

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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META PLATFORMS, INC.,  
Petitioner

v.

SITNET, LLC,  
Patent Owner

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Case IPR2024-00531  
U.S. Patent No. 11,470,682

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**DECLARATION OF DR. JEREMY COOPERSTOCK IN SUPPORT OF  
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO.  
11,470,682**

***Mail Stop “PATENT BOARD”***

Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
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Meta EX1003  
IPR2024-00531  
U.S. Patent No. 11,470,682

**TABLE OF CONTENTS**

|       |                                                                                |    |
|-------|--------------------------------------------------------------------------------|----|
| I.    | INTRODUCTION .....                                                             | 1  |
| II.   | MY BACKGROUND AND QUALIFICATIONS .....                                         | 1  |
| III.  | SUMMARY OF OPINIONS .....                                                      | 5  |
| IV.   | MATERIALS CONSIDERED .....                                                     | 6  |
| V.    | LEGAL UNDERSTANDING .....                                                      | 7  |
| A.    | My Understanding of Claim Construction.....                                    | 7  |
| B.    | My Understanding of Obviousness.....                                           | 8  |
| C.    | A Person of Ordinary Skill in the Art .....                                    | 11 |
| VI.   | OVERVIEW OF THE '682 PATENT .....                                              | 12 |
| VII.  | OVERVIEW OF THE TECHNOLOGY .....                                               | 13 |
| A.    | Sharing Information Items Related to Events.....                               | 14 |
| 1.    | Emergency Warning Systems.....                                                 | 15 |
| 2.    | Event Planning Systems .....                                                   | 19 |
| B.    | Roll Calls Related to an Event.....                                            | 20 |
| C.    | Sharing Situational Statuses with Concerned Parties using a Message Board..... | 25 |
| VIII. | PROSECUTION HISTORY .....                                                      | 29 |
| IX.   | LEVEL OF ORDINARY SKILL IN THE ART .....                                       | 29 |
| X.    | CLAIM CONSTRUCTION .....                                                       | 30 |
| XI.   | OVERVIEW OF THE PRIOR ART .....                                                | 31 |
| A.    | Burfeind .....                                                                 | 31 |
| B.    | Crowley.....                                                                   | 35 |
| C.    | Smith.....                                                                     | 36 |
| D.    | Sinha .....                                                                    | 37 |
| E.    | Gage.....                                                                      | 38 |
| XII.  | GROUND 1: BURFEIND AND CROWLEY RENDERS OBVIOUS CLAIMS 1-20. ....               | 40 |

|    |                                                                                                                                                                                                                          |    |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| A. | A POSA would have found it obvious to combine Burfeind and Crowley.....                                                                                                                                                  | 40 |
| B. | Independent Claim 1.....                                                                                                                                                                                                 | 48 |
| 1. | [1.P]: A server for providing roll call based information, the server comprising: .....                                                                                                                                  | 48 |
| 2. | [1.1] a network controller configured to: receive an information item from a user device, wherein the information item identifies a situation; .....                                                                     | 49 |
| 3. | [1.2] make the information item available to a first plurality of user devices; .....                                                                                                                                    | 53 |
| 4. | [1.3] a central processing unit, coupled to the network controller, configured to verify that the information item is related to the situation; .....                                                                    | 56 |
| 5. | [1.4] in response to the verifying, make a message board related to the situation available to a second plurality of user devices; .....                                                                                 | 63 |
| 6. | [1.5] wherein the second plurality of user devices was identified based on the second plurality of user devices being geographically proximate to the situation; .....                                                   | 68 |
| 7. | [1.6] wherein the message board comprises a roll call list that includes status responses to roll call queries that were provided to the second plurality of user devices in order to solicit the status responses. .... | 70 |
| C. | Independent Claim 11.....                                                                                                                                                                                                | 71 |
| D. | Claim 2.....                                                                                                                                                                                                             | 72 |
| E. | Claim 3.....                                                                                                                                                                                                             | 74 |
| F. | Claim 4.....                                                                                                                                                                                                             | 77 |
| G. | Claim 5.....                                                                                                                                                                                                             | 81 |
| H. | Claim 6.....                                                                                                                                                                                                             | 83 |
| I. | Claim 7.....                                                                                                                                                                                                             | 84 |
| J. | Claim 8.....                                                                                                                                                                                                             | 86 |
| K. | Claims 9 and 10 .....                                                                                                                                                                                                    | 88 |
| L. | Dependent Claims 12-20 .....                                                                                                                                                                                             | 89 |

|                                                                                                                                                                                                                             |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| XIII. GROUND 2: SMITH IN VIEW OF SINHA RENDERS OBVIOUS CLAIMS 1-8 AND 11-18. ....                                                                                                                                           | 90  |
| A. A POSA would have found it obvious to combine Smith and Sinha. ....                                                                                                                                                      | 90  |
| B. Independent Claim 1.....                                                                                                                                                                                                 | 99  |
| 1. [1.P]: A server for providing roll call based information, the server comprising: .....                                                                                                                                  | 99  |
| 2. [1.1] a network controller configured to: receive an information item from a user device, wherein the information item identifies a situation; .....                                                                     | 101 |
| 3. [1.2] make the information item available to a first plurality of user devices; .....                                                                                                                                    | 102 |
| 4. [1.3] a central processing unit, coupled to the network controller, configured to verify that the information item is related to the situation; .....                                                                    | 103 |
| 5. [1.4] in response to the verifying, make a message board related to the situation available to a second plurality of user devices; .....                                                                                 | 105 |
| 6. [1.5] wherein the second plurality of user devices was identified based on the second plurality of user devices being geographically proximate to the situation; .....                                                   | 108 |
| 7. [1.6] wherein the message board comprises a roll call list that includes status responses to roll call queries that were provided to the second plurality of user devices in order to solicit the status responses. .... | 110 |
| C. Independent Claim 11.....                                                                                                                                                                                                | 114 |
| D. Claim 2.....                                                                                                                                                                                                             | 115 |
| E. Claim 3.....                                                                                                                                                                                                             | 116 |
| F. Claim 4.....                                                                                                                                                                                                             | 117 |
| G. Claim 5.....                                                                                                                                                                                                             | 122 |
| H. Claim 6.....                                                                                                                                                                                                             | 122 |
| I. Claim 7.....                                                                                                                                                                                                             | 125 |
| J. Claim 8.....                                                                                                                                                                                                             | 126 |
| K. Dependent Claims 12-18 .....                                                                                                                                                                                             | 128 |

|                                                                                                                  |     |
|------------------------------------------------------------------------------------------------------------------|-----|
| XIV. GROUND 3: SMITH IN VIEW OF SINHA AND FURTHER IN VIEW OF<br>GAGE RENDERS OBVIOUS CLAIMS 9-10 AND 19-20. .... | 128 |
| XV. SINHA IS ENTITLED TO THE PRIORITY DATE OF ITS<br>PROVISIONAL. ....                                           | 132 |
| XVI. CONCLUSION.....                                                                                             | 144 |

I, Jeremy Cooperstock, hereby declare as follows.

## **I. INTRODUCTION**

1. I have been retained as an expert witness on behalf of Petitioner Meta Platforms, Inc. (“Petitioner”) for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard consulting rate.

2. I understand that this declaration accompanies a petition for IPR involving U.S. Patent No. 11,470,682 (“the ’682 patent”) (EX1001), which resulted from U.S. Patent Application No. 16/730,339 (“the ’339 application”), filed on December 30, 2019. I understand that the ’339 patent alleges a priority date of February 2, 2007. I refer to this date throughout this declaration.

3. In preparing this declaration, I have reviewed the ’682 patent and each of the documents cited herein, in light of general knowledge in the art before February 2, 2007. In formulating my opinions, I have relied upon my experience, education, and knowledge in the relevant art. In formulating my opinions, I have also considered the viewpoint of a person of ordinary skill in the art (“POSA”) (i.e., a person of ordinary skill in the field of telecommunications and computer networking prior to February 2, 2007).

## **II. MY BACKGROUND AND QUALIFICATIONS**

4. I am a professor in the Department of Electrical and Computer

Engineering at McGill University. My *Curriculum Vitae* is attached as Exhibit 1018.

5. I received my B.A.Sc. in Electrical Engineering (with Honors) from the University of British Columbia in 1990, my M.Sc. in Computer Science from the University of Toronto in 1992, and my Ph.D. in Electrical and Computer Engineering from the University of Toronto in 1996.

6. I have been employed at McGill University since November 2017, where I am currently a Full Professor in the Department of Electrical and Computer Engineering. In this capacity, I conduct and supervise research activities, and teach courses at the upper undergraduate and graduate level on human-computer interaction, artificial intelligence, embedded systems, and haptic interaction design.

7. I am a member of the Centre for Intelligent Machines, a founding member of the Centre for Interdisciplinary Research in Music Media and Technology, a member of the International Laboratory on Learning System, a member of the McGill Institute for Aerospace Engineering, and an associate member of Biomedical Engineering at McGill University. I presently direct a group of approximately 50 researchers at the Shared Reality Lab at McGill, which focuses on computer mediation to facilitate high-fidelity human communication and the synthesis of perceptually engaging, multimodal, immersive environments.

Among other projects, I led the development of the Intelligent Classroom, a high-fidelity orchestra rehearsal simulator, a simulation environment that renders graphic, audio, and vibrotactile effects in response to footsteps, and a mobile game treatment for amblyopia.

8. I have been developing and working with network media distribution technologies since 1990, and I led the world's first demonstrations of high-fidelity multichannel audio streaming over the Internet in 1999 and 2000, followed by multiple simultaneous streams of uncompressed high-definition video in 2005. My work on the Ultra-Videoconferencing system was recognized by an award for Most Innovative Use of New Technology from ACM/IEEE Supercomputing and a Distinction Award from the Audio Engineering Society. The research I supervised on the Autour project earned the Hochhausen Research Award from the Canadian National Institute for the Blind and an Impact Award from the Canadian Internet Registry Association, and my Real-Time Emergency Response project won the Gold Prize (brainstorm round) of the Mozilla Ignite Challenge. I am also a recipient of several "best paper" awards from scholarly societies for my research.

9. I have carried out significant research involving network communication protocols, including wireless communication employing IEEE 802.11 (WiFi) and IEEE 802.15 (Bluetooth). My experience in these areas includes development of the Adaptive File Distribution Protocol (AFDP, 1995), analysis of

the tradeoffs between bandwidth, power demands, and latency for audio streaming over WiFi, Bluetooth, and ultra-wideband protocols (2007), and assessment of the performance and scalability of wireless audio streaming for applications requiring latency-optimized multimedia streaming (2008).

10. I have led all aspects of development and experimentation in the Autour project (2009-2016), which employs a combination of wireless communication protocols, and manages authentication for communication between clients and server, in addition to third-party information services. I have supervised a variety of projects that require sharing of WiFi network access credentials across multiple devices. I led a research project (MIMIC), which communicates sensor data between two coupled smartwatches using Bluetooth for local communication between the smartwatches and their peered smartphones, and the public Internet between the smartphones. I also led a project that uses both Bluetooth and WiFi communication between smartphones, a GPU-based physics engine, and a microelectronics architecture that renders vibrotactile effects on mobile footwear.

11. I have worked with IBM at the Haifa Research Center, Israel, and the Watson Research Center in Yorktown Heights, New York, the Sony Computer Science Laboratory in Tokyo, Japan, and was a visiting professor at Bang & Olufsen, Denmark, where I conducted research on telepresence technologies as part of the World Opera Project. I led the theme of Enabling Technologies for a

Networks of Centres of Excellence on Graphics, Animation, and New Media (GRAND) and I am an associate editor of the Frontiers Journal in Virtual Reality, and the Institute of Electrical and Electronics Engineers (IEEE) Transactions on Haptics, and previously, the Journal of the AES.

### III. SUMMARY OF OPINIONS

12. In forming my opinions about the '682 patent, I have considered the following grounds of unpatentability. Based on my review of the prior art references that form the basis of these grounds, it is my opinion that claims 1-20 of the '682 patent would have been obvious to a POSA prior to February 2, 2007.

| Ground | Basis | Claims      | References       |
|--------|-------|-------------|------------------|
| 1      | §103  | 1-20        | Burfeind-Crowley |
| 2      | §103  | 1-8, 11-18  | Smith-Sinha      |
| 3      | §103  | 9-10, 19-20 | Smith-Sinha-Gage |

13. I have been asked to consider how a POSA would have understood the challenged claims in light of the disclosures of the '682 patent. I have also been asked to consider how a POSA would have understood the prior art references Burfeind, Crowley, Smith, Sinha, and Gage.

14. Further, I have been asked to consider and provide my technical review, analysis, insights, and opinions regarding whether a POSA would have understood that the combinations of the prior art references listed in the table

above render obvious claims 1-20 of the '682 patent.

#### IV. MATERIALS CONSIDERED

15. In formulating my opinions, I have relied upon my training, knowledge, and experience that are relevant to the '682 patent. I have also reviewed and am familiar with the following documents and materials in addition to any other documents cited in this declaration:

| Exhibit No. | Description                                                                                                |
|-------------|------------------------------------------------------------------------------------------------------------|
| 1001        | U.S. Patent No. 11,470,682 to Cona et al. ("'682 patent")                                                  |
| 1002        | Prosecution History of U.S. Patent No. 11,470,682 ("'682 File History")                                    |
| 1004        | U.S. Publication No. 2007/0233635 to Burfeind et al. ("Burfeind")                                          |
| 1005        | U.S. Publication No. 2006/0270419 to Crowley et al. ("Crowley")                                            |
| 1006        | U.S. Publication No. 2005/0197775 to Smith ("Smith")                                                       |
| 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. 2008/0139165 to Gage et al. ("Gage")                                                  |
| 1010        | U.S. Publication No. 2003/0197615 to Roche et al. ("Roche")                                                |
| 1011        | U.S. Patent Application Publication No. 2007/0194938 to Mitchell ("Mitchell")                              |
| 1012        | U.S. Publication No. 2006/0273893 to Warner ("Warner")                                                     |
| 1013        | Japanese Patent Application Publication 2005-80211 to Ikeda (with certified English translation) ("Ikeda") |
| 1014        | U.S. Publication No. 2003/0162557 to Shida ("Shida")                                                       |
| 1015        | U.S. Patent No. 8,024,330 to Franco et al. ("Franco")                                                      |
| 1016        | U.S. Patent No. 7,817,982 to Chu et al. ("Chu")                                                            |
| 1017        | U.S. Publication No. 2006/0047825 to Steenstra et al. (Steenstra")                                         |

| Exhibit No. | Description                                       |
|-------------|---------------------------------------------------|
| 1018        | <i>Curriculum Vitae</i> of Dr. Jeremy Cooperstock |

16. To the best of my knowledge, the above-mentioned documents and materials are true and accurate copies of what they purport to be. An expert in the field would reasonably rely on them to formulate opinions such as those set forth in this declaration.

## **V. LEGAL UNDERSTANDING**

17. I have also relied upon various legal principles (as explained to me by counsel) in formulating my opinions. My understanding of these principles is summarized below.

### **A. My Understanding of Claim Construction**

18. I understand that during an *inter partes* review proceeding, claims are to be construed in light of the specification as would be read by a person of ordinary skill in the relevant art at the time the application was filed. I understand that claim terms are given their ordinary and customary meaning as would be understood by a person of ordinary skill in the relevant art in the context of the entire disclosure. A claim term, however, will not receive its ordinary meaning if the patentee acted as his own lexicographer and clearly set forth a definition of the claim term in the specification. In this case, the claim term will receive the definition set forth in the patent.

19. I also understand that claims may be expressed as a means or step for

performing a specified function without the recital of structure, material, or acts that support this function. These claims are construed to cover the corresponding structure, material, or acts described in the specification, and equivalents.

Construing these so-called “means-plus-function” claims requires looking to the specification and interpreting the claim language in light of the corresponding structure, material, or acts described in the specification.

20. I further understand that the use of the phrases “means for” or “step for” followed by a function triggers a presumption that the relevant term falls under means-plus-function claiming. I also understand that the absence of these terms triggers a presumption that the relevant term does not recite a means-plus-function term. This presumption can be overcome if the claim term does not recite sufficient structure, material, or acts to perform the relevant function.

**B. My Understanding of Obviousness**

21. I understand that a patent claim is invalid if the claimed invention would have been obvious to a POSA at the time the application was filed. This means that even if all of the requirements of the claim cannot be found in a single prior art reference that would anticipate the claim, the claim can still be invalid.

22. To obtain a patent, a claimed invention must have, as of the priority date, been nonobvious in view of the prior art in the field. I understand that an invention is obvious when the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious to a POSA at the time the invention was made.

23. I understand that to prove that prior art or a combination of prior art renders a patent obvious, it is necessary to:

(1) identify the particular references that, singly or in combination, render the patent obvious;

(2) specifically identify which elements of the patent claim appear in each of the asserted references; and

(3) explain how the prior art references could have been combined in order to create the inventions claimed in the asserted claim.

24. I also understand that prior art references can be combined under several different circumstances. For example, it is my understanding that one such circumstance is when a proposed combination of prior art references results in a system that represents a predictable variation, which is achieved using prior art elements according to their established functions.

25. I also understand that when considering the obviousness of a patent claim, one should consider whether a teaching, suggestion, or motivation to combine the references exists so as to avoid impermissibly applying hindsight when considering the prior art. I understand this test should not be rigidly applied, but that the test can be important to avoid such hindsight.

26. I understand that certain objective indicia can be important evidence as to whether a patent is obvious or nonobvious. Such indicia include:

(1) commercial success of products covered by the patent claims; (2) a long-felt need for the invention; (3) failed attempts by others to make the invention; (4) copying of the invention by others in the field; (5) unexpected results achieved by the invention as compared to the closest prior art; (6) praise of the invention by the infringer or others in the field; (7) the taking of licenses under the patent by others; (8) expressions of surprise by experts and those skilled in the art at the making of the invention; and (9) the patentee proceeded contrary to the accepted wisdom of the prior art.

27. At this point, I am not aware of any secondary indicia of non-obviousness. But, I reserve the right to review and opine on any evidence of objective indicia of nonobvious that may be presented during this proceeding.

28. I also understand that “obviousness” is a legal conclusion based on the underlying factual issues of the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the prior art, and any objective indicia of non-obviousness.

29. For that reason, I am not rendering a legal opinion on the ultimate legal question of obviousness. Rather, my testimony addresses the underlying facts and factual analysis that would support a legal conclusion of obviousness or non-

obviousness, and when I use the term obvious, I am referring to the perspective of one of ordinary skill at the time of invention.

**C. A Person of Ordinary Skill in the Art**

30. I understand that a person of ordinary skill in the relevant art (“POSA”) is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity—not an automaton.

31. I have been asked to consider the level of ordinary skill in the field that someone would have had at the time the claimed invention was made. In deciding the level of ordinary skill, I considered the following:

- the levels of education and experience of persons working in the field;
- the types of problems encountered in the field; and
- the sophistication of the technology.

32. My opinion below explains how a POSA would have understood the technology described in the references I have identified herein around the February 2, 2007 timeframe, which I have been advised is the earliest possible effective filing date for the ’682 patent. However, my opinions herein would not be affected if the ’682 patent is found to only be entitled to a later effective filing date.

33. Regardless of whether I use “I” or a “POSA” during my technical analysis below, all of my statements and opinions are always to be understood to

be based on how a POSA would have understood or read a document at the time of the alleged invention.

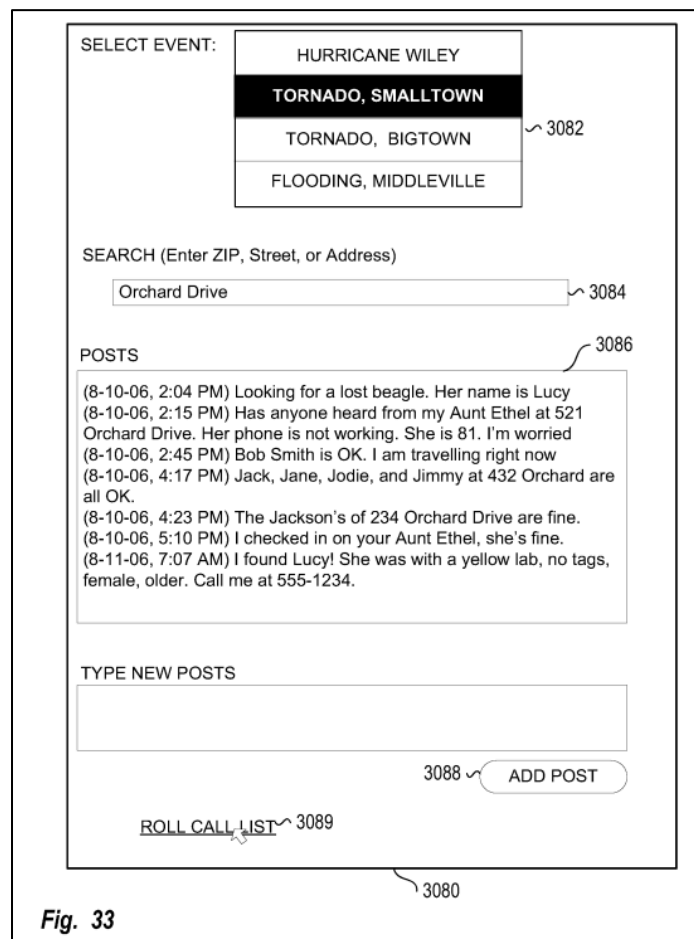
## **VI. OVERVIEW OF THE '682 PATENT**

34. The '682 patent is directed to a “network system for accessing situation related information.” EX1001, Abstract. The claimed embodiments are directed to a “system [that] includes a network connection for receiving an indication of an occurrence of a situation.” EX1001, Abstract. The '682 patent describes the claimed “situation” broadly, stating that situations include social events, emergency events, weather phenomena, natural disasters, etc. *E.g.*, EX1001, 5:1-16, 31:55-65. Situations also include “weather related activities, such as skiing or surfing.” EX1001, 5:1-16.

35. The system then “present[s] a roll call query” to a “plurality of participant devices” located proximate to the situation, “soliciting a reply related to a status of the participant.” EX1001, Abstract. The participant devices provide “status responses” to the system, which aggregates the status responses “into a roll call list” that specifies statuses of the participant devices located proximate to the event. EX1001, Abstract.

36. The system also “provide[s] a searchable message board” to the participant devices “as well [as] visitors.” EX1001, 27:38-44. The message board “allows sharing of information about individuals,” such as by “post[ing] comments

viewable by the participants.” EX1001, 27:38-50. The “message board [] may be accessible by a website on the internet.” EX1001, 27:53-55. “A visitor to the website can search [] the message board for information related to a specific situation or event.” EX1001, 27:55-57. As shown in Figure 33 below, the website providing the message board also includes a “link” to “the most recent roll-call list” for the situation. EX1001, 27:67-28:2.



EX1001, FIG. 33.

## VII. OVERVIEW OF THE TECHNOLOGY

37. As I explained above, the '682 patent describes systems and

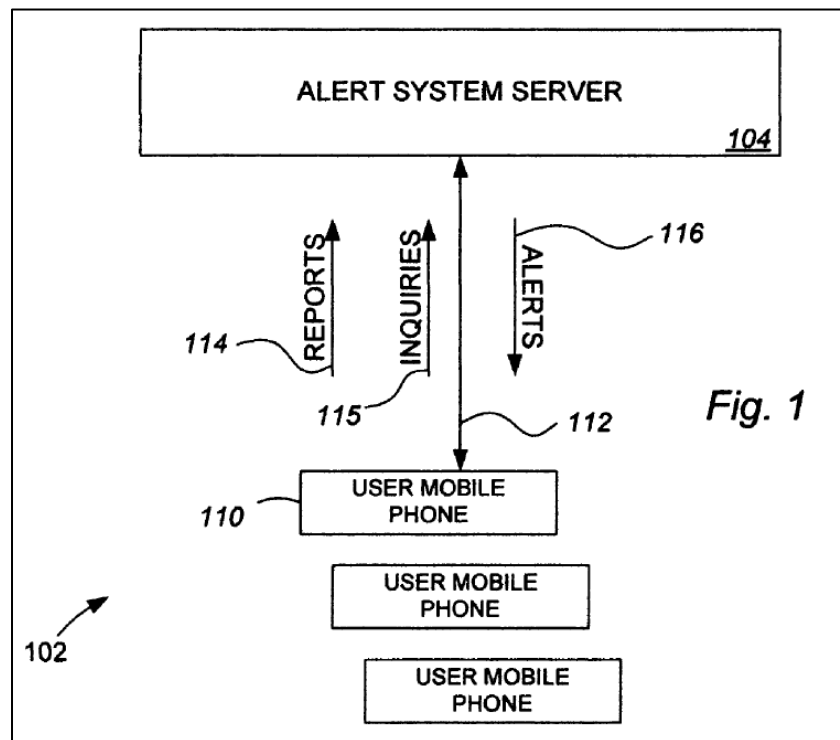
techniques “for accessing situation related information.” EX1001, Abstract. The claims of the ’682 patent recite general concepts, such as receiving “an information item” that “identifies a situation,” making the information item available to a “first plurality of user devices,” and making a “message board related to the situation available to a second plurality of devices” based on the geographic proximity of those user devices to the situation. The message board includes “a roll call list that includes status responses to roll call queries that were provided to the second plurality of user devices.” These concepts were well known before the ’682 patent’s earliest possible priority date. For instance, systems for sharing information items related to situations or events were well known. Similarly, it was known to make message boards available to users so that the users could share additional information related to the situation.

**A. Sharing Information Items Related to Events**

38. As I explained, the ’682 patent claims broadly require receiving an information item that identifies a situation, and making the information item available to a plurality of user devices. I note that the claims do not require any particular manner in which the information item is received or made available to the user devices. These broad, conceptual claim elements were well known prior to the ’682 patent. For instance, such claimed elements were commonly found in emergency warning systems and event planning systems.

## 1. Emergency Warning Systems

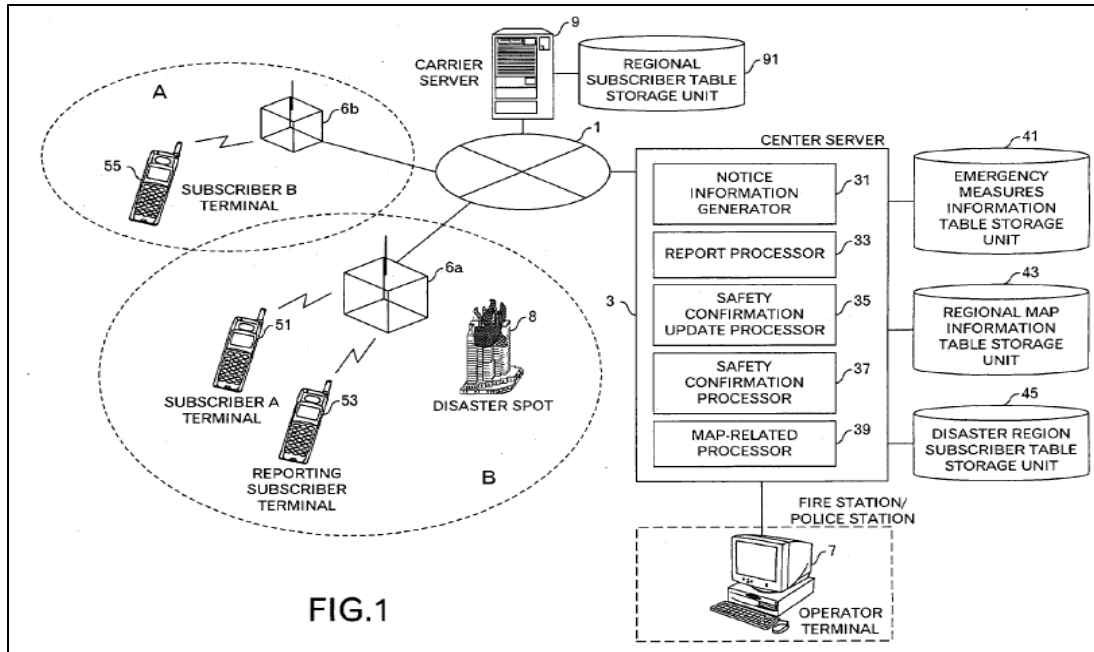
39. It was known for emergency warning systems to receive information items describing emergency events from users near the events, and to use that information to warn other nearby users of the event. For instance, Franco discloses an “incident alert system” in which “[a] user uses a networked mobile phone with geo-positioning capability to communicate with a server to report incidents... based on the user’s current geographic position.” EX1015, Abstract. “Reports of incidents are transmitted to the server accompanied by the current position of the user/mobile phone.” EX1015, Abstract. The server then reports the information related to the incident to certain users within a “zone of interest” near the incident. EX1015, 2:17-25, 3:7-28, FIG. 1.



EX1015, FIG. 1.

40. Franco thus capitalized on the intuitive idea that “facilitating information sharing based on users’ geographic locations... significantly opens the opportunities for individuals to be Good Samaritans by informing others of hazards or by responding to urgent requests for assistance by others in need.” EX1015, 1:53-58. Indeed, this confirms my opinion that the claimed concepts of sharing information items related to situations were well known and would have been readily appreciable by a POSA in the relevant time frame.

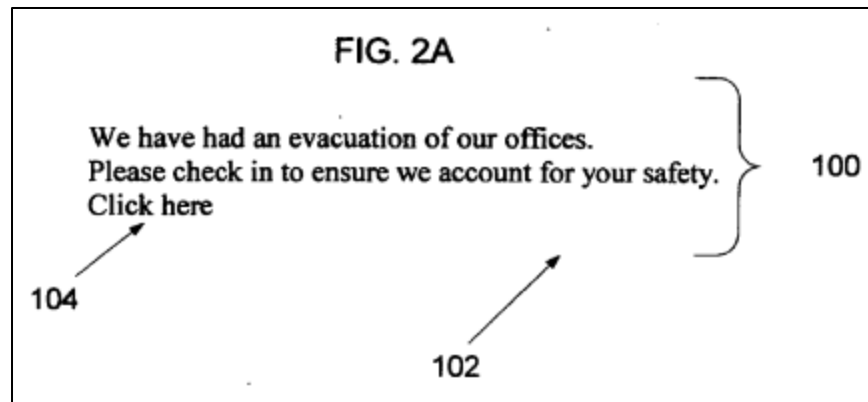
41. As another example, Shida is directed to a system for confirming the safety of persons upon the occurrence of a disaster. EX1014, Abstract. When a disaster occurs, a reporting subscriber terminal (e.g., user device) generates and transmits a disaster occurrence report to a “carrier server,” which in turn transmits “disaster information included in the disaster occurrence report” to a “center server.” EX1014, ¶¶33, 37, FIG. 1. The center server then determines “the subscribers... who should be informed of the occurred disaster.” EX1014, ¶46. Specifically, “the subscribers to be notified are subscribers who exist in the disaster occurring region,” as specified by a “disaster region subscriber table” stored at the center server. EX1014, ¶¶39, 46.



EX1014, FIG. 1.

42. The center server “generates notice information” related to the disaster “and transmits it to the subscribers to be notified.” EX1014, ¶46. “The subscriber terminal of the designated subscriber receives the broadcast notice information from the mobile communication network system, and displays it on the display device.” EX1014, ¶46.

43. Mitchell discloses another example emergency warning system. Specifically, Mitchell is directed to an “intelligent headcount system” that “ensur[es] that all persons have been accounted for... in real time in response to an emergency or disaster declaration.” EX1011, ¶11, *see also* Abstract. When a disaster is detected, a server provides an “alert message” to a user prompting the user to check in by sending an “acknowledgement signal” that indicates the user’s status. EX1011, ¶35-37.



EX1011, FIG. 2A.

