

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 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).
2008	U.S. Patent Application Series No. 11/924,711
2009	Supplemental Expert Report of Dr. Aviel D. Rubin

I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner SitNet LLC (“SitNet”) submits the following Response to the Petition for *Inter Partes* Review of claims 1-16 of U.S. Patent No. 9,877,345 B2 (“the 345 Patent”) filed by Petitioner, Meta Platforms, Inc. (“Petitioner” or “Meta”). The patent at issue is currently being asserted against Petitioner in *SitNet LLC v. Meta Platforms, Inc.*, No. 1:23-cv-06389-AS (S.D.N.Y. July 24, 2024) (“*SitNet v. Meta*”).

II. CLAIM CONSTRUCTION

A. 37 C.F.R. § 42.100(b) Statement

The *Markman* order in *SitNet v. Meta* construed “situational network” as “a network created in response to an event or situation.” Ex. 2007 at 2-4. Patent Owner respectfully requests the Board consider and adopt the District Court’s construction for at least “situational network”.

B. Situational Network

As the Board observed, “there is no controversy with respect to the claim construction of ‘situational network’ ... both parties agree with the construction of ‘situational network’ as ‘a network created in response to the occurrence of an event or situation.’” Paper 9, at 12. Furthermore, this construction is consistent with other proceedings regarding the same term in related Patents. The District Court construed “situational network” as “a network created in response to an event or situation.” Ex. 2007 at 2-4 In related IPR2024-00528 and IPR2024-00612, the Board decided to

apply the District Court’s construction of “situational network” noting that “this construction appears consistent with the specification and the language of the claims.” IPR2024-00528, Paper 10 at 9 (PTAB Sept. 11, 2024); IPR2024-00612, Paper 10 at 10 (PTAB Sept. 11, 2024). This aligns with the premise that a claim term must be interpreted consistently across all patents derived from the same parent application. *NTP, Inc. v. Rsch. In Motion, Ltd.*, 418 F.3d 1282, 1293 (Fed. Cir. 2005) (Where multiple patents “derive from the same parent application and share many common terms, we must interpret the claims consistently across all asserted patents.”).

The agreed upon construction of “situational network” *excludes pre-established networks*. The plain and ordinary meaning of a “network” is an interconnected system of elements that transmits information. Ex. 2009 ¶ 52. The American Heritage Dictionary defines a network as:

“a. A group or system of electric components and *connecting circuitry* designed to function in a specific manner.

b. *Computers* A system of computers *interconnected* by telephone wires or other means in order to share information. Also called net.”

American Heritage Dictionary Entry: network,
<https://ahdictionary.com/word/search.html?q=network> (emphasis added).

Similarly, PC Mag defines a “network” as:

“(1) Any arrangement of elements that are interconnected. See neural network and network database.

(2) A system that transmits data between users, which includes the client devices (computers, tablets and phones) and the network equipment (servers, switches, routers and cables). In wireless systems, antennas replace the cables.”

Definition of network | PC Mag,
<https://www.pcmag.com/encyclopedia/term/network> (emphasis added).

Each of the above defines a “network” as a system of *interconnected elements* that transmits information (i.e. data). Ex. 2009 ¶ 52. As the interconnection between elements defines a network, a network is created by connecting elements. *Id.* ¶¶ 52-55. Thus, a network is created when at least two elements are connected to each other. *Id.* The new network may be derived from an old network by establishing a new connection incorporating a new element into the system. *Id.* But regardless of whether the new network is being created from an existing network or a collection of previously unconnected elements, the act of creating a network requires establishing a new connection to incorporate at least one new element into the system. *Id.*

A “situational network” has been construed to be a network created at a specific time – i.e., *in response to* an event or situation. To be created “in response to” requires that the network’s creation is after the event or situation. Ex. 2009 ¶¶ 52-58. Consequently, a “situational network” cannot exist *before* the event or situation that

triggers its creation. *Id.* A “situational network,” therefore, can only exist when the occurrence of an event or situation causes a new connection to be established incorporating at least one new element. *Id.* Consequently, a “situational network” cannot be a system in which all elements were interconnected *prior to* the event or situation. *Id.* Accordingly, pre-established networks are excluded from the PTAB’s construction of a “situational network.”

III. RESPONSE TO GROUNDS FOR INVALIDITY RAISED

A. Ground 1: Claims 1, 3-8, 10-13, 15, and 16 Are Not Rendered Obvious by Gage

The Petition fails to demonstrate Gage (U.S. Publication No. 2008/0139165) discloses a “situational network” as recited in independent claims 1, 8, and 13 and a “situation authority” as recited in independent claims 8 and 13. Gage, therefore, cannot render the challenged claims invalid and unpatentable.

