UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

Case IPR2024-00530
U.S. Patent No. 9,877,345

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

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PETITIONER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 9,877,345 to Cona et al. ("'345 patent")
1002	Prosecution History of U.S. Patent No. 9,877,345 ("'345 File History")
1003	Declaration of Dr. Jeremy Cooperstock
1004	*Curriculum Vitae* of Dr. Jeremy Cooperstock
1005	U.S. Publication No. 2008/0139165 to Gage et al. ("Gage")
1006	U.S. Publication No. 2003/0162557 to Shida ("Shida")
1007	U.S. Publication No. 2008/0208605 to Sinha et al. ("Sinha")
1008	U.S. Provisional Application No. 60/862,365 to Sinha et al. ("Sinha Provisional")
1009	U.S. Publication No. 2003/0197615 to Roche et al. ("Roche")
1010	U.S. Patent No. 9,143,535 to Cona et al. ("Cona")
1011	U.S. Patent No. 8,045,455 to Agronow et al. ("Agronow")
1012	U.S. Publication No. 2007/0276908 to Asthana et al. ("Asthana")
1013	U.S. Publication No. 2007/0194938 to Mitchell ("Mitchell")
1014	Japanese Patent Application Publication 2005-80211 to Ikeda (with certified English translation) ("Ikeda")
1015	U.S. Patent No. 7,817,982 to Chu et al. ("Chu")
1016	U.S. Patent No. 8,024,330 to Franco et al. ("Franco")
1017	U.S. Publication No. 2005/0197775 to Smith ("Smith")
1018	U.S. Publication No. 2007/0233635 to Burfeind et al. ("Burfeind")
1019	U.S. Publication No. 2006/0270419 to Crowley et al. ("Crowley")
1020	U.S. Publication No. 2006/0047825 to Steenstra et al. (Steenstra")
1021	U.S. Publication No. 2006/0155809 to Arav ("Arav")
1022	U.S. Publication No. 2006/0117051 to Chin ("Chin")
1023	Prosecution History of U.S. Patent No. 8,249,932 ('932 File History"

Exhibit No.	Description
1024	Civil Case Management Plan and Scheduling Order, 1:23-cv-06389 (S.D.N.Y.), Document 35 (10/20/2023)
1025	Joint Claim Construction Statement, *SitNet, LLC v. Meta Platforms, Inc.*, Case No. 1:23-cv-06389 (S.D.N.Y.) (Feb. 21, 2024)
1026	Declaration of Dr. Jeremy Cooperstock in Support of Petitioner's Reply to Patent Owner's Preliminary Response

I. INTRODUCTION

SitNet's proposed claim constructions in its Patent Owner Preliminary Response are nothing more than transparent attempts to avoid the prior art. These constructions differ significantly from SitNet's proposed constructions in the corresponding district-court litigation by improperly importing optional limitations from the specification and adding more confusion than clarification. SitNet's overly narrow and improper constructions should be rejected. But even under SitNet's constructions, the prior art renders the challenged claims obvious.

II. CLAIM CONSTRUCTION

The Petition explains that each claim term should be given its plain and ordinary meaning. Pet., 17. SitNet has not given the Board reason to do otherwise. The Board should reject SitNet's proposed constructions, as explained below.

A. Situational Network

SitNet's Proposed 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" (EX1025, 8)	"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, 11-12)

As shown in the above table, SitNet's construction for "situational network" here is substantially narrower than its proposed construction in district court. 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.

At bottom, SitNet's construction requires the situational network to be a "social network," which the '345 patent also refers to as an "N-dimensional social network (NDSN)." POPR[1], 4; EX1001, 14:52-57; 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*—"*In one embodiment*, the situational network may be established using the framework of an N-dimensional social network (NDSN)." EX1001, 7:52-59, *see also* 14:52-57, 20:20-24; EX1026, ¶4.

SitNet ignores this. It relies instead 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, 4 (citing EX1001, 4:3-15). 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

[1] The Board should give Dr. Rubin's testimony (EX2005) 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).

the embodiments in the specification into the claims"). First, this statement refers broadly to "any other type of *social network or personal interactions*." EX1001, 4:2-15 (emphasis added). A POSA would not have understood this statement to define a "situational network" as being limited to a social network. EX1026, ¶¶4-5. Second, to the extent this passage mentions a social network, it is relegated to only "one embodiment." EX1001, 7:52-59, *see also* 14:52-57, 20:20-24. SitNet's construction thus improperly excludes the specification's other embodiments of a situational network. *See, e.g.,* EX1001, 7:29-51, 25:61-26:50 EX1026, ¶5.

The rest of SitNet's convoluted, confusing construction is premised on a situational network being a social network, and therefore also fails. The Board should reject SitNet's proposed construction. EX1026, ¶6.