44. Roche teaches a “disaster recovery virtual roll call and recovery management system” that “allows any organization to locate their staff and allocate resources to their staff in the event of a disaster.” EX1010, Abstract. “In case of disaster, the system can contact the users over one or more communications networks... and request the user provide their status.” EX1010, Abstract. “The users can send user status updates to the web network using internet enabled devices, such as personal computers, telephones, or handheld portable computers.” EX1010, Abstract. “The system can compile the information, and generate reports on group and individual status.” EX1010, Abstract.

45. These example systems thus show that the claimed concepts of sharing information items related to a situation with user devices located near the situation were well known. As I explain in greater detail below, the prior art references applied herein—including Smith, Sinha, and Gage—teach similar emergency warning systems that teach and/or render obvious the claims.

## 2. Event Planning Systems

46. The claimed concepts of sharing information items related to an event were also known via event planning systems. For instance, Burfeind discloses a system for “schedul[ing] a location-specific event.” EX1004, Abstract. For instance, an “event organizer” plans an event by using a “portable device” to access an “organization device” implemented as a server. EX1004, Abstract, ¶¶56, 59, 66, 146-147. The event organizer provides “event information” to the organization device, which uses the information to create a new event. EX1004, ¶¶108, 110, 162. The organization device then sends invitations (information items) to invitees of the events and “track[s] the attendance status of each event invitee.” EX1004, ¶¶108, 131.

47. As another example, Crowley discloses a system for coordinating meetings between friends and acquaintances. EX1005, Abstract. Specifically, Crowley discloses “location-based social software” for “establishing connection between users of mobile devices.” EX1005, ¶¶7-8. Specifically, Crowley’s system determines when a user’s acquaintances are geographically proximate to an event venue, and automatically sends invitations to those acquaintances, inviting them to meet the user at that venue. EX1005, ¶45.

48. For instance, Crowley discloses an example where a user “TJ” is “located at a bar called the Luna Lounge.” EX1005, ¶45. At TJ’s request, the

system “identif[ies] which of [TJ’s] acquaintances is currently active in the system, and... which of the acquaintances is near the Luna Lounge.” EX1005, ¶45. The system then “send[s] each of the acquaintances messages” inviting them to meet TJ at Luna Lounge. EX1005, ¶45, *see also* ¶78.

49. As another example, Steenstra teaches a “[l]ocation based service (LBS) system and method for creating a social network.” EX1017, Title. The LBS system “includes an interest group feature” that shares information related to an event with user devices located proximate to the event. EX1017, ¶50. For instance, Steenstra describes an example in which a user named “Alex” creates “an interest group” for basketball. EX1017, ¶50. The system makes information related to the event available to other users “based on their being in the same geographical location as Alex.” EX1017, ¶50. The system then enables the users to “arrange to meet at the Neighborhood Park and play 3-on-3 basketball.” EX1017, ¶50.

50. Such references confirm my opinion that the claimed concepts of sharing information items related to an event were well known. Indeed, as explained in greater detail below, the prior art disclosed herein—including Burfeind and Crowley—teach these claim elements via event planning systems.

#### **B. Roll Calls Related to an Event**

51. Roll call features for tracking user statuses related to an event were also well known. As with the above claim features, roll call lists were known, for

instance, via emergency warning systems and event planning systems.

52. For example, as explained above, Shida teaches a system for confirming the safety of persons upon the occurrence of a disaster. EX1014, Abstract. As also explained, Shida’s center server “generates notice information” related to the disaster “and transmits it to the subscribers” located near the disaster. EX1014, ¶46. Upon receiving this notice information, the subscribers then input a “safety confirmation response,” which is transmitted to the center server via a “mobile communication network system.” EX1014, ¶¶44, 50. The safety confirmation response can indicate, for instance, a message of “Safety” or a message of “Rescue request.” EX1014, ¶50. The center server maintains a roll call list within a disaster region subscriber table that includes statuses of the user’s safety, as shown below in Figure 6. EX1014, ¶¶57-58. An example disaster region subscriber table showing safety confirmation statuses is shown below.

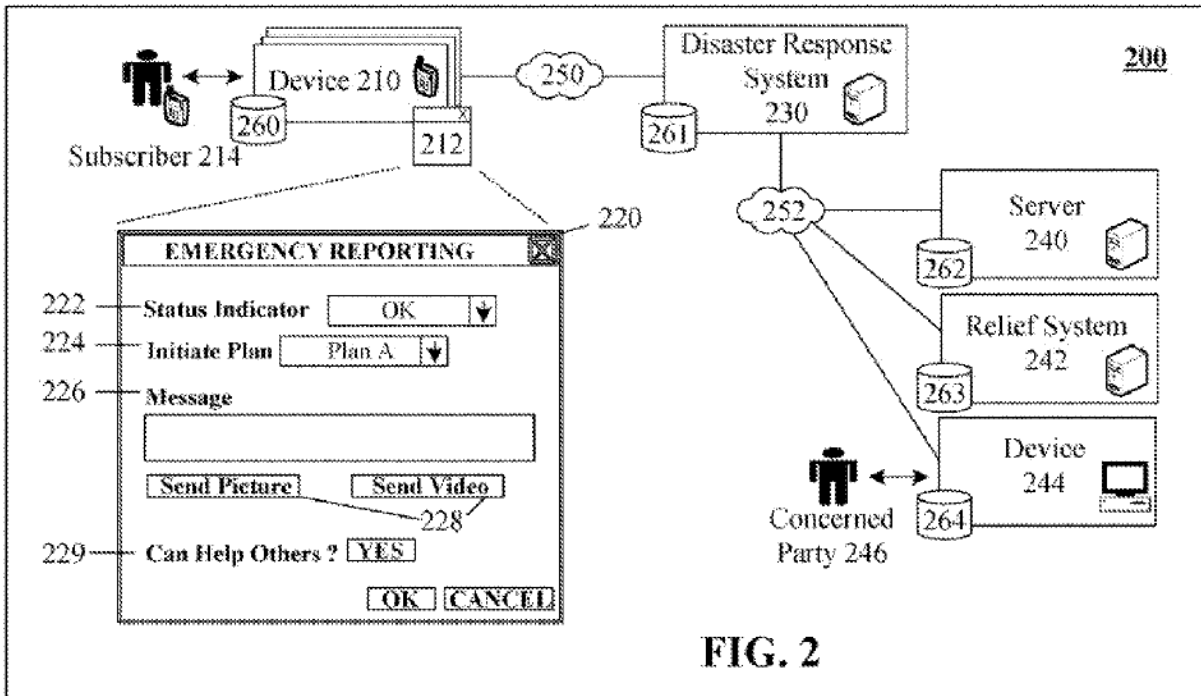
| 205<br>REPORTING<br>SUBSCRIBER ID | 206<br>DISASTER OCCURRING<br>REGION ID | 207<br>SUBSCRIBER ID | 208<br>CURRENT<br>REGION ID | 209<br>STATUS OF SAFETY<br>CONFIRMATION |
|-----------------------------------|----------------------------------------|----------------------|-----------------------------|-----------------------------------------|
| REPORTING<br>SUBSCRIBER           | REGION A                               | SUBSCRIBER A         | REGION A                    | NOT YET                                 |
|                                   |                                        | SUBSCRIBER B         | REGION B                    | OK                                      |
|                                   |                                        | SUBSCRIBER C         | REGION A                    | NOT YET                                 |
|                                   |                                        | SUBSCRIBER D         | REGION D                    | OK                                      |
|                                   |                                        | ⋮                    | ⋮                           | ⋮                                       |

**FIG.6**

EX1014, FIG. 6.

53. As another example, Gage discloses a “method for reporting a status

indicator using a mobile device during a disaster.” EX1009, Abstract. Specifically, Gage discloses “a disaster response system” that, upon detecting a disaster, queries “mobile devices of subscribers... for location and wireless connectivity. EX1009, ¶9. A disaster can be, for instance, “a hurricane, flood, fire, tsunami, and the like.” EX1009, ¶19. “When a subscriber is proximate to a disaster area,” the disaster response system also queries “the subscriber’s device... for a status indicator and for an optional user provided message.” EX1009, Abstract. The subscriber’s device then displays an interface that permits the subscriber to “report situation status information.” EX1009, ¶27, FIG. 2. For instance, a user can select a status indicator such as “OK, NEED HELP, and IN CRITICAL NEED.” *Id.* The disaster response system then “make[s] the status indicator and the location available to concerned parties.” EX1009, ¶27, FIG. 2.



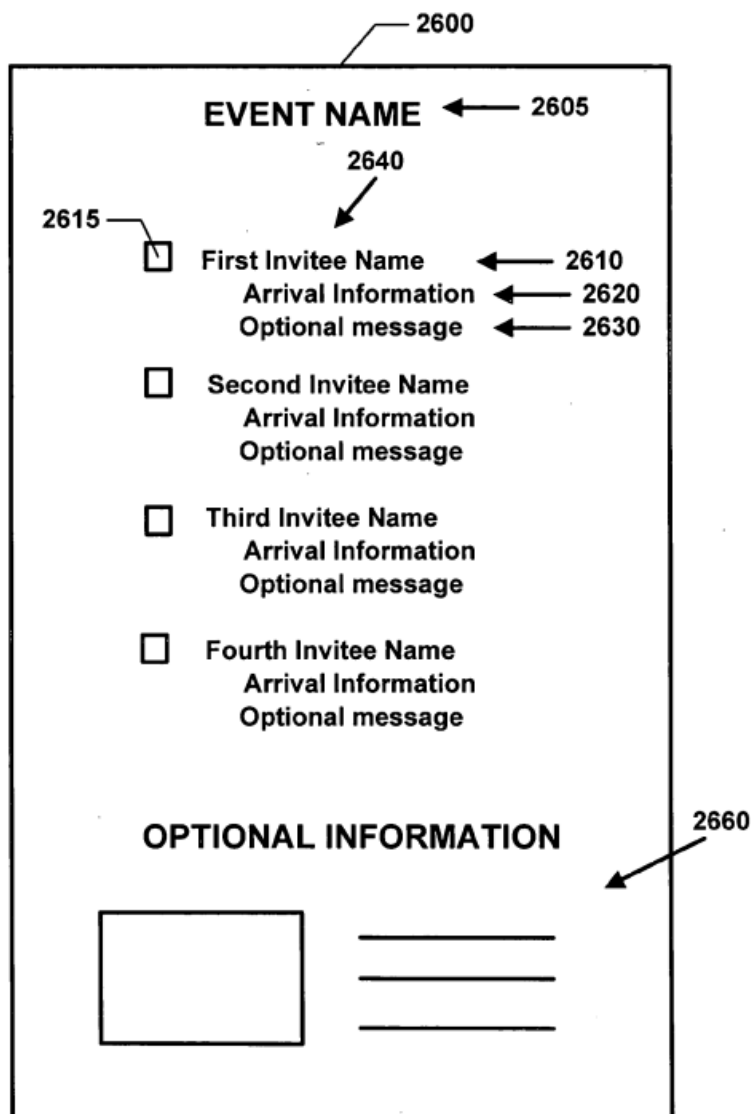
EX1009, FIG. 2.

54. Mitchell similarly discloses “an intelligent real time headcount system” that sends alert messages to receivers at a crisis-event site and solicits acknowledgment and/or additional information from the receivers in order to “locate, identify and realize a cyber headcount of all persons present at a crisis-event site during a crisis event.” EX1011, ¶¶12, 34-38. Roche similarly discloses a “disaster recovery virtual roll call and recovery management system.” EX1010, ¶1. “In case of disaster, the system can contact the users over one or more communications networks” and “request the user provide their status.” EX1010, Abstract.

55. Burfeind also discloses this feature in the event planning space. For instance, as explained above, Burfeind discloses a system for “schedul[ing] a

location-specific event.” EX1004, Abstract. Burfeind discloses an “organization device [that] tracks the participation status of each invitee” and provides an “event status interface” to the user devices of the invitees. EX1004, ¶¶4, 131, 137.

Specifically, upon receiving the invitations for the new event from the organization device, the invitees “transmit[] a response including a participation status of the invitee” to the organization device. EX1004, ¶117. Burfeind’s organization device includes the participation statuses within an “event status interface,” and provides the event status interface to the invitee’s user devices. EX1004, ¶¶137, 139. Figure 26 below shows an example event status interface that includes the arrival information (roll call) for the invited users.

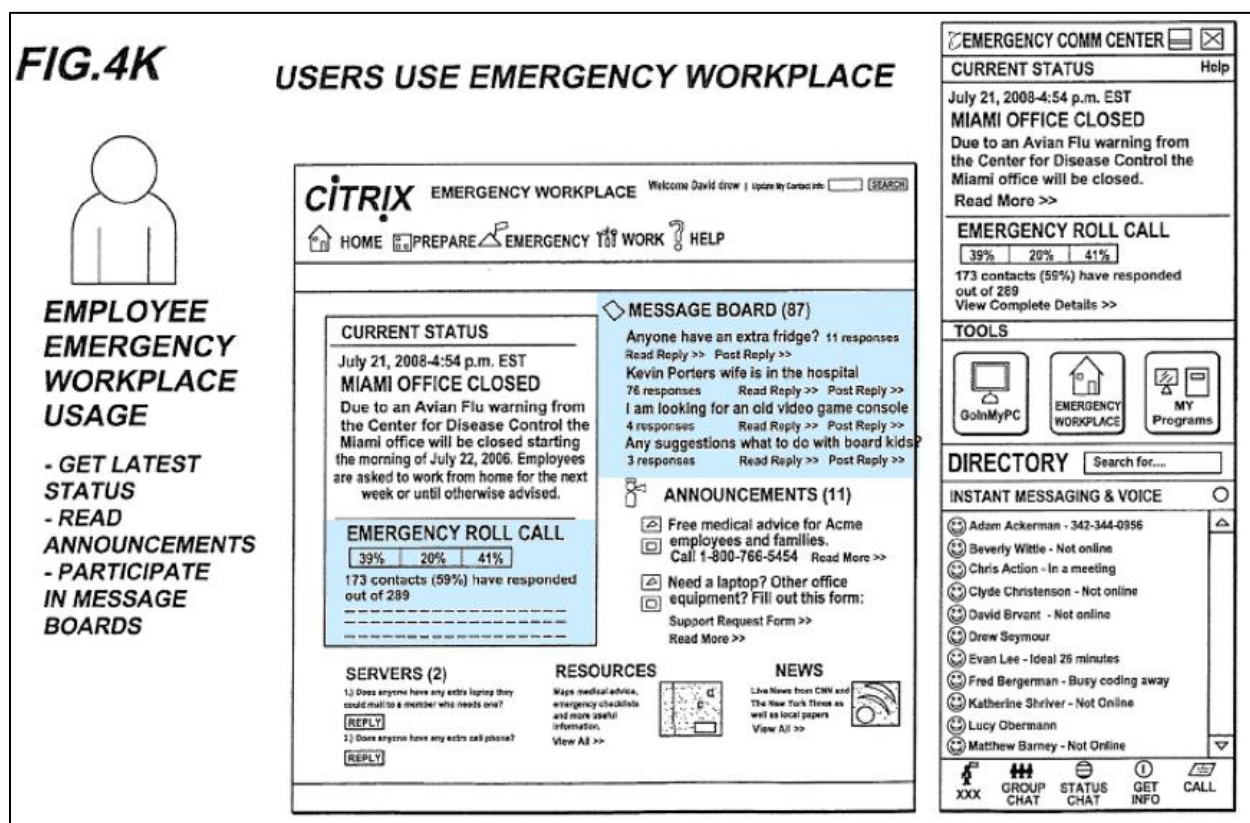


EX1004, FIG. 26.

**C. Sharing Situational Statuses with Concerned Parties using a Message Board**

56. It was also well known to use message boards to share user statuses related to a situation. For instance, Sinha discloses “a business continuity application” that is provided to “a displaced workforce of an organization when an event occurs.” EX1007, Abstract; EX1008, 1:31-2:6. Sinha further discloses a “portal web-site or service” that can be accessed by “one or more users” affected

by an event. EX1007, ¶¶58, 72, 118; EX1008, 5:27-6:4, 22:14-19. The portal provides a “message board” with which employees impacted by the event can “participate (post and reply).” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K. As shown in FIG. 4K below, the message board enables employees to post and respond to topics relating to the event. The portal further includes a “roll call” list that includes “statistics and a bar graph showing the number of employees who have responded to the alert.” EX1008, 139:16-20, *see also* 24:28-25:2, FIG. 5K; EX1007, ¶134, FIG. 4K.



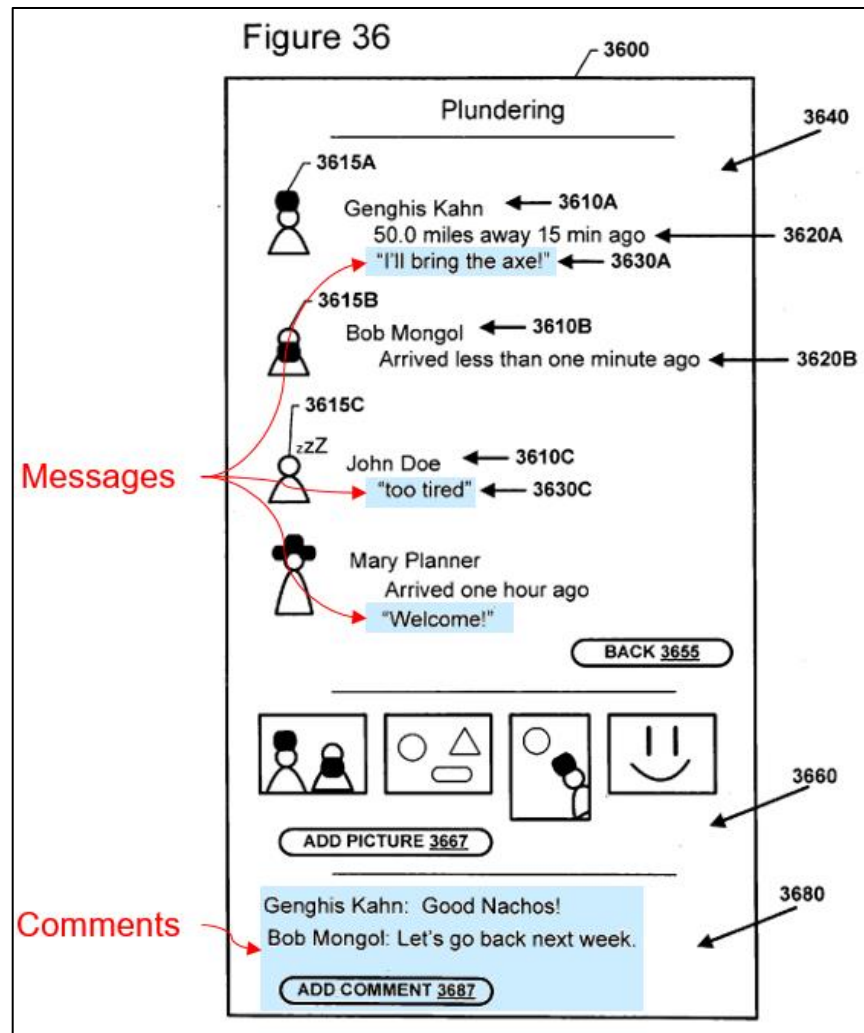
EX1007, FIG. 4K (annotated).

57. Gage similarly discloses a solution for “providing a situational status and a location of a subscriber potentially affected by a disaster to concerned

parties.” EX1009, ¶8. Gage discloses a message board in the form of “a Web site containing subscriber status information,” including user provided messages.

EX1009, ¶¶9, 37. “Concerned parties, such as family members, can be granted access to the Web site, through which they can look-up the last known location and situational status of the subscriber.” EX1009, ¶37.

58. Burfeind also discloses this feature through its event status interface, described above. As explained, the event status interface includes arrival information for the invitees. EX1004, ¶138. The event status interface is a message board because it also displays comments provided by the invitees, as shown in Figure 36.



EX1004, FIG. 36 (annotated).

59. Thus, it is my opinion that all of the claimed features were well known in the art at the time of the alleged invention of the '682 patent. The '682 patent claims merely recite known features, and do not contain any inventive features, whether alone or in ordered combination. As I explain in greater detail below, the prior art references applied herein teach each and every element of the claims.

## **VIII. PROSECUTION HISTORY**

60. The '682 patent issued on October 11, 2022 after a single office action in which the Examiner rejected all claims as obvious over the combination of references to Warner (EX1012) and Roche (EX1010). EX1002, 150-161. The Office Action also interpreted the terms “network controller configured to” and “central processing unit configured to” in (issued) claim 1 under 35 U.S.C. §112, sixth paragraph. *Id.*

61. In response to the office action, the applicant argued that the cited references fail to teach only a single limitation: “a message board that is accessible to a plurality of user devices” that “provided status responses to roll call queries.” *Id.*, 186-193. The Examiner subsequently issued a notice of allowance without providing an explicit reason for allowance. *Id.*, 201-206.

## **IX. LEVEL OF ORDINARY SKILL IN THE ART**

62. A person of ordinary skill in the art (POSA) would have had a bachelor's degree in Computer or Electrical Engineering or equivalent discipline, and approximately two years' experience in telecommunications or computer networking. Additional education could substitute for professional experience, and significant work experience could substitute for formal education.

63. I am well qualified to determine the level of ordinary skill in the art. I am very familiar with the technology of the '682 patent during the February 2007

timeframe. As mentioned above, by 2007, I had obtained both a Masters (in Computer Science) and a Ph.D. (in Electrical and Computer Engineering) from the University of Toronto and had acquired extensive experience relating to computer networking and telecommunications.

## **X. CLAIM CONSTRUCTION**

64. I have been informed that the challenged claims of the '682 patent are to be given their ordinary and customary meaning as understood by one of ordinary skill in the art at the time of the invention in light of the specification and the prosecution history pertaining to the patent. Based on my review of the challenged claims, it is my opinion that none of the claim terms require explicit constructions. Accordingly, all claim terms should receive their plain and ordinary meaning, in the context of the '682 patent specification.

65. However, as I explained above, during prosecution, the Examiner interpreted the terms “a network controller configured to” and “a central processing unit configured to” in independent claim 1 under 35 U.S.C. § 112, sixth paragraph. To the extent the Board agrees with the Examiner that these terms should be interpreted under 35 U.S.C. § 112, sixth paragraph, I agree with Petitioner’s constructions for these terms, as shown in the following table.

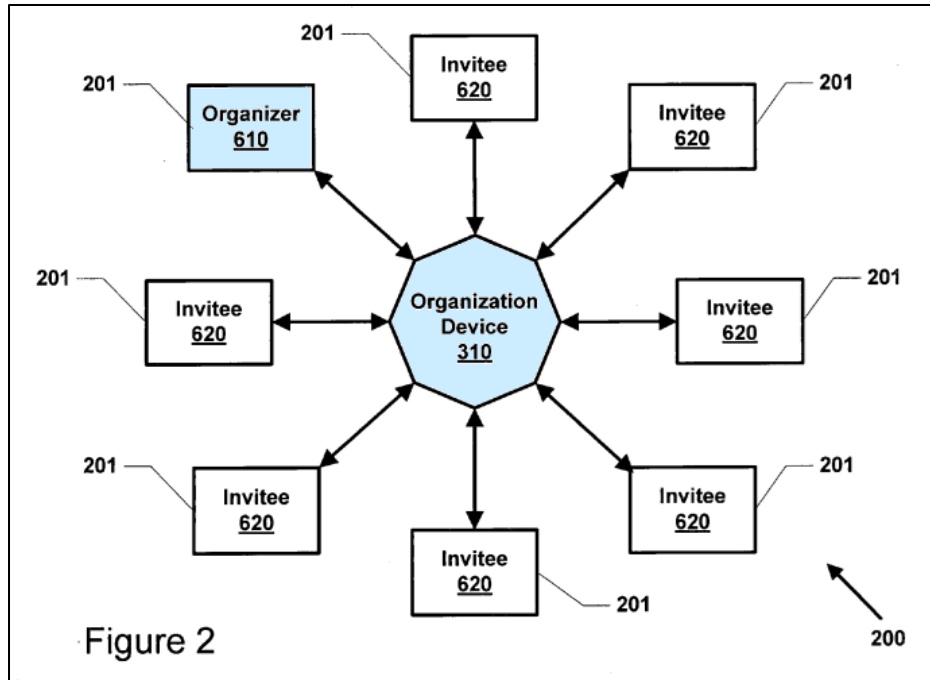
| <b>Limitation</b> | <b>Claimed Function</b> | <b>Portion of Specification<br/>Corresponding to<br/>Claimed Function</b> |
|-------------------|-------------------------|---------------------------------------------------------------------------|
|-------------------|-------------------------|---------------------------------------------------------------------------|

|                                                           |                                                                                                                                                                                                 |                                                   |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| “a network controller configured to...” (claim 1)         | “receive an information item from a user device, wherein the information item identifies a situation; and make the information item available to a first plurality of user devices”             | EX1001, 33:29-33, 6:60-7:2.                       |
| “a central processing unit... configured to...” (Claim 1) | “verify that the information item is related to the situation; and in response to the verifying, make a message board related to the situation available to a second plurality of user devices” | EX1001, 33:12-17, 32:58-63, 6:60-7:2, 27:38-28:2. |

## **XI. OVERVIEW OF THE PRIOR ART**

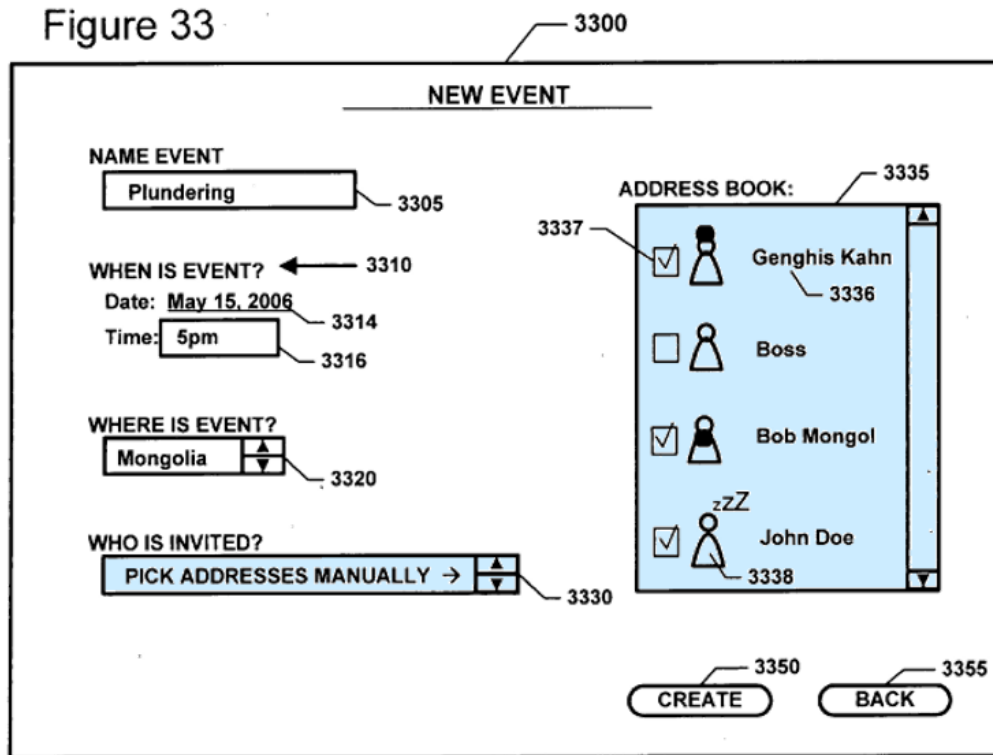
### **A. Burfeind**

66. Burfeind discloses a system that enables a user to “schedule[] a location-specific event.” EX1004, Abstract. To do so, the user, or “event organizer,” communicates with an “organization device” using a “portable device” to input the time and location of the event. EX1004, ¶¶57, 111-112.



EX1004, FIG. 2 (annotated).

67. The event organizer also inputs the invitees for the event, to which the organization device will send invitations. EX1004, ¶113. Specifically, the event organizer manually selects one or more contacts or groups of contacts to invite. EX1004, ¶¶159-161. For instance, as shown in Figure 33, “invited contacts can [] be selected from a dropdown menu” or from an “address book.” EX1004, ¶¶159-161.

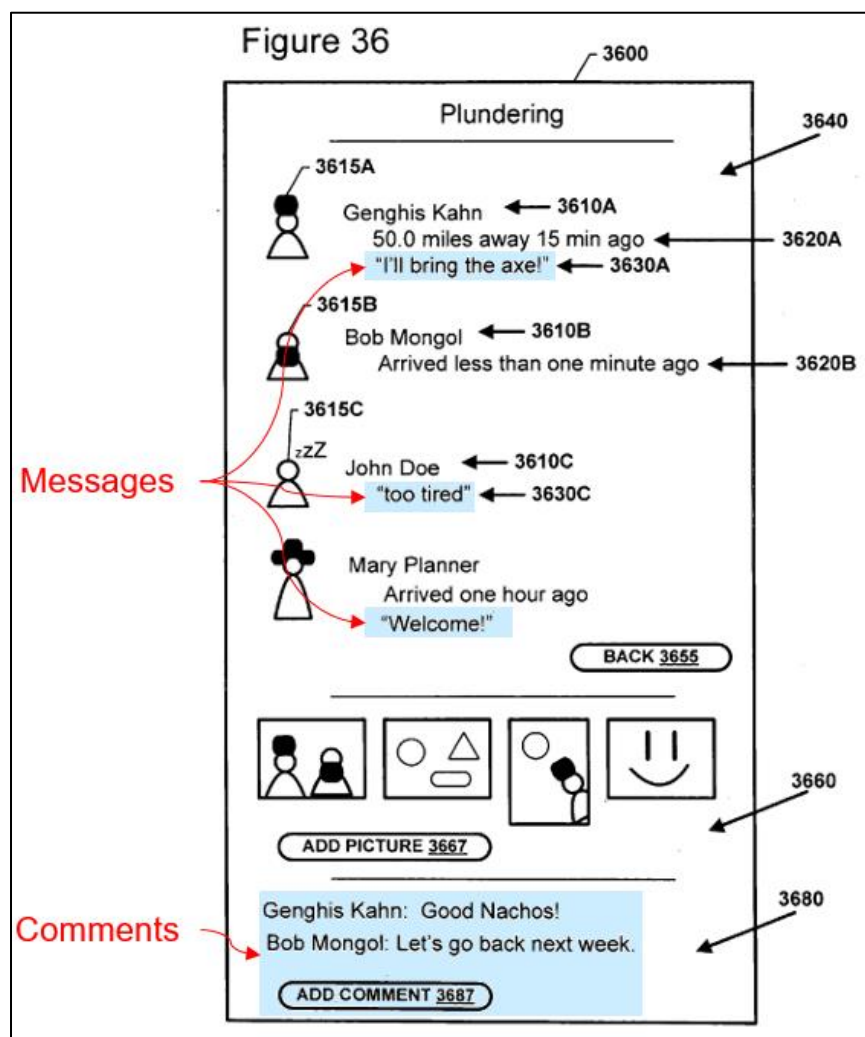


EX1004, FIG. 33 (annotated).

68. The organization device then “transmits invitations to and tracks responses received from the event invitees.” EX1004, ¶115. The invitations include “textual information identifying the location, date, and time of the event.” EX1004, ¶116, *see also* ¶108. Upon receiving the invitations, the invitees “transmit[] a response including a participation status of the invitee” to the organization device. EX1004, ¶117. Upon receiving the statuses, “the organization device... provide[s] the participation status of each invitee to other invitees.” EX1004, ¶5, *see also* ¶131.

69. Specifically, Burfeind’s organization device includes the participation statuses within an “event status interface,” and provides the event status interface

to the invitee's user devices. Figure 36 shows an example event status interface 3600 for an event named "Plundering." EX1004, ¶169.