1. Situational Network

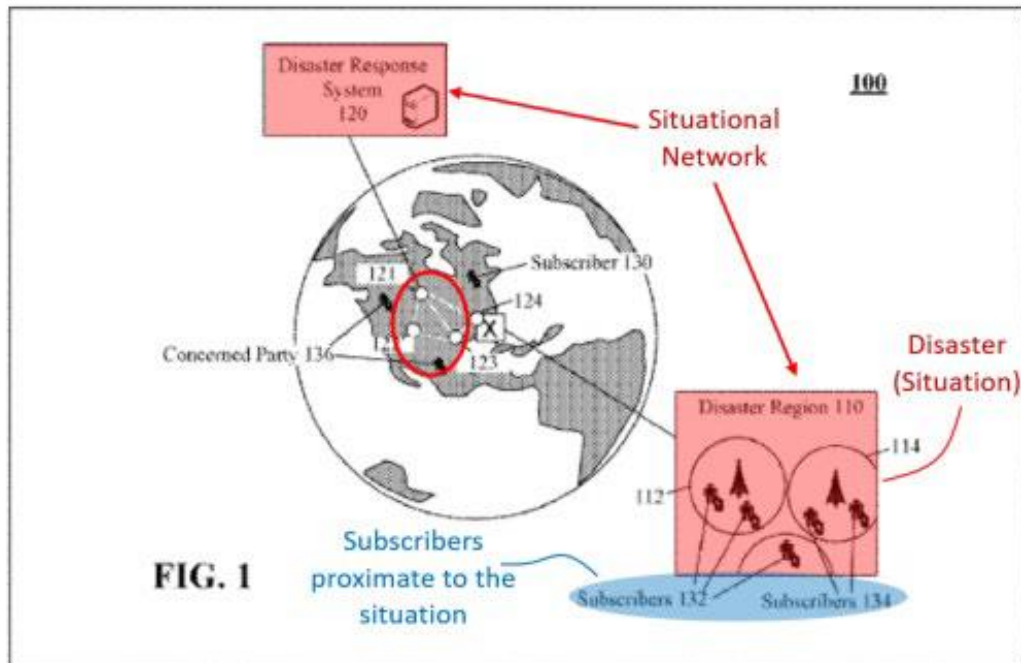
Independent claims 1, 8, and 13 each recite a “situational network.” While claim 8 recites the term in its preamble, claim 12 – which is directly dependent on claim 8 – relies on the preamble of claim 8 for antecedent basis. “[D]ependence on a particular disputed preamble phrase for antecedent basis may limit claim scope because it indicates a reliance on both the preamble and claim body to define the claimed invention.” *Catalina Marketing Intern. v. Coolsavings.com*, 289 F.3d 801, 808 (Fed. Cir. 2002). Accordingly, the scope of claim 8 is defined by both its

preamble and claim body. As such, the method recited in claim 8 requires the use of a “situational network.”

a) Gage’s Network is not Formed In Response to an Event or Situation

As the Board observed, “there is no controversy with respect to the claim construction of ‘situational network’ ... both parties agree with the construction of ‘situational network’ as ‘a network created in response to the occurrence of an event or situation.’” Paper 9, at 12. However, Gage’s alleged situational network is not a network *created in response to an event or situation*. Ex. 2009 ¶ 56. Logically, if the situational network is created in response to an event or situation, it cannot exist prior to the event or situation. But, Gage’s alleged situational network and the connections within it indeed exist *prior to* the event or situation.

Petitioner highlighted portions of Gage’s Fig.1 in red to identify what it believes to be the situational network, namely disaster response system 120 and disaster region 110 with communication zones 112 and 114:



IPR2024-00530, Paper 1 at 28. Gage’s disaster response system includes a server that is in communication with subscribers’ mobile devices and requests their location information *before* the system even detects a disaster has occurred:

The method can *begin* in step 305, *where a server can request location information from mobile devices*. Corresponding database entries can be populated using this information. In step 310, *a determination can be made as to whether a disaster has occurred.*”

Gage ¶ [0036] (emphasis added); Ex. 2009 ¶ 57. To send location queries to subscribers’ mobile devices, receive corresponding locations, and then populate those locations into a database requires all subscribers to already be part of Gage’s disaster response system (situation network) *prior to* the occurrence of an event or situation. Ex. 2009 ¶ 57.

Further, pre-established connections are further evidenced by the ability of Gage's system to "look-up a last known location" and ascertain the "last known activity for the mobile device" when a mobile device is unable to be contacted:

When a mobile device is unable to be contacted, the disaster response server can *look-up a last known location* of user and to ascertain whether mobile communications are down in that area. Further, a *last known activity* for the mobile device can be ascertained and compared against disaster related times.

Gage ¶ [0010] (emphasis added). The ability to look-up a "last known location" and having "last known activity" proves Gage's system is connected to subscriber devices *prior to* the event or situation to receive and store such location data. Ex. 2009 ¶ 58. Thus, Gage's disaster response system is a network including participant devices formed prior to the occurrence of an event or situation.

