

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 REPLY TO PATENT OWNER'S 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	<i>Curriculum Vitae</i> 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, <i>SitNet, LLC v. Meta Platforms, Inc.</i> , 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
1027	Transcript of the Deposition of Aviel D. Rubin, Ph.D. (February 7, 2025)
1028	Declaration Dr. Jeremy Cooperstock in Support of Petitioner's Opposition to Patent Owner's Contingent Motion to Amend
1029	U.S. Patent No. 7,730,216 to Issa et al. ("Issa")
1030	U.S. Patent No. 7,747,648 to Kraft et al. ("Kraft")
1031	<i>Intentionally left blank</i>
1032	Order on Motion to Dismiss, SDNY-1-23-cv-06389-51 (March 19, 2024)
1033	Declaration Dr. Jeremy Cooperstock in Support of Petitioner's Reply to Patent Owner's Response

I. INTRODUCTION

The '345 patent relates to nothing more than forming an ad-hoc communication group using a conventional social-network platform. As explained in the Petition, nothing in the '345 patent purports to create any new computer technology or social-network structure. And SitNet's own expert admitted as much during his deposition. These claims are obvious as explained in the Petition.

SitNet's arguments to the contrary lack merit.

First, SitNet's argument that neither Gage nor Shida teach the claimed "situational network" hinges on an implausible claim interpretation—i.e., that the claimed "situational network" *excludes pre-established networks*. But that interpretation conflicts with not only the embodiments in the '345 patent and the district court's construction, but also SitNet's very own arguments. In any event, Gage and Shida both establish a new network connection in response to a situation, which satisfies SitNet's expert's own explanation for how a "situational network" can be formed from an existing network.

Second, SitNet's argument that neither Gage nor Shida teach the claimed "situation authority" also hinges on an implausible claim interpretation—i.e., that the claimed "situation authority" requires an external entity. But, as SitNet's own expert admits, no such requirement appears in the district court's construction. And, even under SitNet's improper claim interpretation, Gage and Shida both teach

a “situation authority” that is external to the situation.

Thus, as explained in more detail below, the Board should reject SitNet’s arguments and find all claims of the ’345 patent unpatentable.

II. CLAIM CONSTRUCTION

A. SitNet improperly adds new limitations to the claimed “*situational network*” by excluding “pre-established networks” and requiring that a “new element” be added to a network.

SitNet argues that forming a “situational network” “excludes pre-established networks” or systems where “all elements were interconnected prior to [an] event or situation.” POR, 2, 4. Forming a situational network, SitNet says, also requires a “new connection to be established incorporating at least one new element.” POR, 4. This also requires forming “temporary” links based on geographic proximity and “dynamically connecting and disconnecting users from a situational network based on a user’s proximity to an event or situation.” POR, 9-10. These requirements should be rejected because they import limitations to the claims that erroneously extend beyond the district court’s claim construction. EX1033, ¶¶7-14.

First, the plain language of the claims does not exclude pre-established networks or require a “new element” to form a network. Neither of these limitations appear anywhere in the claims. Indeed, as acknowledged in the Institution Decision, the district court’s construction is sufficient and construes the term “situational network” as “a network created in response to an event or

situation.” DI, 11-12; EX2007, 2-4. Importing additional limitations into the claims is improper. *See Cont'l Circuits LLC v. Intel Corp.*, 915 F.3d 788, 796-97 (Fed. Cir. 2019); *Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1372-73 (Fed. Cir. 2014) (declining to import limitations into the claims without clear limitations or restrictions in the specification or prosecution history).

Second, SitNet’s proposed construction contradicts its own arguments presented before the district court and in the POR. SitNet previously construed a situational network as “a network that is a subset of a larger network, comprising member nodes, formed in response to an event or situation.” EX2007, 2. Additionally, in the POR, SitNet says that the “new network may be derived from an old network.” POR, 3. Based on these statements, rather than excluding pre-established networks, SitNet concedes that elements of a pre-established network can be formed into a situational network.

Moreover, SitNet’s own expert admitted that “a device that’s part of an existing network” can “be included in the formation of a situational network.” EX1027, 56:2-7. To do so, Dr. Rubin says that “a new connection” would have to be “created” with the device during “the formation of a situational network.” EX1027, 56:11-16. In this manner, as both SitNet and Dr. Rubin acknowledge, the formation of a situational network does not exclude pre-existing networks. *See* EX2009, ¶55 (describing the permissible use of “pre-existing connections” from a

“pre-existing network”); POR, 3.

The specification confirms this understanding. It says that “situational network 3000 is created when an occurrence . . . causes connections, also referred to as links, to be established between, within or among a set of participants 250, 207.” EX1001, 4:3-7. Nowhere does the ’345 patent say—or, even, suggest—that a “situational network” would exclude pre-existing networks.

Thus, SitNet’s overly narrow interpretation of a “situational network” should be rejected. EX1033, ¶¶7-14. As explained below, SitNet’s reliance on this improper claim interpretation led it to erroneously conclude that neither Gage nor Shida disclose the claimed “situational network.” *See* Sections III.A.1, III.C.1. Regardless, even if SitNet’s additional limitations were added, Gage and Shida both disclose the claimed formation of a situational network for the reasons provided in the Petition and explained in more detail below. Sections III.A.1, III.C.1; Pet., 25-29, 52-55; EX1033, ¶¶22-26, 34-37.

B. SitNet improperly adds a new limitation by requiring that the “*situation authority*” be “external” to the situational network.

SitNet implicitly introduces a new claim construction for “situation authority” that requires a “situation authority” to be “external” to a “situational network.” POR, 12-13, 22-23. SitNet’s interpretation is wrong for two reasons. EX1033, ¶¶15-21.

