

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

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

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 11,470,682**

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PETITIONER'S EXHIBIT LIST

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”)
1003	Declaration of Jeremy Cooperstock, Ph.D.
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. 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”)
1018	<i>Curriculum Vitae</i> of Dr. Jeremy Cooperstock
1019	Scheduling Order, <i>SitNet, LLC v. Meta Platforms, Inc.</i> , Case No. 1:23-cv-06389 (S.D.N.Y.)

Petitioner Meta Platforms, Inc. (“Petitioner”) petitions for *inter partes* review, seeking cancellation of claims 1-20 of U.S. Patent No 11,470,682 (“the ’682 patent,” EX1001), assigned to SitNet, LLC (“SitNet” or “Patent Owner”).

I. INTRODUCTION

The ’682 patent claims nothing more than well-known concepts of determining status information for users located near a “situation,” such as a social event, emergency event, weather phenomena, or natural disaster. The independent claims broadly recite making a message board related to the situation available to users who are located near the situation. The message board includes a roll call list that includes the statuses of users located near the situation. For instance, the status may indicate that users are safe or in need of assistance.

There is nothing inventive in the challenged claims. The claimed concepts were known to anyone who had posted on a message board or reached out to family after a hurricane to see if they were safe. It is unsurprising then that the prior art teaches each and every element of the challenged claims.

Indeed, during prosecution, the applicant argued that the prior art failed to disclose only a single limitation: “a message board that is accessible to a plurality of user devices” that “provided status responses to roll call queries.” But this limitation is taught in the prior art, as are all other claim limitations. For example,

Burfeind¹ discloses a system for scheduling “a location-specific event” (i.e., *situation*) that includes an “event status interface” (i.e., *message board*). Similarly, the combination of Smith² and Sinha³ discloses a system for receiving and posting information about an “event or hazard” (i.e., *situation*) on a “user interface” (i.e., *message board*) that displays information for employees regarding “the employee roll call.”

None of these prior-art references—nor any of the other prior-art references relied on in this Petition—were applied or otherwise discussed by the examiner during examination of the claims of the ’682 patent. This Petition is also supported by the declaration of Dr. Jeremy Cooperstock (EX1003), an expert in computer networking and telecommunications. Dr. Cooperstock’s testimony confirms that all challenged claims are unpatentable. Accordingly, the Board should institute an *inter partes* review and cancel all claims of the ’682 patent.

II. MANDATORY NOTICES (37 C.F.R. § 42.8)

Real Party-in-Interest: The real party-in-interest is Meta Platforms, Inc. (f/k/a Facebook, Inc.) (“Meta” or “Petitioner”).

¹ EX1004 – U.S. Patent App. Pub. No. 2007/0233635 (“Burfeind”)

² EX1006 – U.S. Patent App. Pub. No. 2005/0197775 (“Smith”)

³ EX1007 – U.S. Patent App. Pub. No. 2008/0208605 (“Sinha”)

Related Matters: (37 C.F.R. § 42.8(b)(2)): The '682 patent is at issue in the following pending civil action: *SitNet LLC v. Meta Platforms, Inc.*, Case No. 1:23-cv-06389 (S.D.N.Y.), filed July 24, 2023.

Petitioner is concurrently filing petitions for *inter partes* review of the following related U.S. patents, each of which is also at issue in the above-captioned district-court litigation:

- U.S. Patent No. 8,249,932 (IPR2024-00528).
- U.S. Patent No. 8,332,454 (IPR2024-00529); and
- U.S. Patent No. 9,877,345 (IPR2024-00530);

Lead and Back-up Counsel: Under 37 C.F.R. §§ 42.8(b)(3) and 42.10(a), Petitioner appoints **Jonathan Tuminaro** (Reg. No. 61,327) as lead counsel, and **Michael D. Specht** (Reg. No. 54,463) and **David W. Haars** (Reg. No. 73,112) as back-up counsel, all at the address: Sterne, Kessler, Goldstein & Fox PLLC, 1101 K Street, NW, Washington, DC, 20005, phone (202) 371-2600, and facsimile (202) 371-2540.

Service Information: Petitioner consents to electronic service by email at: **jtuminar-PTAB@sternekessler.com**, **mspecht-PTAB@sternekessler.com**, **dhaars-PTAB@sternekessler.com**, and **PTAB@sternekessler.com**.

III. GROUNDS FOR STANDING (37 C.F.R. § 42.104(A))

The undersigned and Petitioner certify that the '682 patent is available for

inter partes review and that Petitioner is not barred or estopped from requesting *inter partes* review of any '682 patent claim on the grounds herein.

IV. IDENTIFICATION OF THE CHALLENGE (37 C.F.R. §42.104(B))

A. Identification of Prior Art

The '682 patent's earliest possible priority date is February 2, 2007. Without conceding that this is the correct priority date, all references relied upon herein are prior art as of February 2, 2007.

Burfeind (EX1004) was filed on April 4, 2006 and published on October 4, 2007. Burfeind is prior art under at least 35 U.S.C. §102(e).

Crowley (EX1005) was filed on May 11, 2005 and published on November 30, 2006. Crowley is prior art under at least 35 U.S.C. §§102(a), (e).

Smith (EX1006) published on September 8, 2005. Smith is prior art under at least 35 U.S.C. §102(b).

Gage (EX1009) was filed on December 11, 2006 and published on June 12, 2008. Gage is prior art under at least 35 U.S.C. §102(e).

Sinha (EX1007) was filed on October 20, 2007 and published on August 28, 2008. Sinha is prior art under at least 35 U.S.C. §102(e) because it predates the filing date of the earliest non-provisional application on which the '682 patent relies. To the extent the '682 patent is entitled to the priority date of its provisional application, Sinha is still prior art because it claims priority to U.S. Provisional

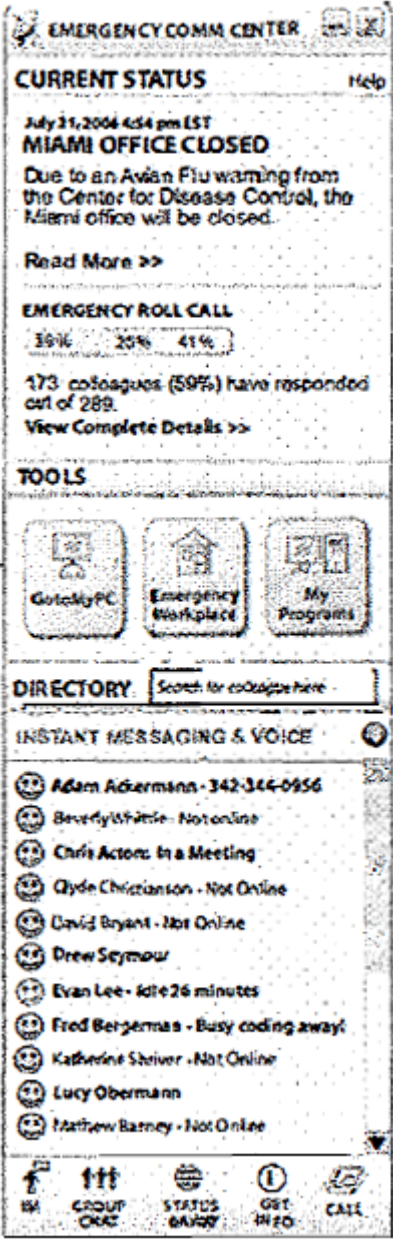
Patent Application No. 60/862,365 (Sinha Provisional, EX1008), which was filed on October 20, 2006. EX1003, ¶¶245-246.

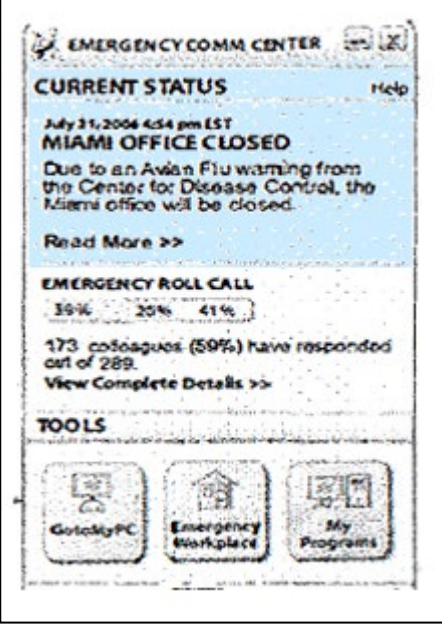
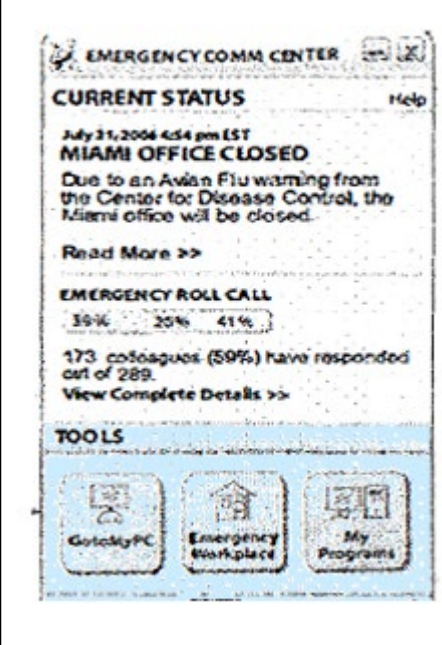
Sinha is entitled to an October 20, 2006 priority date because the Sinha Provisional provides written-description support for the portions of Sinha relied on herein. Specifically, for each citation to Sinha in Grounds 2 and 3 below, Petitioner also provides corresponding citations to the Sinha Provisional that provide written-description support for the portions of Sinha (non-provisional) relied on herein. EX1003, ¶¶245-247.

