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

PATENT OWNER'S MOTION TO AMEND AND REQUEST FOR PRELIMINARY GUIDANCE

TABLE OF CONTENTS

I. INTRODUCTION 1

II. STATEMENT OF RELIEF REQUESTED 2

III. THE SUBSTITUTE CLAIMS MEET ALL THE REQUIREMENTS OF 37 C.F.R. § 42.121 3

- A. REASONABLE NUMBER OF SUBSTITUTE CLAIMS 4
- B. THE PROPOSED CLAIMS ARE RESPONSIVE TO THE INSTITUTED GROUNDS 4
- C. THE PROPOSED CLAIMS DO NOT ENLARGE THE SCOPE OF THE ORIGINAL CLAIMS 5

IV. THE SUBSTITUTE CLAIMS DO NOT INTRODUCE NEW SUBJECT MATTER 6

- A. THE PRIORITY CLAIM OF THE 345 PATENT 6
- B. SUPPORT FOR SUBSTITUTE CLAIMS 17-32 7

V. CLAIM CONSTRUCTION: EVENT NODE 18

VI. SUBSTITUTE CLAIMS 17-32 ARE PATENTABLE OVER GAGE, THE GAGE/MITCHELL COMBINATION, SHIDA, AND THE SHIDA/SINHA COMBINATION 18

VII. CONCLUSION 22

TABLE OF AUTHORITIES

Page(s)

Cases

Aqua Prods. v. Matal,
872 F.3d 1290 (Fed. Cir. 2017) 2, 4

Bosch Auto. Serv. Sols. LLC v. Matal,
878 F.3d 1027, 1040 (Fed. Cir. 2017) 2

Statutes

35 U.S.C. § 316(d) 1, 3, 4

35 U.S.C. § 316(e) 4

Regulations

37 C.F.R. § 42.121 ..... 1, 2, 4, 5, 7

37 C.F.R. § 42.22(a)(1) 3

EXHIBIT LIST

No.	Exhibit Description
2001	Joint Claim Construction Brief in *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23- cv-06389-AS (Dkt. 57).
2002	Amended Joint Claim Construction Chart in *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23-cv-06389-AS (Dkt. 58).
2003	Order regarding Trial Schedule in *SitNet LLC v. Meta Platforms, Inc.,* 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 *SitNet LLC v. Meta Platforms, Inc.,* No. 1:23- cv- 06389-AS (July 1, 2024).
2007	Claim Construction Order in *SitNet LLC v. Meta Platforms, Inc.,* 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

I. INTRODUCTION

Patent Owner, SitNet LLC ("SitNet") respectfully submits this Motion to Amend under 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121 contingent upon a finding of unpatentability with respect to the original challenged claims 1-16 (the "Challenged Claims") of U.S. Patent No. 9,877,345 ("the 345 Patent") (Ex. 1001).

Patent Owner submits the present motion on a contingent basis. If the Patent Trial and Appeal Board ("Board") determines claims 1, 8, and 13 of the 345 Patent to be unpatentable, Patent Owner respectfully requests the Board look to the present motion to see whether the corresponding substitute claim is patentable.

Pursuant to 37 C.F.R. § 42.121(e), Patent Owner requests the Board provide preliminary guidance on the present motion, and an opportunity for Patent Owner to file a reply responding to the preliminary guidance, or a revised motion to amend under 37 C.F.R, § 42.121(f), if needed.

Patent Owner attaches the proposed substitute claims as Appendix A. Patent Owner proposes to substitute claims 1-16 with proposed substitute claims 17-32, respectively. Proposed substitute claims 17, 24, and 29 contain additional limitations not found in the prior art of record. As shown in Appendix A, substitute claims 18-23, 25-28, and 30-32 are substantively identical to existing claims depend upon claims 17, 24, and 29 respectively (rather than claims 1, 8, and 13).

The proposed substitute claims are presented on a contingent basis for consideration in the event the Board finds that the original claims are unpatentable.

As this motion demonstrates, the substitute claims meet all the requirements of 37 C.F.R § 42.121. Namely, the amendments are responsive to a ground of unpatentability on which trial was instituted, and none of the amendments seek to enlarge the scope of the claim or introduce new subject matter. Further, the motion shows the changes that are sought and the support in the original disclosure of the patent and a priority application for each substitute claim.