First, the term “external” is not recited in the claims. The plain language of

the claims therefore does not require a “situation authority” to be “external” to the claimed situational network. *Cont’l Circuits*, 915 F.3d at 796 (“[T]he claims themselves provide substantial guidance as to the meaning of particular claim terms.”). Nor does the specification contain any “expressions of manifest exclusion or restriction.” *Id.* at 797. It instead permissively states that, “[i]n the context of the situational network 3000, the participants ***may include*** external entities 207, also called situation authorities, central authorities or trusted providers.” EX1001, 4:16-20 (emphasis added). This suggests that situation authorities may be included in a situational network and are not required to be external to the situational network. EX1033, ¶¶17-18. The specification’s permissive language is not “a clear disavowal of claim scope” that would somehow alter the plain meaning of “situation authority.” *Cont’l Circuits*, 915 F.3d at 797.

Second, SitNet’s interpretation of “situation authority” conflicts with the district court’s construction. The district court construed “situation authority” as *an entity providing information concerning a situation*. EX2007, 4. SitNet’s own expert agreed with, and confirmed that, the district court’s construction “doesn’t say anything about” the “situation authority” being “external.” EX1027, 72:16-18.¹

¹ SitNet’s expert also confirmed that a “situational authority” would be “a server.” EX1027, 35:21-36:1. Gage and Shida both disclose such a “situational

In sum, nothing in the claims themselves or the district court’s construction require the “situation authority” to be “external.” EX1033, ¶¶15-21. Thus, SitNet’s implicit construction to the contrary should be rejected. In any event, Gage and Shida both disclose a “situation authority” that is external to the situation, as explained below. EX1033, ¶¶22-26, 34-37.

III. PRIOR-ART GROUNDS

A. Ground 1: Gage renders the claims obvious for the reasons presented in the Petition.

1. Gage discloses the claimed “situational network.”

As explained in the Petition, Gage forms a situational network when its disaster recovery system establishes a connection to subscribers in a “disaster region” to request status indicators. Pet., 25-29. In response, SitNet argues that:

- (a) Gage’s network is not formed in response to an event or situation; and
- (b) Gage’s system is not formed with participant devices determined to be geographically proximate to the situation. POR, 4-12. Both arguments are wrong.

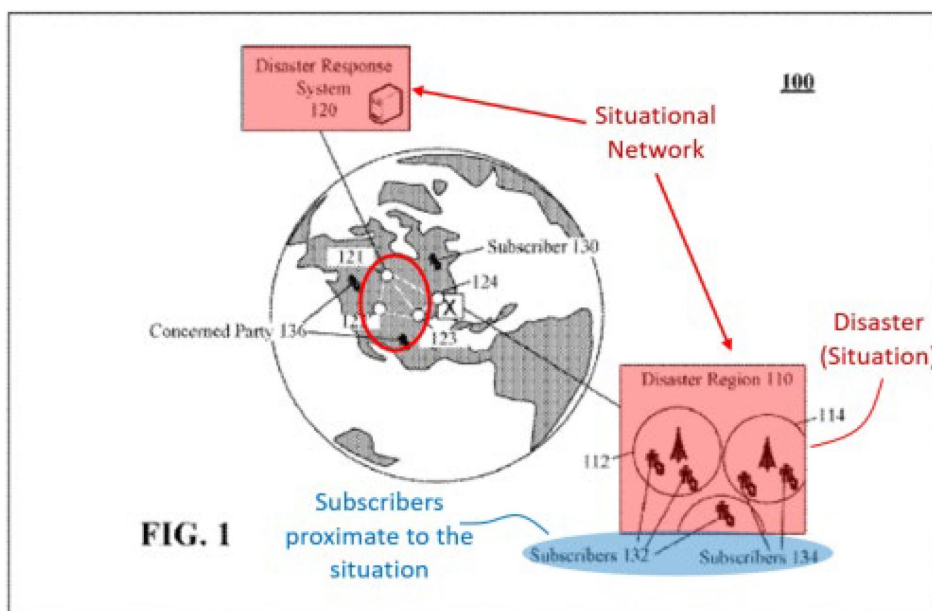
a. Gage’s network is formed in response to a situation.

SitNet misunderstands or mischaracterizes Gage’s disclosure. SitNet argues that Gage’s network is not “created in response to an event or situation.” POR, 5. It also argues that “Gage’s alleged situational network is pre-formed and is not

authority,” as explained in the Petition and below.

dynamically formed in response to an event or situation.” *Id.*, 10. But these arguments are based on SitNet’s improperly narrow interpretation of “situational network” that excludes pre-established networks. *See* Section II.A. For at least this reason, SitNet’s arguments should be rejected. And, even under SitNet’s improper interpretation, Gage discloses a “situational network.”

First, contrary to SitNet’s flawed claim interpretation, Gage discloses the same process for forming a situational network as in the ’345 patent specification where some participants may have a previous connection. Pet., 26-28; EX1005, ¶¶9-10, 36, 38, FIG. 3. For example, the ’345 patent suggests that some participants may already be connected, and the “situational network may be established using the framework of an N-dimensional social network (NDSN).” EX1001, 4:10-15, 7:52-59. Like the ’345 patent, Gage explains that “when a disaster is detected” (*occurrence of the situation*), “a centrally located disaster response system” queries mobile devices of subscribers located near the disaster for status indicators. EX1005, ¶9. As illustrated in Figure 1 (annotated below), this forms a situational network by establishing connections (i.e., requests for “status indicators”) with subscribers 132 and 134 in the disaster region 110. EX1005, ¶¶9-10, 36, 38, FIG. 3.



EX1005, FIG. 1 (annotated).