EX1004, FIG. 36 (annotated).

70. Although not shown in Figure 36, Burfeind discloses that the event status interface displays the "participation status" of the invitees, such as "the response (e.g., 'Y' or 'N') of each invitee." EX1004, ¶134, *see also* ¶¶117-119, 138. The event status interface also includes "message[s] provided by the invitee[s]" that "communicate[] further information relating to the invitee's

attendance at the event.” EX1004, ¶135, *see also* ¶170. The event status interface also includes a section in which “participants can post a comment [] pertaining to the event.” EX1004, ¶174.

**B. Crowley**

71. Crowley discloses a system for coordinating meetings between friends and acquaintances. EX1005, Abstract. Specifically, Crowley discloses “location-based social software” for “establishing connection between users of mobile devices.” EX1005, ¶¶7-8. Crowley’s system determines when a user’s acquaintances are geographically proximate to an event venue, and automatically sends invitations to those acquaintances, inviting them to meet the user at that venue. EX1005, ¶45.

72. For instance, Crowley discloses an example where a user “TJ” is “located at a bar called the Luna Lounge.” EX1005, ¶45. At TJ’s request, the system “identif[ies] which of [TJ’s] acquaintances is currently active in the system, and... which of the acquaintances is near the Luna Lounge.” EX1005, ¶45. The system then “send[s] each of the acquaintances messages” inviting them to meet TJ at Luna Lounge. EX1005, ¶45, *see also* ¶78.

73. Crowley’s system provides numerous advantages, such as enabling “spontaneous socializing” and “convenient communication among friends.” EX1005, ¶6. Crowley also “help[s] avoid the problem of friends who were out near

each other, but never realized it until later.” EX1005, ¶6, *see also* ¶35.

**C. Smith**

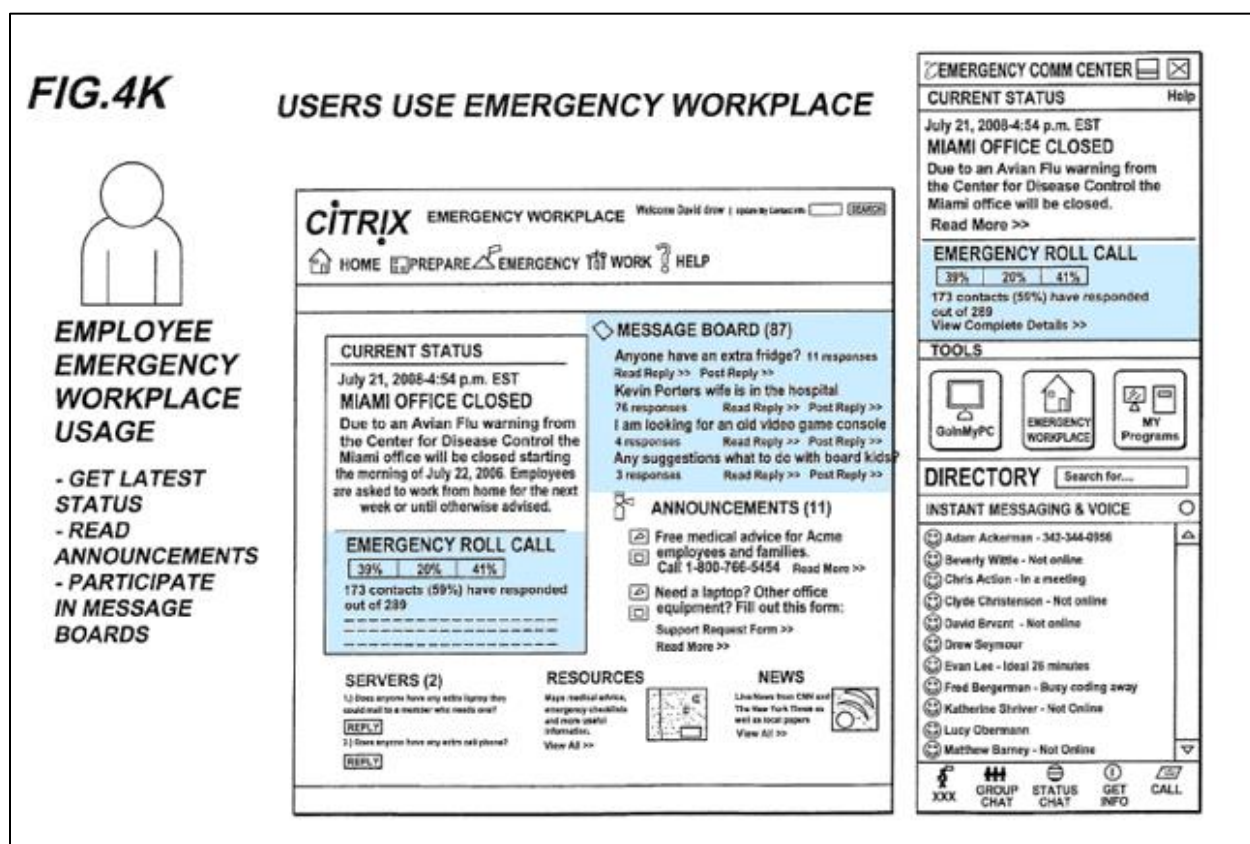
74. Smith teaches “a system and method for receiving event or hazard information by a mobile data processing device.” EX1006, ¶17. Specifically, Smith discloses an “event center” that maintains a database of hazards, such as weather hazards. EX1006, ¶¶17, 25. The event center also “maintains information regarding the positional location (e.g., latitude and longitude) of each of a plurality of devices,” such as “PDA’s, cell phones, laptop computers, automobiles or a fleet of commercial trucks.” EX1006, ¶¶17, 69. The event center “compares a forecast location of each device with a forecast hazard and transmits a warning to each device that is predicted to encounter the hazard.” EX1006, ¶18. “As the mobile unit moves, its actual position is updated in an event center, and a revised warning is transmitted to the mobile unit as applicable.” EX1006, Abstract.

75. Smith also enables users to report hazards that they have observed to the event center. For instance, the user’s device includes an interface for inputting a type and location of the observed condition. EX1006, ¶¶95-96. The device then “wirelessly sends to [the] event center, the event type and the determined event location.” EX1006, ¶20. The event center then “distributes the received information, e.g., the initial event type, event location, and associated secondary information, to third parties,” such as registered users and other authorized users.

EX1006, ¶¶75, 110.

#### D. Sinha

76. Sinha discloses a “business continuity application” that is provided “to a portion of a displaced workforce of an organization when an event occurs.” EX1007, Abstract; EX1008, 1:31-2:6. Specifically, Sinha teaches a “workforce continuity server (WFC server) 194” that provides a “message board” and “roll call report.” EX1007, ¶¶54, 112, 133-134, FIGs. 4J-K; EX1008, 4:23-30, 22:25-29, 24:13-25:2. The WFC server provides to employee user devices a “user interface [that] displays information for the employee regarding the employee roll call.” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIGs. 5J-K.



EX1007, FIG. 4K (annotated).

**E. Gage**

77. Gage describes a system for connecting participants in response to the determination of the occurrence of a disaster. EX1009, Abstract, ¶¶9, 23, 25. Specifically, Gage discloses “a disaster response system” that, upon detecting a disaster (e.g., “a hurricane, flood, fire, tsunami,” etc.), queries subscriber devices for their location. EX1009, ¶¶9, 19. “When a subscriber is proximate to a disaster area,” the disaster response system also queries “the subscriber’s device... for a status indicator and for an optional user provided message.” EX1009, ¶9. The subscriber’s device then displays an interface that permits the subscriber to “report situation status information.” EX1009, ¶27, FIG. 2. For instance, a user can select a status indicator such as “OK, NEED HELP, and IN CRITICAL NEED.” EX1009, ¶27, FIG. 2.

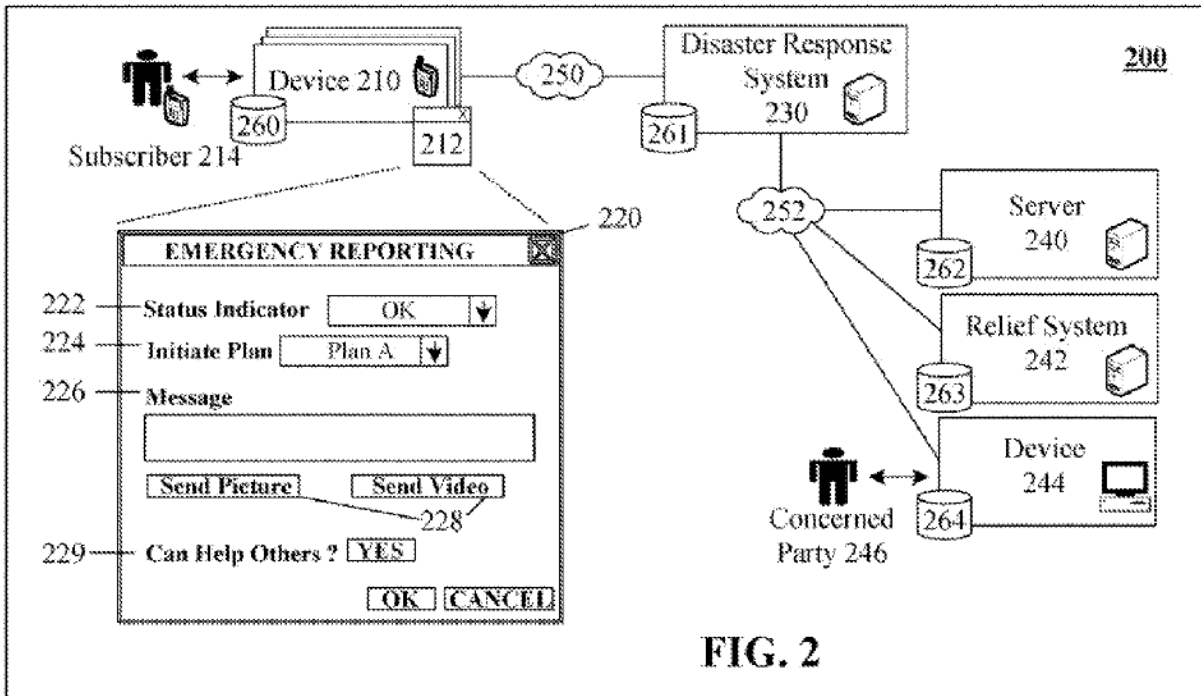


**FIG. 2**

EX1009, FIG. 2.

78. The disaster response system receives the status responses, and shares the status responses and other information associated with the disaster with various entities, such as disaster relief personnel and other concerned parties. EX1009, ¶¶21, 23, 31. For instance, “Concerned parties, such as family members, can be granted access to the Web site, through which they can look-up the last known location and situational status of the subscriber.” EX1009, ¶37.

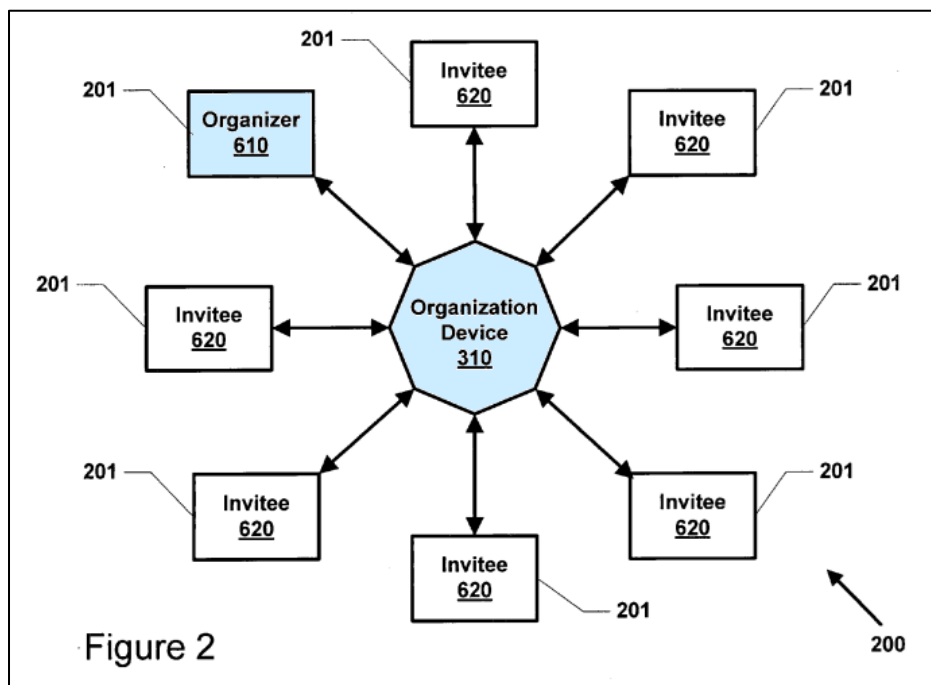
79. Gage explains that “multiple communication/information transmission options” are established to enable subscribers to communicate with the disaster response system. EX1009, ¶25. For instance, “a special communication channel can be reserved for the disaster response system to obtain the situational status indicators and messages” from users proximate to the disaster. EX1009, ¶¶9-10,

see also ¶24. As another example, “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.” EX1009, ¶25.

## **XII. GROUND 1: BURFEIND AND CROWLEY RENDERS OBVIOUS CLAIMS 1-20.**

### **A. A POSA would have found it obvious to combine Burfeind and Crowley.**

80. Burfeind discloses a system that enables a user to “schedule[] a location-specific event.” EX1004, Abstract. To do so, the user, or “event organizer,” communicates with an “organization device” using a “portable device” to input the time and location of the event. EX1004, ¶¶57, 111-112.

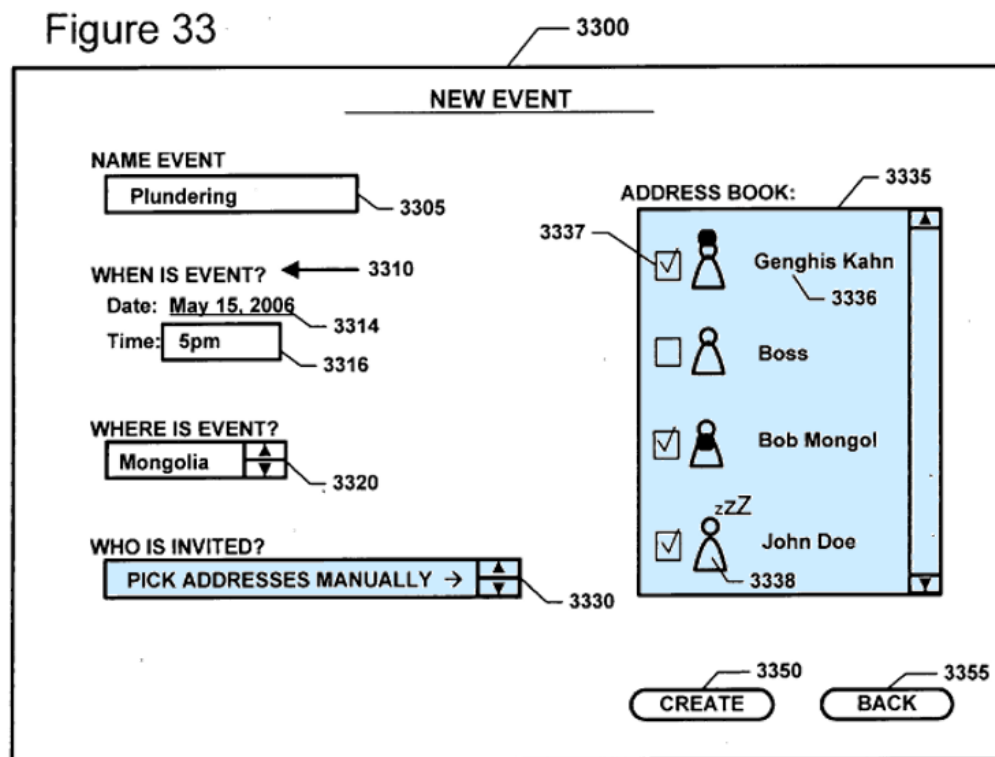


EX1004, FIG. 2 (annotated).

81. The event organizer also inputs the invitees for the event, to which the organization device will send invitations. EX1004, ¶113. Specifically, the event

organizer manually selects one or more contacts or groups of contacts to invite.

EX1004, ¶¶159-161. For instance, as shown in Figure 33, “invited contacts can [] be selected from a dropdown menu” or from an “address book.” EX1004, ¶¶159-161. That is, to invite guests to the event, the event organizer must manually select contacts listed in the address book or dropdown menu.



EX1004, FIG. 33 (annotated).

82. A POSA would have recognized that such manual entry would be time-consuming and inefficient, for instance, when the number of invitees is large. For instance, selecting invitees manually using Burfeind’s address book and/or drop down menu (shown in Figure 33) could potentially become tedious. In addition, such manual entry may cause the event organizer to inadvertently exclude

one or more contacts that they intended to invite. For instance, Burfeind's manual invitation technique would require the event organizer to search through his entire address book (or dropdown menu), and to individually select each invitee (or group of invitees). In doing so, the event organizer may forget that one of his contacts lives nearby, or is in the area visiting, and forget to invite the contact to the event. For example, when an impromptu gathering or other spontaneous event or situation occurs, a user might wish to quickly invite all contacts in the area to participate. In such instance, selecting individual contacts—who may be out of town and thus not at their usual location, or who might be unexpectedly nearby—from a contact list would be both burdensome and imprecise.

83. Burfeind contemplates such spontaneous events because it enables the event organizer to set the event location as the “current location” of the event organizer. EX1004, ¶112. That is, Burfeind recognizes that the event organizer may wish to create an impromptu event at the event organizer's current location. In such instance, the user would desire to be able to quickly and efficiently select the appropriate invitees. A POSA would have recognized that Burfeind's manual selection techniques would be inefficient in this instance. Thus, a POSA would have sought references for improving upon Burfeind's manual invitee selection process.

84. Crowley is such a reference. Similar to Burfeind, Crowley discloses a

system for coordinating meetings between friends and acquaintances. EX1005, Abstract. Crowley acknowledges the inefficiencies of systems like Burfeind that “require the organizer to select attendees from a manually-created list of acquaintances, such as members of an e-mail address book.” EX1005, ¶4. To address this issue, Crowley discloses “location-based social software” for “establishing connection between users of mobile devices.” EX1005, ¶¶7-8. Specifically, Crowley’s system determines when a user’s acquaintances are geographically proximate to an event venue, and automatically sends invitations to those acquaintances, inviting them to meet the user at that venue. EX1005, ¶45.

85. For instance, Crowley discloses an example where a user “TJ” is “located at a bar called the Luna Lounge.” EX1005, ¶45. At TJ’s request, the system “identif[ies] which of [TJ’s] acquaintances is currently active in the system, and... which of the acquaintances is near the Luna Lounge.” EX1005, ¶45. The system then “send[s] each of the acquaintances messages” inviting them to meet TJ at Luna Lounge. EX1005, ¶45, *see also* ¶78. Crowley discloses an example invitation that states: “Your friend TJ is at Luna Lounge (171 Ludlow St.) Why not stop by and say hello?” EX1005, ¶45, *see also* FIG. 4.

86. Crowley’s system provides numerous advantages, such as enabling “spontaneous socializing” and “convenient communication among friends.” EX1005, ¶6. Crowley’s system further provides “increased social interaction,”

which “can lead to many positive things that occur when there is more direct interaction with others.” EX1005, ¶35. Crowley also “help[s] avoid the problem of friends who were out near each other, but never realized it until later.” EX1005, ¶6, *see also* ¶35. Crowley thus provides express motivation for implementing its location-based features in Burfeind.

87. Indeed, a POSA would have understood that the advantages disclosed by Crowley would also be realized by implementing Crowley’s techniques in Burfeind. For instance, implementing Crowley’s proximity-based invitation techniques would increase the efficiency of Burfeind’s system by reducing the time required to select invitees and ensuring that all nearby acquaintances are invited. Such advantages would also further Burfeind’s express goal of providing “better event organization” relative to known techniques that are “time consuming and complicated.” EX1004, ¶1.

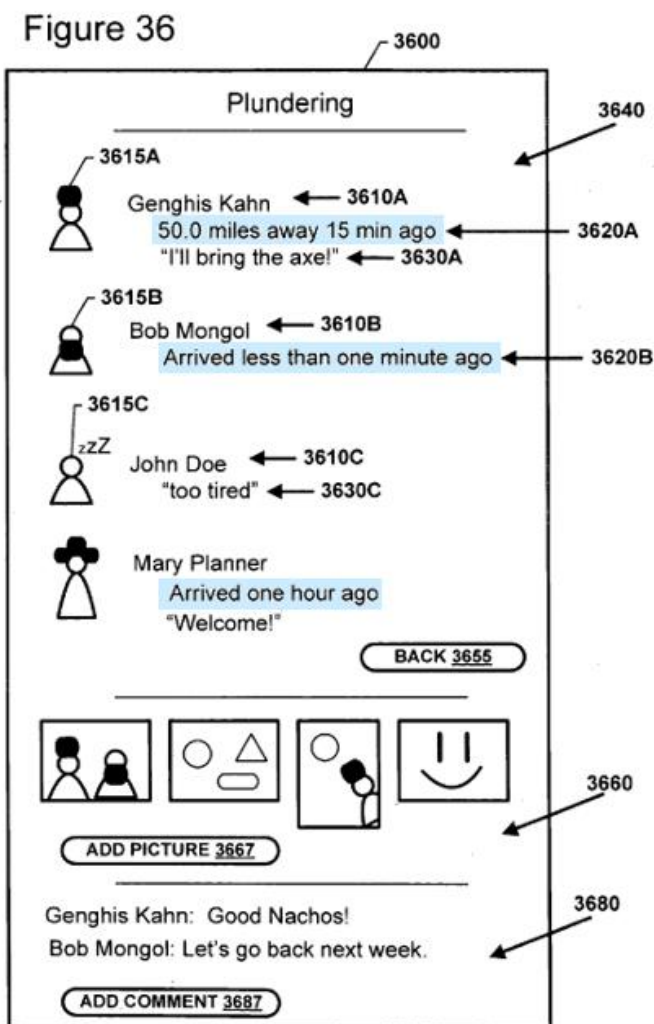
88. A POSA would have thus been motivated to enable Burfeind’s system to identify and invite all contacts that are geographically proximate to the event location, as taught by Crowley. EX1005, ¶¶45, 78. For instance, the combined system would implement an interface for creating a new event that includes an option to enable the event organizer to select all contacts that are located within a threshold distance of the venue, without having to manually select each contact individually. Consistent with Crowley, this feature would save time, and would

also ensure that the event organizer does not inadvertently exclude a contact that is located within the area. EX1005, ¶¶4, 6, 35.

89. A POSA would have had a reasonable expectation of success in implementing these features in Burfeind. Like Crowley, Burfeind teaches that the location of the event can be the “current location of the portable device” of the event organizer. EX1004, ¶112, *see also* ¶110. Thus, Burfeind already contemplates “location-specific event[s]” that are held at the event organizer’s current location. EX1004, ¶3.

90. Burfeind also already tracks its users’ GPS locations to determine the “arrival information” for the user. EX1004, ¶¶136, 143-145, 169-171, FIG. 36. For instance, the organization device “receives location information sent from one or more portable user devices” in the system and saves this location information “in a GPS database 360 stored on the organization device.” EX1004, ¶143. This information is then used to determine the users’ distance from the event venue, as shown in Figure 36 below. A POSA would have readily been able to adapt this location tracking feature to identify user locations for the purpose of inviting guests who are located near the event location. That is, it would have been predictable and straightforward to determine and access user locations to determine which users to invite to the event. Indeed, Burfeind teaches that the organization device obtains location information from the portable devices in the system “at

predetermined time intervals.” EX1004, ¶142. A POSA would have readily been able to utilize such location information at the invitation stage, as described.



EX1004, FIG. 36 (annotated).

91. Burfeind also teaches associating multiple contacts into different groups, such that the event organizer can “invite the members of the group without having to select and identify each individual member.” EX1004, ¶¶89-93. Thus, Burfeind also already contemplates techniques for grouping individuals in order to more conveniently select those individuals as invitees. A POSA would have thus

readily been able to modify Burfeind to determine the event organizer's contacts that are located proximate to the selected event venue, and to send invitations to that group of contacts, as taught by Burfeind and Crowley.

92. Thus, because Burfeind teaches spontaneous location-specific events, location tracking, and techniques for forming groups of contacts, a POSA would have recognized that Crowley's similar location-based invitation teachings are compatible with Burfeind's system. That is, a POSA would have readily appreciated that Crowley's techniques for determining that a user's acquaintances are located proximate to the user and inviting these acquaintances to an event at the user's location could be adapted for implementation in Burfeind's system. These modifications would have been implemented by leveraging Burfeind's existing teachings of location tracking and contact grouping.

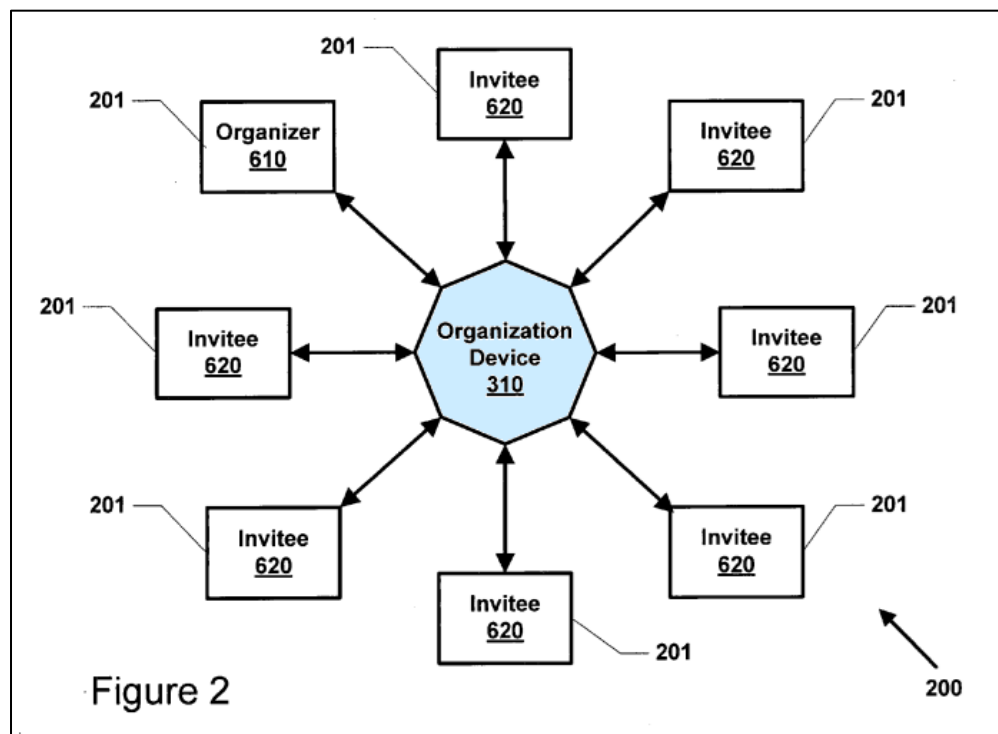
93. Indeed, Burfeind and Crowley disclose similar systems for organizing meetings between acquaintances. EX1004, Abstract; EX1005, ¶5. As explained, Burfeind's manual invitee selection process was ready for improvement because it was inefficient and time consuming. Crowley expressly recognizes, and provides a solution for, Burfeind's inefficiencies. EX1005, ¶¶4-5. Crowley's solution could have readily been implemented in Burfeind, as described above, by merely leveraging Burfeind's existing location-determination and contact grouping teachings. Accordingly, a POSA would have understood that implementing

Crowley's techniques in Burfeind would merely amount to the use of a known technique (Crowley's location-based messaging) to improve similar systems in the same way (enabling the system to automatically send messages/invitations to nearby acquaintances), as well as applying a known technique to a known system ready for improvement to yield predictable results.

**B. Independent Claim 1.**

**1. [1.P]: A server for providing roll call based information, the server comprising:**

94. Burfeind discloses the preamble. Burfeind discloses an “organization device” that “schedules a location-specific event.” EX1004, Abstract. The organization device is a “computer server.” EX1004, ¶59.



EX1004, FIG. 2 (annotated).

95. As explained below, the organization device “track[s] the attendance status of each event invitee,” and “also provide[s] to event participants the attendance status of each invitee [] and other information pertaining to the event.” EX1004, ¶131. The attendance status (*roll call based information*) specifies “whether the invitee [] indicated that the invitee [] would be attending the event.” EX1004, ¶131.

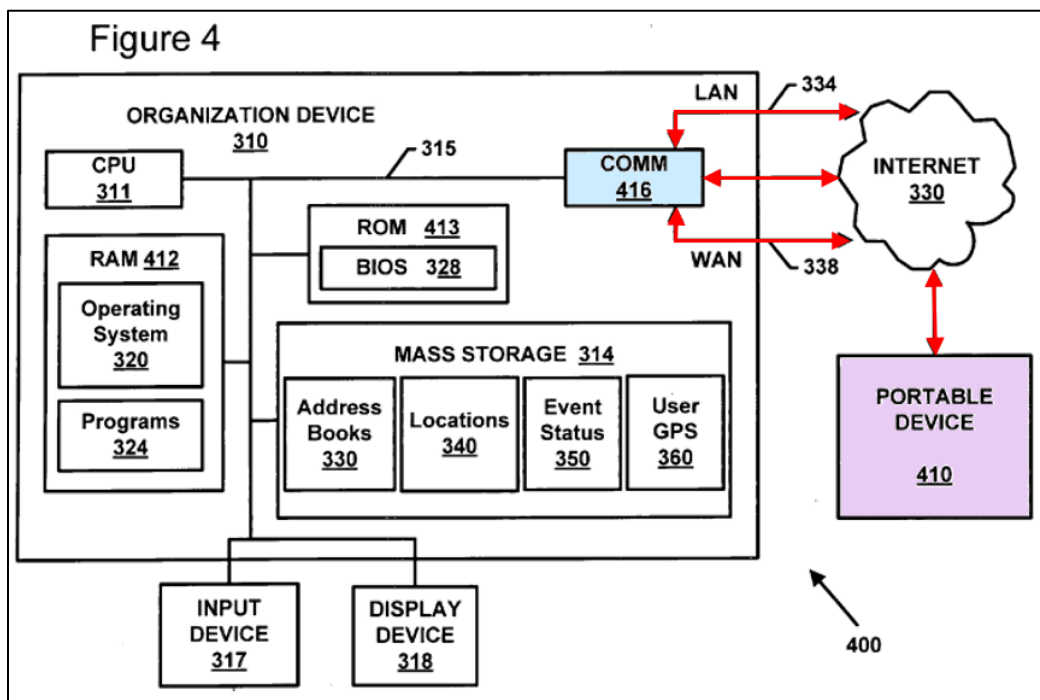
**2. [1.1] a network controller configured to: receive an information item from a user device, wherein the information item identifies a situation;**

96. Burfeind teaches this element.

97. Burfeind’s organization device includes a *network controller* in the form of a “communication device” because it provides “logical connections to one or more remote computers or other electronic devices, such as portable device 410.” EX1004, ¶¶64, 66, 147. As shown below in Figure 4, the communication device 416 is included in the organization device 310 (*server*), and receives incoming and outgoing traffic communicated over a network, such as “a local-area network (LAN) 334,” “a wide-area network (WAN) 338,” “an intranet or the Internet 330.” EX1004, ¶¶65-66. For instance, the communication device can include a modem, a network card, and/or a hub to connect to a network such as the internet. EX1004, ¶64.

98. This is consistent with the ’682 patent’s network controller, which

connects a “network port 138” to the “system bus 1002” for communicating with a “network device” connected to a network. EX1001, 33:29-33, FIG. 23.



EX1004, FIG. 4 (annotated).