Moreover, although the burden of persuasion for any substitute claims is on the Petitioner to show that such claims are unpatentable, *see Aqua Prods. v. Matal*, 872 F.3d 1290, 1324-25 (Fed. Cir. 2017) (en banc); *Bosch Auto. Serv. Sols. LLC v. Matal*, 878 F.3d 1027, 1040 (Fed. Cir. 2017), this motion demonstrates that the substitute claims are patentable over the references in this proceeding.

To satisfy the requirement of 37 C.F.R. § 42.121(a), Patent Owner emailed the Board on November 15, 2024, to state that it intended to file a motion to amend. The same day, the Board responded by email permitting Patent Owner to file a motion to amend.

II. STATEMENT OF RELIEF REQUESTED

Patent Owner hereby moves to amend the 345 Patent contingent upon whether the Challenged Claims are found unpatentable in the present IPR

proceeding. *See* 37 C.F.R. § 42.121. If all Challenged Claims are found to be unpatentable, Patent Owner requests the Board order the following:

- Replacement of independent claim 1 with substitute claim 17;
- Replacement of independent claim 8 with substitute claim 24;
- Replacement of independent claim 13 with substitute claim 29;
- Replacement of dependent claims 2-7 with substitute claims 18-23;
- Replacement of dependent claims 9-12 with substitute claims 25-28; and
- Replacement of dependent claims 14-16 with substitute claims 29-30.

If independent claims 1, 8, and 13 are found unpatentable but any of dependent claims 2-7, 9-12, and 14-16 are found to be patentable, Patent Owner requests that the Board not substitute any such dependent claim, but order substitution of any of claims 1-16 found to be unpatentable. No other changes are proposed. *See* 37 C.F.R. § 42.22(a)(1); *see also* 35 U.S.C. § 316(d).

III. THE SUBSTITUTE CLAIMS MEET ALL THE REQUIREMENTS OF 37 C.F.R. § 42.121

Under 35 U.S.C. § 316(d)(1)(B), a patent owner may propose a reasonable number of substitute claims for each challenged claim. A patent owner must show that each amendment in the proposed substitute claims is responsive to a ground of unpatentability involved in the trial, does not seek to broaden a challenged claim, and is supported by the filed or earlier filed disclosures. 35 U.S.C. §

316(d)(3); 37

C.F.R. § 42.121(a)(2).

If a patent owner has met these statutory requirements, then the Board considers whether the substitute claims are unpatentable by a preponderance of the evidence. *Western Digit. Corp. v. Spex Techs., Inc.*, IPR2018-00082, Paper 13 at 4 (PTAB Apr. 25, 2018). The petitioners have the burden to show that the amended claims are unpatentable over the prior art. 35 U.S.C. § 316(e); *Aqua Prods. Inc.*, 872 F.3d at 1324-25.

A. Reasonable Number of Substitute Claims

As shown in Appendix A, Patent Owner proposes only one substitute claim for each conditionally canceled claim, thus satisfying the general presumption that "only one substitute claim would be needed to replace each challenged claim." 37 C.F.R. § 42.121(a)(3).

B. The Proposed Claims Are Responsive to the Instituted Grounds

The proposed substitute claims are responsive to one or more grounds of unpatentability at issue in this proceeding. *See* 37 C.F.R. § 42.121(a)(2)(i). The limitations added in proposed substitute independent claims 1, 8, and 13 obviate the asserted grounds alleging obviousness by incorporating at least one additional limitation not disclosed in Gage, the Gage/Mitchell combination, Shida, and the Shida/Sinha combination.

C. The Proposed Claims Do Not Enlarge the Scope of the Original Claims

Proposed substitute independent claims 17, 24, and 29 include additional limitations to address the prior art grounds that do not enlarge the scope of the claims. Instead, the amendments shown in proposed substitute independent claims 17, 24, and 29 add further limitations to the original claims 1, 8, and 13.

Proposed substitute independent claim 17 narrows the scope of the original independent claim 1 by adding limitations (1) establishing an event node hosted by an event node server within a N-dimensional social network; (2) connecting the event node to a plurality of existing nodes within the social network; (3) wherein said plurality of existing nodes correspond with a plurality of participant devices; (4) presenting a roll call query by the event node to each of the plurality of existing nodes corresponding with the plurality participant devices; and (5) receiving at the event node a status response from one or more of the participants.