Second, even under SitNet’s improperly narrow claim interpretation, Gage forms “ad hoc networks” in response to a disaster to facilitate communications with its disaster response system 120. Pet., 26-27; EX1005, ¶¶23-25; EX1033, ¶¶27-28. Despite SitNet’s arguments to the contrary, Gage’s “ad hoc networks” are not limited to “persistent” connections. *See* POR, 9. Instead, Gage explicitly states that the “ad hoc networks can be **dynamically** established (i.e., through BLUETOOTH functionality of mobile telephones) to enable subscribers 130-134 to convey status and location.” EX1005, ¶25 (emphasis added); Pet., 26-27. These dynamic networks satisfy SitNet’s improperly narrow construction of a “situational network.” EX1003, ¶¶64, 83-87.

Moreover, Gage’s ad hoc networks also satisfy the other aspect of SitNet’s

improperly narrow claim interpretation—i.e., that the “situational network” must include “a new connection to be established incorporating at least one new element.” POR, 4. As explained in the Petition, Gage “requests status indicators” from users who are geographically proximate to a disaster. *See* EX1005, ¶9 (“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.”) (emphasis added); Pet., 27 (“[U]pon determining that ‘a disaster has occurred,’ and that one or more users are located proximate the disaster, the disaster recovery system establishes connections with the users’ mobile devices to ‘contact’ the users by ‘*request[ing] status indicators.*’”) (emphasis added) (quoting EX1005, ¶¶9-10). To obtain a status indicator, Gage’s disaster response system would form a new connection (e.g., via one of the dynamically established ad hoc networks) with the mobile devices located near the disaster. EX1005, ¶¶9-10, 25, 36, 38, FIG. 3; EX1033, ¶¶27-28; Pet., 26-27. SitNet fails to address—or even mention—this portion of the Petition.

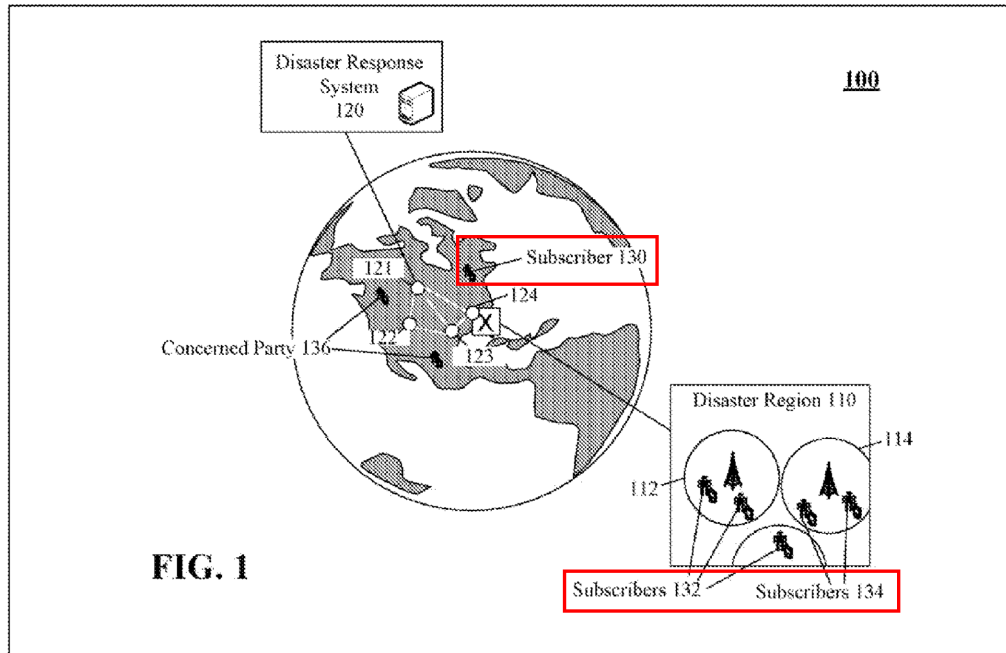
Thus, despite SitNet’s arguments to the contrary, Gage forms a situational network in response to a situation.

b. Gage forms a situational network with participant devices determined to be geographically proximate to a situation.

SitNet argues that Gage queries “all” subscribers for their locations and

therefore does not form a situational network with participant devices that are “geographically proximate to [a] situation.” POR, 11-12. That argument mischaracterizes Gage’s teachings and ignores the explanations in the Petition.

As explained in the Petition, Gage forms a situational network with the specific subscribers that have been affected by the disaster. Pet., 28-29; EX1005, ¶36. Gage states, “[w]hen 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.” EX1005, ¶9. This passage explicitly teaches that Gage’s “status indicator” (a new form of connection) goes to only those subscribers that are “proximate” to the disaster area—it does not go to *all* subscribers as SitNet wrongly states. This is illustrated, moreover, in Figure 1 (annotated below). Referring to Figure 1, subscribers 132 and 134 are geographically proximate to disaster region 110 and are included in the established situational network; whereas subscriber 130 is *not* geographically proximate to disaster region 110 and is *not* included in the established situational network. EX1005, ¶¶19-21.



EX1005, FIG. 1 (annotated).

In this manner, Gage does not include “all subscribers” when forming a situational network. Rather, as explained in the Petition, Gage forms a situational network that queries (i.e., establishes a new connection with) only those subscribers that are geographically proximate to a disaster. Pet., 25-29; EX1005, ¶¶19, 23-25. SitNet overlooks—or, simply, ignores—these teachings in Gage and explanations from the Petition.