99. Burfeind’s communication device is configured to *receive an information item from a user device, wherein the information item identifies a situation*. For instance, via the communication device, the organization device receives from a user device of an event organizer (e.g., portable device 410 shown in Figure 4) “information specifying the time and location of an event” (i.e., *information items identifying a situation*). EX1004, ¶107, *see also* ¶¶57, 146, 162.

100. Burfeind’s “event” is a *situation* as claimed. For instance, Burfeind discloses example events of “plundering,” “apple picking,” “bowling,” “playoffs,” and “lawn bowling.” EX1004, ¶165, FIGs. 35, 44. This is consistent with the ’682

patent, which discloses that “the situation [can be] a social event, such as a concert or festival,” as well as “skiing or surfing.” EX1001, 5:1-16, 31:55-60. Thus, by receiving information items identifying an event (e.g., time, date, location, etc.), Burfeind’s communication device receives *information items identifying a situation*.

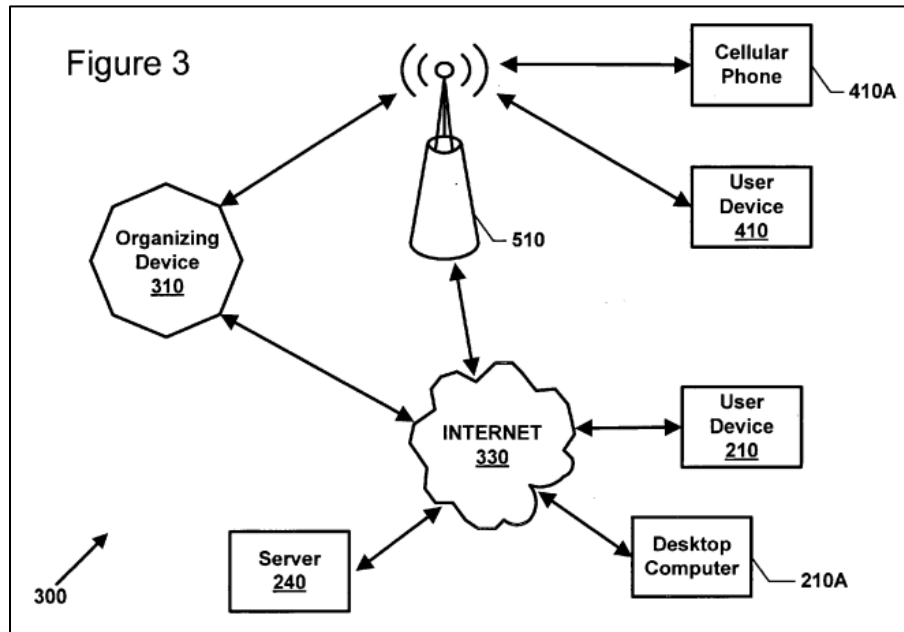
101. For instance, Figure 18 depicts an interface 1800 displayed on the event organizer’s user device that enables an “event organizer [to] create and schedule one or more events.” EX1004, ¶¶107, 111, *see also* ¶¶146, 155, FIG. 33. As shown, the interface 1800 includes fields (e.g., fields 1810, 1820, etc.) that allow the event organizer to input information identifying the event, such as a name, time, date, and location of the event, as well as invitees for the event. EX1004, ¶¶111-114, *see also* ¶¶147, 155-162. The information input into these fields are *information items identifying the event (situation)*.

Figure 18

EX1004, FIG. 18 (annotated).

102. Upon creating the new event, the event organizer's user device transmits this information to the organization device via the communication device, which then "saves" the information "to the organization device." EX1004, ¶¶146-147, 162, FIGs. 2-4. For instance, the event organizer plans an event using a "mobile device" that is "configured to access an organization device." EX1004, ¶¶146-147, *see also* ¶57 ("the event organizer... accesses the organization device [] from a portable device... such as cellular phone"). An example portable device 410A is shown in Figure 3. EX1004, ¶¶55-57. As shown, the portable device communicates with the organizing device 310 via the Internet 330. EX1004, ¶¶55, 66. The organizing device receives such communications via the

communications device (*network controller*). EX1004, ¶64 (the organizing device is “communicatively connected to the Internet 330 via a communication device 316”). Thus, the communication device *receives an information item from a user device, wherein the information item identifies a situation.*



EX1004, FIG. 3.

**3. [1.2] make the information item available to a first plurality of user devices;**

103. Burfeind teaches this element.

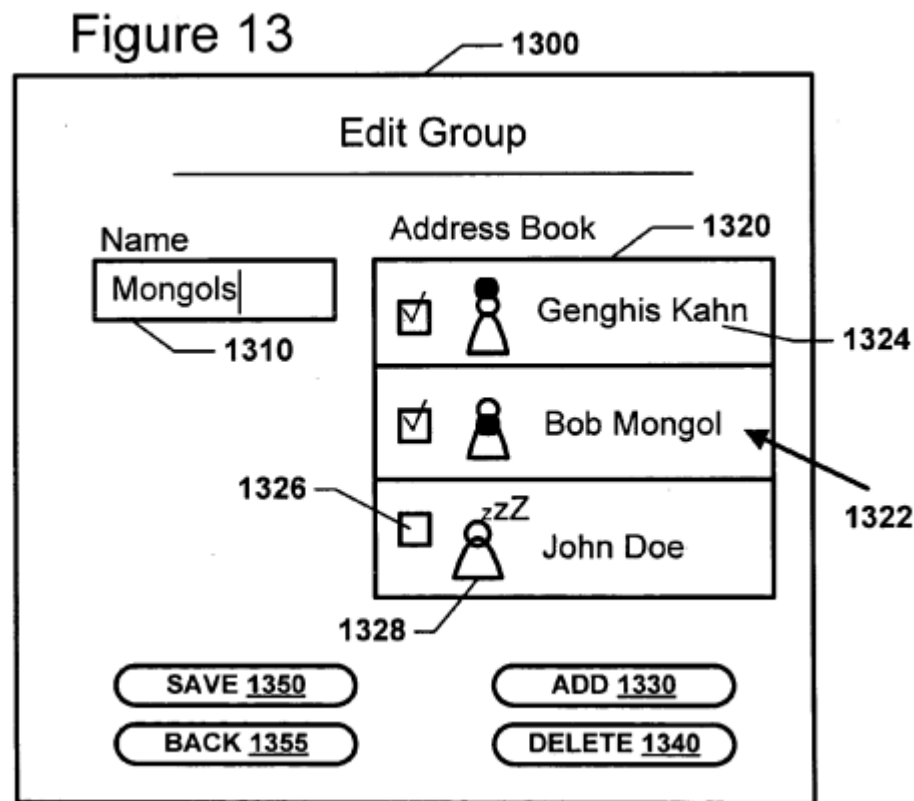
104. Burfeind’s organization device *make[s] the information item available to a first plurality of user devices* because the organization device “transmits invitations to and tracks responses received from the event invitees.” EX1004, ¶115. The invitations include “textual information identifying the location, date, and time of the event” (i.e., *information items*) that was provided to the organization device by the event organizer. EX1004, ¶116, *see also* ¶108. The

invitations are sent via the communication device to “user devices” of the respective invitees, for instance, as a “text message,” an “email or other type of message providing the event information to the invited contacts.” EX1004, ¶108, *see also* ¶178. The communication device sends the invitations to the user devices via a network by implementing “logical connections” to the devices. EX1004, ¶¶66-67, FIG. 4, *see also* ¶64 (the organizing device is “communicatively connected to the Internet 330 via a communication device”). Thus, the communication device makes the “event information” (*information items*) included in the invitations available to user devices.

105. Specifically, the communication device makes these *information items* available to a *first plurality of user devices*. For instance, the organization device sends invitations to “one or more groups” of the event organizer’s contacts. EX1004, ¶159, *see also* ¶89. That is, Burfeind teaches that the event organizer can associate “individual contacts” in the event organizer’s address book together “to form a group” of contacts. EX1004, ¶89, FIGs. 11-13. “Thereafter, the event organizer can invite the members of the group without having to select and identify each individual member.” EX1004, ¶89. Thus, the organization device sends invitations to the user devices of a first “group” of contacts (i.e., *first plurality of user devices*).

106. For instance, Figure 13 depicts an example interface 1300 for creating

a group of contacts. The interface “provides a list of existing contacts... from the contact list of the event organizer.” EX1004, ¶91. The interface also includes a tool “for selecting one or more contact entries” to be included in the group. EX1004, ¶92. When the event organizer has selected the appropriate contacts, the system “associates the selected contact entries with the group name” to create the group. EX1004, ¶93, 98.



EX1004, FIG. 13.

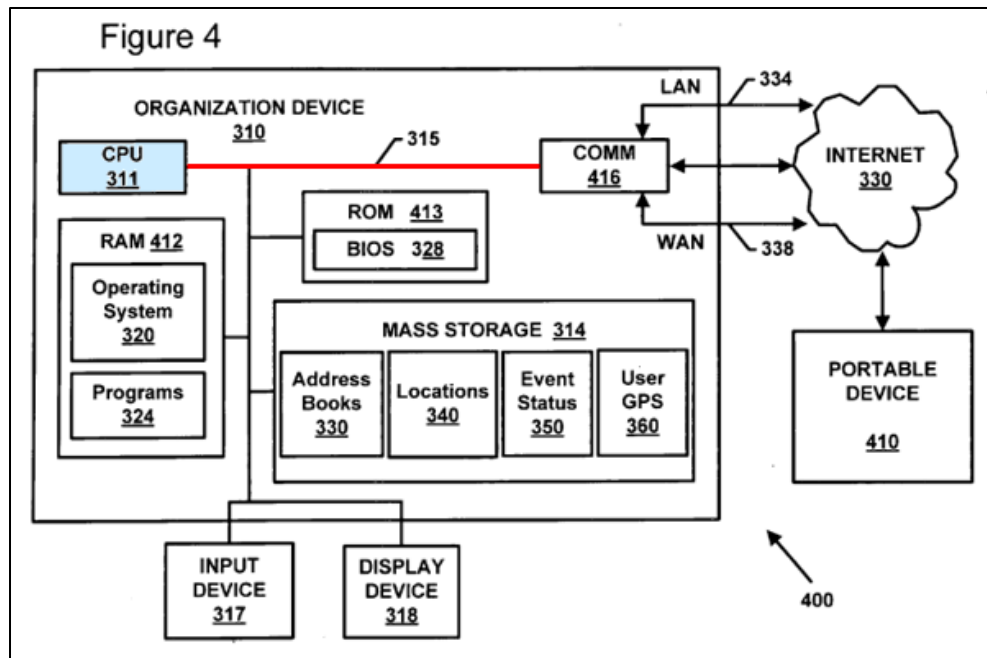
107. Once multiple groups have been created, the event organizer can invite each group to the event by selecting the group names, without having to “select the individual members of the group.” EX1004, ¶159. Each group consists

of a plurality of users, and corresponding user devices. Thus, a first group corresponds to a first plurality of user devices, as claimed. By sending invitations to the first group, the organization device thus provides the information items within the invitations to the first plurality of user devices.

**4. [1.3] a central processing unit, coupled to the network controller, configured to verify that the information item is related to the situation;**

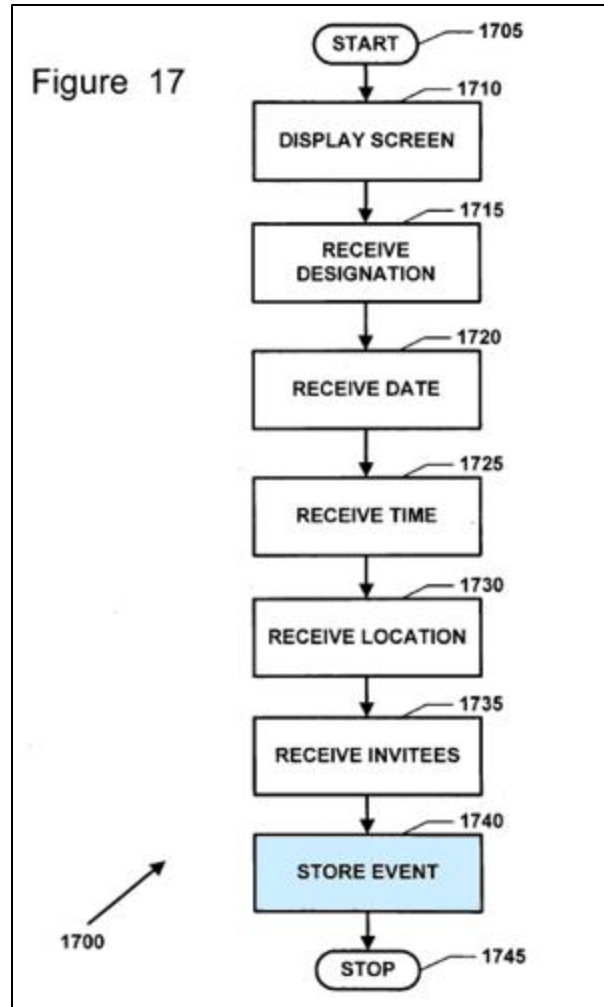
108. Burfeind teaches this element.

109. Burfeind's organization device includes *a central processing unit* in the form of "processing unit 311" that is coupled to the communications device (*network controller*) via a system bus 315. EX1004, ¶60, FIG. 4. The processing unit 311 can be, for instance, "a processor commercially available from Intel®, Motorola®, Cyrix® and other such companies." EX1004, ¶60. The system bus 315 "operatively couples various system components including the system memory to the processing unit 311." EX1004, ¶60. The processing unit is also configured to "execute[] computer programs stored on the computer-readable media." EX1004, ¶60. This is consistent with the '682 patent's central processing unit 1004, which is coupled to the network controller 1016 via the system bus 1002. EX1001, 33:12-33, FIG. 23.



EX1004, FIG. 4 (annotated).

110. The processing unit is configured to create and store new events. Specifically, upon receiving the information items from the event organizer's user device, the organization device "saves the information entered... to the organization device." EX1004, ¶162. In doing so, the organization device performs a "store operation" to "store the new event (and corresponding information) on the organization device." EX1004, ¶¶110, 114. This "store operation" is illustrated in Figure 17 (reproduced below) and described in Burfeind in the following way: "[a] store operation 1740 adds a new entry to a list of events associated with the event organizer." EX1004, ¶110, FIG. 17. Specifically, the organization device saves each new event "in an event record in an... event database [] on [the] organization device." EX1004, ¶186, *see also* ¶¶110, 114, 132, 191 (the organization device "creates a new event record... and saves the record [] on an event database").



EX1004, FIG. 17 (annotated).

111. The organization device thus receives the information input by the event organizer, and associates that information with a new event by creating and storing the information in the event entry. See EX1004, FIG. 17 (“store event” highlighted in blue above), ¶¶109-110.

112. However, to the extent Burfeind does not expressly teach *verifying that the information item is related to the situation*, as claimed, the combination of Burfeind and Crowley does. Crowley teaches that when a user sends information

relating to an event (e.g., a “venue” location), the system verifies that the information is related to the event by “verify[ing] the user” and “check[ing] to see if the location information... is present in the system.” EX1005, ¶¶59, 62-63, *see also* ¶66. That is, a POSA would have recognized that Crowley’s verification steps ensure that the information provided by the user is related to a valid event, for instance, by verifying that the user is a valid user and that the location is a valid location of the event. *See* EX1005, ¶¶59, 62-63. For instance, Crowley’s system verifies that information provided by a user is related to an event within the system by verifying the user because only members of the system are authorized to plan an event. Similarly, the system verifies that the information is related to the event by verifying that the provided location corresponds to a known venue. EX1005, ¶63.

113. If the system cannot verify the user or location, it provides an error message to the user, indicating that the information does not relate to a known venue. EX1005, ¶¶62-63. Conversely, when the information is verified, the system “transmit[s] appropriate messages” to the user’s nearby acquaintances, inviting the acquaintances to the event. *See* §XII.A. Indeed, this is consistent with the ’682 patent, which discloses that a “situation authority” may “perform a verification of the information before distributing the information to the users.” EX1001, 6:63-7:2. I note that the ’682 patent does not provide any other disclosure related to the verification. Indeed, the ’682 patent does not provide any information as to how

such verification is performed or how the verification ensures that the information is related to the event.

114. A POSA would have found it obvious to combine Burfeind and Crowley for the reasons provided in §XII.A. A POSA would have further found it obvious to implement Crowley's verification techniques in Burfeind to verify that the information provided by Burfeind's event organizer is related to an event (e.g., by verifying the user and the provided venue location). That is, a POSA would have recognized the benefits of enabling Burfeind's system to verify the validity of the event information, as taught by Crowley. A POSA would have thus sought to provide similar verification steps in Burfeind to ensure that the event organizer is a valid user and that the provided location is a valid (known) event location. *See* EX1004, ¶107, §VII.A.2.

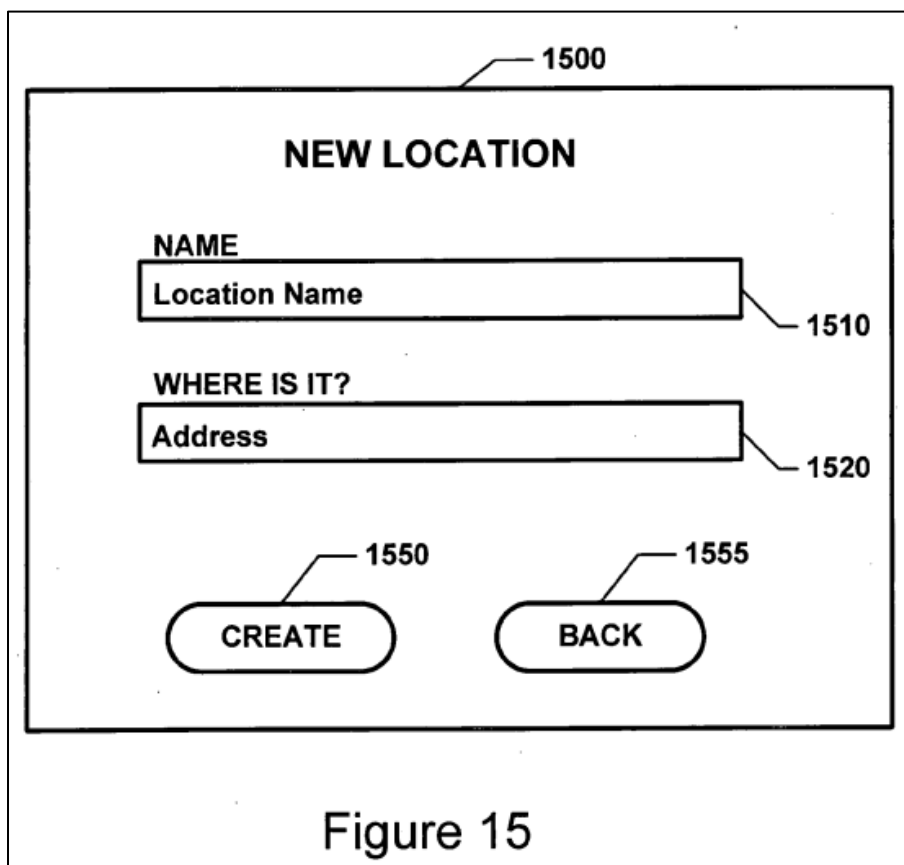
115. For instance, a POSA would have recognized the benefits of ensuring that the event organizer is a registered user who is authorized to plan events within Burfeind's system. Similarly, a POSA would have further recognized the benefits of enabling Burfeind's organization device to verify the validity of the event venue prior to sending the invitations. Indeed, Burfeind teaches that the event organizer manually inputs the locations. EX1004, ¶¶100-102.

116. For instance, as shown in Figure 15, Burfeind's event organizer inputs a location name as well as an address of a location to be used as an event venue.

EX1004, ¶101. A POSA would have readily appreciated the benefits of enabling Burfeind's system to verify that the location name matches the address (e.g., that the input location name corresponds to a known venue at the input location).

Crowley teaches techniques for determining that "a venue name" is "present in the system," as well as for "resolv[ing] the location" based on the input venue name.

EX1005, ¶63 ("retrieving geographic coordinates for a location from a look-up table having venue names and corresponding geographic coordinate locations"). A POSA would have thus been motivated to adapt Crowley's verification techniques for use in Burfeind to verify the accuracy of the venue locations input by Burfeind's event organizer.



EX1004, FIG. 15.

117. Verifying that the event location is a valid event venue known within the system, as taught by Crowley, would ensure that the invitations provided by the organization device include the correct location (e.g., at the correct venue).

Crowley teaches comparing an event venue to a list of known venues. EX1005,

¶63. This technique ensures that the location provided by the user corresponds to a known venue.

118. A POSA would have recognized that these techniques are consistent with Burfeind, and would have been trivial to implement. Indeed, Burfeind already teaches that the event organizers must log in to the system.<sup>1</sup> EX1004, ¶79.

119. A POSA would have thus sought to enable the organization device to verify that the user is a valid user, and that the user is entering valid information (e.g., location information for the event). Burfeind's system also already geo-locates addresses to determine geographic coordinates of the address. EX1004, ¶102. A POSA would have readily been able to compare the address and/or

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<sup>1</sup> Figure 7 of Burfeind shows a "logout option 730." EX1004, ¶79. A POSA would have understood, or at the very least found it obvious, from this teaching that Burfeind's users first login to the system before they can logout. Thus, a POSA would have understood that Burfeind teaches means for logging into the system.

coordinates to a list of known venues to determine the validity of the location for the event, as taught by Crowley.

120. Indeed, Crowley's verification techniques are performed using generic and commonly implemented computing functions, such as "comparing the user identification information against a table of current members," and "comparing a received venue name against a list of venues for which the location is known." EX1005, ¶¶62-63. A POSA would have readily been able to implement these techniques as nothing more than the use of known techniques to improve similar systems in the same way.

**5. [1.4] in response to the verifying, make a message board related to the situation available to a second plurality of user devices;**

121. Burfeind-Crowley teaches this element.

122. As I explained above for element [1.3], the Burfeind-Crowley system teaches *verifying* that information items provided by the event organizer are related to a valid event. In response to the verifying, Burfeind-Crowley's organization device creates and stores a new event in the system. *See* discussion for element [1.3]. The combined system further teaches making a message board related to the event available to a second plurality of users in response to the verifying and creation of the new event.

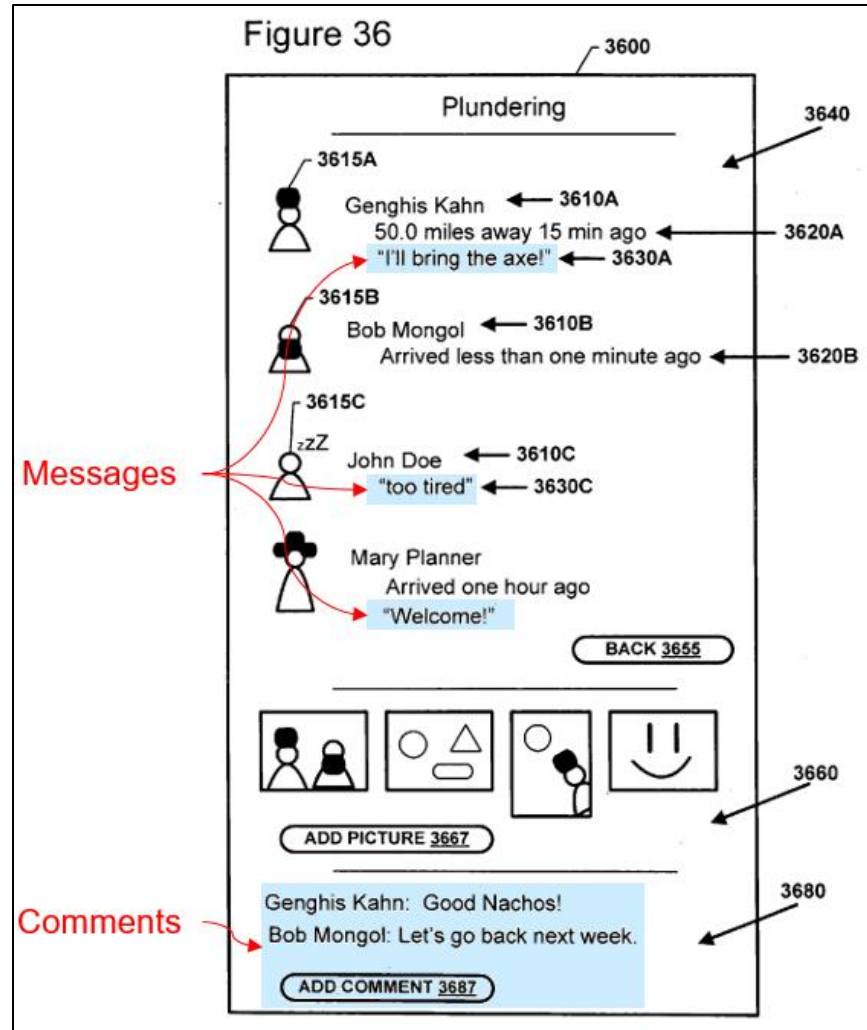
123. Specifically, in response to creating the valid event, Burfeind-

Crowley's "organization device tracks the participation status of each invitee" and provides an "event status interface" (i.e., *message board related to the situation*) to the user devices of the invitees. EX1004, ¶¶4, 131, 137. For instance, in the combined system, the organization device creates and makes the event status interface available to the invitees of an event in response to verifying the event organizer and location and creating the event. See EX1004, ¶¶168-169, *see also* ¶¶131 ("The organization device can also provide to event participants the attendance status of each invitee 620 and other information pertaining to the event"), 139 (the event status interface is "provided to event participants," and, in some embodiments, to "uninvited individuals" as well), 174, 183 ("when an invitee 620 accesses an event status [] page, such as [an] event status interface"); *see also* §XII.B.4. The event status interface is created for a newly created event.

124. Thus, in the combined system, these operations, including creating the event, tracking the participation statuses, and providing the event status interfaces, would be performed in response to the verifying because the organization device would perform these operations in response to verifying that the information items related to a valid event, as taught by Crowley. That is, the organization device would verify the information items, as taught by Crowley, and upon determining that the information items were verified, the organization device would create and store the new event, and would provide the event status interface to the

participants.

125. Specifically, upon receiving the invitations for the new event from the organization device, the invitees “transmit[] a response including a participation status of the invitee” to the organization device. EX1004, ¶117. Upon receiving the statuses, “the organization device... provide[s] the participation status of each invitee to other invitees.” EX1004, ¶5, *see also* ¶131. Specifically, Burfeind-Crowley’s organization device includes the participation statuses within an “event status interface” (i.e., *message board*), and provides the event status interface to the invitee’s user devices.



EX1004, FIG. 36 (annotated).

126. Figure 36 shows an example event status interface 3600 for an event named “Plundering.” EX1004, ¶169. The event status interface is a *message board related to the situation* because it includes “message[s] provided by the invitee[s]” that “communicate[] further information relating to the invitee’s attendance at the event.” EX1004, ¶135, *see also* ¶¶170, 138 (“the displayed attendance information includes an optional message [] provided by the invitee”). The event status interface also includes a section in which “participants can post a comment []

pertaining to the event.” EX1004, ¶174, *see also* ¶139 (“the event status interface [] includes comments provided by event participants”). The event status interface also “includes pictures uploaded to the organization device.” EX1004, ¶139. The event status interface also displays the “participation status” of the invitees, such as “the response (e.g., ‘Y’ or ‘N’) of each invitee.” EX1004, ¶134, *see also* ¶¶117-119, 138.

127. The event status interface is provided to a *second plurality of user devices*. As I explained for element [1.2], the event organizer can invite multiple “groups” of contacts, such as a first group and a second group. EX1004, ¶159, *see also* ¶89. As also explained, the *first plurality of user devices* required by element [1.2] corresponds to a first group of invited contacts.

128. And as explained above in Section XII.A, and below for element [1.5], the Burfeind-Crowley system teaches inviting a group of contacts (i.e., corresponding to a *second plurality of user devices*) who are geographically proximate to the event. The organization device invites and makes the event status interface available to the user devices of the second group (i.e., *second plurality of user devices*, which are geographically proximate to the event). EX1004, ¶¶131, 137, 169, FIGs. 26, 36.

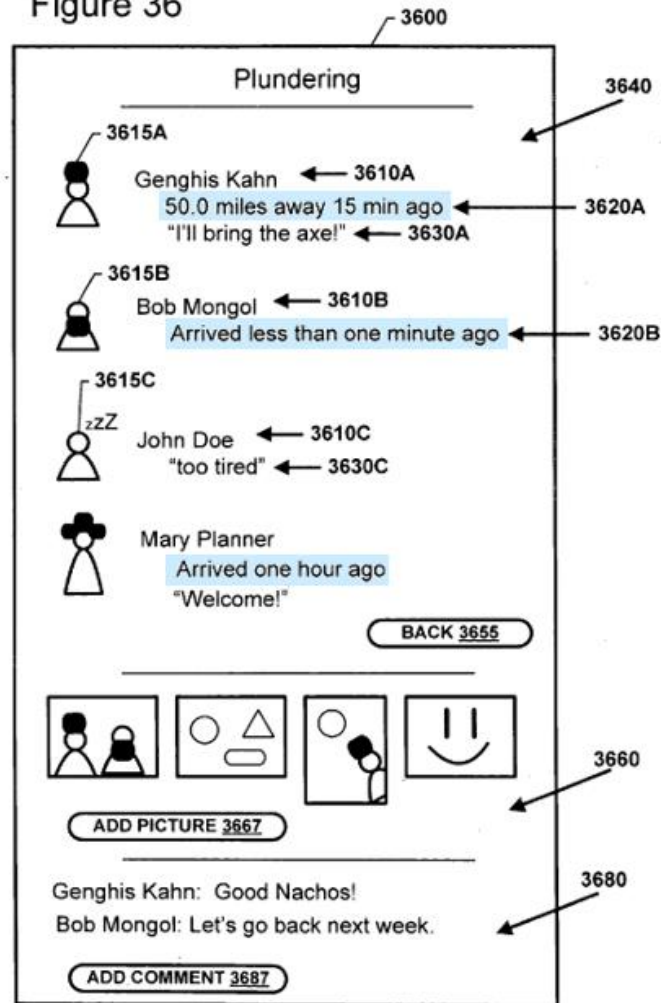
129. In other words, the claimed *first plurality of user devices* (from element [1.2]) corresponds to a first “group” of invited contacts (and

corresponding user devices) who receive invitations from the event organizer. See §XII.B.3. The claimed *second plurality of user devices* corresponds to a second “group” of invited contacts who were determined to be geographically proximate to the event location, as taught by the combination of Burfeind and Crowley.

**6. [1.5] wherein the second plurality of user devices was identified based on the second plurality of user devices being geographically proximate to the situation;**

130. The combination of Burfeind and Crowley teaches this element. Burfeind tracks user locations to determine “arrival information” for the users. EX1004, ¶¶136, 143-145, 169-171, FIG. 36. “Arrival information” includes “GPS coordinates and an estimated time of arrival,” as wells as “distance the invitee [] is from the event location.” EX1004, ¶¶136, 138, *see also* ¶131. Thus, Burfeind determines users’ proximity to the event location, but does not explicitly teach that those users are invited to the event based on their proximity. Crowley provides that missing teaching. For example, Crowley discloses an example where a user “TJ” is “located at a bar called the Luna Lounge,” where the system “identif[ies] which of [TJ’s] acquaintances is . . . near the Luna Lounge,” and where the system then “send[s] each of the acquaintances messages” inviting them to meet TJ at the Luna Lounge. EX1005, ¶45, *see also* ¶78.

Figure 36



EX1004, FIG. 36 (annotated).

131. As I explained in §XII.A and for element [1.4], the combined Burfeind-Crowley system teaches automatically sending invitations to a group of contacts (i.e., *second plurality of user devices*) that are geographically proximate to the event location. See EX1005, ¶45, see also ¶78. In the combined system, *the second plurality of user devices* would thus be identified based on *being geographically proximate to the situation*.