Further, the below claim chart shows that the Sinha Provisional provides written-description support for at least one claim (claim 18) of Sinha. EX1003, ¶248.

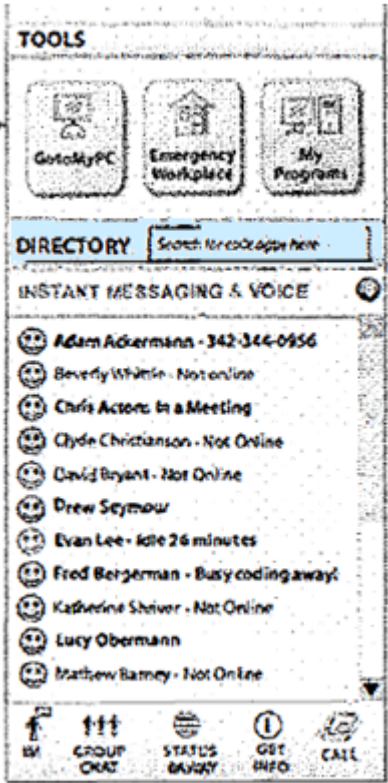
Sinha Claim 18	Sinha Provisional Written Description
[18.P] A graphical user interface displayed on a computing device for use in providing continuity to an employee of workforce in response to the occurrence of an event, the	EX1008, 24:13-22: “FIG. 51 depicts an embodiment of a client-side sidebar ⁴ which provides an emergency communication center that works in conjunction with and communicates to the 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 .” 18:29-34: “any one or more, or all, of these functions or applications may be provided or delivered via a USB device or stick.” <i>See also</i> 20:5-21:2.

⁴ Emphasis added throughout unless otherwise noted

Sinha Claim 18	Sinha Provisional Written Description
graphical user interface created by a program stored on a portable memory device, the graphical user interface comprising:	
[18.1] a first portion displaying, by a first portion of the program stored on a portable device	24:13-22: “The employee communications center provided by the sidebar application or agent displays status information, roll call, instant messaging and directory information.”

Sinha Claim 18	Sinha Provisional Written Description
associated with an employee of the workforce, information related to the status of the occurrence of the event;	 FIG. 5I (excerpt).
[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 device providing the respective business tool;	 FIG. 5I (excerpt). 23:9-13: “employees use the sidebar deployed via the plugged in USB device to collaborate with other employees.... In some

Sinha Claim 18	Sinha Provisional Written Description
	embodiments, the employee launches GoToMyPC to use work computer remotely." 25:22-29: "the user launches a user interface to access a remote desktop, such as a corporate or office computer, via GoToMyPC services." 24:28-34: "FIG. 5K depicts an embodiment of the emergency workplace portion of the BCM web portal. In one embodiment, a user can access the emergency workplace from the sidebar..." 22:23-25: "employees receive and respon[d] to alert notifications, and use a client-side sidebar and/or emergency workplace portion of the portal 25 to work during the Emergency situation." 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 FIG. 5N. See also 5:29-34.

Sinha Claim 18	Sinha Provisional Written Description
[18.3] a third portion providing a directory service to the employee, the directory service associated with directory information of the workforce; and	 The screenshot shows a mobile application interface. At the top, there is a 'TOOLS' section with three icons: 'Go to My PC', 'Emergency Workplace', and 'My Programs'. Below this is a 'DIRECTORY' section with a search bar labeled 'Search for contacts here'. Under the search bar is a section titled 'INSTANT MESSAGING & VOICE' which lists several employees with their names, status (e.g., 'Not online', 'In a Meeting', 'Busy coding away!'), and contact information (e.g., '342-344-0956'). At the bottom of the screen, there is a navigation bar with five icons: 'IM', 'GROUP CHAT', 'STATUS BATTERY', 'GET INFO', and 'CALL'. FIG. 5I (excerpt). 24:13-22: “The employee communications center provided by the sidebar application or agent displays status information, roll call, instant messaging and directory information.” 25:10-21: “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 directory for contact information, including updated or emergency contact information...” <i>See also</i> 21:27-22:5, 138:6-141:7.

Sinha Claim 18	Sinha Provisional Written Description
[18.4] a fourth portion displaying a list 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 communication session and an instant messaging session.	FIG. 5I (excerpt). 24:13-22: “The employee communications center provided by the sidebar application or agent displays status information, roll call, instant messaging and directory information.” 25:10-21: “FIG. 5M is an embodiment of a user interface 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.” 25:30-26:2: “The sidebar user interfaces of the emergency communication center may display one or more of the following:... the logged in user's status and info and contact information... chat session, 9) chat archive, 10) softphone calling...”

Sinha Claim 18

Sinha Provisional Written Description

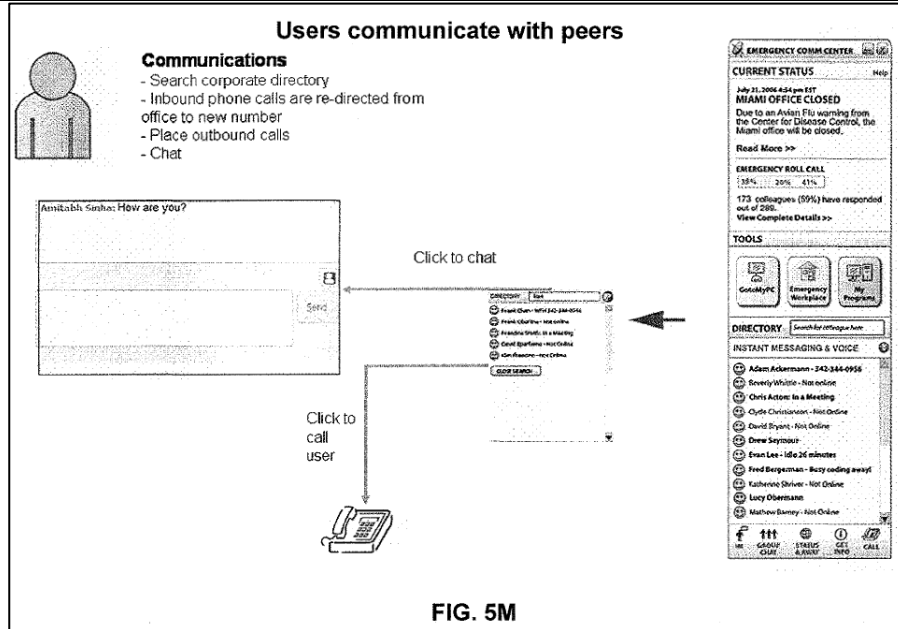


FIG. 5M.

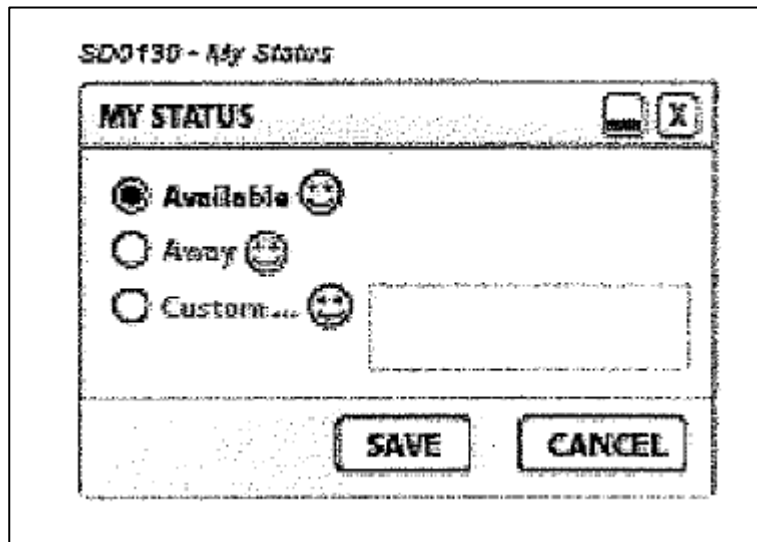


FIG. 6C (excerpt)

B. Grounds Summary

Petitioner requests IPR based on the below grounds.

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

V. THE '682 PATENT

A. Overview

The '682 patent discloses techniques for enabling participant devices to exchange information regarding an event or situation. The '682 patent describes the claimed “situation” broadly, stating that situations include social events, emergency events, weather phenomena, natural disasters, weather related activities, such as skiing or surfing, etc. *E.g.*, EX1001, 5:1-16, 31:55-65.

The system presents a roll call query to a plurality of participant devices located proximate the situation. *Id.*, 27:11-37. In response, 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 the event. *Id.* The system also provides a message board that allows sharing of information about individuals, such as by posting comments viewable by the participants. *Id.*, 27:38-50.

B. Prosecution History

The '682 patent issued on October 11, 2022 after a single office action

rejecting all claims as obvious over references to Warner (EX1012) and Roche (EX1010). 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.

In response, 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.” The Examiner subsequently issued a notice of allowance without providing an explicit reason for allowance.⁵

C. Person of Ordinary Skill

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. EX1003, ¶¶62-63.

⁵ As explained in Section IX.A, Sinha’s (EX1007) citation in an IDS does not trigger the Board’s discretion under 35 U.S.C. §325(d) because Sinha was not applied in a rejection or considered in combination with Smith.

D. Claim Construction

In an *inter partes* review, claims are construed using the same claim-construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b). All claim terms must be given their ordinary and customary meaning as understood by a POSA at the time of the invention, in light of the specification and the prosecution history of the patent.