Furthermore, absent the agreed construction of "situational network," claims 1 and 13 explicitly recite a network including subscriber devices formed *after* (i.e. in response to) the occurrence of an event or situation. Claim 1 recites "forming a situational network ... with a plurality of participant devices *determined to be proximate to the situation*." (emphasis added). A device cannot be "determined to be proximate to the situation" until the location of the situation is known. The location of the situation, however, cannot be known until after the situation occurs. Consequently, claim 1 explicitly excludes networks formed with participant devices *prior to* occurrence of the event or situation. Claim 1, therefore, explicitly excludes

Gage's disaster response system.

Similar to claim 1, claim 13 explicitly excludes Gage's disaster response system. Claim 13 recites, "a central server ... configured to ... form a situational network related to the occurrence of the situation with a plurality of participant devices *determined to be geographically proximate to the situation.*" (emphasis added). Again, a device cannot be "determined to be geographically proximate to the situation" until *after* the location of the situation is revealed by its occurrence. Thus, claim 13 explicitly excludes networks formed with participant devices *prior to the* occurrence of the event or situation. As opposed to the networks of temporary responsive connections recited by the claims, Gage's disaster response system more akin to what is described in the specification as a network of persistent connections.

345 Patent, 4:48-52

Gage further notes that subscribers can initialize a "previously designed plan" in the event of a disaster:

The plan can be one that was *previously established* with system 230. For example, if Subscriber 214 is a parent unable to pick-up a child due to the disaster, a previously designated party 246 can be tasked with the child's well being, whenever Plan A is selected.

Gage, ¶ [0028] (emphasis added). Establishing a previously designed plan to be initiated requires establishing a connection with the disaster response system *prior to* the occurrence of an event or situation, not *in response to* the event or situation.

Furthermore, initiating a previously designed plan with the system requires previously forming a relationship with the system that interconnects the system and the subscriber. The connections between the subscriber and Gage's disaster response system are thus formed prior to an event or situation. This is completely different than a network *created in response to an event or situation*.

The connections establishing Gage's network of subscriber devices and the disaster response system are more equivalent to the unclaimed networks of "persistent" connections discussed in the 345 patent:

The connections, or links, established in forming and sustaining the situational network 3000 may be *persistent* or temporary. A *persistent connection* allows participants to exchange information *without requiring* the user to re-authenticate, re-authorize, or *re-create the connection*.

345 Patent, 4:48-52. However, these persistent connections are established *prior to* an event or situation, not *in response*. In fact, the 345 Patent suggests a link may be "temporary" when it is created based on the geographical proximity of a user, which is a feature found in claims 1, 8, and 13 of the 345 Patent. 345 Patent, 21:20-21 ("the temporal limitation of a link may be based on geographic location or itinerary of the user.").

Further, the 345 patent teaches that a "proximity based SitNet" formed based on users determined to be geographically proximate to an event or situation, as claimed in independent claims 1, 8, and 13, is "not pre-formed":

A SitNet may be formed when users involved in a situation or event are determined to be in relatively close geographic positions. If the SitNet is *not pre-formed* or anticipated by the event or situation, but its *formation is a result of the occurrence of the event or situation* causing the potential *members of the SitNet to be within a relatively small geographic area*, such embodiment of the SitNet may be referred to as a *proximity based SitNet*.

345 Patent, 5:58-65. A proximity based situational network is precisely what is claimed in the 345 patent (e.g., Claim 1: “participant devices determined to be geographically proximate to the situation.”). However, Gage’s alleged situational network is pre-formed and is not *dynamically* formed in response to an event or situation. Characteristics of a proximity based situational network would include, for example:

a *dynamic* set of user connections in which *links between the participants in the situational network are added or removed as the situation or event changes its geographic location or as the user changes his position relative to the situation*. User devices 404, 406 are connected into the situational network when it is determined that users of the devices 404, 406 are affected by the event or situation. Similarly, *users are disconnected from the situational network as the event or situation moves away, the users move away from the situation, or the users are no longer determined to be affected by the event or situation*.

Id., 5:35-45 (emphasis added). Gage does not teach of dynamically connecting and disconnecting users from a situational network based on a user’s proximity to an event or situation. Consequently, whatever Gage creates, it is not a network *created in response to an event or situation* but rather a *pre-formed* network with persistent

connections between the subscribers' devices and the disaster response system.

Gage, therefore, fails to disclose the claimed situational network.

b) Gage's System is not Formed with Participant Devices Determined to be Geographically Proximate to the Situation

Gage fails to disclose a situational network formed with participant devices *determined to be geographically proximate to the situation*. Petitioner points to paragraph [0009] of Gage for allegedly teaching this feature: "When a subscriber is proximate to a disaster area, the subscriber's device can be queried for a status indicator and for an optional user provided message." IPR2024-00530, Paper 1 at 29. However, Petitioner conveniently omits the pertinent language in paragraph [0009] that precedes this quote that confirms *all subscribers*, whether geographically proximate to the situation, are queried for their locations when a disaster is detected:

More specifically, *when a disaster is detected, mobile devices of subscribers can be queried for location* and wireless connectivity 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*. When a subscriber is proximate to a disaster area, the subscriber's device can be queried for a status indicator and for an optional user provided message.