2. Gage discloses the claimed “situation authority.”

As explained in the Petition, Gage’s disaster response system discloses the claimed “situation authority” because it “‘detect[s] an occurrence of a disaster affecting a region’ (situation), receives and ‘aggregate[s]’ information related to the disaster, and provides the information to various participants in the network,

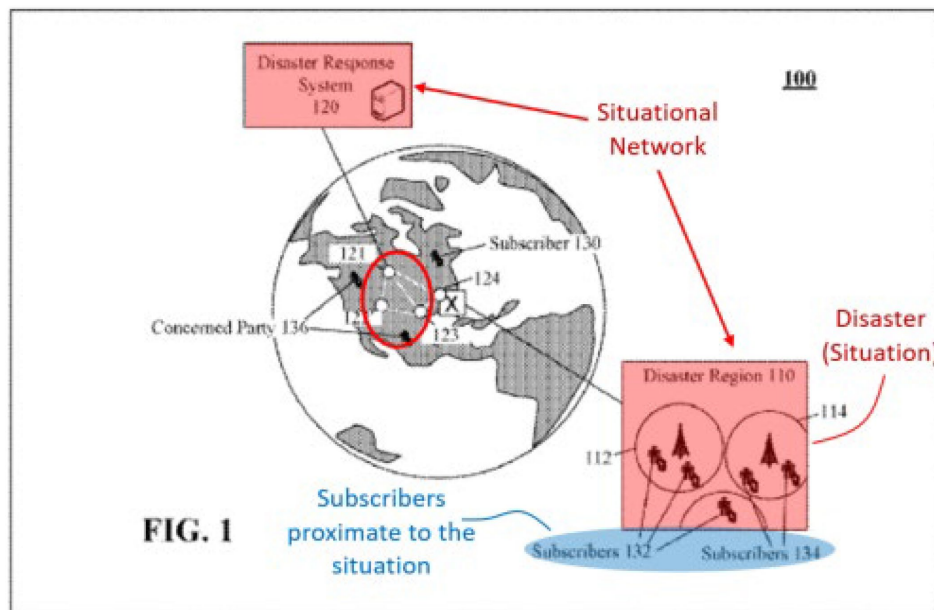
such as disaster relief agencies and rescue personnel.” Pet., 34; EX1005, ¶¶8-9, 21, 36, 45, Claim 15; EX1003, ¶104. This is consistent with the ’345 patent, which discloses that situation authorities are “generally [] able to aggregate and provide comprehensive information related to the situation” to “relief agencies” and “emergency responders.” EX1001, 4:16-20, 25:61-26:25.

In response, SitNet argues that Gage’s disaster response system is not a situation authority because it is not “external” to the situational network. POR, 12-15. But SitNet’s argument is premised on a flawed claim construction of “situation authority” as previously explained. *See* Section II.B. Nothing in the claim requires a situation authority to be external to the situational network or prohibits a situation authority from being a part of the situational network. Rather, the ’345 patent explicitly describes a situation authority and situation authority server as part of a situational network. EX1001, FIG. 1, 4:16-32. SitNet’s expert even confirmed this understanding, explaining that a “situation authority” should simply be construed as “an entity providing information concerning a situation” and that such an entity would be a “server.” EX2009, ¶26; EX1027, 35:21-36:1, 72:16-18.

With this understanding, Gage’s disaster response system is part of the network that it creates and discloses the claimed situation authority for the reasons provided in the Petition. Pet., 34. Gage’s disaster response system comprises a server that connects with various participants to form a situational network.

Contrary to SitNet’s assertions, Gage’s disaster response system is not the situational network itself. Pet., 34; EX1003, ¶104.

Moreover, even under SitNet’s flawed construction, Gage’s disaster response system is external to the disaster region as seen from Figure 1 and therefore discloses an “external entity” capable of performing the functions recited in the claims. EX1005, ¶¶8, 22-23; EX1026, ¶19.



EX1005, FIG. 1 (annotated).

To the extent that SitNet argues that the situation authority must be an organization or entity that controls a situation authority server, Gage discloses this as well. EX1005, ¶¶2, 4-5, 11, 13, 21; EX1033, ¶¶29-33. Gage explains that its system can be facilitated by a “service agent” or implemented on a “machine manipulated by a service agent.” EX1005, ¶13. Based on these disclosures, a

POSA would have found it obvious for an organization or entity to use Gage's disaster response system to perform the functionality that Gage describes (e.g., providing information to "friends and loved ones" or to "disaster relief workers/agencies" during disasters). EX1005, ¶¶4, 11, 21.

B. Ground 2: SitNet has not provided any substantive arguments that address Ground 2.

SitNet has not provided any substantive arguments that address Ground 2. Thus, the claims challenged by Ground 2 remain unpatentable for the reasons provided in the Petition. Pet., 44-49.

C. Ground 3: Shida renders the claims obvious for the reasons presented in the Petition.

1. Shida discloses the claimed "situational network."

As explained in the Petition, Shida forms a situational network when its center server establishes a connection to subscribers near a disaster to provide disaster notice information and to request a "safety confirmation response." Pet., 52-55; EX1006, ¶¶46, 50. In response, SitNet regurgitates many of the same flawed arguments. Specifically, SitNet argues that: (a) Shida supposedly does not disclose a "situational network" that is formed in response to an event or situation, POR, 16-19; (b) Shida allegedly forms a network prior to the occurrence of an event or situation and therefore does not identify devices that are "geographically proximate" to a situation, POR, 19-20; and (c) Shida's network supposedly does not dynamically add or remove links to form a network. POR, 16-21. Because