132. A POSA would have found it obvious to combine Burfeind and

Crowley in this manner for the reasons provided in §XII.A. Thus, the combination of Burfeind and Crowley teaches this element.

7. **[1.6] wherein the message board comprises a roll call list that includes status responses to roll call queries that were provided to the second plurality of user devices in order to solicit the status responses.**

133. As explained for element [1.4], Burfeind's event status interface is a *message board*. The message board comprises a *roll call list* that specifies the participation statuses (*status responses*) of the invitees (e.g., whether the invitees will be attending the event). EX1004, ¶¶131, 134, 138. For instance, the event status interface displays "the response (e.g., 'Y' or 'N') of each invitee" to indicate that the invitee is attending ('Y') or is not attending ('N') the event. EX1004, ¶134, *see also* ¶¶117-119, 138 ("the displayed information includes a participation status of the invitee").

134. Burfeind's invitations comprise *roll call queries provided to the second plurality of user devices in order to solicit* the participation statuses (*status responses*) of the invitees. Upon receiving an invitation from the organization device, the invitees provide "a response to the invitation" by transmitting their respective participation statuses to the organization device. EX1004, ¶119, *see also* ¶¶52, 133. For instance, the invitees "transmit[] a 'Y' if the invitee [] plans to attend the event and an 'N' if the invitee [] plans to not attend." EX1004, ¶117. The invitations thus prompt the users to respond with their participation statuses so

that the system can “track[] the participation status of each invitee.” EX1004, ¶52.

The participation statuses are then displayed in the event status interface. EX1004, ¶¶131, 134, 138. The invitations thus comprise the claimed *roll call queries*.

**C. Independent Claim 11**

135. Independent claim 11 is substantially similar to independent claim 1 and is obvious over Burfeind-Crowley for the reasons provided for claim 1. The below table specifies the correspondence between the elements of claim 1 and claim 11. The elements of independent claim 11 are met by Burfeind and/or Crowley for the same reasons as provided for the corresponding elements of independent claim 1.

| Independent Claims 1 and 11 Element Correspondence <sup>2</sup> |                                 |
|-----------------------------------------------------------------|---------------------------------|
| Claim 1 Elements                                                | Corresponding Claim 11 Elements |
| [1.P]                                                           | [11.P]                          |
| [1.1]                                                           | [11.1]                          |
| [1.2]                                                           | [11.2]                          |
| [1.3]                                                           | [11.3]                          |
| [1.4]                                                           | [11.4]                          |
| [1.5]                                                           | [11.5]                          |
| [1.6]                                                           | [11.6]                          |

#### D. Claim 2

136. Claim 2 recites “*wherein the user device from which the information item related to the situation was received is geographically proximate to the situation.*”

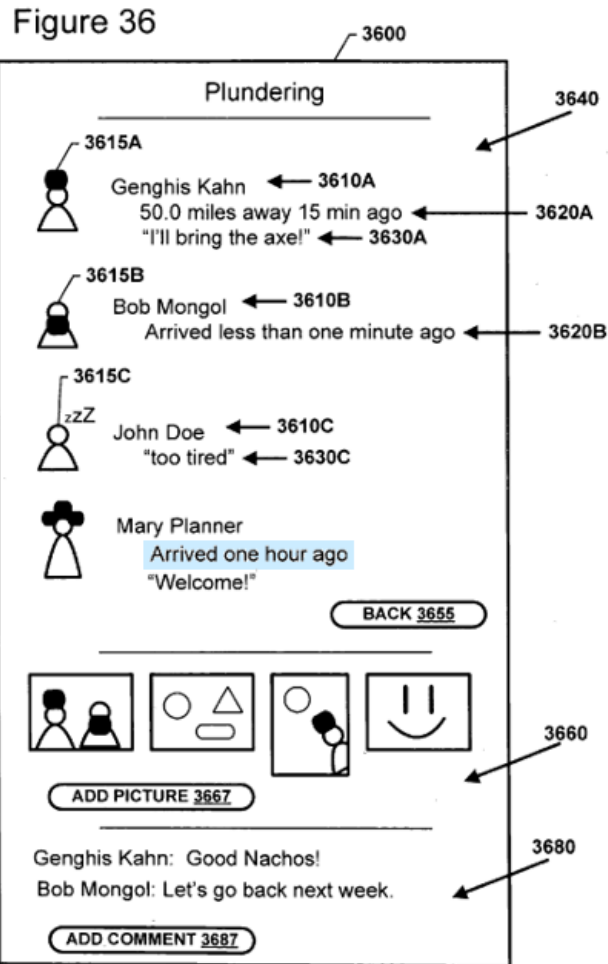
137. As explained for element [1.1], Burfeind teaches that the event organizer’s user device transmits the event information (*information items*) to the organization device. EX1004, ¶¶57, 107, 146, 162. Burfeind teaches that the user

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<sup>2</sup> The claim element delineation of claims 1 and 11 is specified in the attached claims appendix.

device of the event organizer is *geographically proximate* to the event. For instance, the event organizer selects the event location as the “current location of the portable device” of the event organizer. EX1004, ¶112, *see also* ¶110 (setting the location of the event as “the current geographic location of the portable device 410 of the event organizer”). Thus, the user device of the event organizer (which sent the *information items*) is geographically proximate to the event location (*situation*).

138. The event organizer’s user device is also geographically proximate to the event when the event organizer arrives at the event. EX1004, ¶¶136, 138 (“arrival information 2620 indicates the invitee 620 is at the event”), 171, FIG. 36. For instance, as shown in Figure 36, Burfeind determines and displays that the event organizer, “Mary Planner,” arrived at the event one hour ago. *See* FIG. 36, *see also* ¶147 (disclosing that “Mary Planner” is the event organizer). This determination is made by tracking the GPS coordinates of the user device. EX1004, ¶¶141-142.



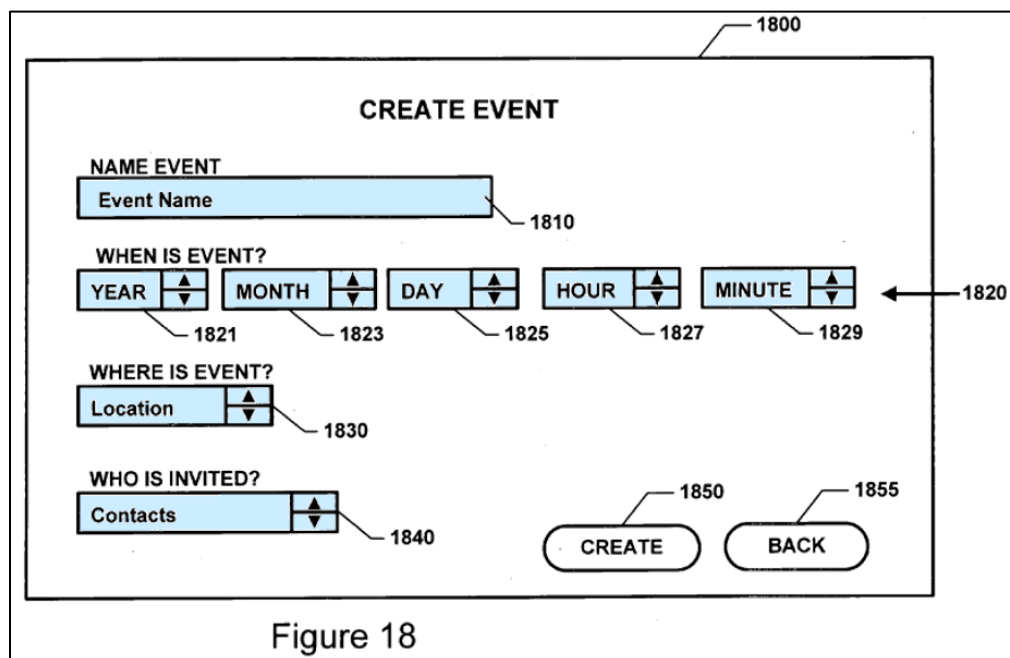
EX1004, FIG. 36 (annotated).

### E. Claim 3

139. Claim 3 recites, “*wherein the verification occurs after receiving a predetermined number of information items.*”

140. As explained for element [1.3], Burfeind-Crowley’s organization device verifies that the received event information is related to a valid event. This verification occurs *after receiving a predetermined number of information items*. Specifically, the event organizer inputs a predetermined number of information items, and then presses the “create button” to create the new event.

141. For instance, Figure 18 depicts an interface 1800 that includes a specific and predetermined number of fields (e.g., fields 1810, 1821, 1823, etc.) for inputting a predetermined number of information items identifying an event (i.e., name, year, month, day, hour, minute, location, invitees). EX1004, ¶¶109, 111-113, *see also* FIG. 17. The information input into each field is an *information item*. When the event organizer presses the “create button 1850,” the event organizer’s user device transmits the input information items to the organization device, which verifies the information, and creates and stores the event record. These information items are required and thus are predetermined to be received in order to verify and create the new event.



EX1004, FIG. 18 (annotated).

142. The number of these information items is predetermined because the event organizer’s user device is programmed to receive this information via input

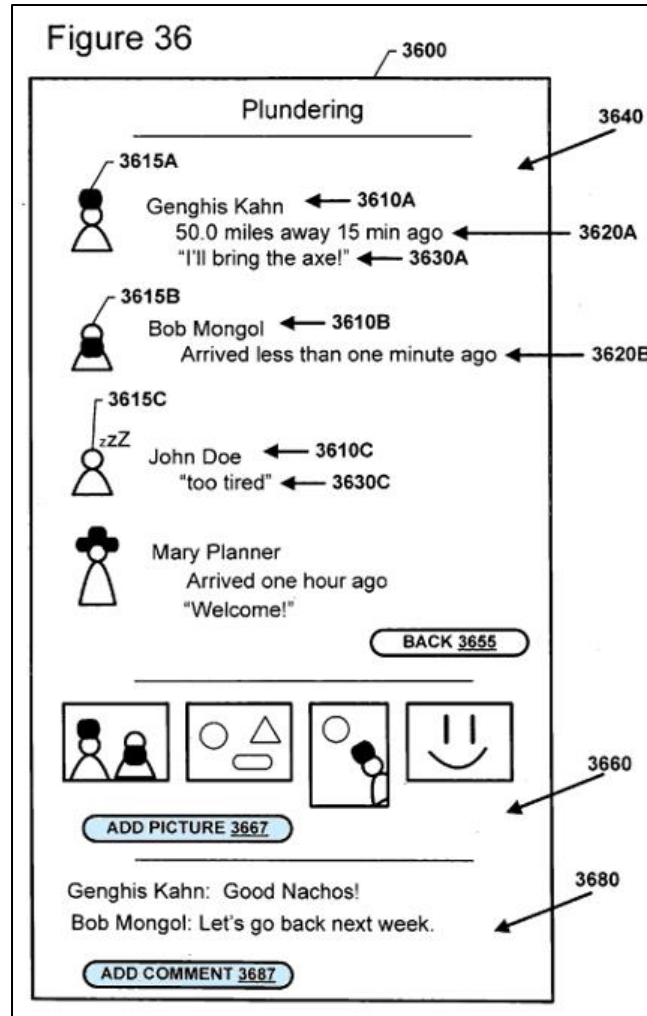
from the event organizer. That is, the create event interface 1800 was programmed to prompt the user for this specific information and to transmit it to the organization device. The organization device is further programmed to receive this specific information (corresponding to each field), and to create an event based on this received information. EX1004, ¶¶107, 111. For instance, Burfeind teaches that the organization device “executes a number of processes at the request of the event organizer.” EX1004, ¶78. The event organizer makes such requests “through a series of interfaces displayed on a display screen” of the event organizer’s user device. EX1004, ¶¶78, 146.

143. The organization device is thus programmed to create an event at the request of the event organizer after receiving the requisite event information from the event organizer via a “create event” interface, such as interface 1800 in Figure 18. *See, e.g.*, EX1004, ¶¶107, 111-114. The organization device is configured to receive and process the information input into the response fields in interface 1800 to create a new event. For instance, Burfeind discloses method 1600 in which the organization device creates an event after receiving “information specifying the time and location of an event” and “one or more contacts whom the event organizer 610 desires to invite to the event.” EX1004, ¶107. These information items are input by the event organizer via the create event interface, and are thus a predetermined number of information items.

**F. Claim 4**

144. Claim 4 recites “*wherein the central processing unit is configured to: determine that a new user device has accessed the roll call list using the message board; and in response to determining that the device has accessed the roll call list via the message board, update a user profile associated with the new user device.*”

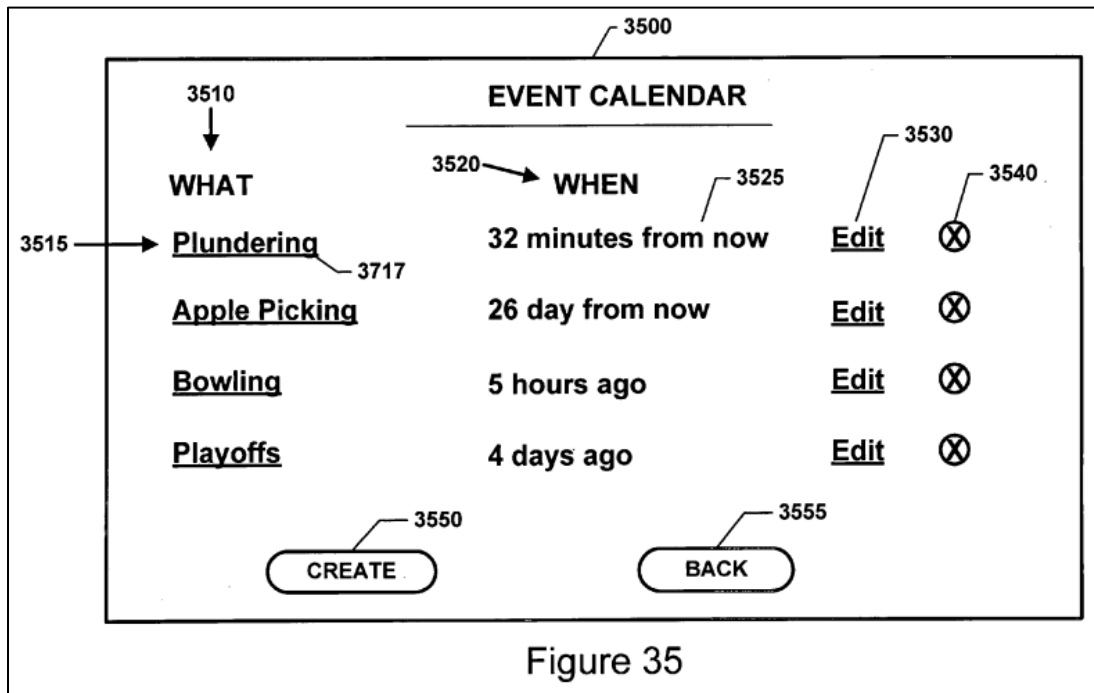
145. First, Burfeind teaches that *the central processing unit is configured to determine that a new user device has accessed the roll call list using the message board*. Specifically, Burfeind teaches that the processing unit 311 determines when user devices access the event status interface (*message board* including the *roll call list*) for an event. EX1004, ¶¶60, 173-174. When an event participant accesses the event status interface for the first time, the user device of that participant is a *new user device*. For instance, user devices access the event status interface “to upload one or more pictures [] to the event status interface” (e.g., using interface tool 3667), or to “post a comment 3685 pertaining to the event” (e.g., using interface tool 3687). EX1004, ¶¶173-174. The organization device thus determines that the new user device accesses the event status interface to enable the user to view and interact with the event status interface.



EX1004, FIG. 36 (annotated).

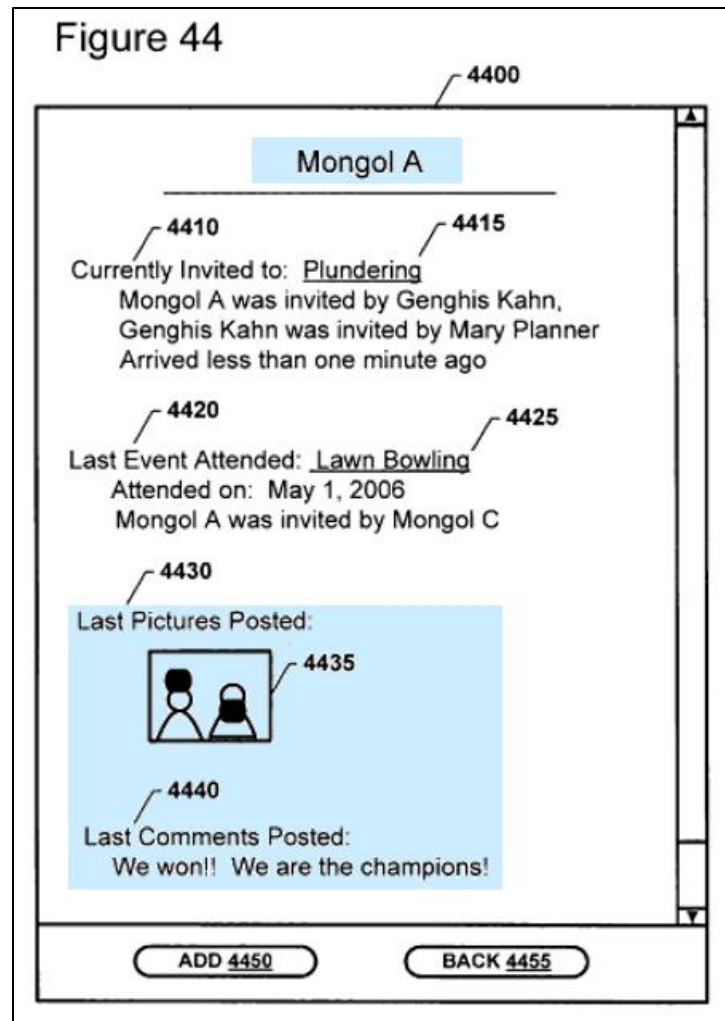
146. A user can request to access an event status interface for an event by interacting with an event calendar interface. EX1004, ¶¶163-165, 168-169, FIG. 35. For instance, by selecting the event for “Plundering” in the “Event Calendar” interface 3500 in Figure 35, the user can access the event status interface 3600 for the “Plundering” event, shown in Figure 36. EX1004, ¶¶163-169, *see also* ¶121. The organization device provides the event status information to the requesting user’s device, and thus determines that the user device has accessed the event

status information. The organization device further determines that the user device has interacted with (and thus accessed) the event status interface, for instance, when the user posts pictures or comments to the interface. EX1004, ¶¶172-174.



EX1004, FIG. 35.

147. Second, Burfeind teaches *in response to determining that the device has accessed the roll call list via the message board, update a user profile associated with the new user device*. For instance, in response to determining that the new user device has accessed the event status interface, Burfeind-Crowley’s organization device updates an “invitee information interface” (comprising the *user profile*) that “provides information about a selected invitee.” EX1004, ¶¶198-199.



EX1004, FIG. 44 (annotated).

148. The invitee information interface is a *user profile* because it specifies information about the user, such as the user's recent activity, the user's participation status for events, etc. Burfeind explains that this information is exemplary, and that "any desired information" can be included. EX1004, ¶199. An example invitee information interface 4400 for a user named "Mongol A" is depicted above in Figure 44. EX1004, ¶198-199. As shown, the invitee information interface "displays recent pictures/movies posted by the selected event

participant,” as well as “recent comments posted” by the participant. EX1004, ¶201.

149. The invitee information interface 4400 includes “information related to the current event.” EX1004, ¶199. For instance, as I just explained, the interface includes recent comments and pictures posted by the user in the event status interface. EX1004, ¶201. That is, when the user posts comments or pictures in an event status interface, the organization device updates the user’s invitee information interface to include the comments/pictures as well. Thus, a POSA would have understood that Burfeind teaches determining that a user accessed and posted comments/pictures in an event status interface (*message board comprising the roll call list*) for an event, and updates the user’s invitee information interface to reflect these posts. EX1004, ¶¶198-201.

#### **G. Claim 5**

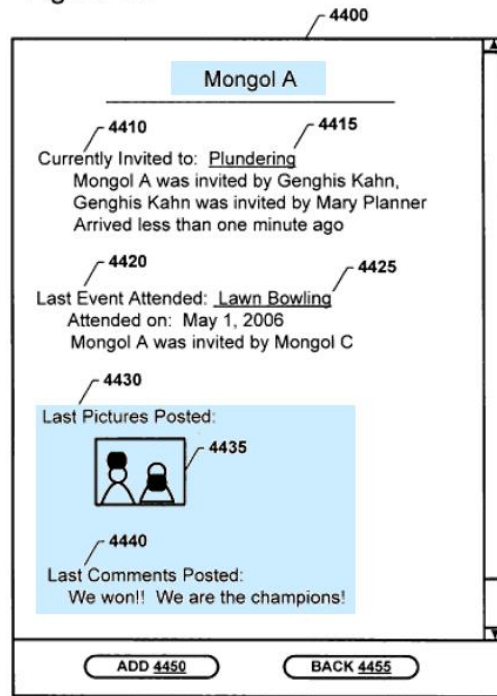
150. Claim 5 depends from claim 4, and recites “*wherein the central processing unit is configured to: provide supplemental information item to the new user device based on the updated user profile.*”

151. As explained for claim 4, Burfeind teaches updating the invitee information interface (comprising the *user profile*) when the user accesses and posts in an event status interface for an event. Burfeind provides *supplemental information items* to the user’s device when the user subsequently accesses the

updated invitee information interface. For instance, using the example shown in Figure 44, after posting a comment in an event status interface, Mongol A can access his updated invitee information interface. In doing so, the organization device processing unit provides to Mongol A's user device supplemental information items in the form of the new (supplemental) information contained in the updated invitee information interface. EX1004, ¶¶198-201.

152. For instance, in the example shown below in Figure 44, Mongol A's user profile includes supplemental information items corresponding to the "Last Comments Posted" and "Last Pictures Posted." EX1004, ¶201. These information items are supplemental because they were added in response to Mongol A posting pictures or comments in the corresponding event status interface (comprising the *roll call list and message board*). The *supplemental information item* is thus provided to the new user device based on the updated user profile because the supplemental information item is included within the updated invitee information interface.

Figure 44



EX1004, FIG. 44 (annotated).

## H. Claim 6

153. Claim 6 depends from claim 5, and recites “*wherein providing the supplemental information item to the new user device comprises providing the supplemental information item based on at least one of: geographic location of the device associated with the updated user profile, demographic information associated with the updated user profile, and social connections associated with the updated user profile.*”

154. Burfeind teaches providing the supplemental information item to the new user device based on a *geographic location of the device associated with the updated user profile*. As explained in §XII.A, the combined Burfeind-Crowley system teaches inviting guests to the event who are geographically proximate to

the event. Continuing the example discussed for claims 4 and 5, the new user device (of Mongol A) is thus invited to the event based on being geographically proximate to the event location. The new user device is thus able to access and post in the event status interface, and to receive the updated invitee information interface (comprising the *supplemental information item*), based on being geographically proximate to the event.

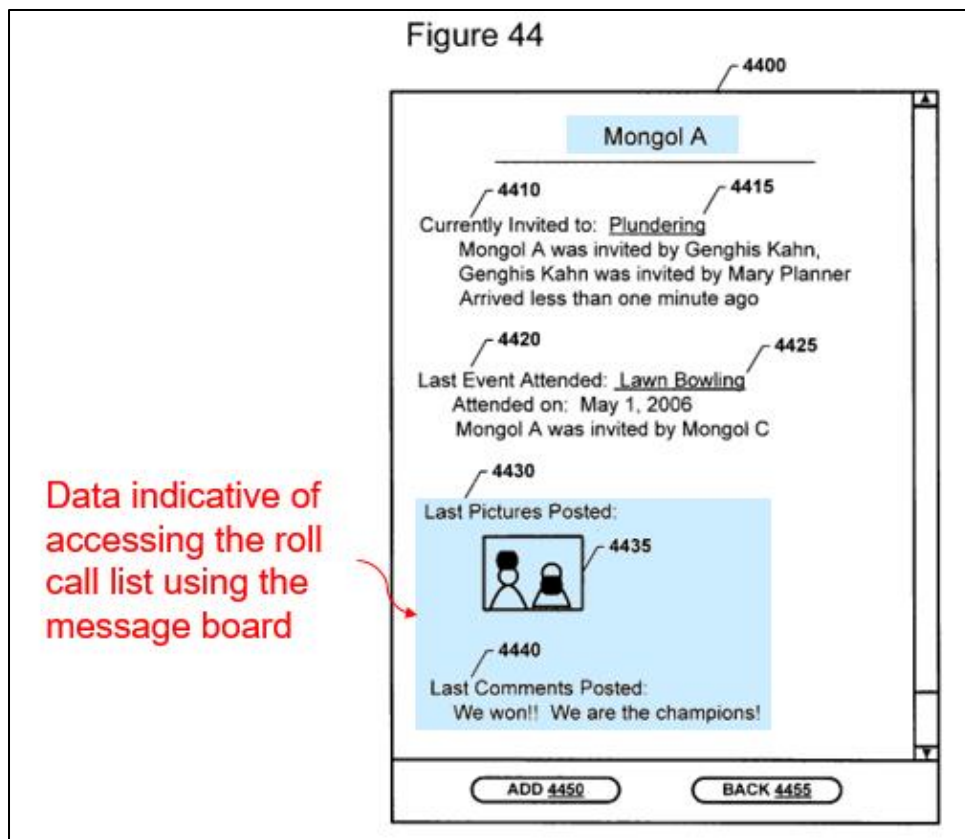
155. Burfeind also teaches providing the supplemental information item to the new user device based on *social connections associated with the updated user profile*. The new user device is able to access and post in the event status interface, and to receive the updated invitee information interface, because the new user was invited to the event, and thus has social connections with one or more participants of the event (i.e., *based on social connections associated with the updated user profile*).

#### **I. Claim 7**

156. Claim 7 depends from claim 5, and recites “*wherein providing the supplemental information item to the new [user] device comprises providing the supplemental information item based on the updated user profile comprising data indicative of accessing the roll call list using the message board.*”

157. As explained for claim 4, the updated invitee information interface comprises data indicative of the new user device accessing the event status

interface (*message board* including *the roll call list*) because the updated invitee information interface “displays recent pictures/movies posted by the selected event participant,” as well as “recent comments posted” by the participant in the event status interface. EX1004, ¶201. That is, the updated information (*supplemental information item*) in the invitee information interface comprises data indicative of the new user device accessing the event status interface because the updated information was added to the invitee information interface based on the new user device accessing and posting in the event status interface. Thus, the updated information included in the invitee information interface is provided to the new user device based on the updated invitee information interface because it contains the updated information.



EX1004, FIG. 44 (annotated).

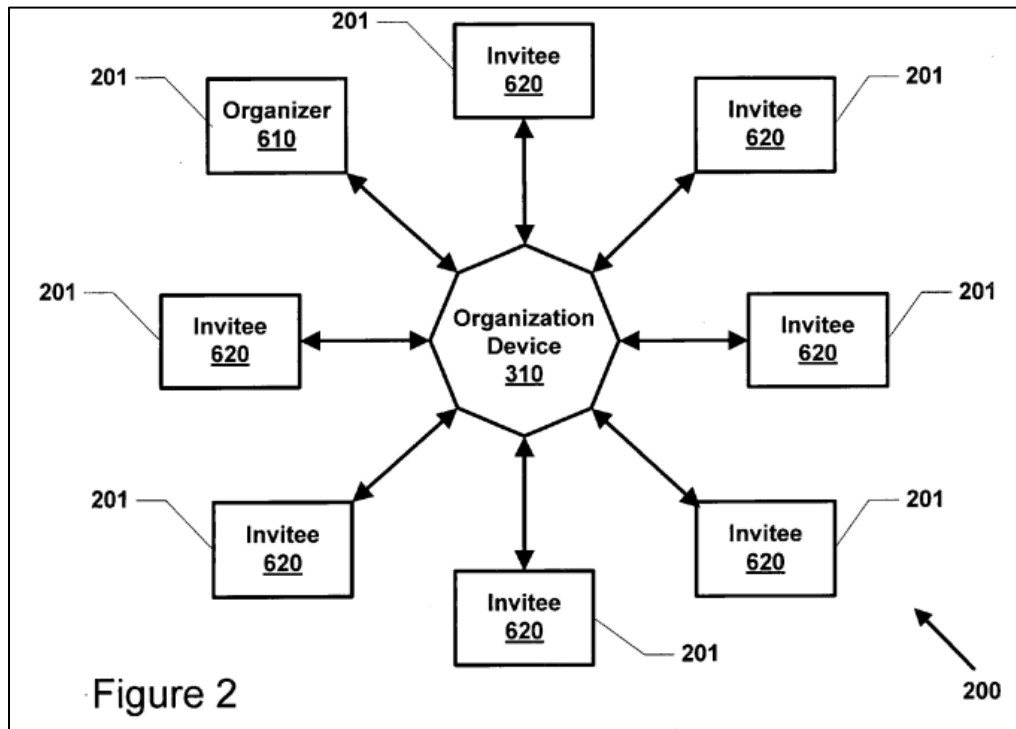
**J. Claim 8**

158. Claim 8 depends from claim 5, and recites “*wherein providing the supplemental information item to the new user device comprises providing the supplemental information item based on the updated user profile comprising data indicative of social network connection to a user associated with at least one of the second plurality of user devices.*”

159. Burfeind teaches that the participants (e.g., the event organizer and invitees) of the event are part of a “user network,” as shown below in Figure 2.

EX1004, ¶54. The user network is a *social network* because the user network couples the participants together via the network so that participants can interact

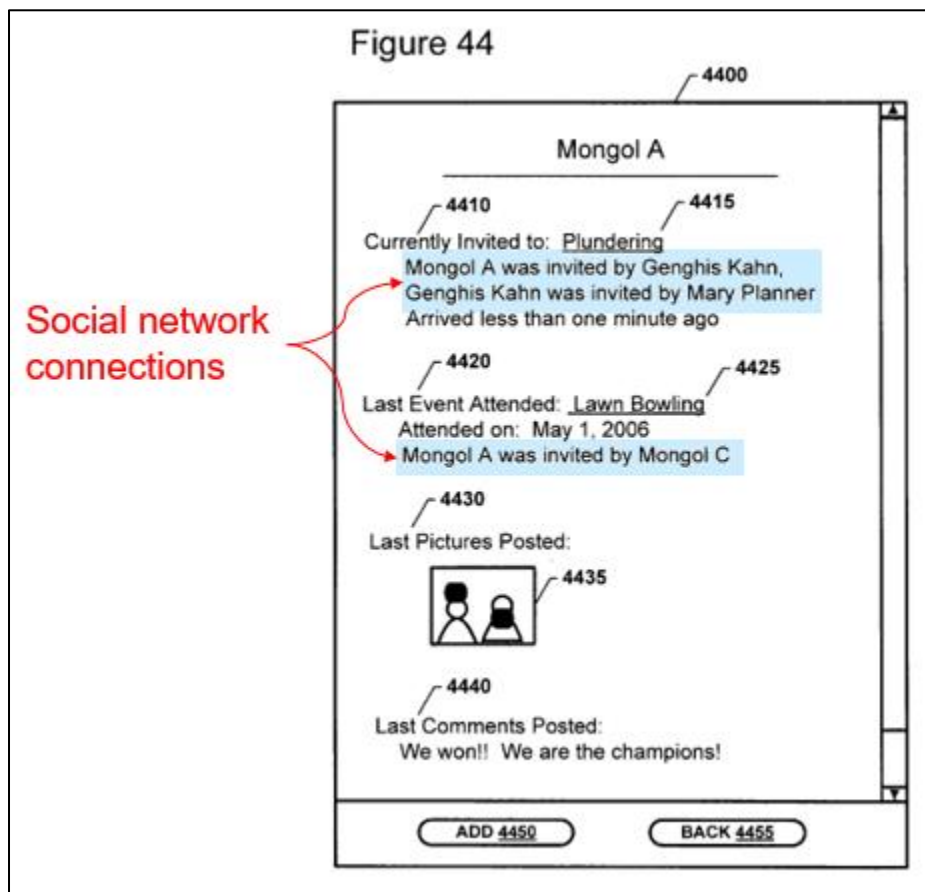
socially, such as by communicating comments, pictures, videos, etc. related to the event to which they are all participants. EX1004, ¶¶137-139, 170-174. The user network thus forms social connections among the users.