Solely for the purposes of this Petition, Petitioner submits that no claim terms require construction and all claim terms should receive their plain and ordinary meaning in view of the '682 patent.⁶ EX1003, ¶64.

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, Petitioner provides the following table that identifies the portions of the specification corresponding to the claimed function in accordance with 37 C.F.R. §42.104(b)(3). EX1003, ¶65.

⁶ Petitioner reserves the right to challenge the validity of the claims under 35 U.S.C. §112 in other proceedings and forums.

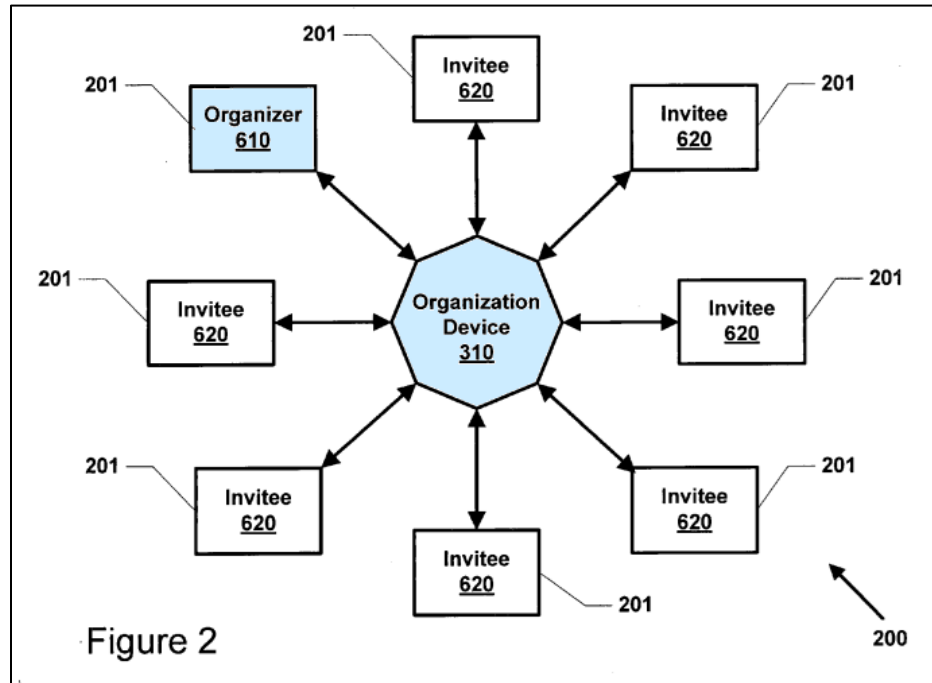
Limitation	Claimed Function	Portion of Specification Corresponding to Claimed Function
“a network controller configured to...” (claim 1)	“receive an information item from a user device, wherein the information item identifies a situation; and make the information item available to a first plurality of 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.

VI. GROUND 1: BURFEIND AND CROWLEY RENDERS OBVIOUS CLAIMS 1-20.

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

Burfeind discloses a system that enables a user to “schedule[] a location-specific event.” EX1004, Abstract; EX1003, ¶¶66-70, 80. To do so, the user, or

“event organizer,” operates a “portable device” to communicate with an
“organization device” over a networked environment to input the time and location
of the event. EX1004, ¶¶57, 111-112.



EX1004, FIG. 2.

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

Figure 33

3300

NEW EVENT

NAME EVENT
Plundering 3305

WHEN IS EVENT? 3310
Date: May 15, 2006 3314
Time: 5pm 3316

WHERE IS EVENT?
Mongolia 3320

WHO IS INVITED?
PICK ADDRESSES MANUALLY → 3330

ADDRESS BOOK: 3335

☒		Genghis Kahn 3336
☐		Boss
☒		Bob Mongol
☒		John Doe 3338

3337

3350 **3355**
CREATE BACK

EX1004, FIG. 33.

A POSA would have recognized that such manual entry would be time-consuming and inefficient, for instance, when the number of invited participants is large. EX1003, ¶¶81-82. 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 participant selection technique would require the event organizer to search through his entire address book (or dropdown menu), and to individually select each individual (or group of individuals). 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. EX1003, ¶82. Thus, a POSA would have sought references for improving upon Burfeind's

burdensome and imprecise manual participant selection process. EX1003, ¶¶82-83.

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 participating acquaintances are geographically proximate to an event venue, and automatically sends invitations to those individuals, inviting them to meet the user at that venue. EX1005, ¶45.

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’s system provides numerous advantages, such as enabling “spontaneous socializing” and “convenient communication among friends.”

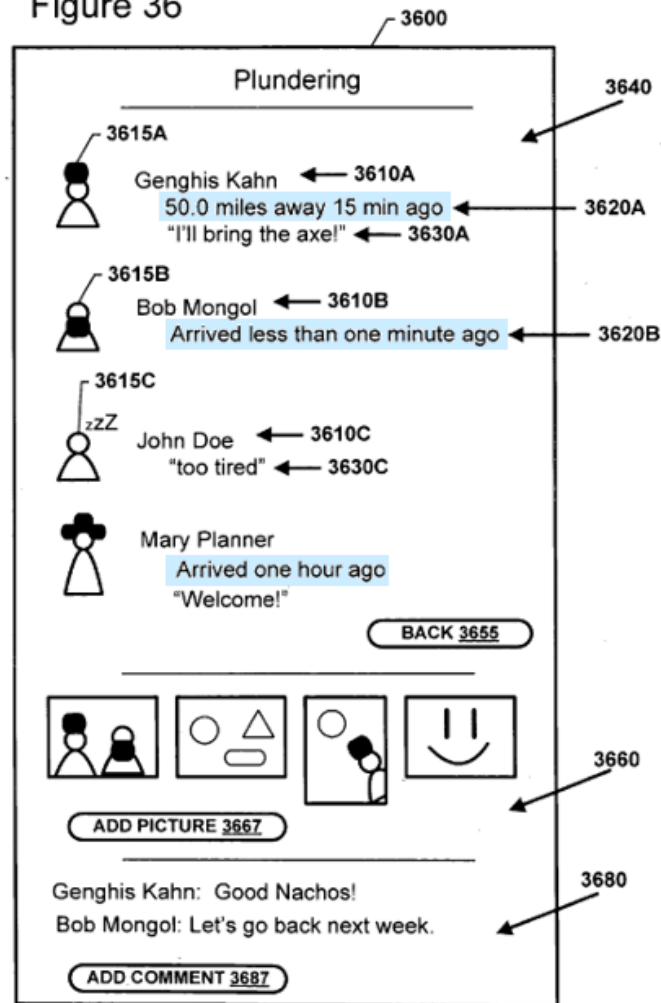
EX1005, ¶6. Crowley also “help[s] avoid the problem of friends who were out near each other, but never realized it until later.” *Id.*, *see also* ¶35. Crowley thus provides express motivation for implementing its location-based features in Burfeind. EX1003, ¶¶84-86.

Indeed, a POSA would have understood that the advantages disclosed by Crowley would also be realized by implementing Crowley’s techniques in Burfeind. EX1003, ¶87. 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; EX1003, ¶88. For instance, the combined system would implement an interface for creating new events 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; EX1003, ¶88.

A POSA would have had a reasonable expectation of success in implementing these features in Burfeind. EX1003, ¶¶89-92. 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. Burfeind also tracks its users’ GPS locations to determine the “arrival information” for the user. EX1004, ¶¶136, 143-145, 169-171, FIG. 36. 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 individuals who are located near the event location. EX1003, ¶¶89-90.

Figure 36



EX1004, FIG. 36.

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. EX1003, ¶91. A POSA would have thus readily been able to modify Burfeind to determine the event organizer’s contacts that are located proximate the selected event venue, and to send invitations to that

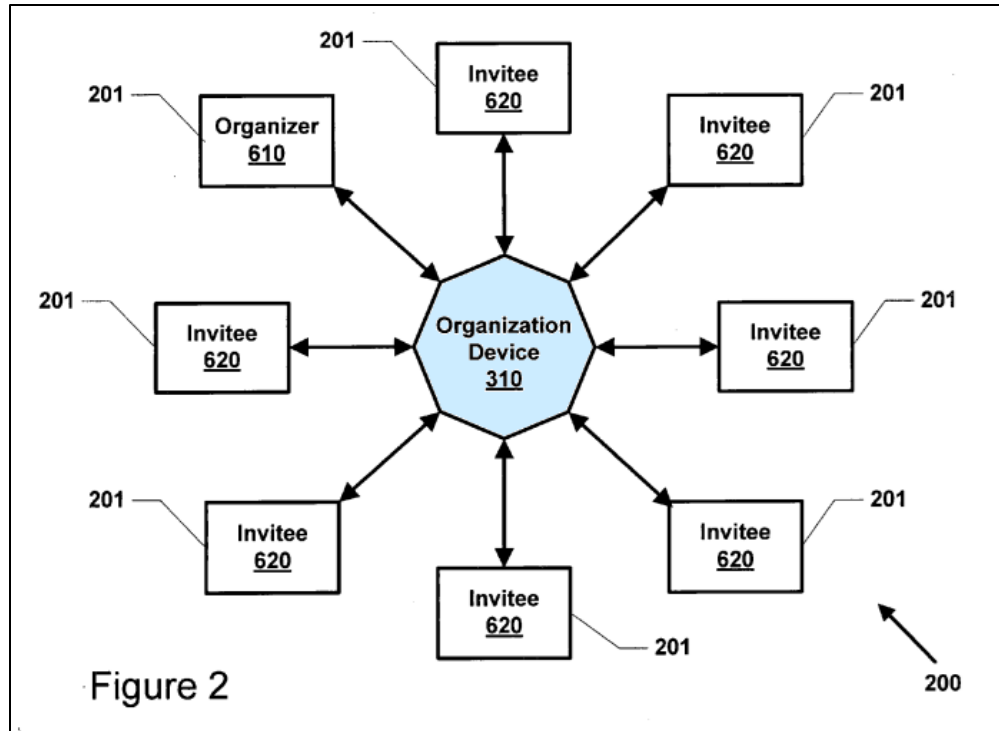
group of contacts, as taught by Burfeind and Crowley. EX1003, ¶¶89-92. These modifications would have been implemented by leveraging Burfeind's existing teachings of location tracking and contact grouping. EX1003, ¶¶46-50, 89-92.

