

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 REPLY TO PETITIONER'S OPPOSITION TO
MOTION TO AMEND**

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<i>Uniloc USA, Inc. v. LG Electronics USA, Inc.</i> , 957 F.3d 1303 (Fed. Cir. 2020).....	1, 3

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	Declaration of Dr. Aviel D. Rubin

I. INTRODUCTION

Patent Owner, SitNet LLC (“SitNet”) respectfully submits this Reply to Meta’s Opposition (“Opposition”) to SitNet’s Motion to Amend (“MTA”). Meta’s opposition fails because the proposed substitute claims are patent eligible and non-obvious.

II. THE SUBSTITUTE CLAIMS ARE PATENT ELIGIBLE

With respect to step one, the Federal Circuit has identified “two inquiries of significance” when they have found claims directed to eligible matter. *TecSec, Inc. v. Adobe Inc.*, 978 F.3d 1278, 1293 (Fed. Cir. 2020). *First*, and in the context of computer networks, a claim is patent eligible at step one if “the focus of the claimed advance is on a solution to a ***problem specifically arising in the realm of computer networks.***” *Id.* (emphasis added); *see also Uniloc USA, Inc. v. LG Electronics USA, Inc.*, 957 F.3d 1303, 1308 (Fed. Cir. 2020). *Second*, and again in the context of computer networks, a claim also is patent eligible at step one if “the claim is properly characterized as identifying ***a specific improvement in computer capabilities or network functionality***, rather than only claiming a desirable result or function.” *TecSec*, 978 F.3d at 1293 (emphasis added); *see also DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1259 (Fed. Cir. 2014) (“It is also clear that the claims . . . recite ***a specific way*** to automate the creation of a composite web page . . . to solve a problem faced by websites on the Internet.”) (emphasis added). With respect to step two, a claim is patent eligible and directed to an

“inventive concept” “when the claim limitations involve more than performance of well-understood, routine, and conventional activities previously known to the industry.” *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1367 (Fed. Cir. 2018).

A. Alice Step One: The Substitute Claims Are Not Directed To An Abstract Idea

On the same intrinsic record, the district court in *SitNet v. Meta* did not affirmatively conclude the claims of the 345 Patent are directed to an abstract idea. Ex. 1032 at 7. Nor should the Board here.

Meta oversimplifies the claims by attempting to distill their novel features down to a simple phrase. But limitations such as “forming a situational network related to the occurrence of the situation 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” found in exemplary substitute claim 17 go to the heart of the novel aspects of the substitute claims that Meta avoids. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016) (“Describing the claims . . . untethered from the language of the claims all but ensures that the exceptions to § 101 swallow the rule.”); *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299, 1313 (Fed. Cir. 2016) (“We have previously cautioned that courts ‘must be careful to avoid oversimplifying the claims’ by looking at them generally and failing to account for the specific requirements of the claims.”).

The substitute claims use an unconventional network architecture greater than the sum of its parts and forms a situational network related to the occurrence of the situation. For example, upon “receiving an indication of an occurrence of a situation,” and regardless of whether a given network user is even aware of the situation, substitute claim 17 requires “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,” wherein the plurality of existing nodes correspond to participant devices determined to be geographically proximate to the situation. *See* substitute claims, 17, 24, and 29. The situational network created using this network architecture results in improved network efficiency and a reduction in the network resources needed to operate and maintain the situational network, something that was not attainable using conventional network architecture. *See e.g.*, 345 Patent, 16:53-57; 24:46-62. In other words, the claims do not merely aggregate status responses – they claim specific steps that improve the underlying network technology used for doing so.

Meta further argues that the substitute claims provide “no technological improvement” over conventional network architecture technology. Opp. at 6. However, as explained above, it is settled law that a “claimed invention’s compatibility with conventional communication systems does not render it abstract.” *See, e.g., Uniloc*, 957 F.3d at 1309. Indeed, the claimed invention of the 345 Patent

improves the computer network, regardless of whether conventional components are used. Therefore, it is patent eligible. *See, e.g., Coop. Entm't, Inc. v. Kollektive Tech., Inc.*, 50 F.4th 127, 135 (Fed. Cir. 2022); *TecSec*, 978 F.3d at 1296.