EX1004, FIG. 2.

160. The updated invitee information interface comprises *data indicative of social network connection to a user associated with at least one of the second plurality of user devices* because the updated invitee information interface displays “invitation chain information for” the user. EX1004, ¶¶199-200. That is, the invitee information interface includes social network connections by specifying members of the user network (social network) who invited the user to the event. Thus, the updated invitee information interface (comprising the *supplemental information item*) is provided to the new user device based on these social network connections

interface because it specifies the social network connections. The combined Burfeind-Crowley system teaches that these social network connections are among participants who are geographically proximate to the event location. That is, as shown in Figure 44, Mongol A was “invited by Genghis Kahn,” who is *associated with the at least one of the second plurality of user devices*.



EX1004, FIG. 44 (annotated).

#### K. Claims 9 and 10

161. Claim 9 depends from claim 8, and recites “*wherein the social connection between the first user and the second user is indicative of a friend relationship.*” Claim 10 depends from claim 8, and recites “*wherein the social*

*connection between the first user and the second user is indicative of a family relationship.”*

162. As explained for claim 8, Burfeind’s invitee information interface comprises *social network connections*. These social network connections encompass *friend relationships* and *family relationships*. A POSA would have understood that invitees to the same event would include friend and family relationships. For instance, continuing the example discussed for claim 8, Mongol A’s invitee information interface specifies a social network connection with Genghis Kahn. This connection is indicative of a friend relationship because Genghis Kahn invited Mongol A to the event. EX1004, ¶¶185, 197. A POSA would have also understood that such connections could include family relationships because family members commonly attend the same events.

#### **L. Dependent Claims 12-20**

163. Dependent claims 12-20 are substantially similar to dependent claims 2-10, and are thus obvious over the combination of Burfeind and Crowley for the same reasons as provided for dependent claims 2-10. The table below shows how dependent claims 12-20 correspond to dependent claims 2-10. The elements of dependent claims 12-20 are met by Burfeind and/or Crowley for the same reasons as provided for the corresponding elements of dependent claims 2-10.

| <b>Dependent Claim Correspondence<sup>3</sup></b> |                               |
|---------------------------------------------------|-------------------------------|
| <b>Dependent Claims 2-10</b>                      | <b>Dependent Claims 12-20</b> |
| Claim 2                                           | Claim 12                      |
| Claim 3                                           | Claim 13                      |
| Claim 4                                           | Claim 14                      |
| Claim 5                                           | Claim 15                      |
| Claim 6                                           | Claim 16                      |
| Claim 7                                           | Claim 17                      |
| Claim 8                                           | Claim 18                      |
| Claim 9                                           | Claim 19                      |
| Claim 10                                          | Claim 20                      |

**XIII. GROUND 2: SMITH IN VIEW OF SINHA RENDERS OBVIOUS CLAIMS 1-8 AND 11-18.**

**A. A POSA would have found it obvious to combine Smith and Sinha.**

164. Smith teaches “a system and method for receiving event or hazard information by a mobile data processing device.” EX1006, ¶17. Specifically, an “event center” “maintains a database and display of hazards... across a large area,”

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<sup>3</sup> The full recitations of dependent claims 2-10 and 12-20 are listed in the attached claims appendix.

and “transmits a warning to each device that is predicted to encounter the hazard.”

EX1006, ¶¶17-18, 110.

165. Smith’s system is designed to warn and protect users who “have their safety threatened by severe weather conditions” or other events. EX1006, ¶8.

Although Smith warns users of potentially harmful conditions, Smith’s system is unable to determine whether these users are actually harmed by such hazards. That is, Smith does not enable users to provide feedback indicating their safety statuses. A POSA would have recognized the benefits of such user feedback, and would have sought to provide a more feature-rich system that enables user feedback.

166. For instance, a POSA would have understood that concerned parties would be interested in being able to determine the status of employees, friends, family members, etc. who encountered a hazardous event. That is, certain concerned parties would be aware when a user is located proximate to a hazardous event, and would find it beneficial to be able to view the status of the user.

167. My opinion is informed by multiple corroborating references that provide techniques for enabling concerned parties to communicate with and view safety statuses of those affected by a disaster. *See, e.g.*, EX1009, ¶¶5-6, 37; EX1010, ¶¶2-5; EX1011, ¶¶2-11; EX1013, ¶33; *see also* §VII. For instance, Roche teaches that, in case of emergency, there is a “need[] to provide user status information to concerned third parties, such as families and loved ones.” EX1010,

¶2. To address this issue, Roche teaches a “disaster recovery system” that queries users for their status during a disaster. EX1010, Abstract, ¶20. The system also implements a “Notify List” so that the system “automatically notif[ies] family/friends of their status via email” in case of an emergency. EX1010, ¶¶20, 47, 51, 75.

168. Further, Gage teaches techniques for “allowing the concerned parties to receive current information about subscribers.” EX1009, Abstract. In one example implementation, Gage discloses a “Web site containing subscriber status information” that can be accessed by concerned parties, such as family, to “look-up the last known location and situational status of the subscriber” who was located near a disaster. EX1009, ¶37.

169. Similarly, Ikeda teaches a “welfare information provision” for “collecting disaster victim welfare information.” EX1013, Abstract. Ikeda’s system collects user statuses during a disaster, and further enables “family, friends, and acquaintances of the disaster victims” to “make inquiries about and confirm the welfare information of specific disaster victims.” EX1013, ¶5.

170. Such references confirm my opinion that a POSA would have readily appreciated the benefits of enabling friends and family to view subscriber statuses in the context of Smith’s system. Thus, a POSA would have sought references teaching systems similar to Smith that also provide mechanisms for

communicating with users who are proximate to a hazardous event.

171. Sinha is such a reference. Sinha is in the same field of endeavor, and is directed to similar problems as Smith. For instance, Sinha discloses “a business continuity application” that is provided to “a displaced workforce of an organization when an event occurs.” EX1007, Abstract; EX1008, 1:31-2:6<sup>4</sup>. Like Smith, Sinha sends “alerts and notifications” related to location-specific events to users proximate to the event. EX1007, ¶¶119, 124; EX1008, 21:27-31. For instance, such alerts are provided to team members within “geographical zones” that are affected by an event, such as a hurricane, earthquake, pandemic, etc. EX1007, ¶¶126, 130, FIGs. 4G-H; EX1008, 22:24-26, 38:15-21, FIGs. 5G-H.

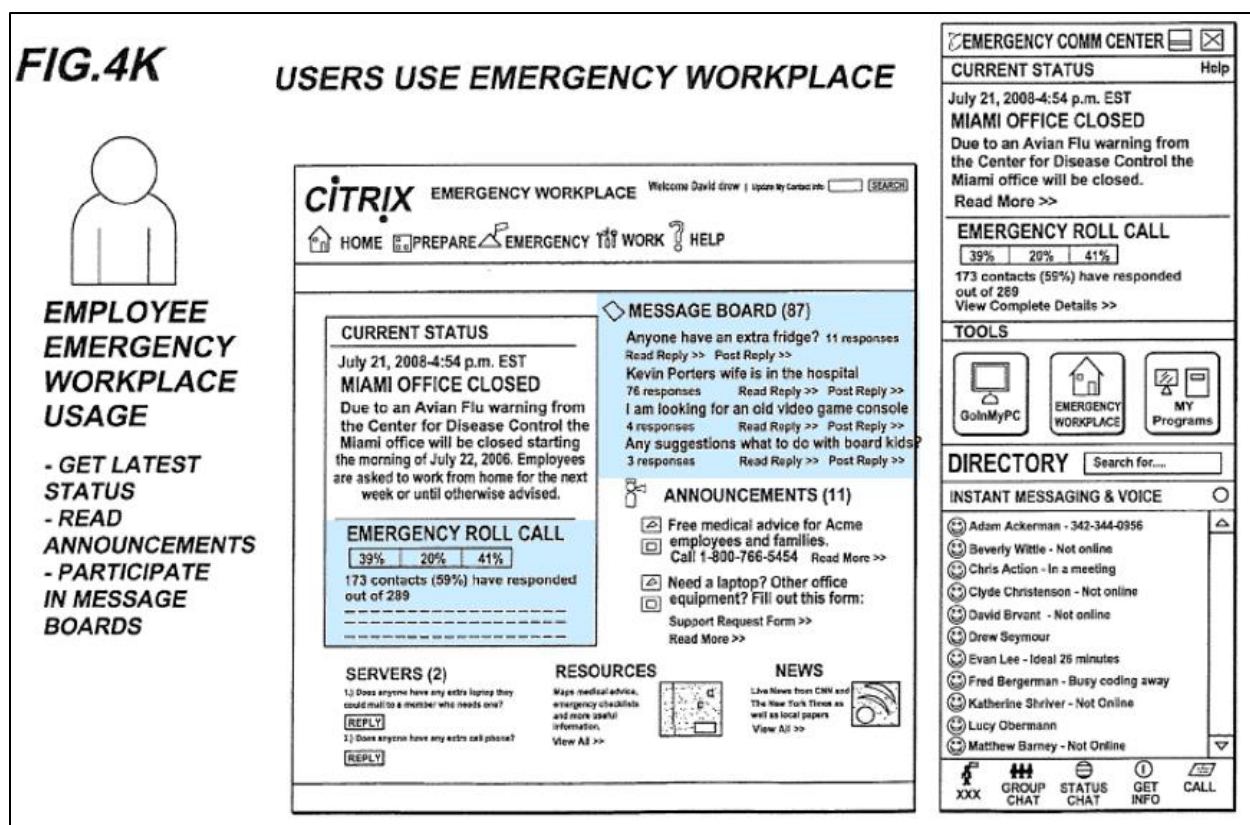
The image is a screenshot of a web-based interface titled "CITRIX EMERGENCY WORKPLACE". Inside the main frame, there is a sub-frame with a header "Welcome David Smith". Below the header, a blue banner contains the text "Active Emergency=Miaimi Hurricane Warning" and "A Hurricane warning has been issued for your area." Below the banner is a section titled "UPDATE YOUR CONTACT INFO" with the instruction "Please update your contact info for this emergency. Enter your phone number and email you would like coworkers to use." This section contains three input fields: "Preferred phone number:", "Forward Office Number number to this number. @ Yes ☐ No ☐", and "Preferred email number:". At the bottom of this section is a "SAVE" button.

EX1007, FIG. 4H (excerpt, annotated).

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<sup>4</sup> The entirety of the Sinha Provisional (EX1008) is “incorporated by reference” into Sinha (EX1007). EX1007, ¶1.

172. Sinha further discloses a “portal web-site or service” that can be accessed by “one or more users” affected by an event. EX1007, ¶¶58, 72, 118; EX1008, 5:27-6:4, 22:14-19. The portal provides a “message board” with which employees impacted by the event can “participate (post and reply).” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K. As shown in Figure 4K below, the message board enables employees to post and respond to topics relating to the event.



EX1007, FIG. 4K (annotated).

173. The portal further includes a “roll call” list that includes “statistics and a bar graph showing the number of employees who have responded to the alert.” EX1008, 139:16-20, *see also* 24:28-25:2, FIG. 5K; EX1007, ¶134, FIG. 4K. For

instance, an employee can respond as being “OK” or “not OK.” EX1007, ¶122, FIG. 4J; EX1008, 22:20-29, FIG. 5J. Users can interact with the roll call interface shown above in the emergency workplace portal to “view complete details” of the roll call. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K. The “complete details” provide a list of employees and their status responses, as shown in Figure 4J. EX1007, ¶¶122, 133, FIG. 4J; EX1008, 22:20-29, 24:23-27, FIG. 5J. I note that, although Figure 4J depicts the roll call details as being viewed by a “manager,” Sinha teaches that other users can access the roll call details as well. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K. For instance, Sinha teaches an option to “VIEW COMPLETE DETAILS (ROLL CALL)” within the “user portal.” EX1008, 98:1-27 (depicting a Figure of the “user portal” with a link to “view complete details” in the roll call panel).

174. A POSA would have been motivated to implement Sinha’s message board and roll call features in Smith. At the outset, a POSA would have recognized that Sinha’s message board and roll call elements are applicable to Smith’s system. For instance, although Sinha’s system is generally implemented for a displaced workforce of a business organization, a POSA would have recognized that Sinha’s disaster coordination tools would be beneficial outside of a business organization. For instance, as I explained above, systems for enabling communication between individuals affected by a disaster and their friends and family were well known and

commonly implemented. A POSA would have readily understood that Sinha's roll call and message board could be applied to facilitate such communication.

175. Sinha also teaches that "any portion" of its teachings can be implemented independent of the entire system. See EX1007, ¶¶58, 72, 145; EX1008, 5:27-29, 19:26-29. The message board and roll call could be implemented without the use of Sinha's business continuity services as a whole.

176. As explained above, a POSA would have recognized that such features are beneficial to enable concerned parties to determine the status of and communicate with users who are proximate to a hazardous event, such as a hurricane, tornado, earthquake, pandemic, chemical or biological attack, etc. EX1006, ¶¶51, 68, 121; EX1007, FIG. 4G; EX1008, FIG. 5G. For instance, in the context of Smith's system, a POSA would have recognized that friends and family would be interested in viewing the statuses of, and communicating with, someone in a disaster area. Thus, a POSA would have understood that implementing Sinha's teachings in Smith would provide added benefits to Smith by enabling the use of feedback and added communication between individuals in a disaster area and concerned parties.

177. The combined system would determine hazards and transmit warnings to user devices that are geographically proximate to the hazards, as taught by Smith. *E.g.*, EX1006, ¶¶17-18. The warnings would include alert notifications to

which the users would respond, as taught by Sinha. EX1008, 139:16-20, *see also* 24:28-25:2, FIGs. 5J-K; EX1007, ¶134, FIGs. 4J-K. The responses would be logged and stored in a roll call list, as also taught by Sinha. EX1008, 139:16-20, *see also* 24:28-25:2, FIGs. 5J-K; EX1007, ¶134, FIGs. 4J-K. The combined system would further make a message board including the roll call list available to the user devices proximate to the hazards, as taught by Sinha. EX1008, 139:16-20, *see also* 24:28-25:2, FIGs. 5J-K; EX1007, ¶134, FIGs. 4J-K. The message board and roll call list would also be made available to concerned parties, such as friends, family, company, group, agency, etc., as taught by the combination of Smith and Sinha. EX1006, ¶115; EX1007, ¶¶121-122; EX1008, 22:14-29; *see also* EX1009, ¶¶5-6, 37; EX1010, ¶¶2-5; EX1011, ¶¶2-11. As I explained above, the message board would enable users affected by disasters, as well as concerned parties, to view and post messages. This would increase the dissemination of potentially valuable information related to the disaster.

178. A POSA would have had a reasonable expectation of success in implementing these features in Smith. Indeed, both Smith and Sinha teach that their systems can be implemented using network communications and/or web-based applications. EX1006, ¶¶45, 105, 111, 124; EX1007, ¶¶58, 72, 118; EX1008, 5:27-6:4, 18:34-19:5. And as I explained above, Sinha further teaches that “any portion of the functionality, operation or logic of the business workforce

continuity system can be provided via a hosted application model that is accessed by one or more users via a web-page or portal.” EX1007, ¶72; EX1008, 5:27-6:4, 19:26-20:4. Smith further teaches that “authorized users or subscribers can access any and/or all information stored in the event center server or servers... remotely via a network connection such as through the Internet.” EX1006, ¶115, *see also* ¶110. Thus, a POSA would have readily been able to implement Sinha’s message board and roll call features in Smith. For instance, users would access the roll call and message board via a network, such as the internet.

179. In addition to the reasons provided above, a POSA would have further found it obvious to combine Smith and Sinha as a matter of combining prior-art elements (e.g., Smith’s hazard warning features and Sinha’s message board and roll call features) according to known methods to yield predictable results, as the combination would further constitute the use of a known technique (implementing known message board and roll call features) to improve similar devices in the same way. Indeed, Smith and Sinha teach similar systems, as described above. A POSA would have understood that Smith’s warning system was ready for improvement to provide user feedback and status-indication features. As explained, such features are beneficial to enable communication among users proximate to an event, and among the users and other concerned parties. Sinha’s features would have been predictably implemented in Smith, and would have operated in the same manner as

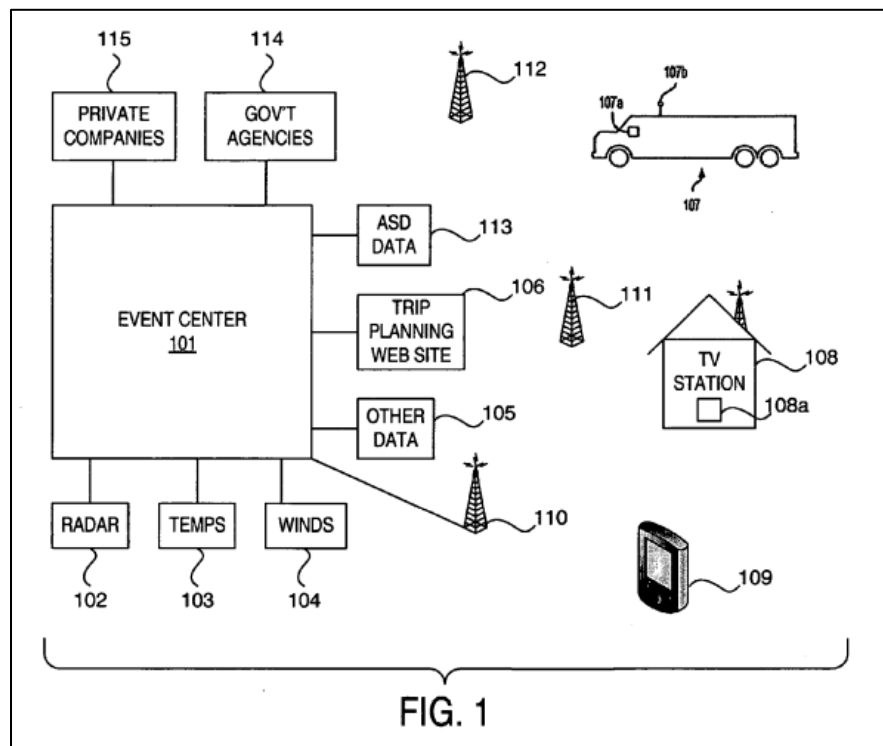
in Sinha.

**B. Independent Claim 1**

**1. [1.P]: A server for providing roll call based information, the server comprising:**

180. To the extent limiting, Smith in view of Sinha teaches the preamble.

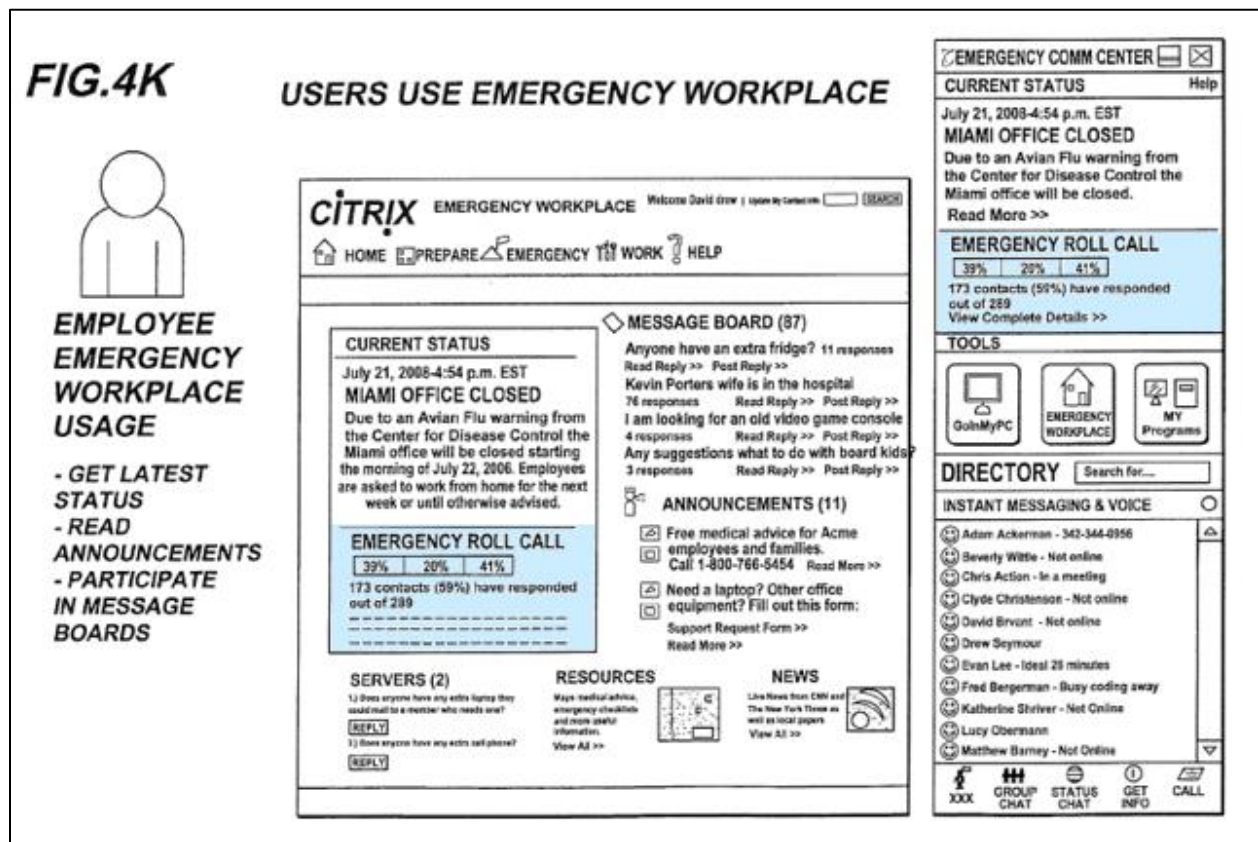
Smith teaches “a system and method for receiving event or hazard information by a mobile data processing device.” EX1006, ¶17. Specifically, an “event center” that comprises a “server computer” “maintains a database... of hazards (current and predicted) across a large area,” and “transmits a warning to each device that is predicted to encounter the hazard.” EX1006, ¶¶17-18, 110.



EX1006, FIG. 1.

181. To the extent Smith’s server does not *provide roll call based*

information, Sinha does. In particular, Sinha discloses “a business continuity application” that is provided “to a portion of a displaced workforce of an organization when an event occurs.” EX1007, Abstract; EX1008, 1:31-2:6. Specifically, Sinha teaches a “workforce continuity server (WFC server) 194” that provides a “roll call report.” EX1007, ¶¶54, 82, 112, 133-134, FIGs. 4J-K; EX1008, 4:23-30, 18:29-19:5, 22:25-29, 24:13-25:2. As explained above and in greater detail below, the WFC server provides to employee user devices a “user interface [that] displays information for the employee regarding the employee roll call.” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIGs. 5J-K.



EX1007, FIG. 4K (annotated).

182. A POSA would have modified Smith to implement Sinha's roll call techniques for the reasons provided in §XIII.A. Thus, Smith in view of Sinha teaches the preamble.

**2. [1.1] a network controller configured to: receive an information item from a user device, wherein the information item identifies a situation;**

183. Smith teaches this element.

184. First, Smith's event center includes a *network controller*. For instance, Smith's event center server communicates with user devices "via a wireless communications network." EX1006, ¶107, *see also* ¶¶45, 109, 111 ("event center server with network access"). A POSA would have thus understood that the event center server includes a *network controller* to facilitate network access by the server. The network controller controls communications to user devices over the network. *See* EX1006, Abstract ("Users may also wirelessly report events or hazards to a central server in an event center by sending data to the event center *via a wireless communications network*."), ¶¶45, 53, 107. This is consistent with the '682 patent's network controller, which is coupled to a "network port 138" for communicating with a "network device." EX1001, 33:29-33, FIG. 23.

185. Smith's network controller is configured to *receive an information item from a user device, wherein the information item identifies a situation*. For instance, Smith teaches that a "mobile data processing device" (*user device*)

“determines an event location in proximity to the mobile data processing device, and wirelessly sends... the event type and the determined event location” to the event center server. EX1006, ¶20, *see also* Abstract, ¶¶51, 107. In one example, Smith teaches that a “meteorological condition information or hazard information may be observed by a spotter or user near a location of the observed condition or event.” EX1006, ¶95. The spotter “may enter data [] into a mobile computing device,” including “a type [] of the observed condition, and an approximate location [] of the observed condition.” EX1006, ¶95, *see also* ¶¶96-97. “The information is wirelessly transmitted to the event center.” EX1006, ¶99.

186. Smith’s event is the *situation* as claimed. Indeed, the ’682 patent discloses that “situations... include weather phenomenon, such as hurricanes, tornadoes, severe thunderstorms, or winter storms.” EX1001, 5:1-4, *see also* 5:18-33. Smith’s “event type and [] determined event location” are thus *information items* that *identify a situation* because they are items of information identifying an event, such as a weather event. EX1006, ¶¶20-21.

**3. [1.2] make the information item available to a first plurality of user devices;**

187. Smith teaches this element. Smith’s event center makes the “event type and [] determined event location” (*information items*) available to a *first plurality of user devices*. EX1006, ¶¶20-21. For instance, the event center sends “information concerning the nature of the event” to “each device that is predicted

to intersect with or be located” proximate to the event. EX1006, ¶50. The event center also enables “authorized users or subscribers” to access this information “remotely via a network connection such as... the Internet.” EX1006, ¶115, *see also* ¶¶110-111. The user devices of the authorized users or subscribers and the users located proximate to the event comprise the *first plurality of user devices*.

188. Specifically, upon receiving an “event type and the determined event location” from a reporting user device, the event center “log[s] the event and store[s] records of it for future use.” EX1006, ¶¶20, 110. The event center also “distributes the received information, e.g., the initial event type [and] event location..., to third parties.” EX1006, ¶110. For instance, the event center server provides to user devices located proximate to the event “event information... pertaining to that device’s current and/or future predicted location.” EX1006, ¶48, *see also* ¶¶50, 82, 93. Further, “authorized users may access the data stored on the event center server, e.g., via the Internet.” EX1006, ¶110, *see also* ¶¶111, 115. A POSA would have thus understood that the user devices of the users located proximate to the event and the “authorized users or subscribers” comprise the *first plurality of user devices*.

4. **[1.3] a central processing unit, coupled to the network controller, configured to verify that the information item is related to the situation;**

189. Smith teaches this element. Smith’s event center server includes a

*central processing unit* because it includes “a computer or other data processing device” that is configured to execute “control logic, e.g., software... stored on computer disks or other computer-readable media.” EX1006, ¶124, *see also* ¶¶21, 50, 56, 69-70, 110. For instance, the event server includes a “computer” configured to execute such control logic. EX1006, ¶¶69-70, *see also* ¶83 (disclosing that the “functions of [an] event center” are performed via “computer software executed by [a] microprocessor”). The “computer at the event center” is configured to, for instance, “log the event and store records of it for future use, and may also forward alerts to other personnel, as appropriate.” EX1006, ¶110.

190. The central processing unit is thus coupled to the *network controller* because the central processing unit performs operations using information received from user devices via the network controller (e.g., the disaster information received from a spotter). EX1006, ¶¶20, 21, 56, 69-70, 78, 94-101, 108, 124. This is consistent with the ’682 patent’s central processing unit, which is coupled to various system components, including the network controller, via the system bus 1002. EX1001, 33:12-33, FIG. 23.

191. The central processing unit is configured to *verify that the information item is related to the situation* by “perform[ing] an integrity check on the reported data.” EX1006, ¶101, *see also* ¶119. The integrity check may include determining whether the “user or spotter from which the information was received” is a

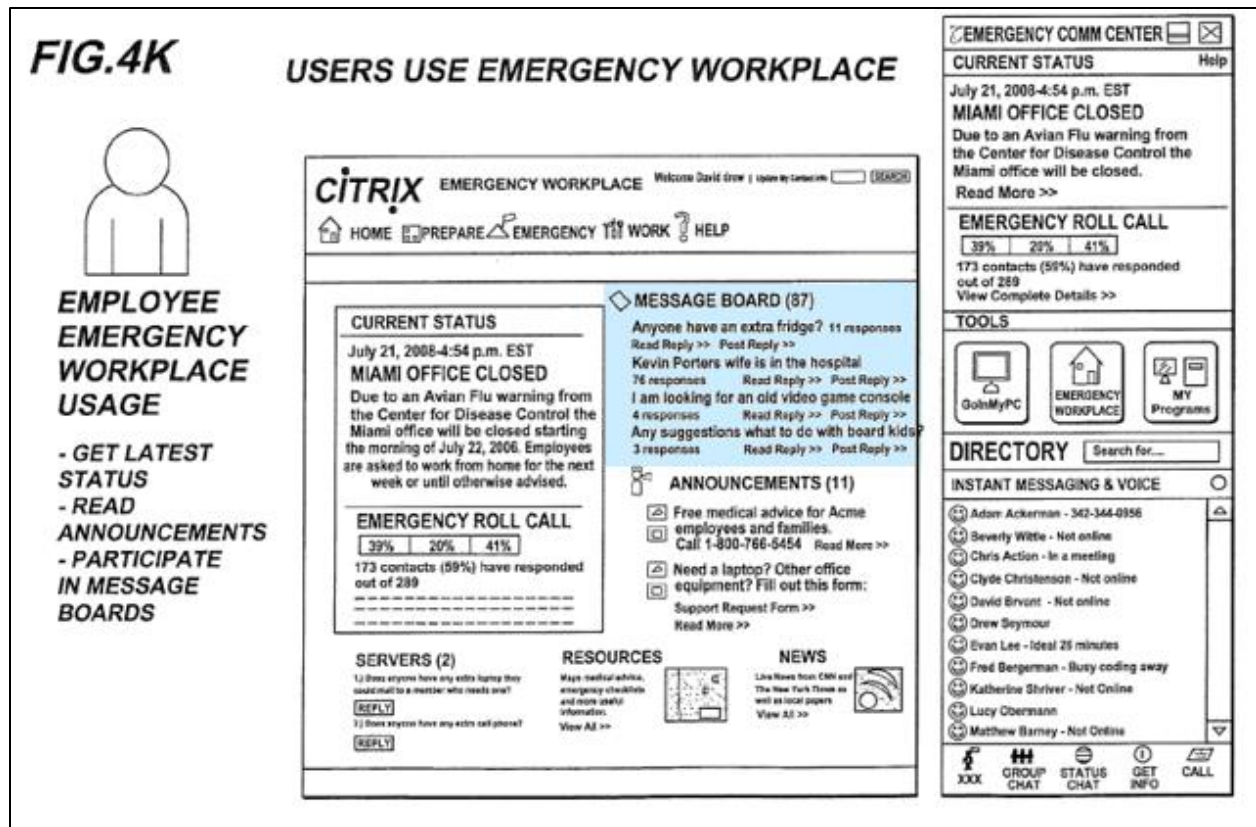
“known” user. EX1006, ¶101. “If the spotter is known to the... event center, the information is more likely to be reliable than” information received from an unknown user. EX1006, ¶101. As another example, “the event center may compare the received information to known conditions (e.g., current weather) to determine if the condition is likely or even possible.” EX1006, ¶101. “If all other meteorological information indicates that location X,Y is sunny with no clouds in the sky, the received report might be discarded or ignored.” EX1006, ¶101. The event center thus performs the integrity check to *verify that the information item is related to the situation*.