Indeed, Burfeind and Crowley disclose similar systems for organizing meetings between individuals. EX1004, Abstract; EX1005, ¶5. As explained, Burfeind's manual participant 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. 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 individuals), as well as applying a known technique to a known system ready for improvement to yield predictable results. EX1003, ¶93.

B. Independent Claim 1.

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

To the extent limiting, 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.



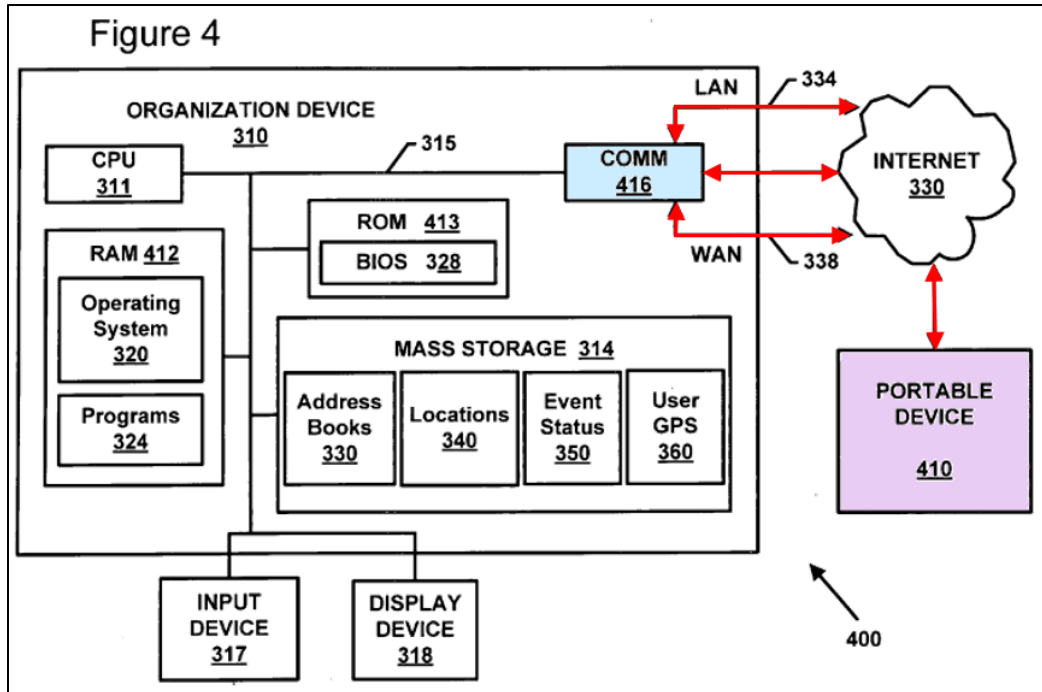
EX1004, FIG. 2.

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; EX1003, ¶¶94-95.

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

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. Figure 4 shows that 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. 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.” EX1001, 33:29-33, FIG. 23; EX1003, ¶¶97-98.



EX1004, FIG. 4.

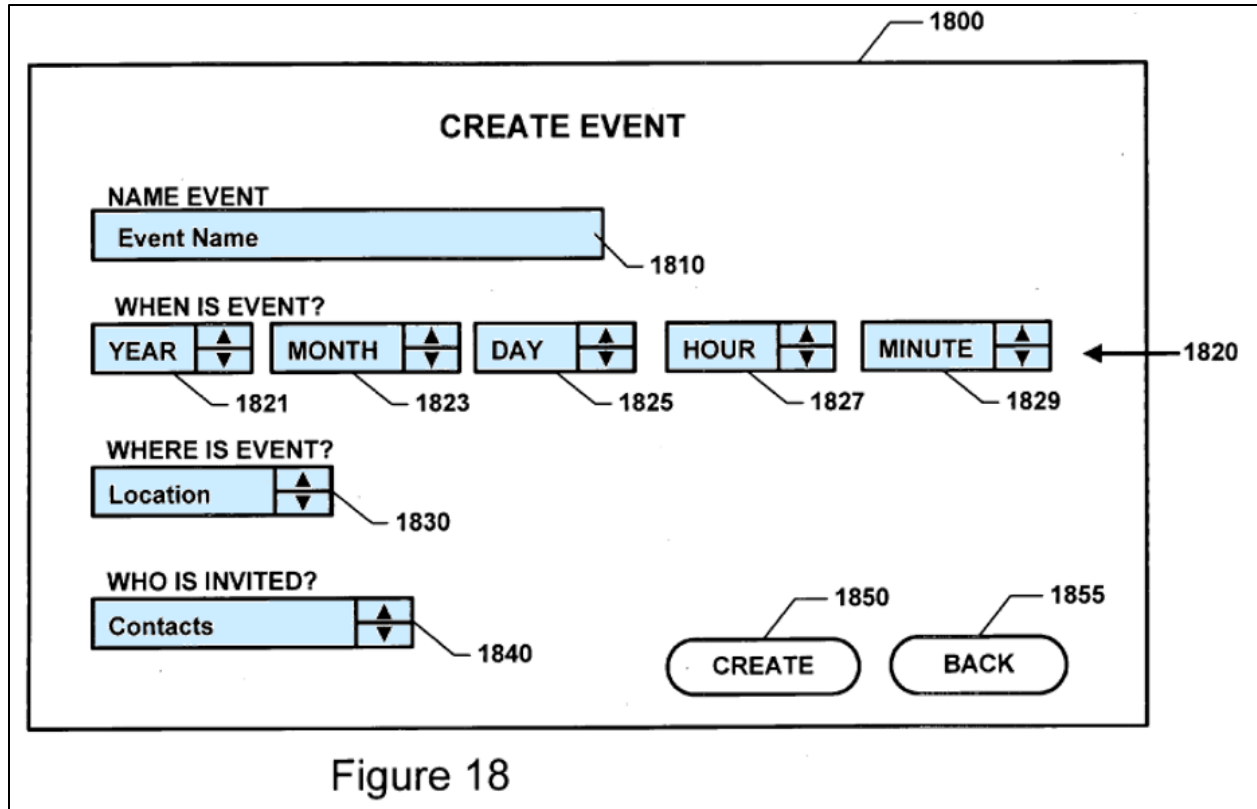
Burfeind’s communication device is configured to *receive an information item from a user device, wherein the information item identifies a situation.*

EX1003, ¶¶99-102. For instance, via the communication device, the organization device receives from a user device of an event organizer (e.g., portable device 410

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.

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; EX1003, ¶¶99-100. Thus, by receiving information items identifying an event (e.g., time, date, location, etc.), Burfeind’s communication device receives *information items identifying a situation*.

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 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 individuals to be invited. EX1004, ¶¶111-114, *see also* ¶¶147, 155-162. The information input into these fields are *information items identifying the event (situation)*. EX1003, ¶101.



EX1004, FIG. 18.

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. Thus, the communication device (*network controller*) receives an information item from a user device, wherein the information item identifies a situation. EX1003, ¶¶100-102.

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

Burfeind's organization device *make[s] the information item available to a first plurality of user devices* because the organization device "transmits invitations

to... 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; EX1003, ¶104. The invitations are sent via the communication device to “user devices” of the respective invited individuals, for instance, as a “text message,” an “email or other type of message providing the event information to the invited contacts.” EX1004, ¶108. 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. Thus, the communication device makes the “event information” (*information items*) included in the invitations available to user devices. EX1003, ¶104.

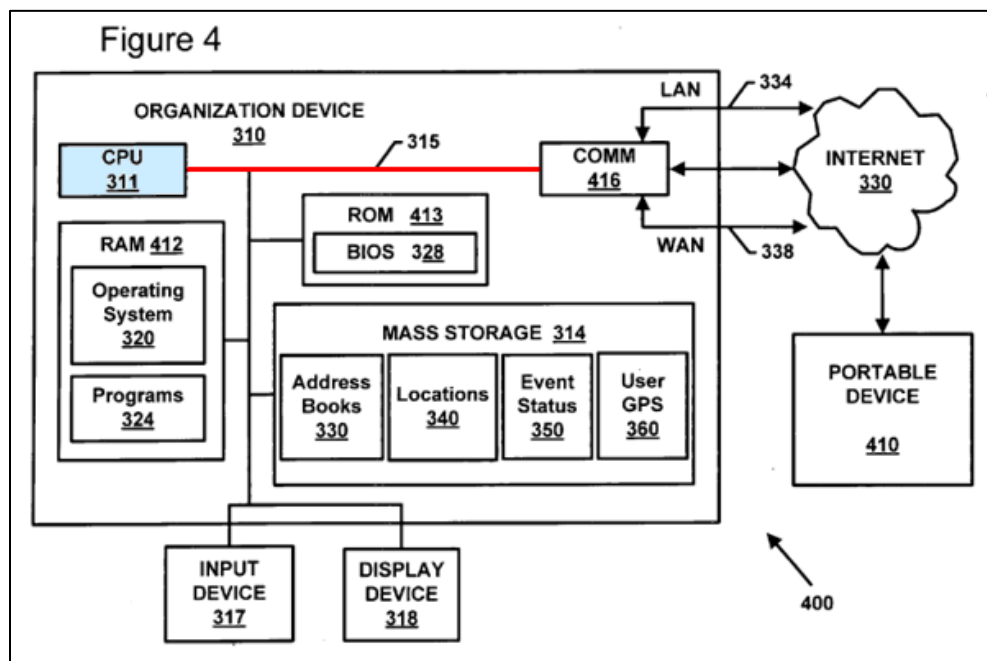
The communication device makes these *information items* available to a *first plurality of user devices*. EX1003, ¶¶105-107. For instance, the organization device sends invitations to “one or more groups” of the event organizer’s contacts. EX1004, ¶159, *see also* ¶89. That is, Burfeind’s event organizer 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). EX1003, ¶¶105-107.

