arguments regarding Amidon’s database are again premised on its improper construction, and, in any case, Amidon discloses such an “event node.”

Relying again on its improper construction of “event node,” SitNet argues that Amidon’s Figure 3 disclosure of a relational database is not the claimed “event node” because it does not “communicate[] information regarding a situation in a peer-to-peer fashion with other nodes,” and because it “fails to include a database record for the situation underlying the conference.” MTA, 16-18.

But the claimed “event node” does not require any communication by the event node, as SitNet contends. As previously explained, the situation/event need not be a participant in the conference. Contrary to SitNet’s assertion, a “database record defining the situation” is not required. MTA, 18. This is consistent with the district court’s discussion—i.e., that the “claims clarify that ‘the event node correspond[s] to a situation.’” EX2007, 5-6. Unlike claims 1 and 20, proposed claim 21 does not even include the requirement that the event node “correspond[s] to a situation.” In any event, as explained in the Petition, Amidon’s conference

(i.e., the event node) “corresponds to the situation” because it is created in response to the detection thereof. *See* Pet., 22-23; EX1003, ¶¶84-85; EX1021, ¶21.

Further, even if a database record is required, Amidon’s “conference ID” identifies the conference. EX1005, 15:6-17; EX1018, ¶18; EX1021, ¶22. As illustrated in Figures 4 and 5, “[t]itle bar 202 provides a description of the presently-selected conference (‘Game Conversation’),” indicating that this information must be stored in the database record. EX1005, 16:65-17:7; EX1018, ¶18; *see also* EX1008, 10:42-51 (expressly teaching that “a record may be maintained for each social network circuit based on a unique identifier”).

Thus, for the reasons set forth in the Petition and the additional reasons discussed above, Amidon renders obvious proposed substitute claim 21.

2. Dependent claims 22-28 and 30 (substitutes for claims 11-17 and 19)

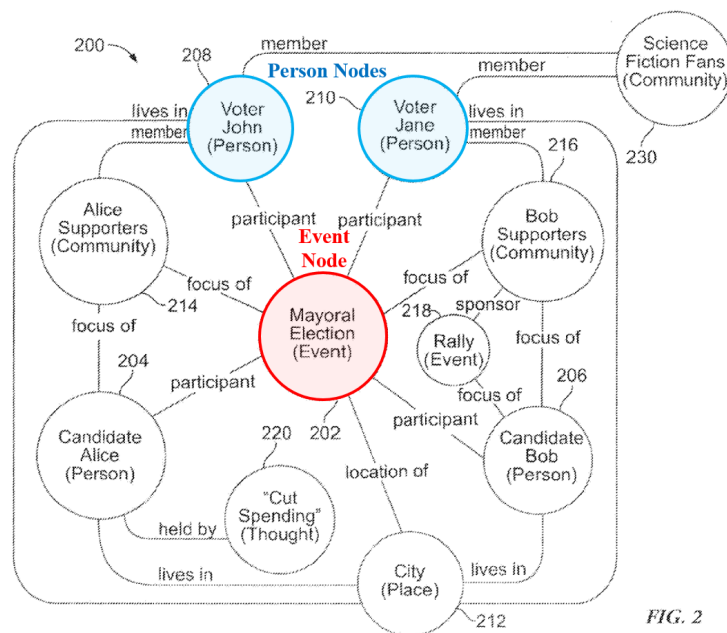
The amendments to substitute dependent claims 22-28 and 30 simply update their dependencies. *See* MTA, App’x A. Claims 22-28 and 30 are thus obvious over Amidon for the same reasons set forth in the Petition for respective claims 11-17 and 19. *See* Pet., 37-43; EX1003, ¶¶135-157; EX1021, ¶¶44, 54-61.

B. Ground 2: Proposed claims 21-28 and 30 would have been obvious in view of Amidon and Kraft.

Even under SitNet’s impermissibly narrow construction of “event node,” requiring that “an event node is [a] node communicating information regarding a

situation in a peer-to-peer fashion,” and the event node to be “an element *within* a conference,” MTA, 16, the combination of Amidon and Kraft (EX1022) renders obvious SitNet’s proposed amendments to claim 21. EX1021, ¶62.

Kraft is directed to “systems and methods for information retrieval and communication using a world model.” EX1022, 2:35-37. “The world model is made up of *interrelated entity models*, where each entity model corresponds to an entity (or abstraction) in the real world, such as a person, place, business, other tangible thing, community, *event*, or thought.” *Id.*, 2:37-41, 8:28-31. Kraft’s “world model can include features of a conventional social network” but “allows other types of entities, not just users, to be included as full participants in the network.” *Id.*, 10:25-30. An example “world model” is illustrated in Figure 2 of Kraft. *Id.*, 8:35-38; EX1021, ¶63.