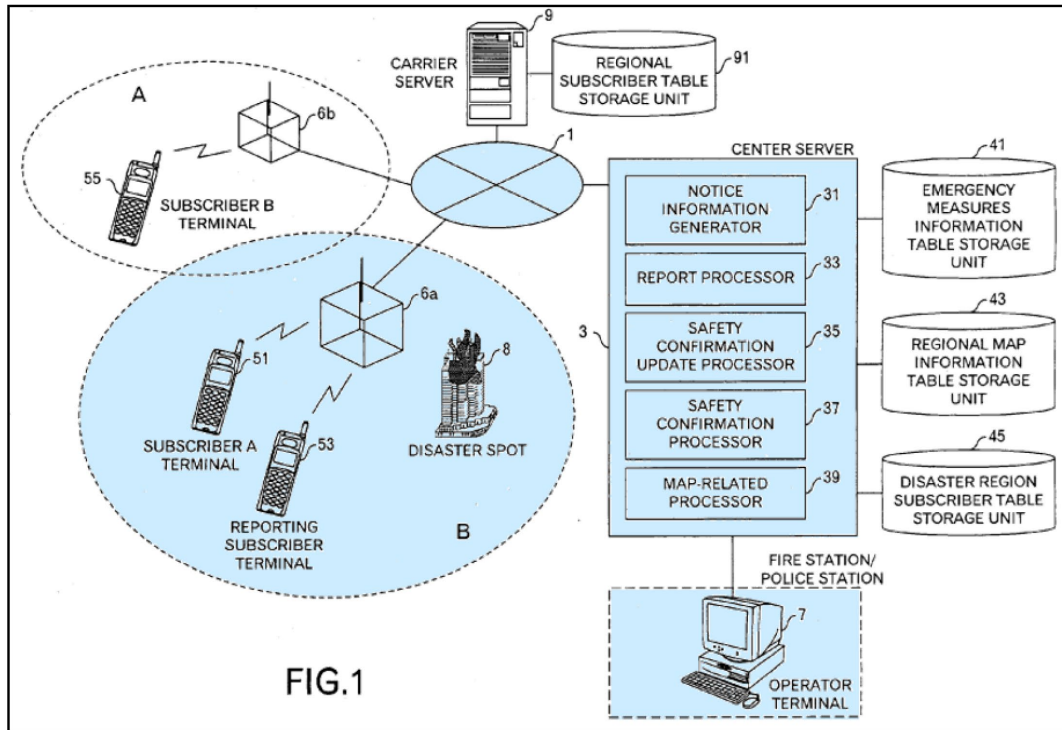
these arguments are premised on SitNet's erroneous claim construction, they should be rejected. Section II.A. Regardless, as explained below, Shida forms a "situational network," even under SitNet's improper claim interpretation.

a. Shida's network is formed in response to a situation.

SitNet argues that Shida's network is not "created in response to an event or situation." POR, 16. It also argues that Shida uses "pre-existing connections" that are formed based on the tracking of a user's location via a "base station providing the most reliable signal." POR, 17. But, again, these arguments are based on SitNet's improperly narrow interpretation of "situational network" that excludes pre-established networks. *See* Section II.A. And, even under SitNet's improper interpretation, Shida discloses a "situational network."

First, contrary to SitNet's flawed claim interpretation, Shida discloses the same process for forming a situational network as described in the '345 patent. Pet., 52-53; EX1006, ¶46. Specifically, as illustrated in Figure 1 (annotated below), Shida identifies the particular subscribers that should be notified of the disaster by determining which subscribers are located in the disaster occurring region using subscriber position information (i.e., determined to be geographically proximate to the situation). EX1006, ¶¶8, 39, 46, 56. Referring to Figure 1, in response to a disaster occurring in Region B, the center server 3 establishes communication with the subscriber terminals located in Region B (proximate to the disaster) via

network 1. EX1006, ¶¶27, 38, 46. The subscriber terminals receive broadcast notice information and return a “safety confirmation response” to the center server via a “mobile communication network system.” EX1006, ¶50. Thus, Shida discloses forming a situational network in response to a disaster. Pet., 52-55.



EX1006, FIG. 1 (annotated).

Second, even under SitNet’s flawed claim interpretation, Shida discloses a “situational network” because Shida discloses establishing new connections when “notice information” and “safety confirmation response[s]” are exchanged in response to a disaster. Pet., 52; EX1033, ¶¶38-40. This “notice information” is generated in response to a disaster and transmitted “to the subscribers to be notified.” *Id.* (quoting EX1006, ¶46). This refers specifically to the subscribers

identified in the “disaster occurring region” and therefore reflects new connections made with those specific subscribers. EX1006, ¶46. Shida also describes the center server providing information and instructions and can “call the subscriber terminals of the subscribers to be notified,” “prompt that person to access a predetermined web server,” or “shift” communications to a particular “web server.” *Id.*, ¶47. These techniques all also teach establishing a new connection with affected subscriber terminals. EX1033, ¶¶41-43. In response to notice information sent to a subscriber terminal, the user can input a “safety confirmation response.” Pet., 52 (quoting EX1006, ¶50). The exchange of “notice information” and “safety confirmation response” occurs over a new type of connection that was not previously established, and thus Shida forms a “situational network” even under SitNet’s erroneous construction. EX1033, ¶¶38-43.

b. Shida forms a situational network with participant devices determined to be geographically proximate to a situation.

SitNet also argues that Shida forms a network prior to the occurrence of an event or situation and therefore does not identify devices that are geographically proximate to a situation. POR, 19-20. SitNet’s argument mischaracterizes Shida’s teachings and again ignores the explanations in the Petition.

As explained in the Petition, Shida’s system identifies subscribers in a “disaster occurring region” (i.e., geographically proximate subscribers) to provide

a notification and to prompt a “safety confirmation response.” EX1006, ¶¶47-48, 50-51; Pet., 52-55. “[T]he subscribers to be notified are *subscribers who exist in the disaster occurring region.*” EX1006, ¶46 (emphasis added). As a matter of logic, the “subscribers . . . in the disaster occurring region” cannot be identified—and, therefore, cannot be “notified”—until *after* the disaster has occurred. EX1006, FIG. 1, ¶¶46, 48. This is because, before the disaster occurs, there cannot possibly be any “subscribers . . . in the disaster occurring region.” Shida therefore describes forming a network with the participant devices who are determined to be geographically proximate to a situation or disaster. This determination necessarily happens only after a disaster has occurred. Pet., 54; EX1006, ¶¶38, 46.

c. SitNet’s argument that Shida’s network does not possess “other characteristics of a situational network” is wrong.