Gage, [0009] (emphasis added). Gage's entire subscriber base is included its alleged situational network. Since *all subscribers* are included in the location

queries, Gage's alleged situational network is not formed with subscriber devices "determined to be" geographically proximate to the situation as its system includes subscribers that are not geographically proximate to the situation to be part of the network. Accordingly, no such geographical proximity determination is made in Gage's alleged situational network.

As the foregoing demonstrates, Gage fails to disclose what both parties agree and the claims require constitutes a "situational network." The Petition, therefore, fails to establish Gage invalidates claims 1, 3-8, 10-13, 15, and 16.

2. Situation Authority

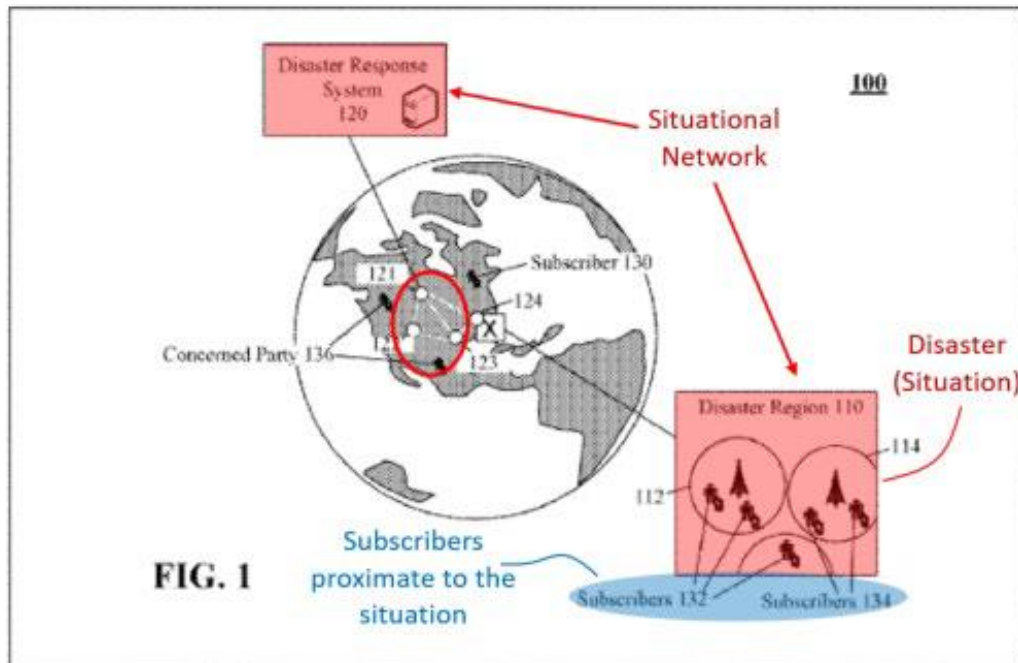
Claim 4 (dependent on claim 1) and independent claims 8, and 13 each recite a "situation authority." The specification teaches a "situation authority," "trusted provider," and/or "central authority," as an *external entity* able to aggregate and provide comprehensive information related to the situation. 345 Patent, 4:14-20. Petitioner points to Gage's disaster response system as the situational authority, but the disaster response system is not external to what the Petitioner believes to be the situational network. Accordingly, the Petition fails to establish Gage's disaster response system is a situation authority.

The Petition asserts that Gage's "disaster response system is a situation authority because the disaster response system 'detects an occurrence of a disaster affecting a region' (situation), receives and 'aggregates' information related to the disaster, and provides the information to various participants in the network, such

as disaster relief agencies and rescue personnel.” IPR2024-00530, Paper 1 at 34. However, this statement ignores the fact that a “situation authority” is an “external entity.”

A “situation authority” is referenced as an external entity in the 345 Patent: “*external entities 207*, also called *situation authorities*, central authorities or trusted providers, [] generally are able to aggregate and provide comprehensive information related to the situation.” 345 Patent, 4:14-20 (emphasis added). Indeed, before the District Court, the Petitioner asserted that the “patents also say what situation authorities are: ‘external entities[], also called . . . central authorities or trusted providers, that generally are able to aggregate and provide comprehensive information related to the situation.’” Exhibit 2002, at 14. Therefore, there is no dispute that a “situation authority” is an external entity. Notably, the Board did not foreclose the validity of this argument in its decision to institute the instant IPR. (“At this time, we take no position on whether the situation authority is required to be an “external entity.”) IPR2024-00530, Paper 9 at 26.