Proposed substitute independent claim 24 narrows the scope of the original independent claim 8 by adding limitations requiring (1) an event node established within an N-dimensional social network by an event node server of the situation authority; (2) sending a roll call query by the event node of the situation authority to a participant device; and (3) sending a status response to the event node of the situation authority.

Proposed substitute independent claim 29 narrows the scope of the original

independent claim 13 by adding limitations (1) establishing an event node hosted by the central server within a N-dimensional social network; (2) connecting the event node to a plurality of existing nodes within the N-dimensional social network; (3) wherein said plurality of existing nodes correspond with a plurality of participant devices; (4) presenting by the event node a roll call query to each of the plurality of participant devices; and (5) receiving at the event node a status response from one or more of the participants.

As discussed in more detail below, each of the newly added limitations has support in the specification as originally filed. In addition, proposed substitute dependent claims 18-23, 25-28, and 30-32 contain revisions to identify the substitute independent claims from which they depend.

IV. THE SUBSTITUTE CLAIMS DO NOT INTRODUCE NEW SUBJECT MATTER

The originally filed disclosure of the 345 Patent supports each proposed substitute claims. *See* 37 C.F.R. § 42.121(b)(1)-(2).

A. <u>The Priority Claim of the 345 Patent</u>

The 345 Patent issued from U.S. App. Ser. No. 14/861,340, filed September 22, 2015, which was a continuation of U.S. App. Ser. No. 13/612,964, filed on September 13, 2012, now U.S. Patent No. 9,143,535, which is a continuation of U.S. App. Ser. No. 13/274,712, filed on October 17, 2011, now U.S. Patent No. 8,332,454, which is a division of U.S. App. Ser. No. 11/924,711, filed on October

26, 2007 (Ex. 2008), now U.S. Patent No. 8,069,202, which claims the benefit of priority to U.S. Provisional Patent Application No. 60/887,843, filed on February 2, 2007.

B. Support for Substitute Claims 17-32

Substitute independent claims 17, 24, and 29 specify that a situational network is formed using a N-dimensional social network, which is taught in the 345 Patent. Col. 7, ll. 52-56 ("In one embodiment, the situational network may be established using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network, as described in detail below."). Substitute independent claims 17, 24, and 29 also specify that a situational network using a N-dimensional social network includes an event node, which is taught in the 345 Patent. Col. 7, ll. 52-61 ("In one embodiment, the situational network may be established using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network, as described in detail below. [] The situation or event itself may also be associated with a node on the SitNet, known as the event node for the SitNet.").

Substitute independent claims 17 and 29 require connecting the event node to a plurality of existing nodes corresponding to a plurality of participant devices within the N-dimensional social network. This feature is taught in the 345 Patent.

Col. 4, ll. 27-29; Col. 6 ll. 44-48; Col. 7, ll. 5-6; Col. 7, ll. 12-14; Col. 7, ll. 57-59 ("In the context of the NDSN, a PIA associated with each user is or encompasses a node of the situational network."); Col. 15, ll. 17-20 ("In one embodiment, the NDSN comprises interconnected nodes, where individual user, members, entities, communities or other aggregations of entities within the NDSN are associated with nodes.").

Substitute independent claims 17, 24, and 29 specify sending a roll call query by the event node to participant devices and receiving at status response at the event node, which is taught by the 345 Patent. For example, the roll call query may be presented by the event node to the other nodes in the situational network as each node can communicate in a peer-to-peer fashion and provides the ability to share information. Col. 27, ll. 6-14 ("A sever corresponding to the event node of the situational network may invite users determined to be physically threatened by a disaster or emergency event to check-in. [] Those people identified with a PIA are sent an unsolicited message to reply if they are alright"); Col. 27, ll. 30-36 ("A situation authority or trusted provider establishing an event node 3010 for the a server that hosts the roll call or check-in feature described above may provide a searchable massage board to users connected to the SitNet."); Col. 15, ll. 26-30 ("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."). Consequently, the participant devices can send a status response that is received by the event node of the situation authority. Col. 27, ll. 12-16 ("Those people identified with a PIA are sent an unsolicited message to reply if they are alright, also referred to a positive response. A user may also respond to the check-in that they need assistance and provide location information to emergency responders.").