SitNet argues that Shida does not teach “links between the participants in the situational network [that] are dynamically added or removed as [a] situation or event changes its geographic location or [a] user changes his position relative to the situation.” POR, 21. Such limitations appear nowhere in the claims of the ’345 patent. *See* Section II.A. For at least this reason, SitNet’s argument should be rejected.

In any event, Shida discloses dynamically creating connections with subscriber terminals that are affected by a disaster and then communicating with

those subscriber terminals for the same reasons presented in Section III.C.1.a. *See also* EX1006, ¶¶46-48, 50, 60; EX1033, ¶¶44-47. Additionally, establishing these communications may occur via a base station, which may have been selected as the one providing the “highest reliability” and also teaches dynamically establishing links based on a user’s location. EX1006, FIG. 1, ¶¶28-29, 49, 53; EX1033, ¶¶44-47. In this manner, Shida’s description of establishing communications between a center server and an affected subscriber terminal to (1) provide disaster notice information and (2) receive a safety confirmation response also discloses the dynamic formation of communication links. EX1006, ¶¶46, 48, 50, 60. Thus, Shida discloses the claimed “situational network,” even under SitNet’s flawed construction. Pet., 52-55.

2. Shida discloses the claimed “situation authority.”

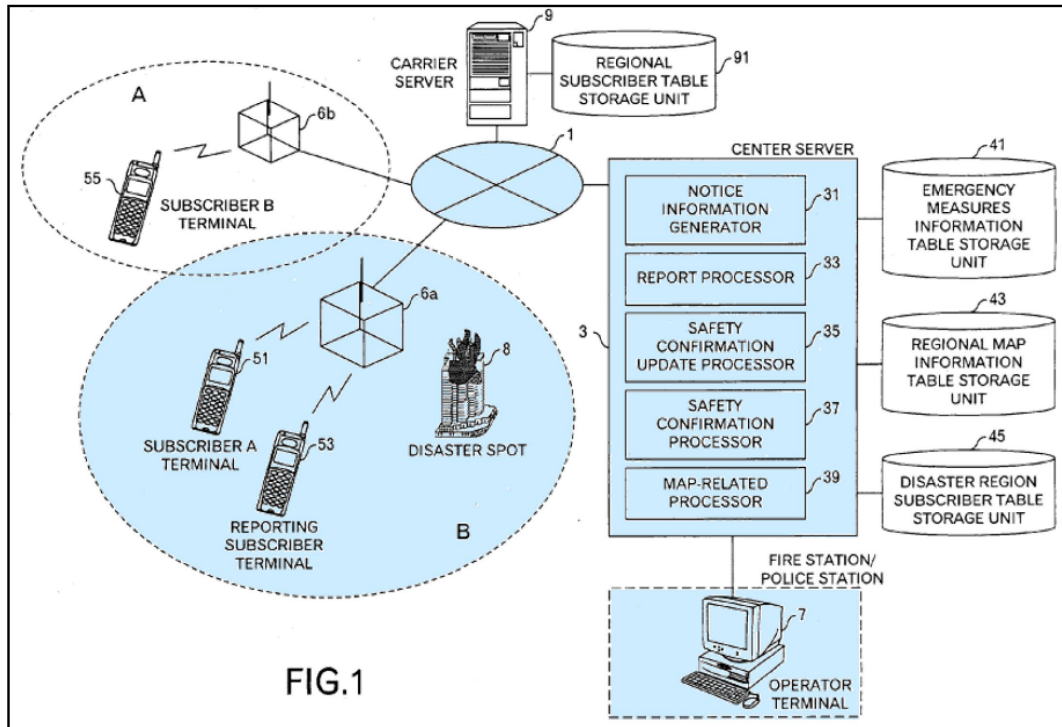
Similar to Gage, SitNet recycles the same flawed “situation authority” arguments for Shida. POR, 22-24. In particular, SitNet argues that Shida’s center server system is not a situation authority because it is not “external” to the situational network. POR, 12-15.

As previously explained, SitNet’s argument rests on a flawed claim construction of “situation authority.” *See* Section II.B. Nothing in the claim requires a situation authority to be external to the situational network or prohibits a situation authority from being a part of the situational network. *See* Section II.B.

Rather, the '345 patent explicitly describes a situation authority and situation authority server as part of a situational network. EX1001, FIG. 1, 4:16-32. And, as mentioned above, SitNet's expert agreed with, and confirmed that, the district court's construction "doesn't say anything about" the "situation authority" being "external." EX1027, 72:16-18.

In line with the district court's construction, Shida's center server is part of the network that it creates and discloses the claimed situation authority. Pet., 59-60. Shida's center server is a server that connects with various subscriber terminals to form a situational network; Shida's center server is not the situational network itself. Pet., 59-60; *see also* EX1027, 35:21-36:1 (SitNet's expert confirming that a "situational authority" would be "a server").

Moreover, even under SitNet's flawed construction, Shida's center server is *external* to disaster occurring regions (e.g., regions A and/or B) as illustrated in Figure 1 (annotated below). EX1006, FIG. 1, ¶27. Thus, Shida's center server is an "external entity" capable of performing the functions described in the claims. EX1006, FIG. 1, ¶27; EX1033, ¶¶48-50.



EX1006, FIG. 1 (annotated).

To the extent that SitNet argues that the “situation authority” must be an organization or entity that controls a situation authority server, Shida teaches this as well. EX1006, ¶¶6-11, 27, 30. Shida’s “service” is provided to cell phone users, which suggests the existence of an administrator or organization that would provide such a service to the users. *See* EX1006, ¶¶6-11. In view of these disclosures, a POSA would have found it obvious for an organization or entity to use Shida’s center server to perform the functionality that Shida describes (e.g., providing information to an operator terminal located in “fire stations and police stations, for instance, to plan and instruct measures against the disaster”). EX1006, ¶30; EX1033, ¶¶48-50.