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

The Burfeind-Crowley combination teaches this element. EX1003, ¶¶109-120.

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.



EX1004, FIG. 4.

The processing unit is configured to create and store new events. Specifically, upon receiving this information from the event organizer's user device, the organization device "saves the information entered... to the organization device." EX1004, ¶162, *see also* ¶¶110, 114. To the extent the Patent

Owner argues that Burfeind’s processing unit is not configured to *verify* that the information items provided by the event organizer are related to the situation, Crowley teaches this feature. EX1003, ¶¶112-113. 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, §VI.A; EX1003, ¶¶71-73. 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; EX1003, ¶¶112-113. Once the information is verified, the system “transmit[s] appropriate messages” to the user’s nearby acquaintances, inviting these individuals to the event. *See* §VI.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, 6:62-7:2.

A POSA would have found it obvious to combine Burfeind and Crowley for the reasons provided in §VI.A. EX1003, ¶¶80-93, 114. 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).

EX1003, ¶¶114-120. 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, and would have 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 event location. *See* EX1004, ¶¶107, 57, 146, 162, §VI.C.2; EX1003, ¶¶114-118.

A POSA would have recognized that these techniques are consistent with Burfeind, and would have been trivial to implement. EX1003, ¶¶118-120. Indeed, Burfeind already teaches that the event organizers must log in to the system. EX1004, ¶79. 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). EX1003, ¶¶118-119. 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; EX1003, ¶120. A POSA would have readily been able to implement these techniques as nothing more than the use of a known technique to improve similar systems in the same way. EX1003, ¶120.

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

The Burfeind-Crowley combination teaches this element.

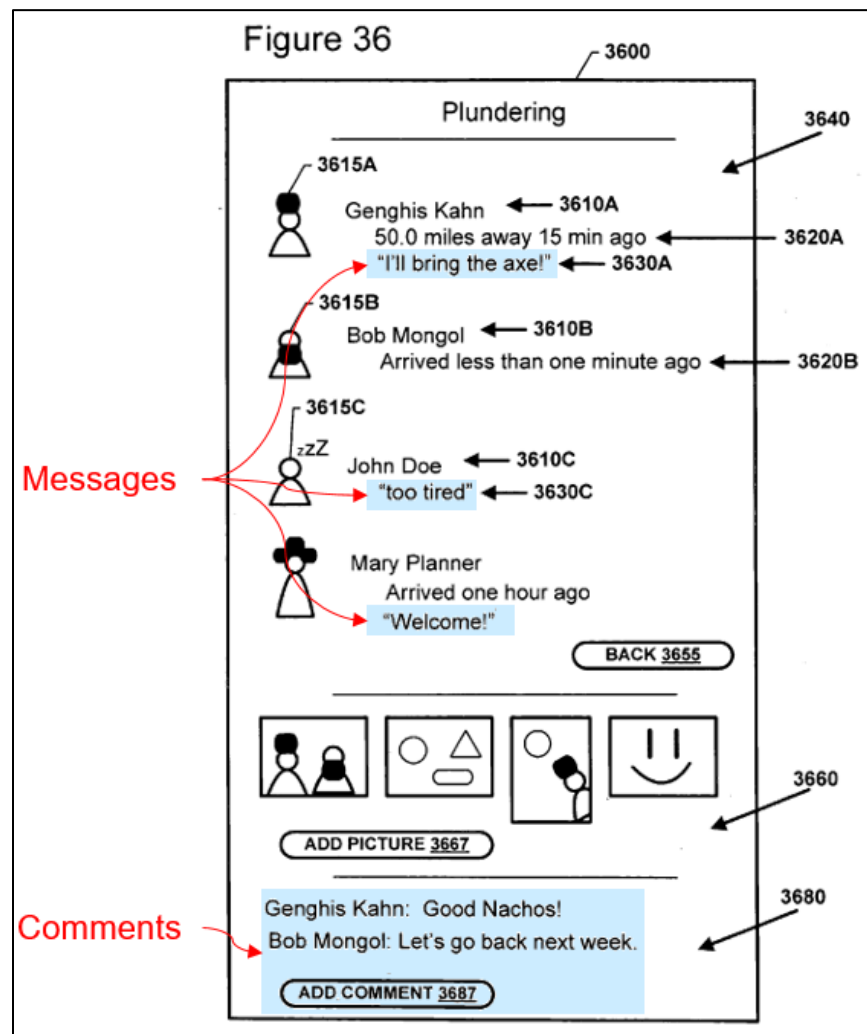
As explained above for element [1.3], the Burfeind-Crowley system teaches *verifying* that information items provided by the event organizer are related to a valid event. The combined system further teaches making a message board related to the event available to a second plurality of users in response to the verifying. EX1003, ¶¶122-126. For instance, in response to the verifying, Burfeind's organization device creates a new event, "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 invited participants. EX1004, ¶¶4, 131, 137. In the combined system, these operations, including the provision of the event status interface, would be performed in response to the verifying because the organization device would perform these operations upon verifying that the information items are related to a valid event. EX1003, ¶124. That is, the organization device would only create an event and provide the event status interface in response to verifying that the event information was related to a valid event, in accordance with Crowley's teachings.

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. The organization device then “provide[s] the participation status of each invitee to other invitees.”

EX1004, ¶5, *see also* ¶131. Burfeind’s organization device provides the participation statuses within an “event status interface” (i.e., *message board*), and provides the event status interface to the invited participants’ user devices.

EX1003, ¶¶125-126.



EX1004, FIG. 36.

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; EX1003, ¶126. The event status interface also includes a section in which “participants can post a comment [] pertaining to the event.” EX1004, ¶174. 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.

The event status interface is provided to the invited participants of the event, which comprises a *second plurality of user devices*. EX1003, ¶127. As 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.

And as explained above in Section VI.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. Thus, in providing the event status interface to the invited participants, 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; EX1003, ¶¶127-129.

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;

The Burfeind-Crowley combination teaches this element. Burfeind tracks user locations to determine “arrival information” for the users, such as a “distance the invitee [] is from the event location.” EX1004, ¶¶136, 138, *see also* ¶131, 143-145, 169-171, FIG. 36. Thus, Burfeind determines users’ proximity to the event location, but does not explicitly disclose that those users are invited to the event based on their proximity. Crowley provides that explicit disclosure. EX1003, ¶¶71-73, 130-131. 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 [TG’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.

As explained in §VI.A and for element [1.4], the Burfeind-Crowley system teaches automatically sending invitations to a group of contacts (i.e., *second plurality of user devices*) that are geographically proximate 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. EX1003, ¶131.

A POSA would have found it obvious to combine Burfeind and Crowley in this manner for the reasons provided in §VI.A. EX1003, ¶132. Thus, the Burfeind-Crowley combination 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.**

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 invited participants (e.g., whether they 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; EX1003, ¶133.

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 invited participants. EX1003, ¶134. Upon receiving an invitation from the organization device, the participants 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 participants “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*. EX1003, ¶134.

C. Independent Claim 11

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 claims 1 and 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 claim 1. EX1003, ¶135.

Claim 1 Elements ⁷	Corresponding Claim 11 Elements
[1.P]	[11.P]
[1.1]	[11.1]
[1.2]	[11.2]
[1.3]	[11.3]

⁷ The claim element delineation of claims 1 and 11 is specified in the attached claims appendix.

[1.4]	[11.4]
[1.5]	[11.5]
[1.6]	[11.6]

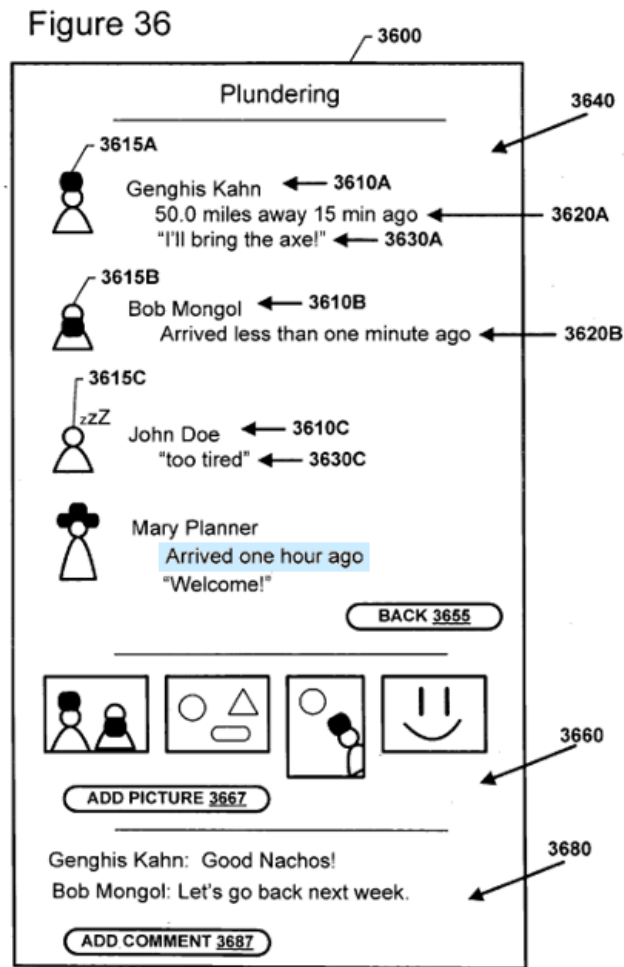
D. Claim 2

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

As explained for element [1.1], Burfeind’s event organizer’s user device transmits the event information (*information items*) to the organization device. EX1004, ¶¶57, 107, 146, 162. The event organizer’s user device 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. Thus, the user device of the event organizer (which sent the *information items*) is geographically proximate to the event location (*situation*). EX1003, ¶137.