The substitute claims of the 345 Patent are like the claims that were found patent eligible by the Federal Circuit in *Coop.*, which recite “at least one peer-to-peer (P2P) dynamic network including a multiplicity of peer nodes” which are “distributed outside controlled networks and/or content distribution networks (CDNs).” The Federal Circuit found the *Coop.* claim eligible because it “recites a specific type of content sharing network and delineates both the network’s structure and function.” 50 F.4th at 131. Similarly, substitute claim 17 recites a specific type of situational network (“forming a situational network related to the occurrence of the situation 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”) and delineates the network’s structure and function (“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,” “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,” “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.”). And this implementation of a situational network allows for “increas[ed] processing speed and reduc[ed] resource requirements such as CPU speed and memory size.” 345 Patent, 16:53-57.

In contrast, the substitute claims of the 345 Patent are dissimilar to the claims in a case cited by Meta – *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355 (Fed. Cir. 2023) – that were found to be patent ineligible. Unlike the claims in *Trinity*, representative substitute claim 17 recites “forming a situational network related to the occurrence of the situation 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 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” as a specific way to implement the projection of a situational network, which represents an improvement in conventional network technology. The Trinity claim did not implement any improvement to network technology. *See id.* The same is true for the claims found ineligible in another case cited by Meta – *Sanderling Mgmt. Ltd. v. Snap Inc.*, 65 F.4th 698 (Fed. Cir. 2023) – which merely use GPS and computers as

tools to distribute digital images as opposed to claiming steps and/or structure that would have improved those tools. *See* 65 F.4th at 700-01.

B. Alice Step Two: The Substitute Claims Do Not Lack An Inventive Concept

Meta argues brings forth several incorrect arguments that allegedly confirm the substitute claims lack an inventive concept. Opp. at 8-10. Meta's reductionist arguments fail because it ignores the ordered combination of elements that provides an inventive concept.

However, as detailed above in Section II.A., the specific network architecture in the substitute claims of the 345 Patent was unconventional and improved computer network technology. Further, the substitute claims define the specific way of forming a situational network of user devices that are geographically proximate to the situation, and do not preempt other methods of forming situational networks. *See Bascom Glob. Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016). The claimed ordered combination specifically and unconventionally creates situational networks in response to events, significantly improving existing network functionality.

III. RESPONSE TO GROUNDS FOR INVALIDITY RAISED

A. Ground 1: Substitute claims 17, 19-24, 26-29, and 31-32 are not rendered obvious over Gage in view of Issa

Independent substitute claims 17, 24, and 29 still require a “situational network.” Gage’s system does not meet the requirements of a situational network

to be “created in response” to an event or situation.

The *Markman* order in the *SitNet v. Meta* construed “situational network” as “a network created in response to an event or situation,” which the Board adopted in related IPRs. Ex. 2007 at 2-4; IPR2024-00528, Paper 10 at 9 (PTAB Sept. 11, 2024); IPR2024-00612, Paper 10 at 10 (PTAB Sept. 11, 2024). In view of this construction, Meta seems to be confused as to the meaning of “created in response” to an event or situation. The network disclosed by Gage is pre-existing and does not read on the substitute claims of the 345 Patent.

Now, as SitNet even acknowledges, the situational network can be *derived from* a pre-existing network. POR at 3 (“The new network may be derived from an old network [].”). However, the “created in response” portion of the construction can only apply to a pre-existing network if something *new* is added to the system. Specifically, “by establishing a *new connection* incorporating a *new element* into the system.” *Id.* (emphasis added). Without adding a new connection/new element to a pre-existing network, just the old, pre-existing network that is not “created in response” to an event or situation remains.

The 345 Patent specification explicitly confirms this understanding. Namely, the 345 Patent teaches the “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.” 345 Patent, 4:3-7

(emphasis added); see Ex 1027, Dr. Rubin Deposition Tr. at 56:8-16 (emphasis added). Accordingly, a situational network is not a pre-existing network.

Gage’s system, however, does not create new connections when creating a situational network – it merely communicates information to subscribers on a pre-existing communication network. Meta argues Gage allegedly teaches a situational network because “‘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.” Petition at 26 (emphasis in original). However, ***querying*** mobile devices over a pre-existing network for status indicators is not ***creating*** a network in response to an event or situation. *See* POR at 5-7. Further, Gage is silent on establishing new connections with the subscribers “in response” to an event or situation.

