

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. 9,877,345

IPR Case No.: 2024-00530

**SITNET LLC'S SUR-REPLY TO PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S.
PATENT NO. 9,877,345**

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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).

I. INTRODUCTION

Petitioner has not informed the Board of the positions taken, arguments advanced, and decisions rendered in the current proceedings before the District Court. Patent Owner, in its Preliminary Response, set forth the claim constructions advanced before District Court by both parties and evaluated the asserted grounds with respect to thereto. The District Court has since conducted a *Markman* hearing – the transcript of which is attached as Exhibit 2006 – and issued an Opinion and Order – attached as Exhibit 2007. The Petitioner’s Reply should be assessed with respect to these changes in the law of the case.

Petitioner’s Reply contains arguments rendered moot by the District Court’s claim construction order, should the Board adopt it. For the sake of the brevity, Patent Owner limits its response to Petitioner’s arguments conflicting with the claim construction order.

II. CLAIM CONSTRUCTION

A. 37 C.F.R. § 42.100(b) Statement

An Opinion and Order construing the claims of the Patent at issues was issued in *SitNet LLC v. Meta Platforms, Inc.* No. 1:23-cv-06389-AS (S.D.N.Y. July 24, 2024). To preserve consistency between the proceedings, Patent Owner respectfully requests the Board to consider and adopt the District Court’s construction. This request should not be taken as waiving any right to appeal or as an admission to the accuracy of the District Court’s construction.

B. Situational Network

The District Court construed the term Situational Network as “a network created in response to an event or situation.” Exhibit 2007, at 2-4. In reaching this construction, the District Court observed the specification details the computer network 900 included within the situational network 3000 shown in FIG. 1 is “simply *the medium of connection*; it is not a social network.” *Id.*, at 3 (emphasis added).

The District Court did not find Petitioner’s proposed construction of “a network created when an occurrence or expected occurrence of an event or situation *causes connections to be established between, within, or among a set of participants*” (emphasis added) to be inaccurate – consistent with Court’s finding that the network of a situation network is medium of connection. Rather, “given the complexity and length of Meta’s proposed construction, the Court adopt[ed] its own” and Meta had no objections. *Id.*, at 4. As the Court found the network of a situational network to be “a medium of connections” and did not dispute the accuracy of Petitioner’s proposed construction which requires “connections to be established,” the “network created in response to the event of situation” must have a newly created connection.

C. Situation Authority

The District Court construed the term “situation authority” as “an entity providing information concerning a situation.” Exhibit 2007, at 4. In so doing the Court rejected Petitioner’s proposed construction requiring the situation authority to be “a trusted provider that aggregates ... comprehensive information,” as well as Patent Owner’s proposed construction that the situation authority “operat[e] a server with one or more event nodes.” *Id.*

D. Roll Call Query

The District Court was not asked to construe the term “roll call query.” The description of the query provided in the claims, alongside the District Court’s construction of “situation authority,” makes clear that description provided in specification of a roll call query being hosted by an event node server is not limited to a single embodiment.

Independent claims 1, 8, and 13 each require aggregating or including the responses to the roll call query into a “roll call list.” For this to occur, the responses to the roll call query must be received by a node in the situational network corresponding to the event or situation.

Otherwise, the responses would get lost in the ether of the network. The specification defines such a node as an event node. 345 Patent, 7:59-61 (“The situation or event itself may also be associated with a node on the SitNet, known as the event node.”). If there is an event node to receive the responses, there must be a server hosting the event node.

Additionally, claims 8 and 13 require the responses be sent to or received by a situational authority. However, situational authorities, as the Court construed the term, do not aggregate information. Accordingly, something more must be provided to enable the situational authority to include or aggregate the responses into a roll call list. That something else is defined in the specification as the event node server. 345 Patent, 4: 27-29 (“There is a corresponding situational authority server 3011, also referred to as an event node server, for each situation authority 207”).

III. GAGE AND SHIDA DO NOT RENDER THE CLAIMS OBVIOUS

E. Gage Does Not Teach a Situational Network

A situational network is a network created in response to a situation or event. Gage’s disaster response system is created *prior to* the situation or event. As detailed in the Preliminary Response, Gage’s disaster response system forms a network with subscribers prior to the occurrence of a situation or event. Preliminary Response, 18-19. In response to a disaster, “mobile devices of subscribers can be queried by a centrally located disaster response system. When a subscriber is away from a disaster area, this information can be recorded and it can be presumed that the subscriber is alright.” Gage, ¶ [0009]. If a subscriber is proximate to the disaster area, “the subscriber’s device can be queried for a status indicator and optional message.” *Id.* Querying all subscriber devices and recording their responses, Gage’s system is not creating any new connections or communications. Rather, it is using pre-established

connections to determine the status of the entire network of subscribers. In summary, Gage fails to disclose a situational network because it fails to teach creating new connections in response to an event or situation.

F. Gage Does Not Teach a Roll Call Query

As noted in the Preliminary Response and reinforced *supra*, for any query provided by Gage's disaster response system to qualify as a roll call query it must be provided by an event node server. Petitioner still has not identified any event node (i.e. a node corresponding to the specific event) provided by Gage's disaster response system.

G. Shida Does Not Teach a Situational Network

A situational network is a network created in response to a situation or event. As detailed in the Preliminary Response, Shida's system utilizes a pre-existing network of subscribers. Preliminary Response, 25-26. Petitioner attempts to circumvent this truth by noting that "operator terminal" is also part of Shida's network. While true, Shida does not disclose the connections with the "operator terminal" are formed in response to a situation or event. Shida merely discloses, "the central server 3 is connected to the operator terminal 7 provided in facilities such as fire stations and police stations, for instance, to plan an instruct measures against the disaster etc." Shida, ¶ [0030]. Nowhere does Shida disclose when these connections are created. Accordingly, Petitioner has not pointed to any portion of Shida teaching creating new connections or otherwise creating a network in response to a situation or event.

H. Shida Does Not Teach a Roll Call Query

As noted in the Preliminary Response and reinforced *supra*, for any query provided by Shida's system to qualify as a roll call query it must be provided by an event node server.

Petitioner still has not identified any event node (i.e. a node corresponding to the specific event) provided by Shida's disaster response system.

IV. CONCLUSION

Petitioner has failed to demonstrate a reasonable likelihood that they will prevail as to any of the challenged claims. *Inter partes* review should therefore be denied.

Dated: July 26, 2024

Respectfully submitted by,

/s/ David L. Hecht

David L. Hecht (Reg. No. 61,618) (lead counsel)
dhecht@hechtpartners.com
HECHT PARTNERS LLP
125 Park Avenue, 25th Floor
New York, NY 10017
P: (212) 851-6821

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 Sur-Reply Preliminary Response was served on July 26, 2024 by e-mailing copies to the following e-mail addresses as provided in Petitioner's Petition:

Jonathan Tuminaro - jtuminar-PTAB@sternekessler.com
Michael D. Specht - mspecht-PTAB@sternekessler.com
David W. Haars - dhaars-PTAB@sternekessler.com

Dated: July 26, 2024

Respectfully submitted,

By: /David L. Hecht/
David L Hecht Reg. No 61,618
Hecht Partners LLP
125 Park Avenue, 25th Floor
New York, NY 10017
Tel: 212-851-6821
E: dhecht@hechtpartners.com

Counsel for Patent Owner