**5. [1.4] in response to the verifying, make a message board related to the situation available to a second plurality of user devices;**

192. The combination of Smith and Sinha teaches this element. Smith’s event center “transmits a warning” in “the form of text, audio, and/or a visual display” to *a second plurality of user devices* that are “predicted to encounter the hazard.” EX1006, ¶18. This warning is transmitted in response to performing the integrity check on the reported data (*the verifying*). EX1006, ¶¶101-102, 119, FIG. 12. That is, once the data received from a spotter passes the integrity check, the event center recognizes the information as being related to the event. The event center then “integrates the newly received information with presently known information, e.g., information received from other sources such as the National

Weather Service, FEMA, etc.,” and transmits such information to appropriate users. EX1006, ¶¶101-102, *see also* ¶119 (“the event center performs a quality control integrity check on the received ‘ground truth’ report” and then “sends the quality controlled report to a device, such as a remote, mobile or vehicular device described herein”), FIG. 12. Although Smith’s “warning” is not the same as the claimed *message board*, such a *message board* would have been obvious in view of Sinha’s teachings.

193. As explained in §XIII.A and for element [1.P], Sinha discloses a WFC server that hosts a “portal web-site or service” that can be accessed by “one or more users.” EX1007, ¶¶58, 72, 118; EX1008, 5:27-6:4, 22:14-19. The portal provides a “message board” with which employees impacted by the event can “participate (post and reply).” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K. As shown in Figure 4K below, the message board enables employees to post and respond to topics relating to the event. The *message board* is provided after it has been determined that an event has occurred (e.g., Avian Flu, as shown in Figure 4K below). EX1007, ¶130, FIG. 4G; EX1008, 24:1-8, FIG. 5G.



EX1007, FIG. 4K (annotated).

194. As explained in §XIII.A, a POSA would have found it obvious for the combined Smith-Sinha system to make a message board available to user devices that are located near one of Smith's events (*second plurality of user devices*). That is, the combined Smith-Sinha system would make the message board available to a *second plurality of user devices* in the form of "each device that is predicted to encounter the hazard." EX1006, ¶18, *see also* ¶50. This would enable members of the community (who are proximate to the event) to check in with each other to provide updates relating to the event, ask for help, etc. The message board would be made available to these user devices in response to performing the integrity check for a reported event (i.e., *the verifying*). That is, the message board would be

made available in response to verifying that the reported event has actually occurred based on the integrity check. This is consistent with Smith's teachings of sending the warning to the appropriate users in response to performing the integrity check. See EX1006, ¶¶101-102, *see also* ¶119. Thus, the combination of Smith and Sinha teaches this element.

**6. [1.5] wherein the second plurality of user devices was identified based on the second plurality of user devices being geographically proximate to the situation;**

195. The combination of Smith and Sinha teaches this element. Smith's event center "transmits a warning to each device that is predicted to encounter the hazard" (i.e., that is *geographically proximate to the situation*). EX1006, ¶18, *see also* Abstract. Each of Smith's user devices determines its location using a "GPS receiver," and transmits the determined location to the event center. EX1006, ¶¶48, 53, 69 ("each device periodically transmits its current location to the event center"). The event center maintains "each device location" to determine "overlaps between forecast hazards and forecast device locations." EX1006, ¶58, *see also* ¶69.

196. "For each event or hazard," Smith discloses that the event center "transmits a message to each device" (*the second plurality of user devices*) that is "predicted to intersect with or be located in [a] cell" or "geographic area[]" of the event (*geographically proximate to the situation*). EX1006, ¶50, *see also* ¶82 ("a

warning of the distance or travel time to a hazard is transmitted to the device or devices in the [area] corresponding to the hazard”). Thus, Smith identifies a plurality of user devices to warn about an event based on the plurality of user devices being *geographically proximate* to the event.

197. Similarly, Sinha’s “business continuity application,” including the message board, is provided to team members within “geographical zones” that are affected by an event, such as a hurricane, earthquake, pandemic, etc. EX1007, ¶¶126, 130, FIG. 4G; EX1008, 22:24-26, 38:15-21, FIG. 5G. Thus, Sinha’s events are location-specific, and the business continuity application is provided to user devices of team members identified as being geographically proximate to the event.

| Activate Emergency : STEP 1                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------|---------------|----------------------------------------------------------|-------------------|------------------------------------------------|---------------------------|------------------------------------------------|------------------|-------------------------------------------|-----------------|----------------------------------------------------------|------------------------|-------------------------------------------|----------------------|-------------------------------------------------------|-----------------|----------------------------------------------|-----------------------|------------------------------------|
| <ul style="list-style-type: none"><li>① Choose Scenario</li><li>② Review Zones</li><li>③ Review Alert Notifications</li><li>④ Review Status Message</li><li>⑤ Request Activation Approval</li></ul> | <p>Chosen Emergency Scenario from the list below, then click the Next button.</p> <div style="border: 1px solid black; padding: 5px;"><p>▼ Scenarios</p><table><tbody><tr><td>Atlanta Earthquake</td><td>Earthquake recourses and news feeds included.</td></tr><tr><td>Atlanta Flood</td><td>Flood and water damage resources and news feeds Included</td></tr><tr><td>Atlanta Hurricane</td><td>Traffic maps resources and news feeds Included</td></tr><tr><td>Atlanta Traffic Emergency</td><td>Traffic maps resources and news feeds Included</td></tr><tr><td>Medical Pandemic</td><td>Medical resources and news feeds Included</td></tr><tr><td>Generic Weather</td><td>Weather forecasts maps resources and news feeds Included</td></tr><tr><td>Generic Office Closure</td><td>Generic resources and news feeds Included</td></tr><tr><td>Miami Office Closure</td><td>Miami Office closed for construction 1-2 weeks closer</td></tr><tr><td>Miami Hurricane</td><td>Miami Office closed due to hurricane warning</td></tr><tr><td>Miami Traffic Closure</td><td>Miami Office closed due to traffic</td></tr></tbody></table></div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"><span>BACK</span><span>NEXT</span></div> | Atlanta Earthquake | Earthquake recourses and news feeds included. | Atlanta Flood | Flood and water damage resources and news feeds Included | Atlanta Hurricane | Traffic maps resources and news feeds Included | Atlanta Traffic Emergency | Traffic maps resources and news feeds Included | Medical Pandemic | Medical resources and news feeds Included | Generic Weather | Weather forecasts maps resources and news feeds Included | Generic Office Closure | Generic resources and news feeds Included | Miami Office Closure | Miami Office closed for construction 1-2 weeks closer | Miami Hurricane | Miami Office closed due to hurricane warning | Miami Traffic Closure | Miami Office closed due to traffic |
| Atlanta Earthquake                                                                                                                                                                                  | Earthquake recourses and news feeds included.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Atlanta Flood                                                                                                                                                                                       | Flood and water damage resources and news feeds Included                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Atlanta Hurricane                                                                                                                                                                                   | Traffic maps resources and news feeds Included                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Atlanta Traffic Emergency                                                                                                                                                                           | Traffic maps resources and news feeds Included                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Medical Pandemic                                                                                                                                                                                    | Medical resources and news feeds Included                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Generic Weather                                                                                                                                                                                     | Weather forecasts maps resources and news feeds Included                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Generic Office Closure                                                                                                                                                                              | Generic resources and news feeds Included                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Miami Office Closure                                                                                                                                                                                | Miami Office closed for construction 1-2 weeks closer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Miami Hurricane                                                                                                                                                                                     | Miami Office closed due to hurricane warning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| Miami Traffic Closure                                                                                                                                                                               | Miami Office closed due to traffic                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |
| <span>SAVE</span> <span>CANCEL</span>                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                                               |               |                                                          |                   |                                                |                           |                                                |                  |                                           |                 |                                                          |                        |                                           |                      |                                                       |                 |                                              |                       |                                    |

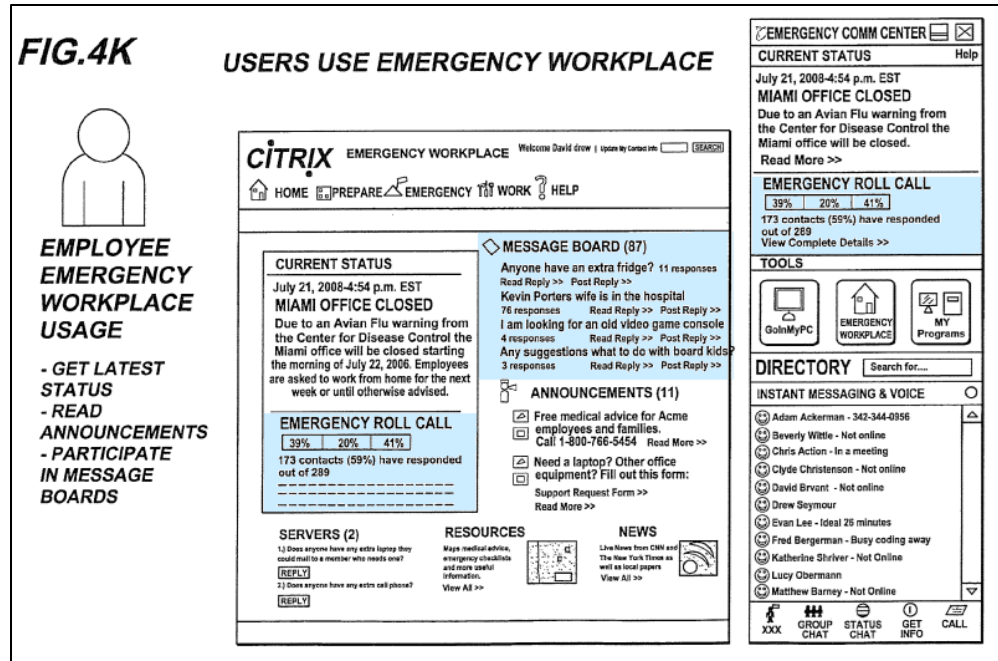
EX1007, FIG. 4G (excerpt, annotated).

198. As explained in §XIII.A, based on these combined teachings, a POSA would have found it obvious for the Smith-Sinha system to make a message board available to user devices that are located near one of Smith's events (*second plurality of user devices*). These devices would thus be identified based on them *being geographically proximate to the situation*.

7. **[1.6] wherein the message board comprises a roll call list that includes status responses to roll call queries that were provided to the second plurality of user devices in order to solicit the status responses.**

199. The combination of Smith and Sinha teaches this element.

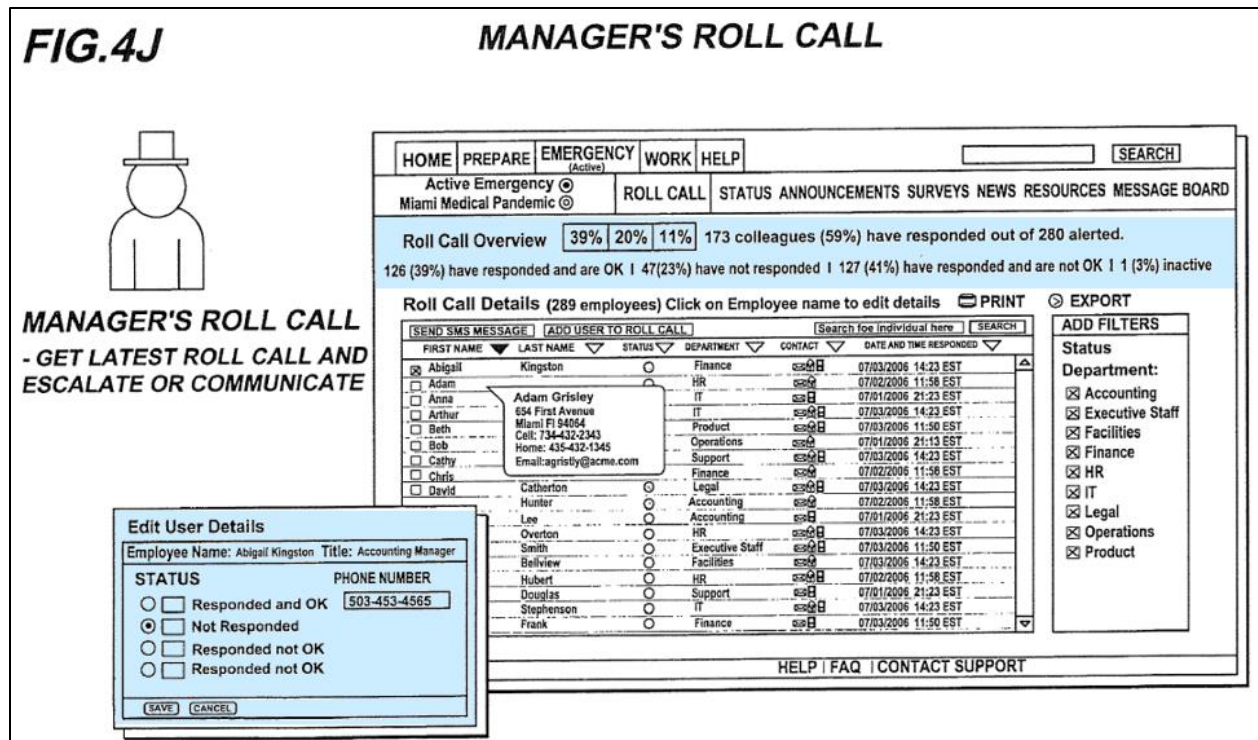
200. First, Sinha teaches a *message board that comprises a roll call list*. As explained for element [1.4], Sinha's WFC server provides to employee user devices a "portal web-site or service" that provides a user interface including a "message board." EX1007, ¶¶58, 72, 134, FIG. 4K; EX1008, 5:27-6:4, 22:14-19, 24:28-25:2, FIG. 5K. The user interface also "displays information for the employee regarding the employee roll call" (*roll call list*). EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K.



EX1007, FIG. 4K (annotated).

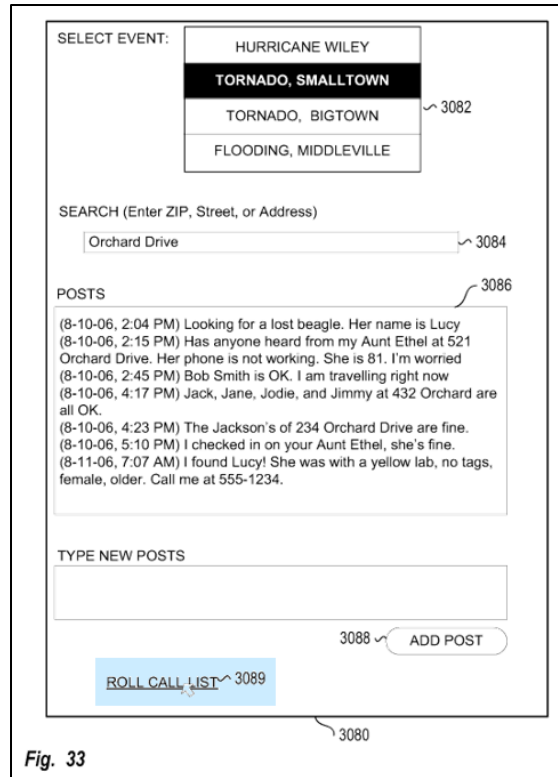
201. Sinha's *message board* comprises the *roll call* list because, as shown in Figure 4K above, the roll call is included in the same "Emergency Workplace" user interface as the message board. EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIGs. 5J-5K. Users can interact with the roll call in the Emergency Workplace interface (shown in Figure 4K) to "view complete details" of the roll call. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K. The "complete details" provide a list of employees and their status responses, as shown in Figure 4J.<sup>5</sup>

<sup>5</sup> Although Figure 4J depicts the roll call details as being viewed by a "manager," Sinha teaches that employees can access the roll call details as well. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K.



EX1007, FIG. 4J (annotated).

202. This is consistent with the '682 patent, which discloses that the user interface displaying the “message board 3080” includes a “link 3089” to “the most recent roll-call list,” as shown below in Figure 33. EX1001, 27:53-28:2, FIG. 33. That is, the interface displaying the message board includes a link to the roll call list. When the user interacts with the link, the interface navigates to the complete details of the roll call list. Thus, Sinha’s message board comprises the roll call list as claimed.



EX1001, FIG. 33 (annotated).

203. Second, in the Smith-Sinha combination, the roll call *includes status responses to roll call queries that were provided to the second plurality of user devices in order to solicit the status responses*. For instance, Sinha’s roll call includes “statistics and a bar graph showing the number of employees who have responded to the alert.” EX1008, 139:16-20. That is, “[t]he employees receive and [respond] to alert notifications” regarding an event, and the employee responses are logged as part of the roll call. EX1007, ¶122, FIG. 4J; EX1008, 22:20-29, FIG. 5J. For instance, an employee can respond to the alert as being “OK” or “not OK.” EX1007, ¶122, FIG. 4J; EX1008, 22:20-29, FIG. 5J.

204. And, as explained above for element [1.5], Smith transmits “a

message” to *a second plurality of user devices* that are “predicted to intersect with or be located in [a] cell” of the “event or hazard.” EX1006, ¶50. That is, each of Smiths’ user devices sends its “present position” to the event center, which in turn determines whether to send a warning to the devices by “compar[ing] the location (current and predicted) of... a future event or hazard to device locations.” EX1006, ¶¶48, 50. The combined system would make the message board available to these user devices (*second plurality of user devices*). Thus, the combined Smith-Sinha roll call list *includes status responses to roll call queries that were provided to the second plurality of user devices in order to solicit the status responses.*

205. A POSA would have found it obvious to modify Smith to implement a message board including a roll call list, as taught by Sinha, for the reasons provided in §XIII.A. As explained, the combined system would implement an interface that displays a message board and roll call list, based on Sinha’s teachings. That is, the message board would include a roll call providing “statistics and a bar graph showing the number of employees who have responded to the alert,” as well as an option for viewing the “complete details” of the roll call. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K. Thus, the combination of Smith and Sinha teaches this element.

### **C. Independent Claim 11**

206. Independent claim 11 is substantially similar to independent claim 1

and is obvious over the Smith-Sinha combination for the reasons provided for claim 1. The below table specifies the correspondence between claims 1 and 11. The claim 11 elements are met by Smith and/or Sinha for the reasons provided for the corresponding claim 1 elements.

| <b>Independent Claim 1 and 11 Element Correspondence</b> |                                      |
|----------------------------------------------------------|--------------------------------------|
| <b>Claim 1 Elements</b>                                  | <b>Independent Claim 11 Elements</b> |
| [1.P]                                                    | [11.P]                               |
| [1.1]                                                    | [11.1]                               |
| [1.2]                                                    | [11.2]                               |
| [1.3]                                                    | [11.3]                               |
| [1.4]                                                    | [11.4]                               |
| [1.5]                                                    | [11.5]                               |
| [1.6]                                                    | [11.6]                               |

**D. Claim 2**

207. Claim 2 recites “*wherein the user device from which the information item related to the situation was received is geographically proximate to the situation.*”

208. As explained for element [1.1], Smith teaches that a “mobile data processing device” (*user device*) “determines an event location in proximity to the

mobile data processing device, and wirelessly sends... the event type and the determined event location” (*information item*) to the event center server. EX1006, ¶20, *see also* ¶¶95-101, 107. Thus, the Smith-Sinha combination renders this claim obvious.

**E. Claim 3**

209. Claim 3 recites, “*wherein the verification occurs after receiving a predetermined number of information items.*”

210. As explained for element [1.3], Smith performs the *verification* by performing an “integrity check” on data reported by a user. EX1006, ¶101. For instance, the integrity check “determin[es] the user or spotter from which the information was received” and/or “compare[s] the received information to known conditions.” EX1006, ¶101. The integrity check is performed after receiving a predetermined number of information items from a user. For instance, the user reports the event type and location. EX1006, ¶¶21, 95-98.

211. The number of these information items is required and thus predetermined for performing the integrity check. For instance, the event center knows which information items will be received by the user for an event to be determined. The event center receives this information and then performs the integrity check. For instance, to report an event, the spotter inputs certain data into his user device, as shown below in Figure 9. EX1006, ¶95. For instance, the spotter

inputs data 907, which includes a type 909 and a location 911 of the observed condition (event). EX1006, ¶95. The “observed condition may be selected from a constrained list of predetermined inputs, e.g., by using a drop down list, radio buttons, or the like.” EX1006, ¶96. “The spotter 901 may enter information indicating that the observed condition is at the location of the mobile device 905,” as determined by the device’s GPS receiver. EX1006, ¶98.

212. The reporting device sends the “the event type and the determined event location” to the event center. EX1006, ¶20. The event center then performs the integrity check “on the reported data.” EX1006, ¶101. The integrity check includes comparing the “received information to known conditions.” EX1006, ¶101. “For example, upon receiving a report from a spotter that a rotating wall cloud [i.e., event type] has been observed at location X,Y [i.e., event location], the event center may compare the report with other meteorological information.” EX1006, ¶101. Thus, the event center expects to receive certain predetermined information items (i.e., an event type and location) from a user, and performs the integrity check after receiving such items.

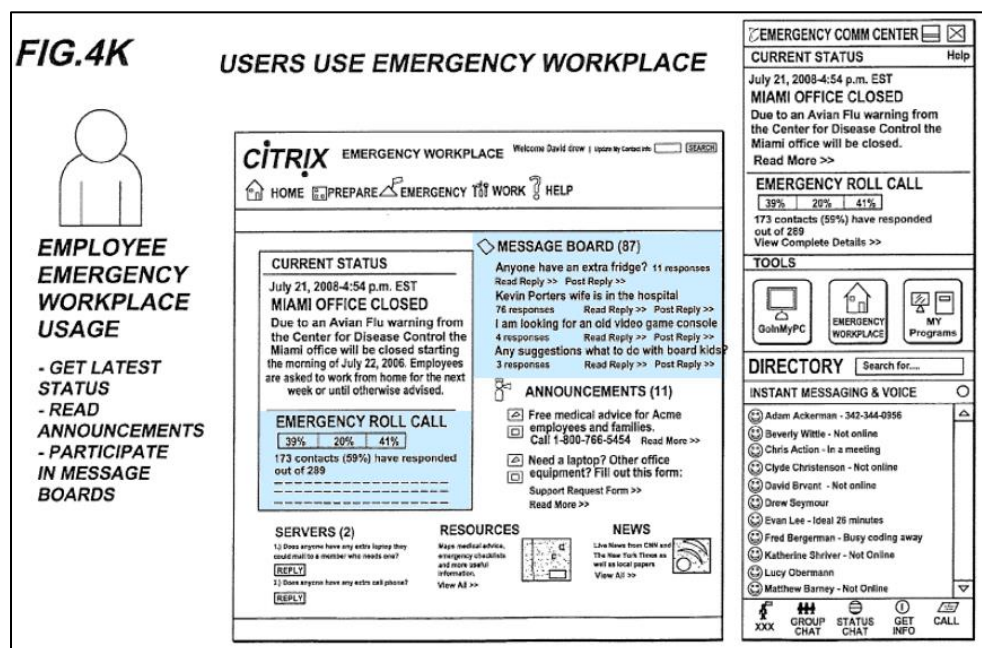
**F. Claim 4**

213. Claim 4 recites “*wherein the central processing unit is configured to: determine that a new user device has accessed the roll call list using the message board; and in response to determining that the device has accessed the roll call list*

via the message board, update a user profile associated with the new user device.”

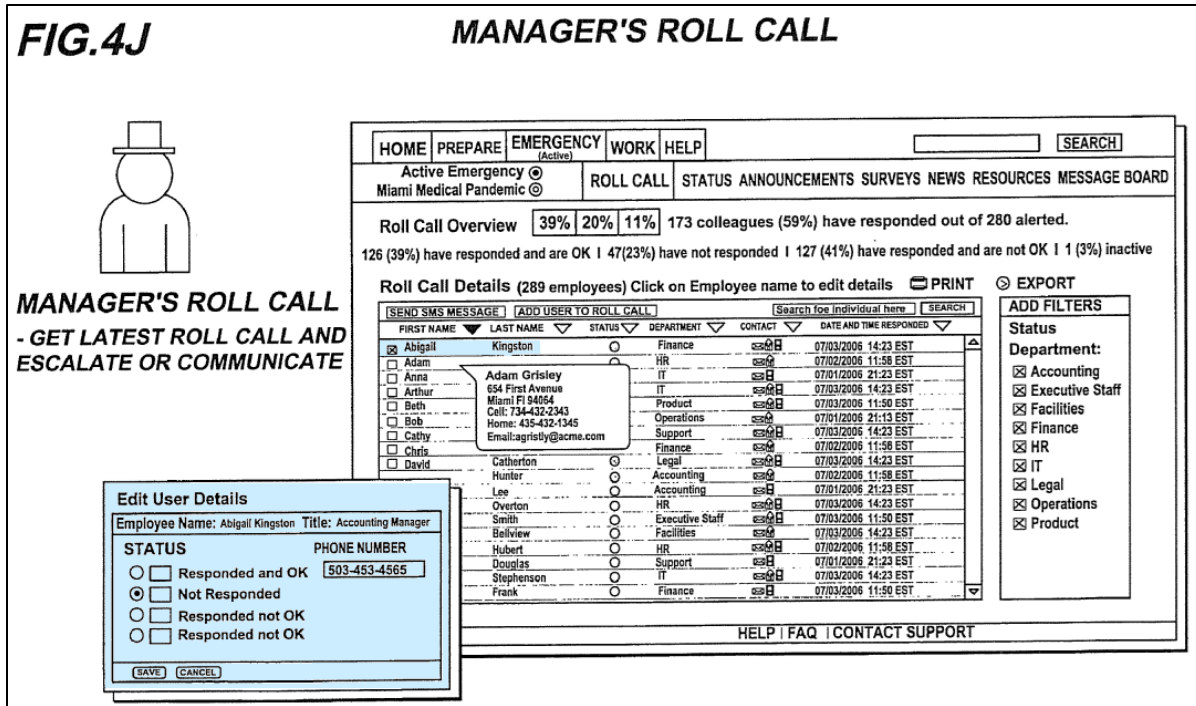
214. The combination of Sinha and Smith teaches this element.

215. First, Sinha discloses that *the central processing unit is configured to determine that a new user device has accessed the roll call list using the message board*. Sinha teaches that a manager’s user device (i.e., *new user device*) can access the roll call list using the message board. EX1007, ¶133, FIGs. 4J-K; EX1008, 24:23-27, 98:1-17, FIGs. 5J-K. For instance, “[m]anagers use the portal and user interfaces described herein to access history and reports, such as a roll call, in managing the workforce during an emergency or disruptive situation.” EX1007, ¶122; EX1008, 22:20-29, 98:1-17. A POSA would have understood that the manager’s user device would be a *new user device*, for instance, the first time the user device accessed the message board and roll call list.



EX1007, FIG. 4K (annotated).

216. Second, Sinha discloses, *in response to determining that the device has accessed the roll call list via the message board, update a user profile associated with the new user device*. For instance, upon determining that the new user device has accessed the roll call list, Sinha's system enables the manager to "create, modify or update a status of information in the roll call" for a user included in the roll call list. EX1007, ¶133. For instance, as shown in Figure 4J below, in response to determining that the new user device has accessed the roll call list, the manager is enabled to update the "user details" (*user profile*) for a user. The Edit User Details "page is used to edit a user's details, such as status, phone number, and address." EX1008, 101:5-11. Thus, Sinha teaches determining when the manager has accessed the roll call list and input modifications to the user profile via the user details interface, and in response to this determination, Sinha's system updates the user details stored in the system based on the manager's inputs.



EX1007, FIG. 4J (annotated).

**Edit User Details**

EMPLOYEE NAME: Abigail Kingston TITLE: Accounting Manager

**STATUS**

☐ Responded and OK

☒ Not Responded

☐ Responded but not OK

☐ Responded but not OK

**CELL PHONE** 503-453-4565 **HOME PHONE** 503-453-4565

**STREET ADDRESS** 324 First St.

**CITY** Miami **STATE** FL

**ZIP** 14565

**SAVE** **CANCEL**

EX1008, 101.

217. Thus, updating the user details includes updating a user profile by updating the user's personal information stored in the system. EX1007, FIG. 4J; EX1008, 101:5-11, FIG. 5J. The user profile includes the user's status, as shown in

the “Edit User Details” interface above. This is consistent with the ’682 patent, which discloses that a user profile “may include information regarding the user’s basic personal information (e.g., name, home address, work address, e-mail addresses and date of birth).” EX1001, 17:53-61. The updated user profile is associated with the manager’s user device because the manager uses the user device to update the profile. EX1007, ¶133, FIGs. 4J-K; EX1008, 24:23-27, 98:1-17, FIGs. 5J-K.

218. A POSA would have found it obvious to combine Smith and Sinha for the reasons provided in §XIII.A. A POSA would have further found it obvious to enable a manager, administrator, or other user of the combined system to access the roll call and update user statuses and user details as taught by Sinha. This would enable the user to override inaccurate statuses, for instance, if the user knew that another user was safe even though the user had not responded to the status query. This would further enable the user to update the “user details” so that the system maintains accurate information for each user. Thus, by updating the user details (including the user status included in the user details interface shown above), the administrator would update a user profile associated with the user. A POSA would have had a reasonable expectation of success in implementing these features for the reasons provided in §XIII.A.

**G. Claim 5**

219. Claim 5 depends from claim 4, and recites “*wherein the central processing unit is configured to: provide supplemental information item to the new user device based on the updated user profile.*”

220. Sinha teaches that its “[m]anagers use the portal and user interfaces described herein to access history and reports, such as a roll call.” EX1007, ¶122; EX1008, 22:25-29. Thus, when the manager accesses the roll call after updating a user status (*see* discussion for claim 4), the WFC server provides to the manager’s user device a *supplemental information item* in the form of the updated user information. This supplemental information item is provided based on the updated user profile because the user profile specifies the updates to the user information provided by the manager.

221. A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §XIII.A and for claim 4 above. In the combined system, the manager or other user would be able to access the updated user profile to receive the *supplemental information item* as claimed.

**H. Claim 6**

222. Claim 6 depends from claim 5, and recites “*wherein providing the supplemental information item to the new user device comprises providing the supplemental information item based on at least one of: geographic location of the*

*device associated with the updated user profile, demographic information associated with the updated user profile, and social connections associated with the updated user profile.”*

223. Sinha teaches providing the supplemental information item to the new user device based on a *geographic location of the device associated with the updated user profile*. For instance, as shown in Figure 4J, the manager is able to access the roll call for the “Miami Medical Pandemic” because the manager (and his user device) is located proximate to the event (e.g., in Miami). EX1007, FIG. 4J; EX1008, FIG. 5J. That is, Sinha’s business continuity application, including the roll call list, is provided to team members who are proximate to a certain event. Thus, the manager’s user device (*new user device*) receives the updated user profile (including the *supplemental information item*) based on a known geographical location of the manager and his user device.