The event organizer’s user device is also geographically proximate 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; EX1003, ¶138. For instance, as shown in Figure 36, Burfeind determines that the event organizer, “Mary Planner,” arrived at the event one hour ago. EX1004, ¶147, FIG.

36.



EX1004, FIG. 36.

E. Claim 3

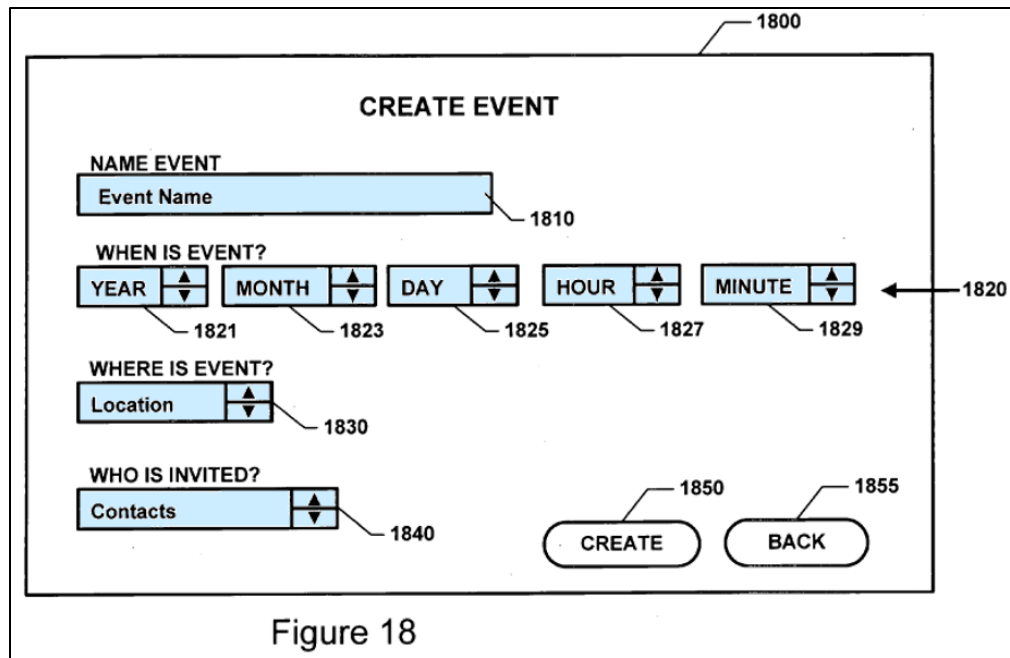
Claim 3 recites, “*wherein the verification occurs after receiving a predetermined number of information items.*”

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.*

EX1003, ¶¶140-143. Specifically, the event organizer inputs a predetermined

number of information items, and then presses the “create button” to create the new event.

Figure 18 depicts an example 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*. EX1003, ¶141. The number of these information items is predetermined because the event organizer’s device is programmed to provide these particular fields, and the organization device is programmed to receive information items corresponding to each field, and to create an event based on this received information. EX1004, ¶107; EX1003, ¶¶141-142. For instance, 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 predetermined to be received to verify and create the new event. EX1003, ¶¶142-143.



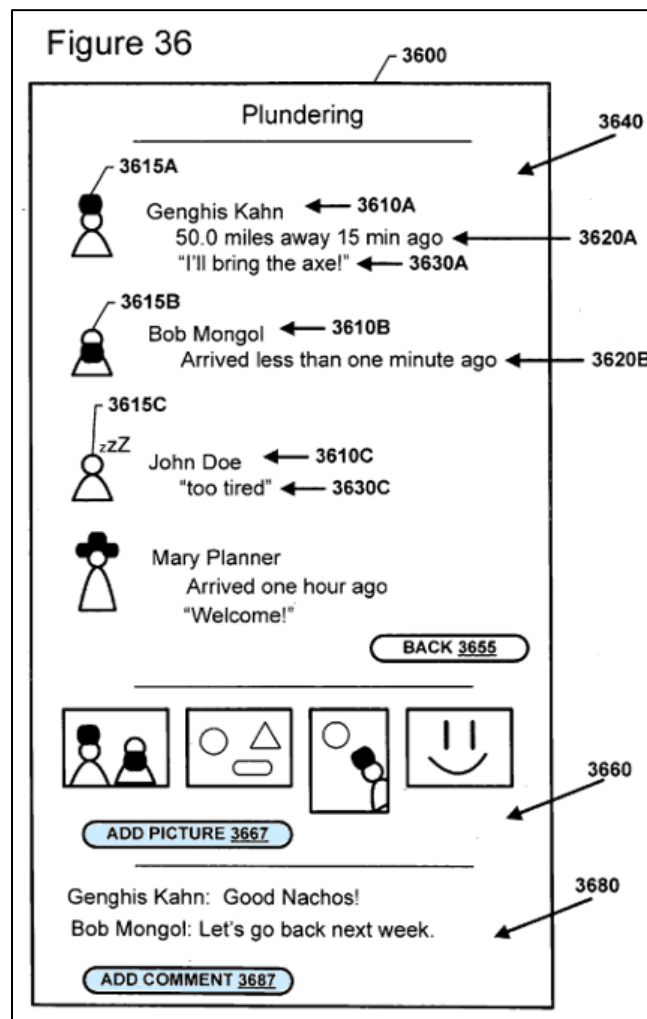
EX1004, FIG. 18.

F. Claim 4

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.*”

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*. EX1003, ¶¶145-146. Specifically, Burfeind teaches that the processing unit 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

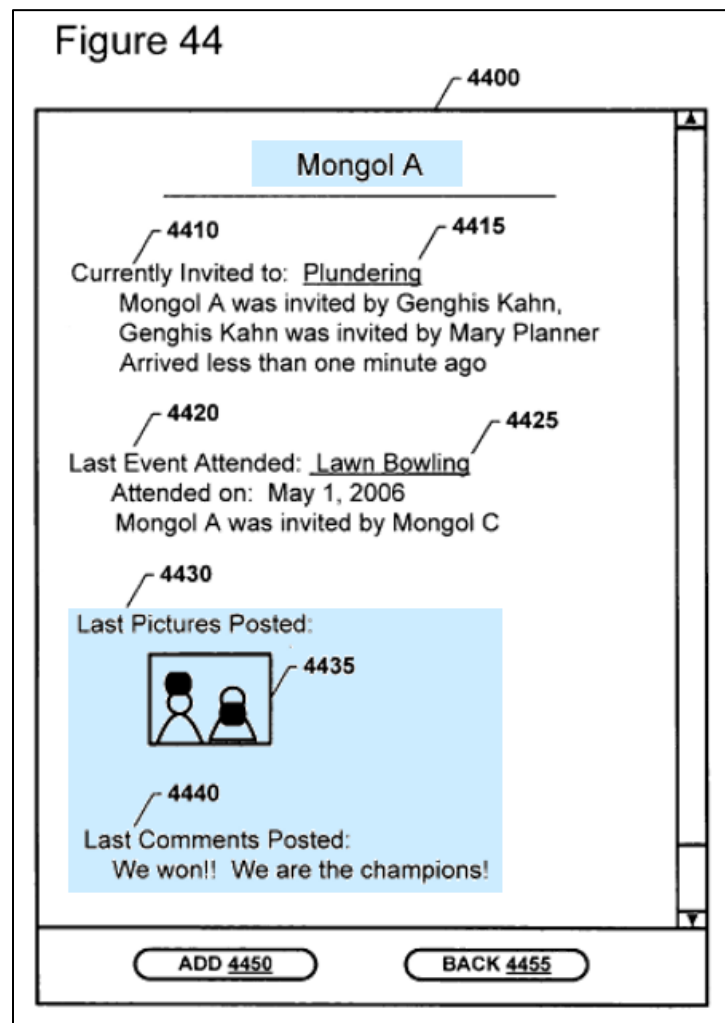
status interface “to upload one or more pictures [] to the event status interface” (e.g., using interface tool 3667), or to “post a comment 3685 pertaining to the event” (e.g., using interface tool 3687). EX1004, ¶¶173-174. The organization device thus determines that the new user device accesses the event status interface to enable the user to view and interact with the event status interface. EX1003, ¶¶145-146.



EX1004, FIG. 36.

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. EX1003, ¶¶147-149. For instance, in response to determining that the new user device has accessed the event status interface, Burfeind'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.

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. EX1003, ¶¶148-149. 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. 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; EX1003, ¶149.