The table below provides support for each of the proposed substitute claims 17-32 from (1) U.S. App. Ser. No. 14/861,340 which resulted in the 345 Patent (*i.e.*, the original disclosure of the patent), filed September 22, 2015 (Ex. 1002, pp. 30-54); and (2) U.S. App. Ser. No. 11/924,711, which is the first non-provisional application in the chain of priority (*i.e.*, an earlier-filed disclosure for which benefit of the filing date is sought), filed on October 26, 2007 (Ex. 2008). There is continuity of disclosure from this first non-provisional application through the chain of straight-continuation/divisional applications up to the application which resulted in the 345 Patent.

Claim Limitation	**Support for Substitute Claims 17-32 in U.S. App. Ser. No.** 14/861,340	**Support for Substitute Claims 17-32 in U.S. App. Ser. No.** 11/924,711

Claim 17 (Substituting for Claim 1) A method of accessing situation related information, the method comprising:	Ex. 1002, at ¶¶ [0054], [0055]; claim 1	Ex. 2008, at ¶¶ [0055], [0056]
(a) receiving an indication of an occurrence of a situation;	Ex. 1002, at ¶¶ [0054], [0058]; claim 1	Ex. 2008, at ¶¶ [0055], [0059]
(b) forming a situational network related to the occurrence of the situation <u>by establishing an event node hosted by an event node server within a N-dimensional social network and connecting the event node to a plurality of existing nodes within the N-dimensional social network, said plurality of existing nodes corresponding</u> with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network;	Ex. 1002, at ¶¶ [0055], [0060], [0061], [0062], [0064], [0066], [0067], [0069], [0114], [0149]; claim 1	Ex. 2008, at ¶¶ [0056], [0061], [0062], [0063], [0065], [0067], [0068], [0070], [0115], [0150]

(c) presenting a roll call query by the event node to each of the plurality of existing nodes corresponding with the plurality participant devices, said roll call query soliciting a reply related to a status of the participant;	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 1	Ex. 2008, at ¶¶ [0116], [0165], [0166]
(d) receiving at the event node a status response from one or more of the participants; and	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 1	Ex. 2008, at ¶¶ [0116], [0165], [0166]
(e) aggregating the status responses from responsive participants into a roll call list.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 1	Ex. 2008, at ¶¶ [0116], [0165], [0166]
Claim 18 The method of claim 17, further comprising: receiving a request from a responsive participant to view the roll call list; presenting the roll call list to the responsive participant; and receiving from the participant an indication of the status of non-responsive participant.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 2; Fig. 32	Ex. 2008, at ¶¶ [0116], [0165], [0166]; Fig. 32

Claim 19 The method of claim 17, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.	Ex. 1002, at ¶ [0058]; claim 3	Ex. 2008, at ¶ [0059]
Claim 20 The method of claim 17, wherein the situational network is formed by a situation authority.	Ex. 1002, at ¶ [0067], [0069], [0146]; claim 4	Ex. 2008, at ¶ [0068], [0070], [0147]
Claim 21 The method of claim 17, further comprising: establishing an electronic message board for providing access to the roll call information related to the situation for individuals not participating in the situational network.	Ex._1002, at ¶¶ [0115], [0164], [0165]; claim 5	Ex. 2008, at ¶¶ [0116], [0165], [0166]
Claim 22 The method of claim 17, wherein the status response includes a request for assistance and a location of the participant.	Ex._ 1002, at ¶¶ [0115], [0164], [0165]; claim 6	Ex. 2008, at ¶¶ [0116], [0165], [0166]

Claim 23 The method of claim 17, wherein non-responding devices are reported to an emergency management organization.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 7	Ex. 2008, at ¶¶ [0116], [0165], [0166]
Claim 24 (Substituting for Claim 8) A method of providing situation related information to a situation authority via a situational network, the method comprising:	Ex. 1002, at ¶¶ [0054], [0055]; claim 8	Ex. 2008, at ¶¶ [0055], [0056]
(a) receiving, by a participant device, a roll call query sent by an event node established within an N-dimensional social network by an event node server of the situation authority, said roll call query soliciting a reply related to a status of a participant based on the participant being determined, by the situation authority, to be geographically proximate to the situation;	Ex._ 1002, at ¶¶ [0055], [0060], [0061], [0062], [0064], [0066], [0067], [0069], [0114], [0115], [0149], [0164], [0165]; claim 8	Ex. 2008, at ¶¶ [0056], [0061], [0062], [0063], [0065], [0067], [0068], [0070], [0115], [0116], [0150], [0165], [0166]