B. Roll Call Query

SitNet's Proposed Construction in District Court	SitNet's Proposed Construction in the POPR
Not construed (*see generally* EX1025)	"optional service provided by the 'event node server'" (POPR, 14)

SitNet construes this term as shown above. POPR, 14. The Board should reject this construction because it does nothing to define the term—it encompasses *any* optional service provided by an event node server. EX1026, ¶7.

SitNet seeks to limit a roll call query by the component that provides it—an event node server. That is improper. The specification describes a roll call query generally: "[a] 'roll-call' or 'check-in' feature can be included in a situational

network . . . to establish a list of persons that might be missing or need assistance." EX1001, 27:3-6. This element is not limited to an event node server. EX1026, ¶8.

SitNet points to several "examples" of roll call queries being provided by event node servers. *See* POPR, 12-13, *see also* EX1001, 27:6-12. These examples do not define a roll call query as provided by an event node server. EX1026, ¶9. Rather, they merely indicate that a "roll call query" encompasses roll call queries that are provided by event node servers, not that the term itself *necessarily* invokes an event node server. *See Parkervision, Inc. v. Vidal*, 88 F.4th 969, 977 (Fed. Cir. 2023) ("these examples merely indicate that the term 'storage element' encompasses storage elements that are part of energy transfer systems, not that this term by itself necessarily invokes an entire energy transfer system.").

C. Situation Authority

SitNet's Proposed Construction in District Court	SitNet's Proposed Construction in the POPR
"[an entity operating] a server with one or more event nodes providing information concerning a situation" (EX1025, 9; EX2001, 12)	"an external entity able to aggregate and provide comprehensive information related to situation and that operates an event node server hosting one or more event nodes that provide information concerning the situation or event" (POPR, 16)

SitNet's construction for "situation authority" in the POPR is substantially narrower than its proposed construction in district court, as shown above. SitNet's construction here again improperly imports limitations by requiring the situational

authority to operate on an event node server. But the '345 patent explains that the situational authority may "act[ ] as a participant in [a] peer-to-peer network." EX1001, 7:5-9. In such peer-to-peer networks, the situation authority is merely one peer (or participant) in the network, and "does not act as the central authority or host." *Id.*; *see also id.*, 6:41-48; EX1026, ¶10. By improperly importing an event node server, SitNet's construction excludes such embodiments in the specification. The Board should reject SitNet's construction. *Hill-Rom*, 755 F.3d at 1371.

III. GAGE AND SHIDA RENDER THE CLAIMS OBVIOUS EVEN UNDER SITNET'S IMPROPER CONSTRUCTIONS

A. Gage Teaches a Situational Network under SitNet's Construction

Gage's disaster response system connects with various participants to form a *situational network*, as claimed in the '345 patent. *See* Pet., 25-29. SitNet's two contrary arguments fail because Gage's situational network is a social network and because it is formed in response to a disaster. EX1026, ¶¶11-16.

1. Gage teaches a social network

Gage teaches a situational network even if the claimed situational network is a social network, as alleged by SitNet. EX1026, ¶13. SitNet's expert opines that a social network "consists of individuals who are interconnected by . . . interests, location, demographics, community, and more." EX2005, ¶35. Gage discloses a social network under this interpretation because, as explained in the Petition, Gage's disaster response system connects with subscribers in the disaster region and with disaster relief systems. Pet., 25-29; EX1005, ¶¶21, 25, 31, 33. The

participants are thus connected based on interests, location, demographics, and community (corresponding to the disaster). EX1026, ¶¶12-13.

This is consistent with the '345 patent, which explains that "a situational network may be formed for an emergency event or situation" among "emergency responders," "medical personnel," "individuals with a physical proximity to the emergency event," "relief agencies and those materially affected by the disaster." EX1001, 25:61-26:20. Thus, Gage's situational network is a social network as interpreted by SitNet and the '345 patent. EX1026, ¶14.

2. Gage's situational network is formed in response to a disaster

SitNet alleges Gage's situational network is formed "prior to" a disaster, when a user subscribes to the system. POPR, 19. But as explained in the Petition, Gage's situational network is formed in response to a disaster. EX1026, ¶15. When a disaster is detected, Gage's *disaster response system* couples to the particular subscribers that are located near the disaster in order to communicate with those subscribers. Pet., 26-28. The system also determines the appropriate communication channels to implement such coupling based on the location of the disaster. EX1005, ¶¶23-25; EX1026, ¶15.

SitNet conflates the participants' initial subscription with the communicative situational network formed in response to a disaster, using communication channels selected based on the disaster. That the participants had previously

subscribed to Gage's disaster response system does not negate that the situational network is formed in response to the disaster. EX1026, ¶16.