As a reminder, Petitioner highlighted in red what it believes comprises the situational network, namely disaster response system 120 and disaster region 110 with communication zones 112 and 114, with its annotated version of Gage’s Fig.1:



IPR2024-00530, Paper 1 at 28. An external entity logically would have to be an entity *outside of the service or system* providing the “situational network.” However, Petitioner asserts, “[a] POSA would have understood that the ***disaster response system forms a situational network*** by connecting with subscribers 132-134 in the disaster region 110 using one or more of the above-described communication channels for querying subscribers’ situation status.” *Id.* at 27 (emphasis added). Accordingly, Petitioner has identified Gage’s disaster response system as part of the “situational network.” If true, it cannot also be a “situation authority” because such would require Gage’s disaster response system to be outside of or external *to itself*—which is nonsensical. Gage’s disaster response system, therefore, cannot be both part of a “situational network” and a “situation authority,” as Petitioner asserts. *See Becton, Dickinson & Co. v. Tyco Healthcare Group, LP*, 616 F.3d 1249, 1254 (Fed.

Cir. 2010) (“Where a claim lists elements separately, ‘the clear implication of the claim language’ is that those elements are ‘distinct component[s]’ of the patented invention.”); *HTC Corp. v. Cellular Communs. Equip., LLC*, 701 Fed. Appx. 978, 982 (Fed. Cir. 2017) (“The separate naming of two structures in the claim strongly implies that the named entities are not one and the same structure.”). Presenting contradictory assertions, the Petitioner fails to establish Gage invalidates claims 4, 8, 10-13, 15, and 16.

B. Ground 2: Claims 2, 9, and 14 Are Not Rendered Obvious by Gage and Mitchell

For the reasons detailed *supra*, Gage fails to disclose all the elements of independent claims 1, 8, and 13 upon which claims 2, 9, and 14, respectively, depend. The Petition fails to assert Mitchell (U.S. Publication No. 2007/0194938) overcomes the deficiencies. Consequently, the Petition has not established Gage in combination with Mitchell invalidates claims 2, 9 and 14.

C. Ground 3: Claims 1, 3, 4, 6-8, 10-13, and 15 Are Not Rendered Obvious by Shida

The Petition fails to demonstrate Shida (U.S. Publication No. 2003/0162557) discloses a “situational network” as recited in independent claims 1, 8, and 13 and a “situation authority” as recited in independent claims 8 and 13. Shida thus cannot render the challenged claims invalid and unpatentable.

1. Situational Network

Independent claims 1, 8, and 13 each recite a “situational network.” While claim 8 recites the term in its preamble, claim 12 – which is directly dependent on claim 8 – relies on the preamble of claim 8 for antecedent basis. “[D]ependence on a particular disputed preamble phrase for antecedent basis may limit claim scope because it indicates a reliance on both the preamble and claim body to define the claimed invention.” *Catalina Marketing Intern. v. Coolsavings.com*, 289 F.3d 801, 808 (Fed. Cir. 2002). Accordingly, the scope of claim 8 is defined by both its preamble and claim body. As such, the method recited in claim 8 requires the use of a “situational network.”

a) Shida’s Network is not Formed In Response to an Event or Situation

As the Board observed, “there is no controversy with respect to the claim construction of ‘situational network’ ... both parties agree with the construction of ‘situational network’ as ‘a network created in response to the occurrence of an event or situation.’” Paper 9, at 12. However, Shida’s alleged situation network is not a network *created in response to an event or situation*. Logically, if the situational network is created in response to an event or situation, it cannot exist prior to the event or situation. But, Shida’s alleged situational network and the connections within it indeed exist *prior to* the event or situation.

Petitioner argues that Shida’s center server forms a situational network related

to the occurrence of the situation by “establishing connections” for communicating with the subscribers who should be informed of the occurred disaster. IPR2024-00530, Paper 1 at 52. However, these connections are not established in response to an event or situation, they are pre-existing connections.

Shida presents only one embodiment that comprises “[a] base station 6a for a region A, base station 6b for a region B, a carrier server 9 that carries out a processing for this embodiment, and center Server 3 that carries out a main processing for this embodiment [] connected with network 1 that is a computer network such as the public network and/or the Internet, etc.” Shida, ¶ [0027]. Users’ devices are connected to the base state prior to the occurrence of the disaster. This is confirmed in Shida as its subscribers’ device locations are constantly monitored and updated by carrier server 9. As Shida details, “[t]he carrier server 9 has a regional subscriber table storage unit 91 for storing a regional subscriber table to manage information of a region where the subscriber exists.” Shida, ¶ [0029]. Determining where a subscriber exists is determined based on the base stations communicating with the subscriber’s device. As Shida explains, “the terminals carry out the wireless communication with two or more base stations, and the signal from the base station that receives the signal with the highest reliability may be finally adopted.” Shida, ¶ [0028]. Thus, Shida’s system determines and tracks the location of a user based on the base station providing the most reliable signal. “Whenever the subscriber terminal changes its existing region,

the carrier server 9 updates the regional subscriber table.” Shida ¶ [0036]. For this to occur, the subscribers’ devices must already be connected to the system *prior to* an event or situation. Ex. 2009 ¶¶ 77-83. The tracking of users prior to the occurrence of the event of situation is confirmed using the “regional subscriber table” to determine the location of a situation or event.