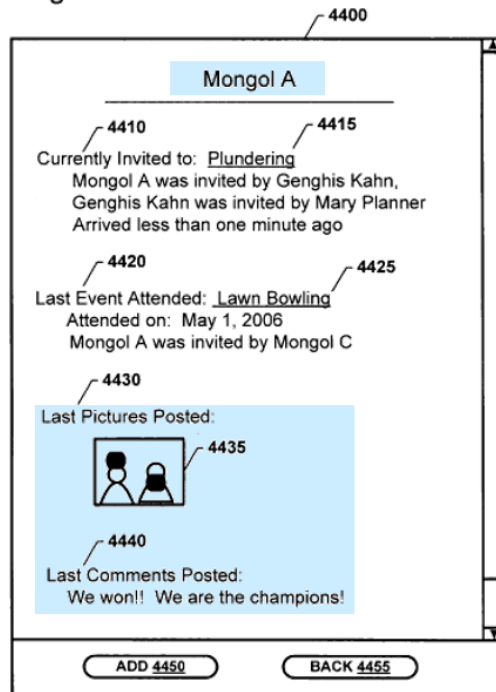
G. Claim 5

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.*"

As explained for claim 4, Burfeind teaches updating the invitee information interface (*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. EX1003, ¶151. 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. 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; EX1003, ¶152. 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.

H. Claim 6

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.”

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 §VI.A, the combined Burfeind-Crowley system teaches inviting guests to the event who are geographically proximate 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 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 the event. EX1003, ¶154.

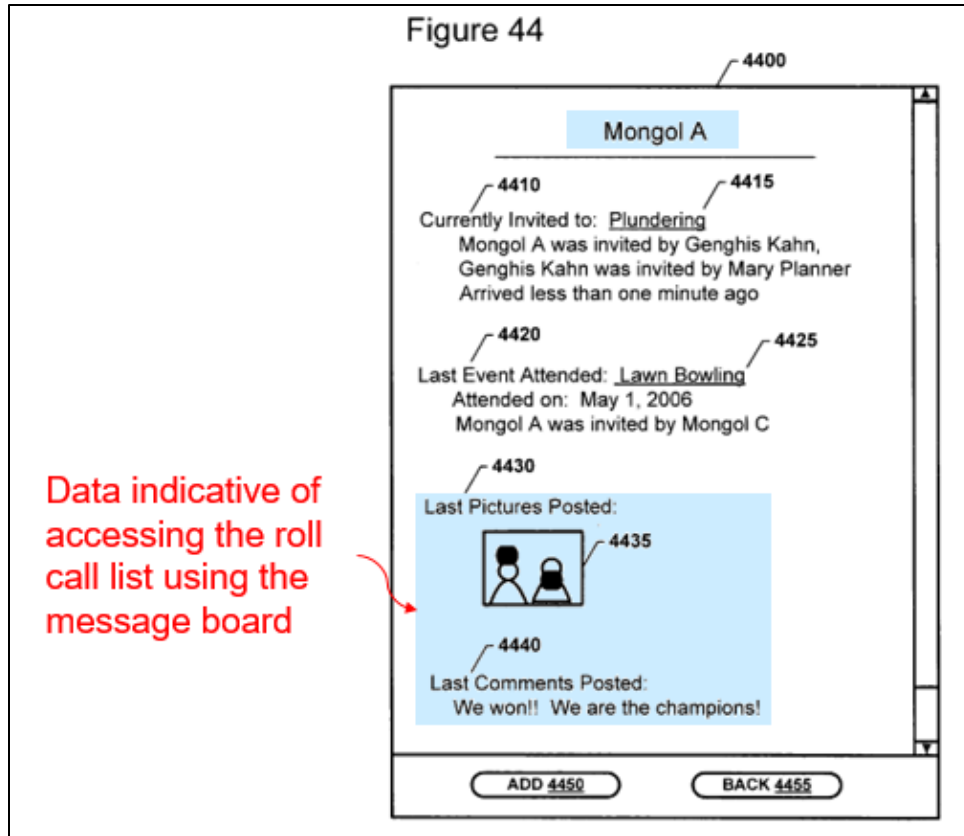
Burfeind also teaches providing the supplemental information item to the new user device based on *social connections associated with the updated user profile*. The new user device is able to access and post in the event status interface, and to receive the updated invitee information interface, because 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*). EX1003, ¶155.

I. Claim 7

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.*”

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. EX1003, ¶157.



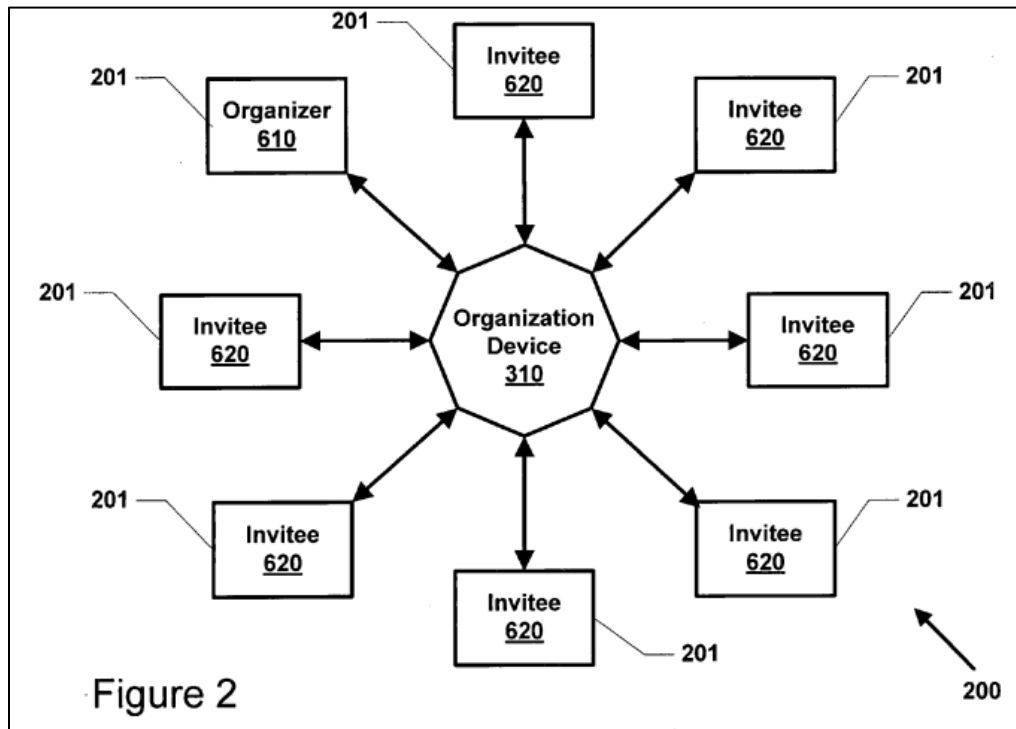
EX1004, FIG. 44.

J. Claim 8

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.*”

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

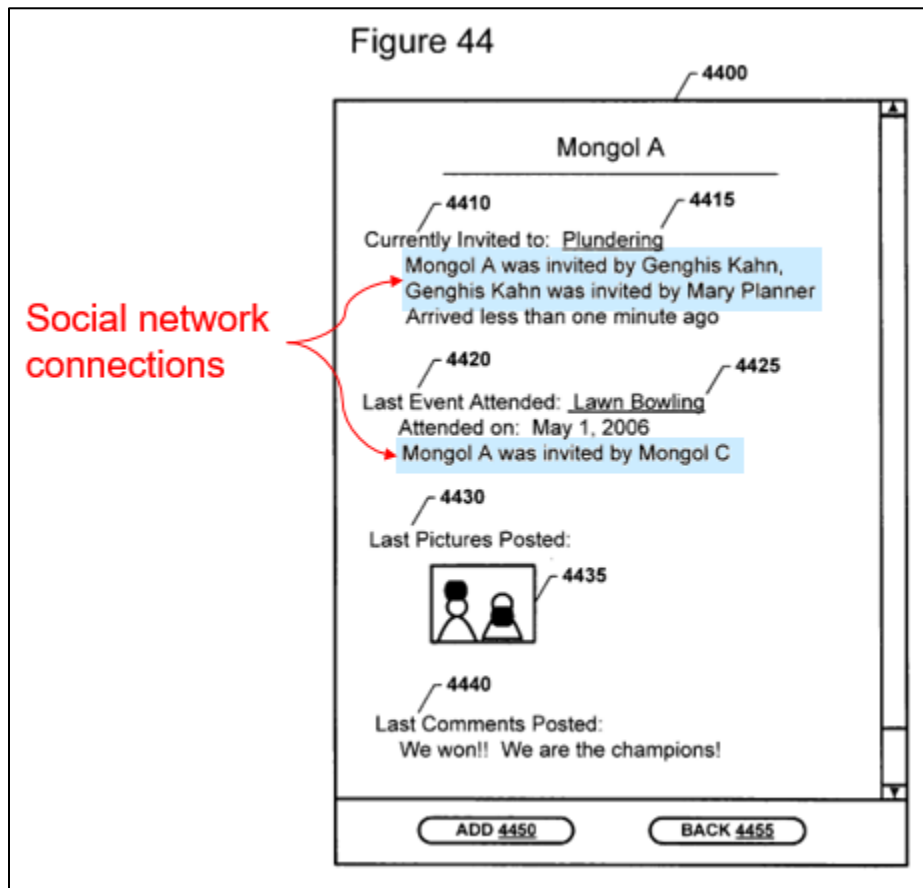
as by communicating comments, pictures, videos, etc. related to the event to which they are all participants. EX1004, ¶¶137-139, 170-174. The user network thus forms social connections among the users. EX1003, ¶159.



EX1004, FIG. 2.