**FIG. 4J**

**MANAGER'S ROLL CALL**

MANAGER'S ROLL CALL  
- GET LATEST ROLL CALL AND  
ESCALATE OR COMMUNICATE

HOME PREPARE EMERGENCY (Active) WORK HELP

Active Emergency Miami Medical Pandemic ROLL CALL STATUS ANNOUNCEMENTS SURVEYS NEWS RESOURCES MESSAGE BOARD

Roll Call Overview 39% 20% 11% 173 colleagues (59%) have responded out of 280 alerted.  
126 (39%) have responded and are OK 47(23%) have not responded 127 (41%) have responded and are not OK 1 (3%) inactive

Roll Call Details (289 employees) Click on Employee name to edit details PRINT EXPORT

SEND SMS MESSAGE ADD USER TO ROLL CALL Search for individual here

| FIRST NAME | LAST NAME | STATUS                           | DEPARTMENT      | CONTACT      | DATE AND TIME RESPONDED |
|------------|-----------|----------------------------------|-----------------|--------------|-------------------------|
| Abigail    | Kingston  | <input checked="" type="radio"/> | Finance         | 503-453-4565 | 07/03/2006 14:23 EST    |
| Adam       |           | <input type="radio"/>            | HR              |              | 07/02/2006 11:58 EST    |
| Anna       |           | <input type="radio"/>            | IT              |              | 07/01/2006 21:23 EST    |
| Arthur     |           | <input type="radio"/>            | Product         |              | 07/03/2006 14:23 EST    |
| Beth       |           | <input type="radio"/>            | Operations      |              | 07/03/2006 11:50 EST    |
| Bob        |           | <input type="radio"/>            | Support         |              | 07/01/2006 21:13 EST    |
| Cathy      |           | <input type="radio"/>            | Finance         |              | 07/03/2006 14:23 EST    |
| Chris      |           | <input type="radio"/>            | Finance         |              | 07/02/2006 11:58 EST    |
| David      |           | <input type="radio"/>            | Legal           |              | 07/03/2006 14:23 EST    |
| Edith      |           | <input type="radio"/>            | Accounting      |              | 07/02/2006 11:58 EST    |
| Overton    |           | <input type="radio"/>            | HR              |              | 07/01/2006 21:23 EST    |
| Lee        |           | <input type="radio"/>            | Executive Staff |              | 07/03/2006 14:23 EST    |
| Smith      |           | <input type="radio"/>            | Facilities      |              | 07/03/2006 11:50 EST    |
| Belview    |           | <input type="radio"/>            | HR              |              | 07/03/2006 14:23 EST    |
| Hubert     |           | <input type="radio"/>            | Support         |              | 07/02/2006 11:58 EST    |
| Douglas    |           | <input type="radio"/>            | IT              |              | 07/01/2006 21:23 EST    |
| Stephenson |           | <input type="radio"/>            | Finance         |              | 07/03/2006 14:23 EST    |
| Frank      |           | <input type="radio"/>            | Finance         |              | 07/03/2006 11:50 EST    |

ADD FILTERS

Status  
Department:  
☒ Accounting  
☒ Executive Staff  
☒ Facilities  
☒ Finance  
☒ HR  
☒ IT  
☒ Legal  
☒ Operations  
☒ Product

HELP FAQ CONTACT SUPPORT

Edit User Details  
Employee Name: Abigail Kingston Title: Accounting Manager  
STATUS  
☐ Responded and OK  
☒ Not Responded  
☐ Responded not OK  
☐ Responded not OK  
PHONE NUMBER  
503-453-4565  
SAVE CANCEL

EX1007, FIG. 4J (annotated).

224. Sinha also teaches providing the supplemental information item to the new user device based on *demographic information associated with the updated user profile*. For instance, the updated user details (profile) include demographic information for the user in the form of a job title. EX1007, FIG. 4J; EX1008, FIG. 5J. This is consistent with the '682 patent, which teaches that "occupation" is an example of "demographics." EX1001, 17:53-61. The updated user status is thus provided based on *demographic information associated with the updated user profile*.

225. Sinha also teaches providing the supplemental information item to the new user device based on *social connections associated with the updated user profile*. For instance, the updated user details are provided to the manager's user device based on *social connections associated with the updated user profile*

because the user is socially connected to the manager through their shared employer. This is consistent with the '682 patent, which teaches that social connections include “professional connection[s].” EX1001, 15:1-11.

226. A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §XIII.A and for claims 4 and 5 above. In the combined system, the manager or other user would be able to access the updated user profile to receive the *supplemental information item* as claimed. The supplemental information item would be provided to the user based on at least one of a *geographic location of the device associated with the updated user profile*, *demographic information associated with the updated user profile*, and *social connections associated with the updated user profile*, as taught by the combination of Smith and Sinha. For instance, the combined system would enable friends, family, or other members of the community (proximate to the event) to access user details for another user to enable those users to provide missing information.

**I. Claim 7**

227. Claim 7 depends from claim 5, and recites “*wherein providing the supplemental information item to the new [user] device comprises providing the supplemental information item based on the updated user profile comprising data indicative of accessing the roll call list using the message board.*”

228. As explained for claim 4, the manager updates the user profile by

updating the “user details” information associated with a user. EX1007, ¶133, FIG. 4J; EX1008, 24:23-27, FIG. 5J. The updated user profile thus comprises data indicative of accessing the roll call list using the message board in the form of the updated information in the user profile. This information indicates that the manager accessed the roll call list using the message board to update the “user details.”

229. The manager’s user device (*new user device*) receives the updated user details (*supplemental information item*) upon accessing the roll call using the message board. EX1007, ¶¶122, 133, FIG. 4J; EX1008, 22:25-29, 24:23-27, FIG. 5J. Thus, the updated user details *comprises data indicative of accessing the roll call list using the message board.*

230. A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §XIII.A and for claims 4 and 5 above. In the combined system, the manager or other user would be able to access the updated user profile to receive the *supplemental information item* as claimed based on the updated user details *comprising data indicative of accessing the roll call list using the message board.*

**J. Claim 8**

231. Claim 8 depends from claim 5, and recites “*wherein providing the supplemental information item to the new user device comprises providing the*

*supplemental information item based on the updated user profile comprising data indicative of social network connection to a user associated with at least one of the second plurality of user devices.”*

232. Sinha’s updated user details (profile) comprises a *social network connection* to the manager because it specifies the user’s job title and department within the organization in which both the user and the manager work. EX1007, FIG. 4J; EX1008, FIG. 5J. This is a *social network connection* consistent with the ’682 patent, which discloses that its “social networks” can be established using professional groups, such as a “law firm,” and that a social network connection can be a “professional connection.” EX1001, 14:60-15:11. Thus, Sinha teaches providing the *supplemental information item* to the manager’s user device based on the user’s updated status (profile) comprising a social network connection to the manager. That is, the manager receives the supplemental information item because the user is socially connected to the manager via the professional organization.

233. A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §XIII.A and for claims 4 and 5 above. In the combined system, the manager or other user would be able to access the updated user profile to receive the *supplemental information item* as claimed based on the updated user details *comprising data indicative of social network connection to a user associated with at least one of the second plurality of user devices.*

**K. Dependent Claims 12-18**

234. Dependent claims 12-18 are substantially similar to dependent claims 2-8, and are thus obvious over the combination of Smith and Sinha for the same reasons as provided for dependent claims 2-8. The table below shows the claim correspondence.

| Dependent Claim Correspondence |                        |
|--------------------------------|------------------------|
| Dependent Claims 2-10          | Dependent Claims 12-20 |
| Claim 2                        | Claim 12               |
| Claim 3                        | Claim 13               |
| Claim 4                        | Claim 14               |
| Claim 5                        | Claim 15               |
| Claim 6                        | Claim 16               |
| Claim 7                        | Claim 17               |
| Claim 8                        | Claim 18               |

**XIV. GROUND 3: SMITH IN VIEW OF SINHA AND FURTHER IN VIEW OF GAGE RENDERS OBVIOUS CLAIMS 9-10 AND 19-20.**

235. The combination of Smith in view of Sinha and Gage renders obvious claims 9-10 and 19-20.

236. Claims 9 and 19 depend from claims 8 and 18, respectively, and recite “*wherein the social connection between the first user and the second user is indicative of a friend relationship.*” Claims 10 and 20 depend from claims 8 and

18, respectively, and recite “*wherein the social connection between the first user and the second user is indicative of a family relationship.*”

237. As explained in §XIII.A, the message board and roll call list of the combined Smith-Sinha system would be made available to concerned parties, such as friends, family, company, group, agency, etc., who have subscribed to the system, as taught by the combination of Smith and Sinha. EX1006, ¶115; EX1007, ¶¶121-122; EX1008, 22:14-29. But, to the extent the Smith-Sinha combination does not expressly teach *social connections* indicative of family or friends, Gage does.

238. Gage teaches a “disaster response system” for “reporting a status indicator using a mobile device during a disaster.” EX1009, Abstract. “The disaster response system can make the status indicator and the location available to concerned parties,” such as “one or more friends,” “a mother [] and/or an aunt.” EX1009, Abstract, ¶46. For instance, “a Web site containing subscriber status information can be updated with the subscriber’s status indicator and location.” EX1009, ¶37. “Concerned parties... can be granted access to the Web site, through which they can look-up the last known location and situational status of the subscriber.” EX1009, ¶37.

239. A POSA would have found it obvious to enable the Smith-Sinha system to permit friends and family members to access the roll call list and to

update a user's profile, based on the teachings of Gage. At the outset, Gage's "disaster response system" is similar to the systems disclosed by Smith and Sinha. For instance, Gage teaches that "[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." EX1009, ¶9. As explained above, the status indicators can be provided to concerned parties via a web site. EX1009, ¶37.

240. While Sinha expressly teaches enabling employees, company managers or emergency response teams to access its roll call list, a POSA would have understood that, in the Smith-Sinha system, it would be beneficial to also enable friends and family to access the list so that they could determine and update the status of the user who is proximate to the event. For instance, as I explained in §XIII.A, this was a well-known and intuitive feature that was commonly implemented in such systems. *See, e.g.*, EX1009, ¶¶5-6, 37; EX1010, ¶¶2-5; EX1011, ¶¶2-11.

241. Gage expressly teaches such a feature by enabling "friends and loved ones" to "determine whether those they care for are safe or are in need of assistance." EX1009, ¶4. Thus, based on Gage's teaching of granting concerned parties access to a website that provides subscriber status information, a POSA would have been motivated to grant concerned parties access to Smith-Sinha's message board and roll call list.

242. In the combined Smith-Sinha-Gage system, the message board and roll call list would be made available to “concerned parties,” including friends and family, as taught by Gage. EX1009, ¶37. The user’s profile would specify the “concerned parties” to be “granted access” to the message board and roll call list. EX1009, ¶37. These concerned parties would be able to access the roll call list and edit the user’s “user details,” in accordance with Sinha’s teachings. EX1007, ¶133, FIG. 4J; EX1008, 24:23-27, FIG. 5J.

243. Thus, consistent with the discussion for claim 5 above, when concerned parties subsequently access the user’s updated user profile, the system would provide the concerned parties with a *supplemental information item* in the form of the updated user information contained in the updated user profile. This supplemental information item would be provided based on the social connections between the user and the concerned parties, which are indicative of a family or friend relationship.

244. A POSA would have had a reasonable expectation of success in implementing these features for the same reasons provided in §XIII.A. Indeed, a POSA would have readily been able to grant the concerned parties access to the message board and roll call list already implemented in the Smith-Sinha system. And because Smith, Sinha, and Gage teach similar systems, and because Smith-Sinha was ready for improvement to provide wider access to the message board

and roll call list, a POSA would have understood that these modifications would merely amount to applying a known technique to a known system ready for improvement to yield predictable results.

**XV. SINHA IS ENTITLED TO THE PRIORITY DATE OF ITS PROVISIONAL.**

245. **Sinha** (EX1007) was filed on October 20, 2007 and published on August 28, 2008. Sinha claims priority to U.S. Provisional Patent Application No. 60/862,365 (Sinha Provisional, EX1008), which was filed on October 20, 2006.

246. It is my opinion that Sinha is entitled to an October 20, 2006 priority date because the Sinha Provisional provides written description support for at least one claim of Sinha as well as for the portions of Sinha relied on herein.

247. Specifically, for each citation to Sinha herein, I have also provided corresponding citations to the Sinha Provisional that provide written description support for the portions of Sinha (non-provisional) relied on herein.

248. Further, the below claim chart shows that the Sinha Provisional provides written description support for at least one claim (claim 18) of Sinha.

| <b>Sinha Claim 18</b>                                                                  | <b>Sinha Provisional Written Description Disclosure</b>                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [18.P] A graphical user interface displayed on a computing device for use in providing | <i>The Sinha provisional teaches a graphical user interface displayed on a computing device in the form of the client-side sidebar.</i><br><br>EX1008, 24:13-22: “FIG. 51 depicts an embodiment of a <b>client-side sidebar</b> which provides an <b>emergency communication center</b> that works in conjunction with and communicates to the |

continuity to an employee of workforce in response to the occurrence of an event, the graphical user interface created by a program stored on a portable memory device, the graphical user interface comprising:

BCM system. In some embodiments, the sidebar application is **provided on or via the USB device**. In other embodiments, the employee or user downloads the sidebar application from the BCM website or the WFC gateway or server **to the user's computing device.**”



*The client sidebar is for use in providing continuity to an employee of workforce in response to the occurrence of an event because the sidebar is part of a “business continuity*

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><i>management (BCM) solution.</i></p> <p>EX1008, 1:31-2:11: “The systems and methods describe herein provides a <b>business continuity management (BCM) solution</b> for helping companies cope through a workforce disruption...”</p> <p>EX1008, 22:20-29: “The employees receive and [respond] to alert notifications and use a <b>client-side sidebar</b> and/or emergency workplace portion of the portal to <b>work during the Emergency situation.</b>”</p> <p><i>The client sidebar is created by a program stored on a portable memory device, such as a “USB device or stick.”</i></p> <p>EX1008, 18:29-34: “In some embodiments, any one or more, or all, of these functions or applications may be provided or delivered <b>via a USB device or stick.</b>” <i>See also</i> 20:5-21:2.</p> <p>EX1008, 20:5-17: “A user may connect the <b>USB device</b> to any computing device and gain access to the functionality of the content of the USB device as well as access to the webportal of the BCM solution.”</p> <p>EX1008, 23:9-13: “During the work portion of the user flow, employees use the <b>sidebar deployed via the plugged in USB device</b> to collaborate with other employees via the BCM system.”</p> <p>EX1008, 24:13-22: “In some embodiments, the <b>sidebar application is provided on or via the USB device.</b>”</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

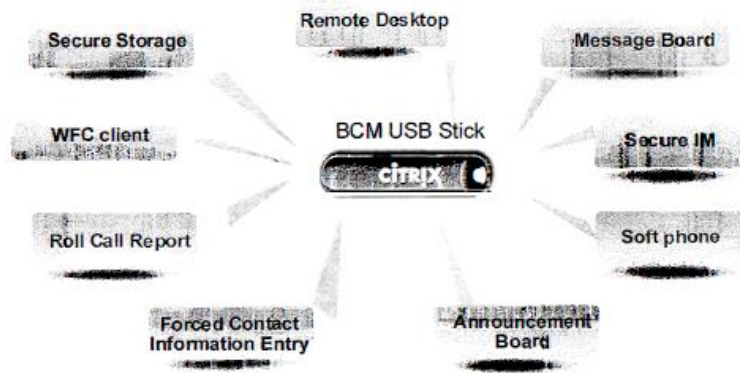
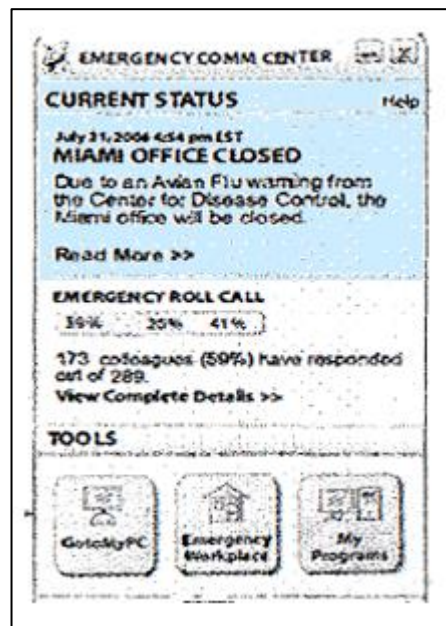


FIG. 4A

See also EX1008, 126:1-15.

[18.1] a first portion displaying, by a first portion of the program stored on a portable device associated with an employee of the workforce, information related to the status of the occurrence of the event;

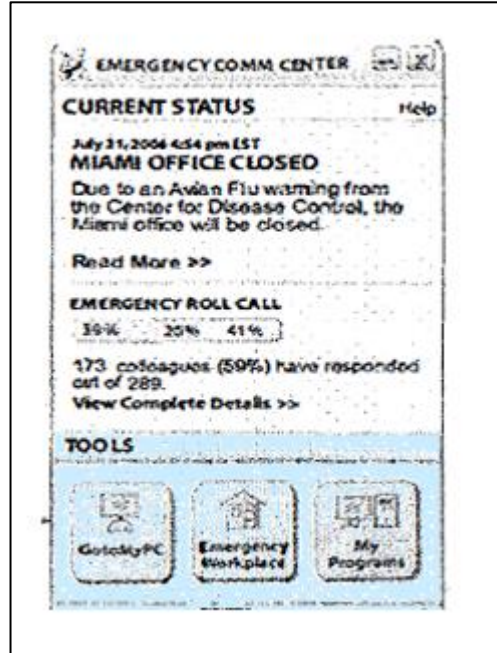
*The USB stick includes software with instructions and data for producing the sidebar. The USB stick is loaded on an employee's computing device. The sidebar interface includes multiple portions, one of which is a "status" portion that provides alert status information. An example of the status portion is highlighted in blue below.*



EX1008, FIG. 5I (excerpt, annotated).

|                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                          | <p>EX1008, 20:5-17: “A user may <b>connect the USB device to any computing device</b> and gain access to the functionality of the content of the USB device as well as access to the webportal of the BCM solution.”</p> <p>EX1008, 24:13-22: “The employee communications center provided by the <b>sidebar</b> application or agent <b>displays status information</b>, roll call, instant messaging and directory information.”</p> <p>EX1008, 126:10-15: the sidebar “provides <b>alert status information</b>, links to the portal and GotoMyPC, and other pre-defined components such an instant messenger application and a softphone.” <i>See also</i> 137:19-24.</p> <p>EX1008, 138:6-13: “<b>A mini-application in the Sidebar is called a panel</b>. In the screen shot shown above there are four panels: <b>Status</b>, Roll Call, Tools, and Directory/IM. The specific panels loaded into the Sidebar is an IT configurable option and can be based on the ERT and Manager status of the user.”</p> <p>EX1008, 139:2-5: “The <b>status panel displays the current status of the alert</b> as supplied by the WFC service. The panel will poll the WFC service once a minute for changes and will update the display as changes occur.”</p> |
| [18.2] a second portion displaying a plurality of business tools available to the employee, each business tool being represented as icon and associated with a computing | <p><i>The sidebar includes a portion displaying business tools available to the employee. For instance, as highlighted below in blue, the sidebar includes a portion titled “Tools.” The Tools are represented as icons, and include, for instance, GoToMyPC, Emergency Workplace, and My Programs.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

device providing  
the respective  
business tool;



EX1008, FIG. 5I (excerpt, annotated).

EX1008, 138:6-13: “**A mini-application in the Sidebar is called a panel.** In the screen shot shown above there are four panels: Status, Roll Call, **Tools**, and Directory/IM. The specific panels loaded into the Sidebar is an IT configurable option and can be based on the ERT and Manager status of the user.”

EX1008, 139:23-33: “**The Tools panel contains URL links to selected applications.** The main purpose of this panel is to make the GotoMyPC URL link clearly visible and available to the user... The other standard link will be a URL to the home page of the portal for the current emergency. **Optionally, links to other tools can be made available here.** Additional tool entries will be under the control of the WFC service. **Each optional tool entry will specify an icon image, a button name, a short description, and a URL.** The URL can be coded to point to an application residing on the stick.”

EX1008, 23:9-13: “During the work portion of the user flow, employees use the **sidebar** deployed via the plugged in USB device to collaborate with other employees via the BCM system. In some embodiments, the employee launches **GoToMyPC to use work computer remotely.**”

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>EX1008, 25:22-29: “In other embodiments, the user launches a user interface to <b>access a remote desktop, such as a corporate or office computer, via GoToMyPC services.</b>”</p> <p>EX1008, 24:28-34: “FIG. 5K depicts an embodiment of the <b>emergency workplace portion of the BCM web portal.</b> In one embodiment, <b>a user can access the emergency workplace from the sidebar</b> or employee communications center...”</p> <p>EX1008, 22:23-25: “The employees receive and [respond] to alert notifications, and <b>use a client-side sidebar and/or emergency workplace portion of the portal 25 to work</b> during the Emergency situation.”</p> <p><i>The tools are associated with a computing device providing the respective business tool because, when the USB stick is loaded on the computing device, the computing device provides the tools to the user. The tools are also associated with a remote computing device that is accessed remotely via the Tools (e.g., GotoMyPC, My Programs).</i></p> <p>EX1008, 20:5-17: “A user may connect the <b>USB device</b> to any computing device and gain access to the functionality of the content of the USB device as well as access to the webportal of the BCM solution.”</p> <p>EX1008, 23:9-13: “During the work portion of the user flow, employees use the <b>sidebar deployed via the plugged in USB device</b> to collaborate with other employees via the BCM system.”</p> <p>EX1008, 24:13-22: “In some embodiments, the <b>sidebar application is provided on or via the USB device.</b>”</p> <p>EX1008, 5:27-34: “The WFC server 194 comprises <b>any type of server, appliance, or computing device</b> for providing any portion of the services, functionality, operation, logic and/or integration of the business and workforce continuity services and functionality described herein. In some embodiments, the WFC server 194 provides <b>a web based user interface for</b></p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

accessing the functionality and operations of the services described herein. In one embodiment, the WFC server 194 provides a **portal web-site** or service.”

EX1008, 22:1-5: “A displaced worker may be able to **obtain access to his or hers corporate computer via GoToMyPC** or to a remote desktop computing environment via Citrix Presentation Server.” *See also* 22:11-12.

EX1008, 141:25-29: “A **GoToMyPC short-cut will be provided from the WFC service to the Sidebar**. A "short-cut" is a URL pointing to the gotomypc.com website and includes an encoded string that tells the website 1) the user requesting the connection, and 2) **the host computer the user wishes to connect to.**”

EX1008, 25:22-29: “FIG. 5N depicts an embodiment of a user interface to access the user's application and data... For example, the user clicks the **my programs user interface element** as depicted in FIG. 5N...”

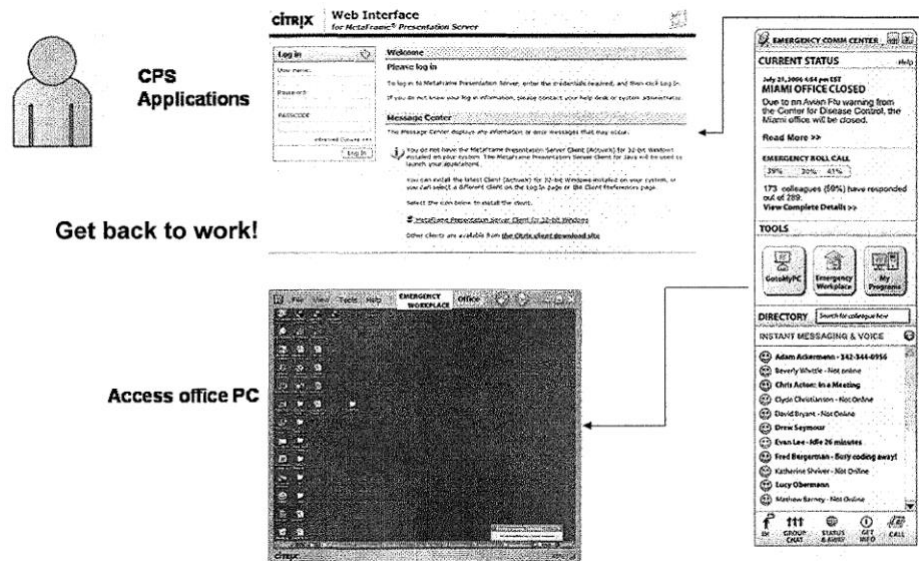


FIG. 5N

EX1008, FIG. 5N

[18.3] a third portion providing a directory service

*The sidebar interface includes a third portion for providing a directory service to the employee. For instance, the directory portion is highlighted blue below. As shown, the directory portion enables the user to search for a person in the directory*

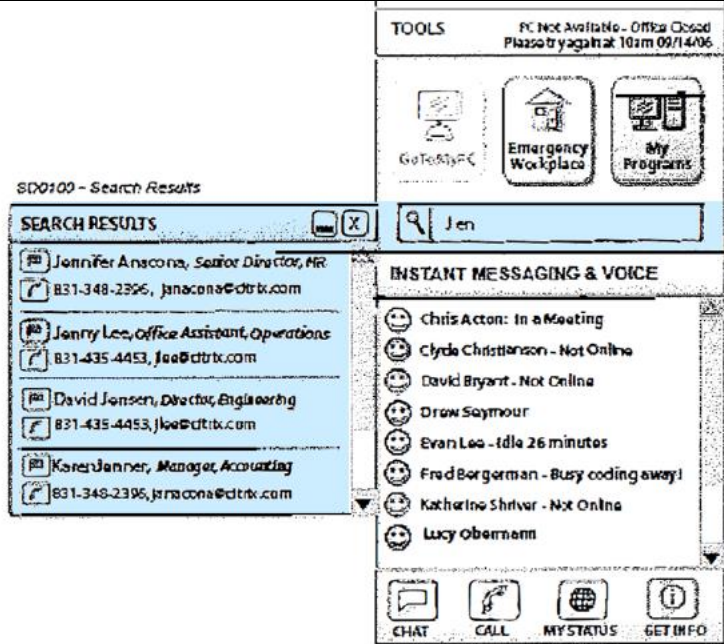
to the employee, the directory service associated with directory information of the workforce; and

via the search field. The directory service is associated with directory information of the workforce because the directory contains the names and abbreviated contact information of everyone in the organization.

**EX1008, 24:13-22:** “The employee communications center provided by the **sidebar** application or agent **displays** status information, roll call, instant messaging and **directory information.**”



EX1008, FIG. 5I (excerpt, annotated), *see also* FIG. 5M.

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           |  <p>The screenshot shows a software interface with several components. At the top right, a 'TOOLS' section contains a status message: 'PC Not Available - Office Closed Please try again at 10am 09/14/06'. Below this are three icons: 'Go To My PC', 'Emergency Workplace', and 'My Programs'. On the left, a window titled 'SD0100 - Search Results' displays a list of search results for 'Jen'. The results include: Jennifer Anacona, Senior Director, HR (831-348-2396, janacona@ctrk.com); Jenny Lee, Office Assistant, Operations (831-435-4453, jlee@ctrk.com); David Jensen, Director, Engineering (831-435-4453, djlee@ctrk.com); and Karen Jenner, Manager, Accounting (831-348-2396, kjaanacona@ctrk.com). On the right, an 'INSTANT MESSAGING &amp; VOICE' section shows a list of contacts with their status: Chris Acton - In a Meeting; Clyde Christensen - Not Online; David Bryant - Not Online; Drew Seymour; Evan Lee - Idle 26 minutes; Fred Bergerman - Busy coding away!; Katherine Shriver - Not Online; and Lucy Obermann. At the bottom of the interface are four buttons: 'CHAT', 'CALL', 'MY STATUS', and 'GET INFO'.</p> |
|                                           | <p>EX1008, FIG. 6B (excerpt, annotated).</p> <p><b>EX1008, 24:13-22:</b> “The employee communications center provided by the <b>sidebar</b> application or agent <b>displays</b> status information, roll call, instant messaging and <b>directory information</b>.”</p> <p><b>EX1008, 25:10-21:</b> “FIG. 5M is an embodiment of a user interfaces for users to communicate with peers. Via the emergency communication center, users can search the corporate <b>directory</b> for contact information, including updated or emergency contact information...”</p> <p><b>EX1008, 139:39-140:3:</b> “The <b>directory</b> contains the names and abbreviated contact information of everyone in the organization...<b>On start-up the panel will look to see if a local copy of the directory is on the stick.</b> If the directory is not on the stick the panel will download the entire directory from the WFC service.”</p>                                                                                                                                                                                                                                                                                                          |
| [18.4] a fourth portion displaying a list | <p><i>The sidebar includes a fourth portion for displaying a list of at least a portion of the employees of the work force and a status related to each of the employees. For instance, as shown</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

of at least a portion of the employees of the work force and a status related each of the employees listed and a providing a mechanism for establishing at least one of an audio communications session and an instant messaging session.

*highlighted in blue below, the fourth portion is titled “Instant Messaging and Voice, and includes a list of employees and corresponding statuses (e.g., Not Online, In a Meeting, etc.).*



EX1008, FIG. 5I (excerpt, annotated).

EX1008, 24:13-22: “The employee communications center provided by the **sidebar** application or agent **displays** status information, roll call, **instant messaging** and directory information.”

EX1008, 140:7-141:5: “The **IM component** connects to a Kent configured LCS server via a VPN connection to a Gateway server. The logon credentials will be provided by the WFC service. **The preconfigured buddy names and groups for this user will be obtained from the WFC service** and temporarily combined with the user's buddies already on the LCS server.”

*The fourth portion of the sidebar provides a mechanism for establishing at least one of an audio communications session and an instant messaging session. For instance, the fourth portion enables users to place “outbound calls” and to “chat or instant message their peers.”*

EX1008, 25:10-21: “FIG. 5M is an embodiment of a user interfaces for users to communicate with peers.... Via the emergency communication center, the user can place **outbound calls**.... In yet another embodiment, the emergency communication centers enables user to **chat or instant message their peers.**”

EX1008, 140:13-15: **“Users can exchange text messages and start voice conversations** with single or groups of buddies in their list. Users can also dial-out to any phone number to create PC to phone voice conversations.”

EX1008, 25:30-26:2: “FIGs. 6A-6C depict embodiments of a plurality of user interfaces for the sidebar or WFC client. **The sidebar user interfaces of the emergency communication center may display... the logged in user's status** and info and contact information 7) peer information, 8) **chat** session, 9) chat archive, 10) **softphone** calling, 11) softphone call in progress status, and 12) call history.”

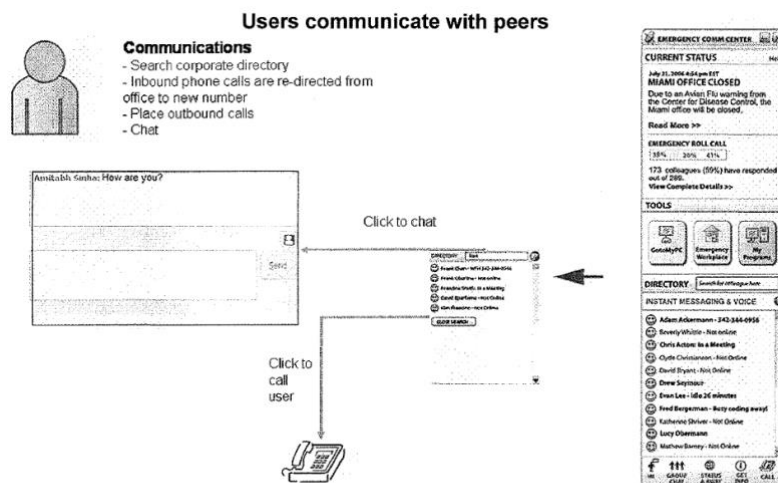


FIG. 5M

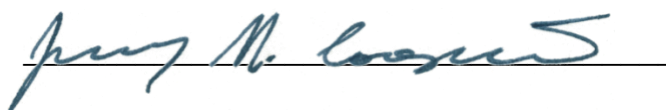
|  |                                                                                                                                                               |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | EX1008, FIG. 5M.<br><br>EX1008, 140:8-141:5: “Users can exchange text messages and start voice conversations with single or groups of buddies in their list.” |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

## XVI. CONCLUSION

249. In signing this declaration, I recognize that the declaration will be filed as evidence in an *inter partes* review before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required, I will appear for cross-examination within the United States during the time allotted.

250. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on this 26th day of February 2024 in Westmount, Quebec.



Jeremy Cooperstock, Ph.D.