Meta’s next argues that Gage forms “ad hoc networks” in response to a disaster that can be “dynamically established (i.e., through BLUETOOTH functionality of mobile telephones) to enable subscribers 130-134 to convey status and location.” Petition at 26. But these ad hoc networks are not situational networks. They merely provide another communication means, such as Bluetooth, for subscribers to provide status and location info when wide area network (WAN) communications are unavailable. A Bluetooth communication channel is not the same as a connection of a mobile device to a situational

network. As SitNet's expert Dr. Rubin testified, in the Open Systems Interconnection ("OSI") model, which describes seven layers that computer systems use to communicate over a network, Layer 7 (the Application Layer) is the only layer associated with connections in a social network, *See* Ex. 1027, Dr. Rubin Deposition Tr. at 15:15-22. Bluetooth communication channels are not part of the Application Layer 7, and Gage's ad hoc networks do not include connections within a situational network. Further, the irrelevancy of these ad hoc networks is apparent as Gage teaches subscribers "130-134" can utilize the ad hoc network, but subscriber 130 is not even in the disaster region nor part of Gage's alleged situational network as shown in Meta's annotated versions of Gage Figure 1. *See* Reply to SitNet's Opp. to Petition ("Reply") at 7-8, 11; *see also id.* at 10. Accordingly, these "ad hoc networks" that are usable to subscriber devices not within the disaster region are not situational networks and are not relevant to any invalidity analysis.

To further distinguish the claimed invention over the prior art cited in the Petition, SitNet has presented substitute claims that explicitly require an event node established "within an N-dimensional social network." *See also* Opp. at 12. Meta introduces U.S. Patent No. 7,730,216 to Issa et al. ("Issa") as a new reference in its Opposition to allegedly render this feature obvious. *Id.* at 12-17.

Meta contradicts its own claim construction argument by relying on Issa's

peer-to-peer communications, precisely the limitation Meta previously argued is not encompassed by the claims. In response to SitNet’s proposed construction of “event node,” Meta argued that “these additional limitations *are not present in the amendments* and therefore *should not be interpreted to be required by the claims.*” Compare MTA at 18 to Opp. at 2.

Peer-to-peer (“P2P”) communication between nodes is precisely the form of communication taught by Issa. Specifically, Issa discloses “a hybrid *peer-to-peer (P2P) network* is used for sharing content in a pre-existing social network,” wherein each user’s client device contains an embedded P2P “peer 28” interface for communicating with an aggregation node and other nodes in the social network. Issa, Fig. 5; 2:55-57; 12:50-13:39 (emphasis added). Meta cannot use Issa’s same alleged teachings of a peer-to-peer communication between nodes in a social network to invalidate the substitute claims when it already asserted that such features “*are not present in the amendments*” and “*should not be interpreted to be required by the claims.*” Opp. at 2.

Moreover, Issa does not teach the connections among within the network are “created in response” to an event or situation. Rather it teaches the connections are created because users want to share content with other users within the network. See Issa, 13:21-63. Issa does not teach a situational network and further fails to cure the deficiencies in Gage to render the independent substitute claims obvious.

B. Ground 2: Substitute claims 18, 25, and 30 are not rendered obvious over Gage in view of Issa and Mitchell

For the reasons detailed supra in Section III.A., the combination of Gage and Issa fails to disclose all the elements of independent substitute claims 17, 24, and 29 upon which substitute claims 18, 25, and 30, depend. Mitchell adds no relevant disclosure to cure these deficiencies.

C. Ground 3: Substitute claims 17, 19-20, 22-24, 26-29, and 31 are not rendered obvious over Shida in view of Kraft

Independent substitute claims 17, 24, and 29 still require a “situational network.” Shida’s system does not meet the requirements of a situational network to be “created in response” to an event or situation. Shida merely utilizes existing network connections; it does not disclose or suggest forming new connections in response to a situation or event.

The alleged connections between Shida’s center server and subscriber terminals are not “created in response” to an event or situation but are rather pre-existing connections. Specifically, users’ devices are connected to the base station 6a prior to the occurrence of the disaster. This is confirmed in Shida as its subscribers’ terminal 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]. “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 “broadcast notice information” received from the center server by the subscriber terminal and the “safety confirmation response” returned to the center server are sent over the same, pre-existing communication network that is used to constantly track subscribers’ locations. Accordingly, Shida fails to disclose a situational network “created in response” to an event or situation.

Kraft's disclosure of node modeling and information updating lacks any teaching of creating network connections in response to events or situations, as required by the claims.

As Meta discusses, Kraft discloses a model of interconnected nodes “advantageously implemented as a data structure that provides access to information about a real-world entity that the node represents,” wherein each node or entity model represents a “real-world entity” and can be modified to maintain up-to-date information related to the entity. Opp. at 20. However, Kraft does not teach that the connections between the nodes are “created in response” to an event or situation. As such, both Shida and Kraft, each alone or in combination, fail to teach a “situational network” that is “created in response” to an event or situation.

Dated: April 8, 2025

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

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

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that the foregoing was served on April 8, 2025 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: April 8, 2025

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