B. Gage Teaches a Roll Call Query under SitNet's Construction Because Gage's Disaster Response System Provides Up-To-Date Information about a Disaster

Gage teaches a roll call query because its disaster response system queries subscribers for status indicators. Pet., 30-31. This is true even if the roll call query must be provided by an event node server, as alleged by SitNet. EX1026, ¶¶17-18.

SitNet alleges that the disaster response system is not an event node server because it does not "propagate[] up-to-date information on the event or situation." POPR, 20-21. This is plainly wrong. EX1026, ¶18. Gage's disaster response system "can convey data to one or more disaster relief systems," and can "provid[e] a situational status and a location of a subscriber potentially affected by a disaster to concerned parties." EX1005, ¶8, 31, *see also* ¶¶21, 37-38, claim 20. The location and status are "continuously updated . . . allowing the concerned parties to receive current information about subscribers." EX1005, Abstract.

C. Gage Teaches a Situation Authority under SitNet's Construction because Gage's Disaster Response System is External to the Disaster

SitNet argues that Gage's disaster response system is not a situation authority because it is not an "external entity"—i.e., it is not "outside of the service or system providing the 'situational network.'" POPR, 21-23. But Gage's disaster response system is an external entity because it is "outside" the disaster region.

EX1005, ¶8; *see also id.*, ¶¶22-23. This is also consistent with the '345 patent, which teaches that "the situational network is formed [i.e., provided] by a situation authority." EX1001, 34:33-34. Thus, Gage's disaster response system is an external entity consistent with the '345 patent because it is located external to the disaster region and forms the situational network. EX1026, ¶19.

SitNet also mischaracterizes Petitioner's position. SitNet alleges that Petitioner maps Gage's disaster response system to the claimed "situational network" and that the disaster response system is not "external to itself." POPR, 22-23. But the Petition explains that Gage's disaster response system comprises a server that connects with various participants to form a situational network; Gage's disaster response system is not the situational network itself. Pet., 26-29. SitNet's argument thus rests on a faulty premise and should be disregarded.

D. Shida Teaches a Situational Network under SitNet's Construction because Shida's Situational Network is a Social Network Formed in Response to a Disaster

The Petition explains that Shida's center server forms a situational network by establishing connections with subscribers and operator terminals for communicating information related to the disaster. Pet., 52-55. SitNet's two contrary arguments fail because Shida's situational network is a social network and because it is formed in response to a disaster. EX1026, ¶¶20-23.

First, Shida teaches a situational network even if the claimed situational

network is a social network, as alleged by SitNet. *See* POPR, 23-25. As explained in Section III.A.1, SitNet's expert opines that a social network connects participants based on interests, location, demographics, and community. EX2005, ¶35. The '345 patent also teaches a situational network "formed for an emergency event or situation." EX1001, 25:61-62. Like the '345 patent, Shida's situational network connects participants based on an interest in and proximity to a disaster. Pet., 52-55. Shida's situational network is thus a social network as interpreted by SitNet and the '345 patent. EX1026, ¶21.

Second, Shida's situational network is formed in response to a disaster, despite SitNet's assertions to the contrary. SitNet alleges that Shida's situational network is formed "prior to" a disaster, when a user subscribes to the system. POPR, 26. But as explained in the Petition, Shida's situational network is formed in response to the disaster by establishing connections for communicating with "the subscribers . . . who should be informed of the occurred disaster." Pet., 52-55; EX1026, ¶¶22-23. The situational network is formed between the center server, subscribers in the disaster area, and an operator terminal for communicating information related to the disaster. *Id*.

SitNet conflates the initial subscriptions with the communicative situational network formed in response to the occurrence of a disaster. That the participants in Shida's situational network had previously subscribed to the system does not

negate the fact that the situational network is formed in response to a disaster to establish communications among participants. Pet., 52-55; EX1026, ¶23.

E. Shida Teaches a Roll Call Query under SitNet's construction because Shida's center server is an event node server

Shida teaches a roll call query because its center server queries subscribers for status updates in response to a disaster. Pet., 55-57. This is true even if a roll call query is required to be provided by an event node server, as alleged by SitNet. SitNet alleges that the center server is not an event node server because it "hosts tables, rather than a node, corresponding to the situation or event." POPR, 27-28. SitNet is wrong. Shida's center server comprises a node in the situational network that communicates with (propagates information to) subscriber terminals and the operator terminal to provide information relating to the disaster. *See* Pet., 52-55; EX1006, ¶¶31, 38, 46-47. That the center server maintains tables for storing data relating to the disaster does not negate the fact that it comprises a node in the network (i.e., an event node server). EX1026, ¶¶24-25.

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 1025-1026 were served electronically via e-mail on July 12, 2024, in their entireties on the following counsel of record for Patent Owner:

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