3. Shida discloses claims 6 and 11.

Claims 6 and 11 refer to the “status response” including “a request for assistance and a location of the participant.” EX1001, Claim 6. As explained in the Petition, Shida discloses the receipt of both a request for assistance and a participant location. Pet., 63-66; EX1033, ¶51. For example, when a disaster occurs, Shida’s center server continuously tracks and updates a subscriber terminal’s position and “carries out the safety confirmation information updating processing” related to the new position. EX1006, ¶49. Then, when the safety confirmation response from the subscriber terminal is a rescue request, the center server “transmits [a] warning including the subscriber’s information (subscriber ID etc.) and the position information (the existing region information *after the movement*) to the operator terminal.” EX1006, ¶58 (emphasis added). Shida therefore discloses claims 6 and 11 for the reasons provided in the Petition.

SitNet argues that Shida does not disclose the claimed status response because Shida’s rescue request does not include a location of the participant. POR, 24. But SitNet fails to address the Petition’s explanation that a POSA would have found this obvious in view of Shida’s teachings. Pet., 64-66.

Specifically, the Petition explains that it would have been obvious for a subscriber to send the safety confirmation response and “subscriber position information” together. Pet., 64-66. Doing so would allow the center server to

receive the most up-to-date location of the subscriber terminal when executing the rescue requested in the safety confirmation response. *Id.*; EX1003, ¶¶200-203.

Shida suggests this implementation through its disclosure of sending position information to the operator terminal when the subscriber requests to be rescued and provides a safety confirmation result to the subscriber terminal based on the subscriber's location. EX1006, ¶¶58, 60; EX1003, ¶¶200-202.

A POSA would have recognized that such implementation would further Shida's goal of enabling fast and efficient rescues to "suppress human damage due to the disaster to the minimum." EX1006, ¶58; EX1003, ¶203. And this would have been trivial to implement as Shida already discloses sending the "position information" and "safety confirmation response" separately. EX1006, Abstract, ¶¶49, 52. Sending these messages together would have been a straightforward and predictable variation of Shida's express disclosure. EX1003, ¶203.

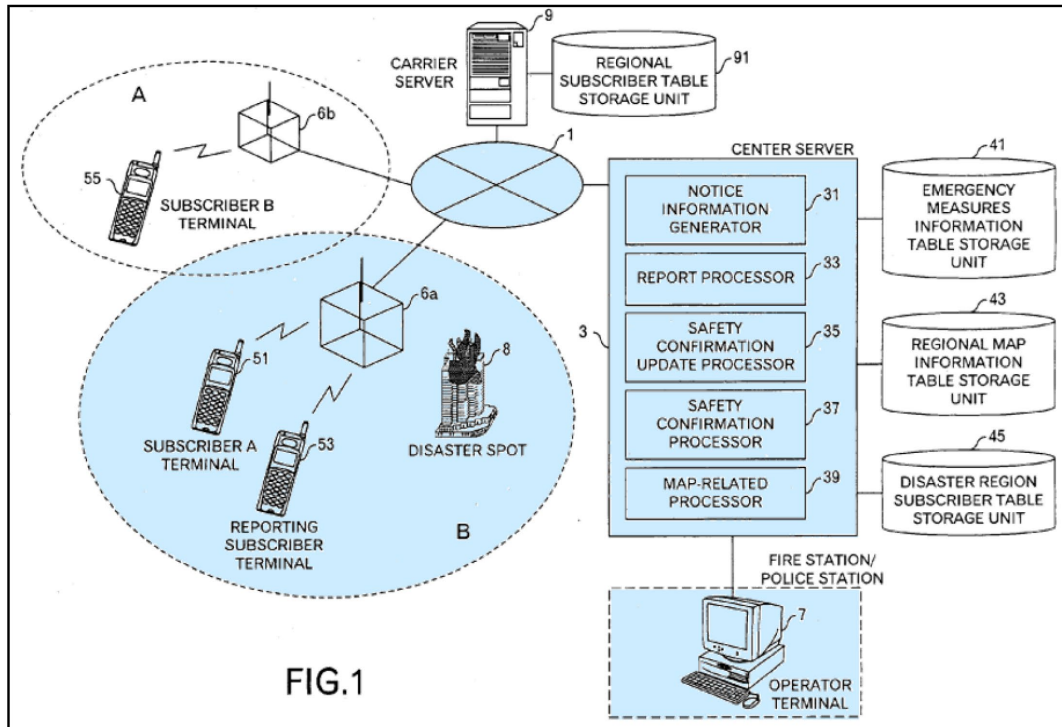
SitNet does not rebut—or even address—this explanation or the supporting evidence provided in the Petition. Thus, the Board should reject SitNet's flawed and incomplete arguments related to claims 6 and 11.

D. Ground 4: Shida and Sinha render claims 5 and 16 obvious.

Claims 5 and 16 refer to 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." EX1001, Claims 5, 16. SitNet argues