The method by which Shida’s system detects and determines the location of situation or event is shown Fig. 2, reproduced below:

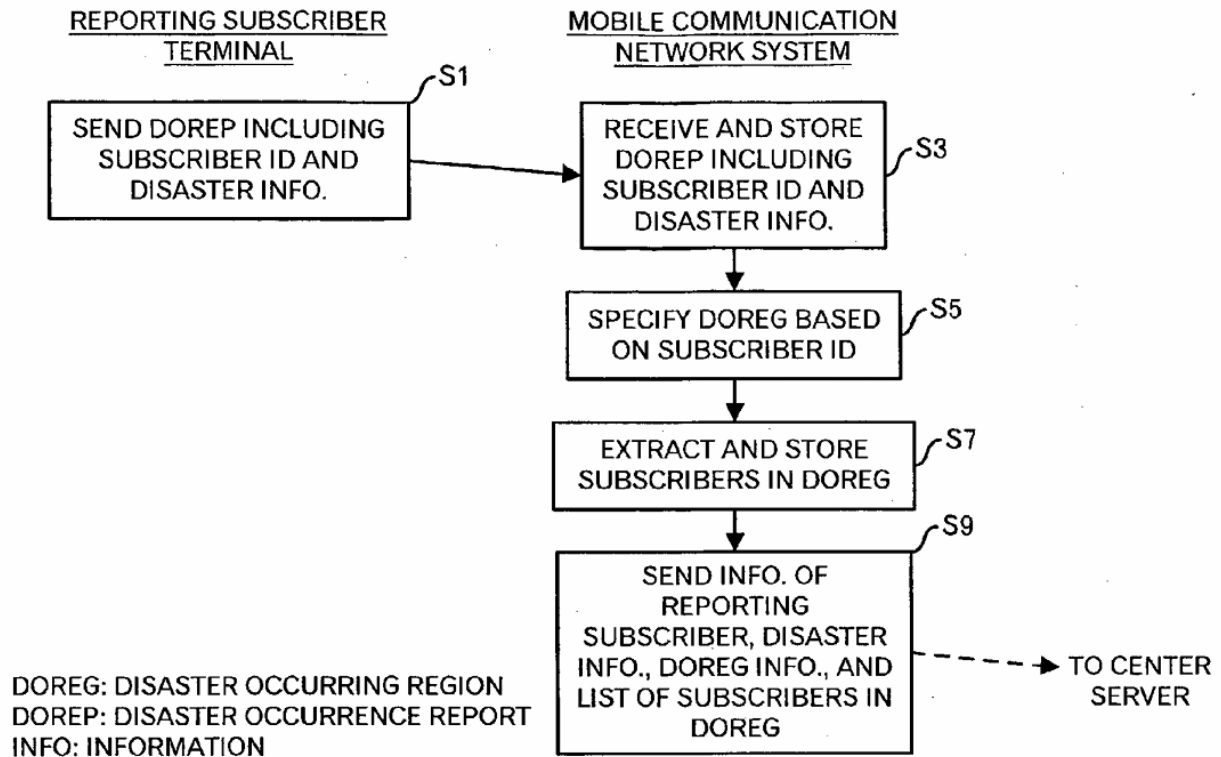


FIG.2

The process begins at S1 with a “reporting subscriber terminal 53 generat[ing] the disaster occurrence report including the input disaster information and own subscriber ID, and transmit[ing] it (step S1).” Shida, ¶ [0033]. Next, “the carrier

server 9 receives the disaster occurrence report including the subscriber ID and disaster information from the reporting subscriber terminal 53” and “temporarily stores the report in the Storage device (step S3).” *Id.* After receiving and storing the report, “the carrier *server 9 retrieves the regional subscriber table* stored in the regional subscriber table storage unit 91 *by the received subscriber ID, and specifies the disaster occurring region* (step S5).” Shida, ¶ [0034] (emphasis added). Thus, Shida’s system determines a location of an event or situation by looking up the location of the user reporting the event in regional subscriber table. Accordingly, Shida’s system utilizes constant tracking of user recorded in the regional subscriber table to determine the location of an event or situation. Ex. 2009 ¶¶ 80-83. This necessitates the user devices are connected to the system prior to the occurrence of an event or situation. *Id.* Thus, Shida’s system is a network including participant devices formed prior to the occurrence of an event or situation.

Furthermore, absent the agreed construction of “situational network,” claims 1 and 13 explicitly recite a network including subscriber devices formed *after* (i.e. in response to) the occurrence of an event or situation. Claim 1 recites “forming a situational network ... with a plurality of participant devices *determined to be proximate to the situation.*” (emphasis added). A device cannot be “determined to be proximate to the situation” until the location of the situation is known. The location of the situation, however, cannot be known until after the situation occurs.