(b) receiving, by the participant device, a selection of a status response from the participant; and	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 8	Ex. 2008, at ¶¶ [0116], [0165], [0166]
(c) sending the status response to the event node of the [[central]] situation authority, wherein the status response is included in a roll call list.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 8	Ex. 2008, at ¶¶ [0116], [0165], [0166]
Claim 25 The method of claim [[8]] 24, further comprising: requesting, by the participant device, the roll call list; receiving, by the participant device, an indication of a status of non-responsive participant included on the roll call list; and sending the status of the non-responsive participant to the situation authority.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 9; Fig. 32	Ex. 2008, at ¶¶ [0116], [0165], [0166]; Fig. 32
Claim 26 The method of claim [[8]] 24, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.	Ex._ 1002, at ¶ [0058]; claim 10	Ex. 2008, at ¶ [0059]

Claim 27 The method of claim [[8]] 24, wherein the status response includes a request for assistance and a location of the participant.	Ex._ 1002, at ¶¶ [0115], [0164], [0165]; claim 11	Ex. 2008, at ¶¶ [0116], [0165], [0166]
Claim 28 The method of claim [[8]] 24, wherein the roll call list includes aggregated status responses from responsive participants of the situational network.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 12	Ex. 2008, at ¶¶ [0116], [0165], [0166]
Claim 29 (Substituting for Claim 13) A system for accessing situation related information, the system comprising:	Ex._1002_, at ¶¶ [0054], [0055]; claim 13	Ex. 2008, at ¶¶ [0055], [0056]
(a) a central server, corresponding to a situation authority, configured to receive an indication of an occurrence of a situation, [[form]] from a situational network related to the occurrence of the situation by establishing an event node hosted by the central server within a N-dimensional social	Ex. 1002, at ¶¶ [0055], [0060], [0061], [0062], [0064], [0066], [0067], [0069], [0114], [0115], [0149], [0164], [0165]; claim 13	Ex. 2008, at ¶¶ [0056], [0061], [0062], [0063], [0065], [0067], [0068], [0070], [0115], [0116], [0150], [0165], [0166]

network and connecting the event node to a plurality of existing nodes within the N-dimensional social network, said plurality of existing nodes corresponding with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network, present by the event node a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant, receive at the event node a status response from one or more of the participants, and aggregate the status responses from responsive participants into a roll call list; and		
(b) a database corresponding to the central server for storing the responses and the roll call list.	Ex. 1002, at ¶¶ [0055], [0115], [0164], [0165]; claim 13	Ex. 2008, at ¶¶ [0056], [0116], [0165], [0166]

Claim 30 The system of claim [[13]] 29, wherein the central server is further configured to receive a request from a responsive participant to view the roll call list, present the roll call list to the responsive participant, and receive from the participant an indication of the status of non-responsive participant.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 14; Fig. 32	Ex. 2008, at ¶¶ [0116], [0165], [0166]; Fig. 32
Claim 31 The system of claim [[13]] 29, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.	Ex. 1002, at ¶ [0058]; claim 15	Ex. 2008, at ¶ [0059]
Claim 32 The system of claim [[13]] 29, wherein the central server is further configured to establish an electronic message board for providing access to the roll call information related to the situation for individuals not participating in the situational network.	Ex. 1002, at ¶¶ [0115], [0164], [0165]; claim 16	Ex. 2008, at ¶¶ [0116], [0165], [0166]

V. CLAIM CONSTRUCTION: EVENT NODE

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

The substitute claim 17 recites, "an event node hosted by an event node server ***within a N-dimensional social network.***" Similarly, substitute claim 24 recites, "event node established ***within an N-dimensional social network.***" Likewise, substitute claim 29 recites, "event node hosted by the central server ***within a N-dimensional social network***." Accordingly, each substitute claim requires an event node within a N-dimensional social network.

The specification states "the situation network may be established using the framework of an N-dimensional social network (NDSN)" and that a "situation or event itself may also be associated with a node on the SitNet, ***known as event node*** for the SitNet… that propagates up-to-date information on the situation to PIA of the NDSN connected to the event node." 345 Patent, 7:52-66. Thus, an event node is defined in the specific as a type of node that communicates 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 NSDN." 345 Patent, 15:26-27. Thus, an event node is a node within an NDSN providing up-to-date information regarding an event or situation via peer-to-peer communication with other nodes.