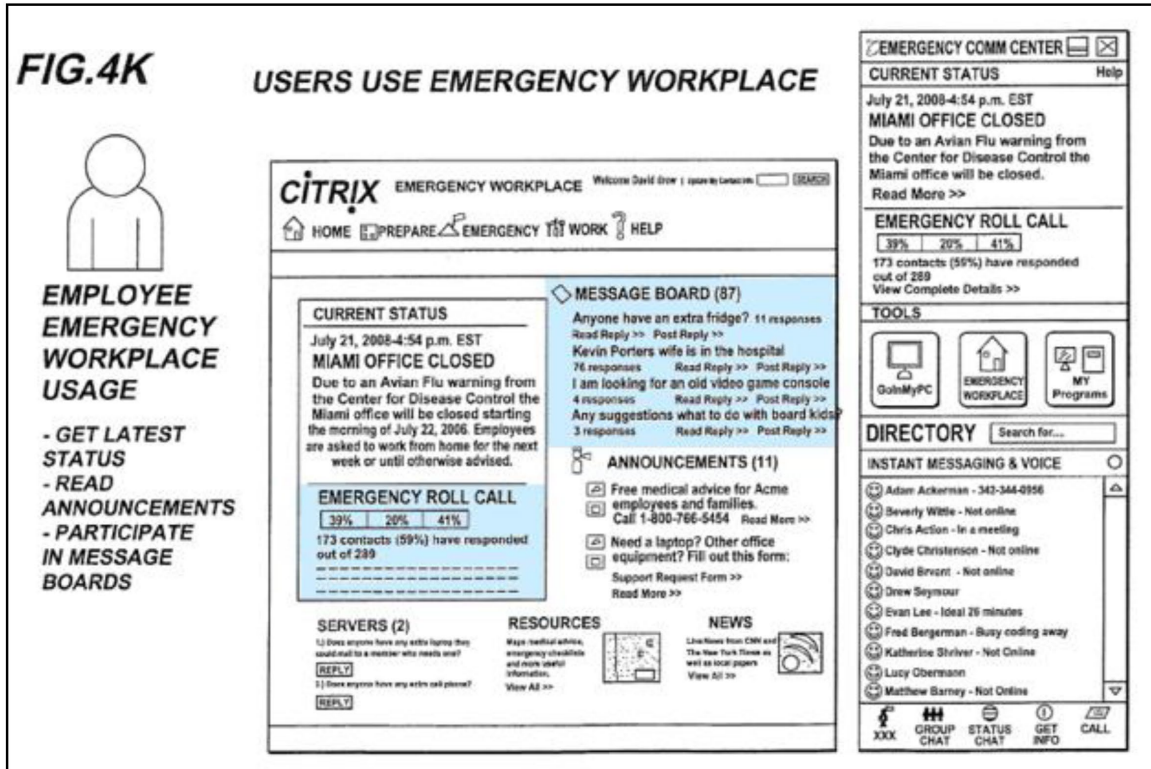
that Shida and Sinha do not disclose such an electronic message board because Sinha's message board does not allow non-employee access, and therefore does not include individuals not participating in the situational network. POR, 24-25. SitNet's analysis of Sinha in isolation, however, fails to address the combined Shida-Sinha system presented in the Petition and is therefore erroneous. Pet., 73-74; EX1033, ¶52.

As explained in the Petition, Shida forms a situational network with subscriber terminals who are geographically proximate to a disaster occurring region. Section III.C.1.b; Pet., 53-54; EX1006, ¶¶8, 39, 46, 56. As illustrated in Shida's Figure 1, this means that there may be subscribers who are not affected by the disaster and not part of the established situational network, but can nonetheless still access and communicate with the center server. EX1006, FIG. 1, ¶27.



EX1006, FIG. 1 (annotated).

In the Shida-Sinha combination, a POSA would have implemented Sinha's electronic message board (e.g., Figure 4K below) with Shida's system to allow these non-affected subscriber terminals (e.g., other concerned parties or friends and family) who are not part of the situational network to access the roll call information. Pet., 73-74; EX1003, ¶¶227-229; *see also* EX1003, ¶¶216-219 (citing EX1005, EX1009, and EX1014, which demonstrate that such reporting was well known in the art).



EX1007, FIG. 4K (annotated).

As explained in the Petition, the concerned parties—who are located outside of a disaster area and therefore not participating in Shida’s situational network—would be able to access the message board and roll call list. Pet., 68-74; EX1003, ¶¶213-226, 229. Thus, the combined Shida-Sinha system would have provided the message board and roll call list to individuals not participating in the situational network as recited in claims 5 and 16. EX1003, ¶229.

SitNet does not rebut or even address the combination provided in the Petition. See POR, 24-25. Rather, SitNet erroneously analyzes Sinha in isolation. Because SitNet fails to address the combined Shida-Sinha system, SitNet’s

arguments for claims 5 and 16 should be rejected.

IV. CONCLUSION

The Board should cancel the challenged claims as unpatentable.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

Jonathan Tuminaro (Reg. No. 61,327)
Michael D. Specht (Reg. No. 54,463)
Jennifer Meyer Chagnon (Reg. No. 55,440)
Steven M. Pappas (Reg. No. 73,904)
Timothy L. Tang (Reg. No. 75,187)
Counsel for Petitioner Meta Platforms, Inc.

Date: February 25, 2025

1101 K Street, NW, 10th Floor
Washington, DC 20005
(202) 371-2600

CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))

1. This Petitioner's Reply complies with the type-volume limitation of 5,600 words, comprising 4,789 words, excluding the parts exempted by 37 C.F.R. § 42.24(c).

2. This Petitioner's Reply complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

Jonathan Tuminaro
Registration No. 61,327
Counsel for Petitioner Meta Platforms, Inc.

Date: February 25, 2025

1101 K Street, NW, 10th Floor
Washington, DC 20005
(202) 371-2600

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

I certify that the above-captioned **PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE** and associated Exhibits 1027-1030 and 1032-1033 were served in their entireties upon the Patent Owner on February 25, 2025, upon the following parties via email:

David L. Hecht (Lead Counsel) dhecht@hechtpartners.com
James Zak (Back-up Counsel) jzak@hechtpartners.com
hp-sitnet@hechtpartners.com
HECHT PARTNERS LLP

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

Jonathan Tuminaro
Registration No. 61,327
Counsel for Petitioner Meta Platforms, Inc.

Date: February 25, 2025

1101 K Street, NW, 10th Floor
Washington, DC 20005
(202) 371-2600