Consequently, claim 1 explicitly excludes networks formed with participant devices *prior to* occurrence of the event or situation. Claim 1, therefore, explicitly excludes Gage’s disaster response system.

Similar to claim 1, claim 13 explicitly excludes Shida’s disaster response system. Claim 13 recites, “a central server ... configured to ... form a situational network related to the occurrence of the situation with a plurality of participant devices *determined to be geographically proximate to the situation.*” (emphasis added). Again, a device cannot be “determined to be geographically proximate to the situation” until *after* the location of the situation is revealed by its occurrence. Thus, claim 13 explicitly excludes networks formed with participant devices *prior to* occurrence of the event or situation.

Aside from user devices (i.e. subscriber terminals) moving from base station to base station, Shida fails to describe any other changes to the network of the system. In addition to subscriber terminals, base stations, a carrier server, and center server, Shida details its system includes an operator terminal. Specifically, Shida states, “the center server 3 *is connected* to an operator terminal 7 provided in facilities such as fire stations and police stations, for instance, to plan and instruct measures against the disaster etc.” Shida, ¶ [0030] (emphasis added). As “is” indicates the present tense, the connection between the center server 3 and operator terminal 7 is already formed when the situation or disaster occurs. Thus, a connection between the center server 3 and

operator terminal 7 *is not formed in response to* the event or situation. Ex. 2009 ¶¶ 77-83. Accordingly, while a report process of the center server 3 “transmits the information of the reporting subscriber, disaster information, and information of the disaster occurring region to the operator terminal 7” (Shida ¶ [0038]), the message is sent over an existing connection. Consequently, sending the information to the operator terminal 7 does not create a network in response to the situation or event.

As neither the operator terminal nor participant devices are incorporated into the Shida system in response to the event or situation, Shida fails to disclose what both parties agree, and the claims require, constitutes a “situational network.” The Petition, therefore, fails to establish Shida invalidates claims 1, 3, 4, 6-8, 10-13, and 15.

b) Shida’s Network does not Possess Other Characteristics of a Situational Network

As detailed *supra*, the 345 Patent teaches that a situational network can have certain characteristics that show that it does not exist prior to an event or situation but rather is formed in response an event or situation. For example, the 345 patent teaches the links between the participants in the situational network are dynamically added or removed as the situation or event changes its geographic location or as the user changes his position relative to the situation. *See supra at* 9-10. None of these characteristics are found in Shida as its network is contains persistent connections that exist *prior to* an event or situation. Ex. 2009 ¶ 76.

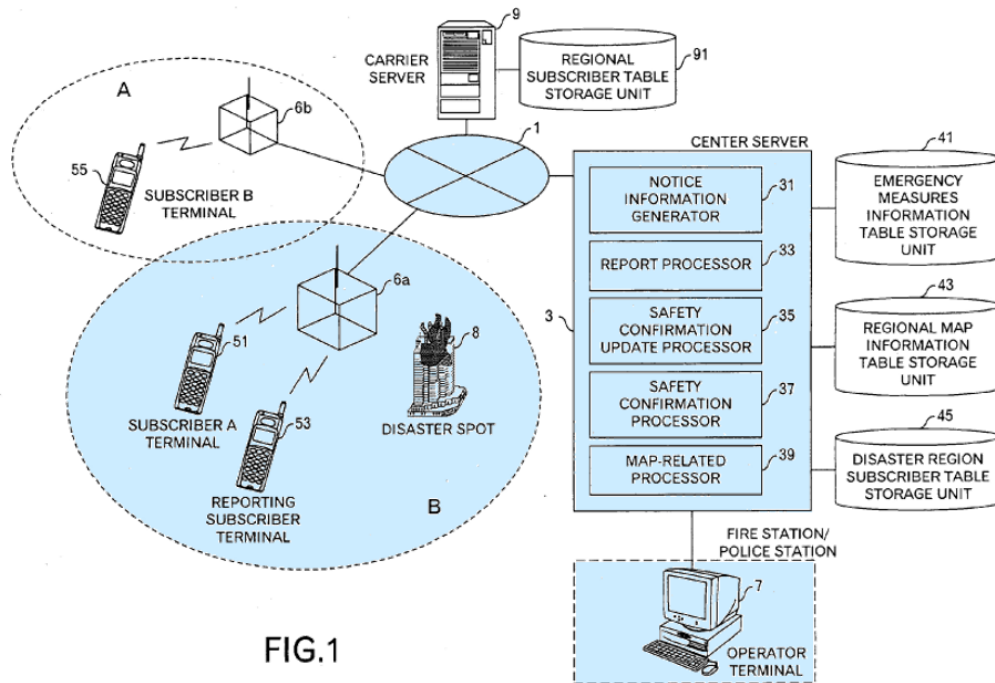
2. Situation Authority

Claim 4 (dependent on claim 1) and independent claims 8, and 13 each recite a “situation authority.” The specification teaches a “situation authority,” “trusted provider,” and/or “central authority,” as an *external entity* able to aggregate and provide comprehensive information related to the situation. 345 Patent, 4:14-20. Petitioner points to Shida’s center server as the situational authority, but the center server is not external to what the Petitioner believes to be the situational network. Accordingly, the Petition fails to establish Shida’s center server is a situation authority.