VI. SUBSTITUTE CLAIMS 17-32 ARE PATENTABLE OVER GAGE, THE GAGE/MITCHELL COMBINATION, SHIDA, AND THE SHIDA/SINHA COMBINATION

No prior art of record known to Patent Owner anticipates or renders obvious

proposed substitute claims 17-32.

In IPR2024-00530, Petitioner alleged that Gage (U.S. Publication No. 2008/0139165) renders obvious claims 1, 3-8, 10-13, and 15-16 alone (Ground 1) and that Shida (U.S. Publication No. 2003/0162557) renders obvious claims 1, 3-4, 6-8, 10-13, and 15 alone (Ground 3), which for both Gage and Shida includes all independent claims. Petitioner's obviousness arguments are based on its belief that Gage's disaster response system forms a situational network by connecting with subscribers in a disaster region using one or more communication channels and that Shida forms a situational network related a disaster by establishing connections for communicating with subscribers who should be informed of the occurred disaster. IPR2024-00530, Paper 1 at 27, 52.

Substitute independent claims 17, 24, and 29 add limitations that further differentiate over Gage and Shida. For example, claims 17, 24, and 29 specify that a situational network is formed using a ***N-dimensional social network*** ("NDSN"), which is supported in the specification of the 345 Patent. Col. 7, ll. 52-56 ("In one embodiment, the situational network may be established using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network, as described in detail below."). The NDSN "comprises interconnected nodes, where individual user, members, entities, communities or other aggregations of entities within the NDSN are associated with

nodes." Col. 15, ll. 17-20. Further, the NDSN "captures and manages multi-dimensional relationships between persons and other entities that are users of the network" and "uses multiple dimensions of association to characterize the relationships between users or members":

> For example, while friendship is a dimension that might be used by the NDSN, the NDSN might also utilize other dimensions such as family, professional connection, consumer (e.g., consumer-to-merchant) relationship and healthcare-relation (e.g., providers, insurers, etc.) to characterize the relationship between two or more users. In addition, the NDSN might utilize dimensions that link participants by preferences and behaviors, e.g., a preference for a type of product or service.

Col. 14, l. 52 to Col. 15, l. 3. The 345 Patent also teaches that a NDSN "permits the user to discover and utilize the indirect relationships to other users that are connected to him through first-degree users." Col. 15, ll. 4-6; *see also* Col. 15, l. 6 to Col. 17, l. 64. Gage and Shida only teach connecting subscribers to disaster response system during a disaster and fail to teach an N-dimensional social network with users having multi-dimensional relationships.

Further, substitute independent claims 17, 24, and 29 require that a situational network using a N-dimensional social network includes an ***event node***, which is also supported in the 345 Patent. Col. 7, ll. 52-61 ("In one embodiment, the situational network may be established using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network, as described in detail below. [] The situation or event itself

may also be associated with a node on the SitNet, known as the ***event node*** for the SitNet.") (emphasis added). The substituted independent claims also specify ***connecting the event node to a plurality of existing nodes*** corresponding to participant devices ***within the N-dimensional social network***. Col. 15, ll. 17-20 ("In one embodiment, the NDSN comprises interconnected nodes, where individual user, members, entities, communities or other aggregations of entities within the NDSN are associated with nodes."). Again, Gage and Shida only teach connecting subscribers to disaster response system to send/receive information during a disaster and is silent on any teachings of an event node on an N-dimensional social network or connecting the event node to other nodes within the N-dimensional social network.

Since Gage and Shida fail to teach a situational network formed using a N-dimensional social network with an event node able to connect with other existing nodes within the N-dimensional social network, they also do not teach an event node presenting a roll call query to participant devices and the event node receiving a status response from the participant devices as required by substitute independent claims 17, 24, and 29. Mitchell and Sinha were not applied to the independent claims during IPR2024-00530; however, they are also silent on the new limitations found in substituted independent claims 17, 24, and 29 and therefore fail to cure the deficiencies in Gage and Shida.

VII. CONCLUSION

For each original claim that the Board finds unpatentable, Patent Owner respectfully requests that the Board grant this motion to amend as to the substitute claims.