EX1022, FIG. 2 (annotated); EX1021, ¶63.

As illustrated in Figure 2, “*Node 202 represents the event*, in this example a mayoral election,” and “[o]ther participants in the election include voter Joe (node 208) and voter Jane (node 210).” EX1022, 8:39-44. Kraft explains, “[e]ach entity model is advantageously implemented as a data structure that *provides access to information about a real-world entity that the node represents.*” *Id.*, 8:26-28. And the “types of information that may be contained in an entity model include ... *text or media content related to the corresponding entity.*” *Id.*, 3:18-24; EX1021, ¶64.

Kraft further explains, a “user request may include a search query specifying a property for the information contained in the entity models.” EX1022, 2:67-3:2, 9:33-36 (a “user can also send a message to a non-person entity; for example, the user might send a message to the election (node 202).”). “A world server receives a request from a querying user for an entity model,” and “[t]he world server *returns the information contained in the requested entity model.*” *Id.*, 3:52-55. In other words, Kraft teaches that a user can query an event node, which, in response to the query, returns information, e.g., “text or media content,” *id.*, 3:18-24, related to the event. And because Kraft’s techniques “enable[] authorized users to update the world model,” the information contained in an event node can remain up-to-date. EX1022, 6:54-57; EX1021, ¶65.

In this manner, Kraft teaches “an event node” (Kraft’s mayoral election node 202) “in the multi-dimensional personal information network” and “establish[ing]

a link” between a “first device corresponding to a node in [the] multi-dimensional personal information network” (person nodes 208 and 210) and “the event node.” And a POSA would have understood that Kraft’s “world server” is an “event node server,” as recited in claim 21, because it allows users to connect to Kraft’s entity models. That is, Kraft’s “world server” receives queries for the event node and returns information contained in the event node. EX1021, ¶66.

A POSA would have been motivated to combine Kraft’s techniques with Amidon to allow users to obtain up-to-date information regarding an event from within a conference. EX1021, ¶67. Amidon provides “systems and methods for users to conduct online conferences based on underlying social network structures.” EX1005, 2:54-56. But Amidon explains that “[t]he term ‘user’ is meant to broadly include not only an individual, but *also other entities*, such as groups of individuals and organizations when treatable as a single unit.” *Id.*, 5:3-8. Thus, similar to Kraft, Amidon envisions nodes within a conference representing individuals and “other entities,” *id.*, but Amidon does not explicitly provide implementation details about those other entities. Kraft does. EX1021, ¶67.

In the combined system of Amidon-Kraft, a POSA would have been motivated to establish and include an “event node” as a participant within a conference. In Kraft’s example of a mayoral election, for instance, a conference amongst users would include an entity representing the election. In such a case, the

information contained within the election entity (e.g., “text or media content,” EX1022, 3:18-24) could be queried by and returned to users within the conference, just as messages between individuals would be exchanged, i.e., using direct links 106, 108 or routed via Amidon’s messaging server 14 using links 114, EX1005, 8:49-55, 22:41-47, FIG. 2. And because the information contained within the election entity can be modified by “authorized users,” a POSA would have recognized that the election entity would propagate up-to-date information regarding the event to users within the conference, in line with SitNet’s narrow construction of “event node.” EX1021, ¶68.

A POSA would have further understood that Kraft’s “event node” would be established within the context of Amidon’s social network, i.e., “within the multi-dimensional personal information network.” For example, Kraft discloses that its “world model” entities are stored in a “world model data store,” and that the “world model can include features of a conventional social network.” EX1022, 6:33-35, 10:25-30. Amidon similarly discloses storing “social network data in one or more stores,” including “social network users, characteristics for each user (profile information, etc.), relationships between each user, and privacy, informational, and system parameter settings for each user.” EX1005, 9:23-30. A POSA would have had a reasonable expectation of success, encountering no technical hurdles, in storing entities representing events in Amidon’s social

network data stores. Amidon's messaging server would then have access to the information associated with event entities included in a conference via Amidon's social network server, as shown in Amidon's Figure 2, for distribution to querying users. EX1021, ¶69.

Accordingly, the combination of Amidon and Kraft renders obvious "an event node in the multi-dimensional personal information network, said event node hosted by an event node server," as recited in substitute claim 21. EX1021, ¶70.