The Petition asserts that Shida’s center server is the situation authority “because the center server determines ‘the occurrence of the disaster,’ stores ‘emergency measures information,’ and is ‘connected to an operator terminal [] provided in facilities such as fire stations and police stations, for instance, to plan and instruct measures against the disaster etc.’” IPR2024-00530, Paper 1 at 59. However, this statement ignores the fact that a “situation authority” is an “external entity.” As detailed *supra*, the 345 Patent teaches that a “situation authority” is an “external entity,” which Petitioner agreed during claim construction proceedings in *SitNet v. Meta*. Notably, the Board declined to foreclose the validity of this argument in its decision to institute the instant IPR. *See supra* at 12.

Petitioner has highlighted in blue what it believes comprises the situational

network with its annotated version of Shida's Fig.1, which includes the center server:



IPR2024-00530, Paper 1 at 54. An external entity logically would have to be an entity *outside of the service or system* providing the “situational network.” However, Petitioner asserts “**center server forms a situational network** related to the occurrence of the situation by establishing connections for communicating with ‘the subscribers... who should be informed of the occurred disaster.’” *Id.* at 52 (emphasis added). Accordingly, Petitioner has identified Shida’s center server as part of the “situational network.” If true, it cannot also be a “situation authority” because such would require Shida’s center server to be outside of or external *to itself*—which is nonsensical. Shida’s center server, therefore, cannot be both part of a “situational network” and a “situation authority,” as Petitioner asserts. *See*

supra at 13. Presenting contradictory assertions, the Petition fails to establish Shida invalidates claims 4, 8, 10-13, 15, and 16.

3. Claims 6 and 11

Claims 6 and 11 require that the status response includes ***both*** (1) a request for assistance and (2) a location of the participant, but Shida’s status response does not include the location of the participant. Petitioner believes Shida teaches this element as a subscriber terminal “provides data indicative of the new position to the center server via the mobile communication network system” when it “determines that the subscriber has changed positions (e.g., to a new cell).” IPR2024-00530, Paper 1 at 63-64. However, the data indicative of a new position is not communicated with a status response as required by the claims. Shida only discloses communicating a status response such as “Rescue request” (Shida ¶ [0050]), but that status response does not include the location of the participant. Accordingly, Shida fails to teach all elements of claims 6 and 11.

D. Ground 4: Claims 2, 5, 9, 14, and 16 Are Not Rendered Obvious by Shida and Sinha

For the reasons detailed *supra*, Shida fails to disclose all the elements of independent claims 1, 8, and 13 upon which claims 2, 5, 9, 14 and 16 depend. The Petition fails to assert Shina (U.S. Publication No. 2008/0208605) overcomes the deficiencies. Consequently, the Petition has not established Shida in combination with Sinha invalidates claims 2, 5, 9, 14 and 16.

Further, the combination of Shida and Sinha fails to teach all elements of claims 5 and 16. These claims require establishing an electronic message board that provides access to the roll call information related to the situation for *individuals not participating in the situational network*. Petitioner points to Sinha's Fig. 4K and highlights in blue portions of the Fig. 4K that are seemingly relevant to the claims:

FIG. 4K

**EMPLOYEE
EMERGENCY
WORKPLACE
USAGE**

- GET LATEST STATUS
- READ ANNOUNCEMENTS
- PARTICIPATE IN MESSAGE BOARDS

USERS USE EMERGENCY WORKPLACE



IPR2024-00530, Paper 1 at 73-74. However, as noted by the Petitioner, Sinha's message board "enables *employees* to post and respond to topics relating to the event." *Id.* (emphasis added). The message board is not accessible to non-employees or "individuals not participating in the situational network" as required by the claims. Accordingly, Sinha fails to teach all elements of claims 5 and 16.

IV. CONCLUSION

The Petition fails to render the challenged claims invalid and unpatentable.

Therefore, the Board should uphold the validity and patentability of claims 1-16.

Dated: December 3, 2024

Respectfully submitted by,

A handwritten signature in black ink, reading "David L. Hecht". The signature is written in a cursive style with a horizontal line underneath it.

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

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that Patent Owner's Patent Owner Response was served on December 3, 2024 by e-mailing copies to the following e-mail addresses as provided in Petitioner's Petition:

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CERTIFICATE OF WORD COUNT

Under the provisions of 37 C.F.R. § 42.24, the undersigned hereby certifies that word count for the foregoing Patent Owner Response (excluding the table of contents, certificate of service, word count, or listing of exhibits) total 5,369 words, which is less than the 14,000 words allowed under 37 C.F.R. § 42.24(b)(1).

Dated: December 3, 2024

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