Dated: December 3, 2024

Respectfully submitted by,

/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

Counsel for Patent Owner

APPENDIX A

Proposed amended claims are shown in marked-up form below, beginning with claim 17. Underlining and double-bracketed text show, respectively the additions and deletions to the original claim being made in the corresponding substitute claim.

17 (substitute for claim 1, if found unpatentable)

A method of accessing situation related information, the method comprising:

receiving an indication of an occurrence of a situation;

forming a situational network related to the occurrence of the situation <u>by establishing an event node hosted by an event node server within a N-dimensional social network and connecting the event node to a plurality of existing nodes within the N-dimensional social network, said plurality of existing nodes corresponding</u> with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network;

presenting a roll call query <u>by the event node</u> to each of the plurality of <u>existing nodes corresponding with the plurality</u> participant devices<u>, said roll call query</u> soliciting a reply related to a status of the participant;

receiving at the event node a status response from one or more of the participants; and

aggregating the status responses from responsive participants into a roll call list.

18 (substitute for claim 2, if found unpatentable)

The method of claim 17, further comprising:

receiving a request from a responsive participant to view the roll call list;

presenting the roll call list to the responsive participant; and

receiving from the participant an indication of the status of non-responsive participant.

19 (substitute for claim 3, if found unpatentable)

The method of claim 17, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.

20 (substitute for claim 4, if found unpatentable)

The method of claim 17, wherein the situational network is formed by a situation authority.

21 (substitute for claim 5, if found unpatentable)

The method of claim 17, further comprising:

establishing an electronic message board for providing access to the roll call information related to the situation for individuals not participating in the situational network.

22 (substitute for claim 6, if found unpatentable)

The method of claim 17, wherein the status response includes a request for assistance and a location of the participant.

23 (substitute for claim 7, if found unpatentable)

The method of claim 17, wherein non-responding devices are reported to an emergency management organization.

24 (substitute for claim 8, if found unpatentable)

A method of providing situation related information to a situation authority via a situational network, the method comprising:

receiving, by a participant device, a roll call query sent by an event node established within an N-dimensional social network by an event node server of the situation authority, said roll call query soliciting a reply related to a status of a

participant based on the participant being determined, by the situation authority, to be geographically proximate to the situation;

receiving, by the participant device, a selection of a status response from the participant; and

sending the status response to the event node of the [[central]] situation authority, wherein the status response is included in a roll call list.

25 (substitute for claim 9, if found unpatentable)

The method of claim [[8]] 24, further comprising:

requesting, by the participant device, the roll call list;

receiving, by the participant device, an indication of a status of non-responsive participant included on the roll call list; and

sending the status of the non-responsive participant to the situation authority.

26 (substitute for claim 10, if found unpatentable)

The method of claim [[8]] 24, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.

27 (substitute for claim 11, if found unpatentable)

The method of claim [[8]] 24, wherein the status response includes a request for assistance and a location of the participant.

28 (substitute for claim 12, if found unpatentable)

The method of claim [[8]] 24, wherein the roll call list includes aggregated status responses from responsive participants of the situational network.

29 (substitute for claim 13, if found unpatentable)

A system for accessing situation related information, the system comprising:

a central server, corresponding to a situation authority, configured to receive an indication of an occurrence of a situation, [[form]] from a situational network related to the occurrence of the situation by establishing an event node hosted by the central server within a N-dimensional social network and connecting the event node to a plurality of existing nodes within the N-dimensional social network, said plurality of existing nodes corresponding with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network, present by the event node a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant, receive at the event node a status

response from one or more of the participants, and aggregate the status responses from responsive participants into a roll call list; and

a database corresponding to the central server for storing the responses and the roll call list.

30 (substitute for claim 14, if found unpatentable)

The system of claim [[13]] 29, wherein the central server is further configured to receive a request from a responsive participant to view the roll call list, present the roll call list to the responsive participant, and receive from the participant an indication of the status of non-responsive participant.

31 (substitute for claim 15, if found unpatentable)

The system of claim [[13]] 29, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.

32 (substitute for claim 16, if found unpatentable)

The system of claim [[13]] 29, wherein the central server is further configured to establish an electronic message board for providing access to the roll call information related to the situation for individuals not participating in the situational network.

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 Motion to Amend and Request for Preliminary Guidance was served on December 3, 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
Jennifer Meyer Chagnon - jchagnon-PTAB@sternekessler.com
David W. Haars - dhaars-PTAB@sternekessler.com

Dated: December 3, 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