C. Ground 3: Proposed claims 21-29 would have been obvious over the Wong-Gogic combination.

1. Independent claim 21 (substitute for claim 10)

As noted above, SitNet admits that "[t]he inclusion of an 'event node' brings claim 21 in line with independent claims 1 and 20." MTA, 12; *see also id.*, 5 ("This limitation [of claim 10] is similar to independent claim 1"). Thus, the Wong-Gogic combination renders obvious proposed claim 21 for the same reasons as discussed for claims 1, 10, and 20 in the Petition. Pet., 45-59, 64-65, 69-71; EX1003, ¶¶57-59, 162-197, 220-224, 248-251; *see also* EX1021, ¶¶71-79.

In the Motion to Amend, SitNet argues that neither Gogic nor Wong discloses an event node, concluding that the combination, thus, "fail[s] to render obvious proposed substitute claims." MTA, 19-22. But, as explained in the Petition, Petitioner does not contend that either Gogic or Wong individually teaches an event node. Rather, the claimed "*event node*" would have been obvious

based on Wong's and Gogic's *combined* teachings. *See* Pet., 52-54; EX1003, ¶¶163-168, 174-180. As the Board correctly recognized at institution, "[t]he test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references, but whether the claimed subject matter would have been obvious to those of ordinary skill in the art *in light of the combined teachings of those references.*" Inst. Dec., 22-23; *see also Masimo Corp. v. Apple Inc.*, No. 2022-1894, 2024 WL 111647, at *3 (Fed. Cir. Jan. 10, 2024).

As discussed in the Petition, Wong teaches that there may be additional node types beyond the specific types expressly disclosed therein, and also discloses creating new nodes. EX1006, ¶¶21-22, 26-27, FIGs. 5, 6. Wong further teaches that communication in the network happens between nodes, including for example, "notification of updates" or "alerts." EX1006, ¶44. Gogic teaches that an ad-hoc communication group is created in response to an event, and Gogic describes advantages of doing so. EX1007, 4:20-24, 7:25-34, 10:16-11:13, FIG. 4. Based on these combined teachings, Dr. Cooperstock explained that a POSA would have recognized a new node (i.e., an event node) related to the identified event (i.e., a situation) would be useful in Wong's social network to facilitate communication among an ad-hoc communication group related to the event. EX1003, ¶¶177-178; Pet., 53; *see also KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Further, a POSA would have understood from the combined teachings how to implement the idea of an ad-hoc communication network into Wong's social network communication system. Pet., 48-49; EX1003, ¶¶166-168.

Thus, for the reasons set forth in the Petition and discussed above, the Wong-Gogic combination renders obvious proposed substitute claim 21.

2. Dependent claims 22-29 (substitutes for claims 11-18)

The amendments to proposed substitute dependent claims 22-29 simply update their dependencies. *See* MTA, App'x A. Claims 22-29 are thus obvious over the Wong-Gogic combination for the same reasons set forth in the Petition for respective claims 11-18. *See* Pet., 65-69; EX1003, ¶¶225-247; EX1021, ¶¶71, 80-87.

D. Ground 4: Proposed claims 21-29 would have been obvious over the Wong-Gogic combination in view of Kraft.

SitNet argues that there is no express disclosure of an event node in Wong or Gogic. MTA, 19-22. As explained above, this is not required under the law, but in any event, Kraft includes such an express teaching of an "event node." EX1022, 2:37-41, 2:67-3:2, 3:18-24, 3:52-55, 6:54-57, 8:26-62, 9:33-36, 10:25-30, FIG. 2; Section IV.B; EX1021, ¶88.

As previously explained, Wong teaches that there may be additional node types beyond the specific types expressly disclosed therein, and also discloses creating new nodes. EX1006, ¶¶21-22, 26-27, FIGs. 5, 6. And Kraft discloses

implementation details about additional node types. EX1021, ¶89. A POSA would have been motivated to include Kraft's event node in Wong based on Wong's express suggestion to include additional types of nodes. EX1021, ¶90. Kraft also expressly teaches the "event" may be a "natural disaster," similar to Gogic's teachings that an ad-hoc communication group is formed "[d]uring emergency situations." EX1022, 9:65-66; EX1007, 4:20-24. These teachings confirm Dr. Cooperstock's previous explanation that a POSA would have recognized 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 amongst an ad-hoc communication group related to the event or condition, and would have been motivated to include such an event node in the Wong system, as taught by Kraft. EX1003, ¶¶177-178; Pet., 53; EX1021, ¶90.

V. CONCLUSION

Substitute claims 21-30 are unpatentable for the reasons discussed above.

Respectfully submitted,

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

I certify that the above-captioned **PETITIONER'S OPPOSITION TO
PATENT OWNER'S CONTINGENT MOTION TO AMEND** was served in its
entirety on February 26, 2025 upon the following parties via electronic mail:

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