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; EX1003, ¶160. 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 because the interface specifies the social network connections. The combined Burfeind-Crowley system teaches that these social network connections are among participants who are geographically proximate the event location. That is, as shown in Figure 44, Mongol A was “invited by Genghis Kahn,” who is *associated with at least one of the second plurality of user devices*.



EX1004, FIG. 44.

K. Claims 9 and 10

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.”

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. EX1003, ¶162. 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. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (“[T]he [obviousness] analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.”); EX1003, ¶162.

L. Dependent Claims 12-20

Dependent claims 12-20 are substantially similar to dependent claims 2-10, and are thus obvious over the Burfeind-Crowley combination for the same reasons as provided for corresponding dependent claims 2-10. The table below shows how dependent claims 12-20 correspond to dependent claims 2-10. EX1003, ¶163.

Dependent Claim Correspondence ⁸	
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
Claim 9	Claim 19
Claim 10	Claim 20

VII. 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.

Smith teaches “a system and method for receiving event or hazard information by a mobile data processing device.” EX1006, ¶17; EX1003, ¶¶74-75, 164. Specifically, an “event center” “maintains a database and display of hazards... across a large area,” and “transmits a warning to each device that is predicted to

⁸ The full recitations of the claims are listed in the attached claims appendix.

encounter the hazard.” EX1006, ¶¶17-18 110.

Smith’s system is designed to warn and protect users who “have their safety threatened by severe weather conditions” or other events. EX1006, ¶8. And 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. EX1003, ¶¶165-170.

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. EX1003, ¶¶165-170. 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. EX1003, ¶¶51-58, 170.

Sinha is such a reference. EX1003, ¶¶76, 171-173. 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,

1:31-2:6⁹. Like Smith, Sinha sends “alerts and notifications” related to location-specific events to users proximate the event (e.g., within “geographical zones” affected by an event, such as a hurricane, earthquake, pandemic, etc.). EX1007, ¶¶119, 124, 126, 130, FIGs. 4G-H; EX1008, 21:27-31, 22:24-26, 38:15-21, FIGs. 5G-H.

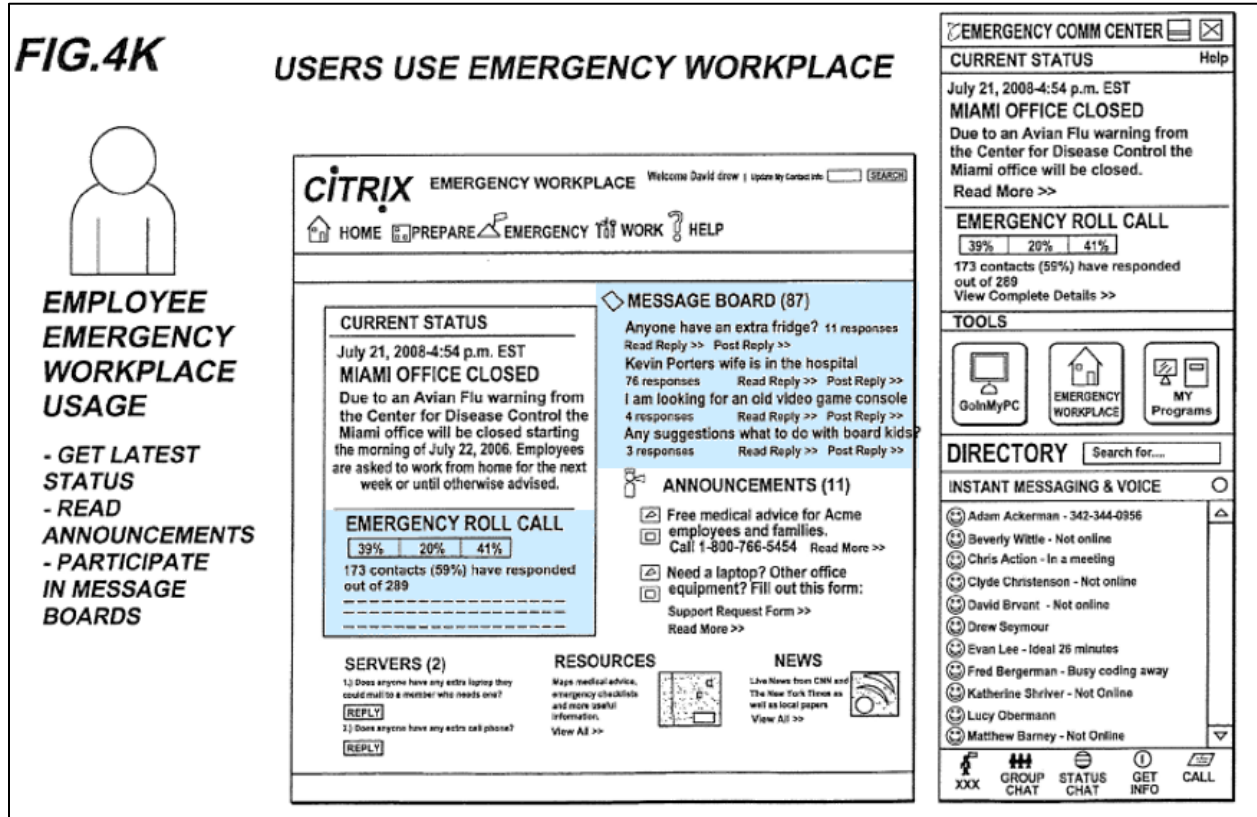
The image is a screenshot of a web interface titled "CITRIX EMERGENCY WORKPLACE". Inside the main frame, there is a sub-frame with a light blue header that says "Welcome David Smith". Below the header, a message reads "Active Emergency=Miami Hurricane Warning" and "A Hurricane warning has been issued for your area." Below this message is a section titled "UPDATE YOUR CONTACT INFO". It contains the text "Please update your contact info for this emergency. Enter your phone number and email you would like coworkers to use." followed by 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).

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;

⁹ The Sinha Provisional (EX1008) is “incorporated by reference” into Sinha (EX1007). EX1007, ¶1.

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.

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.¹⁰

A POSA would have been motivated to implement Sinha's message board and roll call features in Smith. EX1003, ¶¶174-179. 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 a hazardous event, such as a hurricane, tornado, earthquake, pandemic, chemical or biological attack, etc. EX1003, ¶¶174-176. Thus, a POSA would have understood that implementing Sinha's teachings in Smith would be beneficial to enable the use of feedback and added communication. *Id.*

The combined system would determine hazards and transmit warnings to user devices that are geographically proximate the hazards, as taught by Smith. *E.g.*, EX1006, ¶¶17-18; EX1003, ¶177. 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. *Id.* The combined system would further make a message board including the roll call

¹⁰ 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.

list available to the user devices proximate the hazards, as taught by Sinha. *Id.* 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 Smith-Sinha combination. EX1006, ¶115; EX1007, ¶¶121-122; EX1008, 22:14-29; EX1003, ¶177.

A POSA would have had a reasonable expectation of success in implementing these features in Smith. EX1003, ¶¶178-179. 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. 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. EX1003, ¶178.

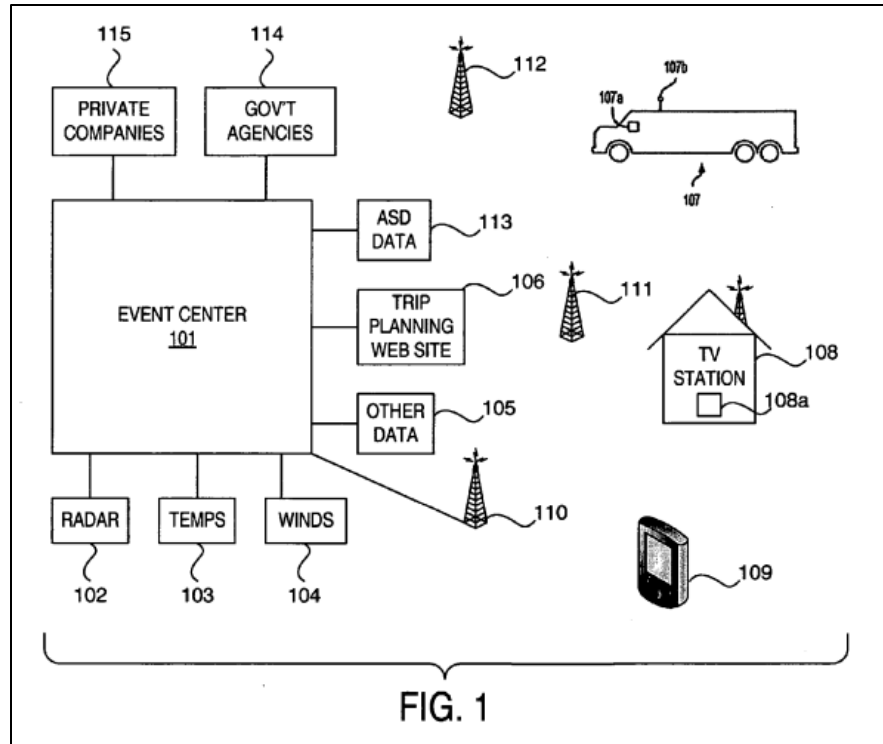
A POSA would have further found it obvious to combine Smith and Sinha as a matter of combining prior-art elements (e.g., Smith’s hazard warning features

and Sinha’s message board and roll call features) according to known methods to yield predictable results, and as merely using a known technique (implementing known message board and roll call features) to improve similar devices in the same way. EX1003, ¶179. Smith’s warning system was ready for improvement to provide user feedback and status-indication features, which are beneficial to enable communication among users proximate an event, and among the users and other concerned parties. *Id.*, ¶¶51-58. 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.

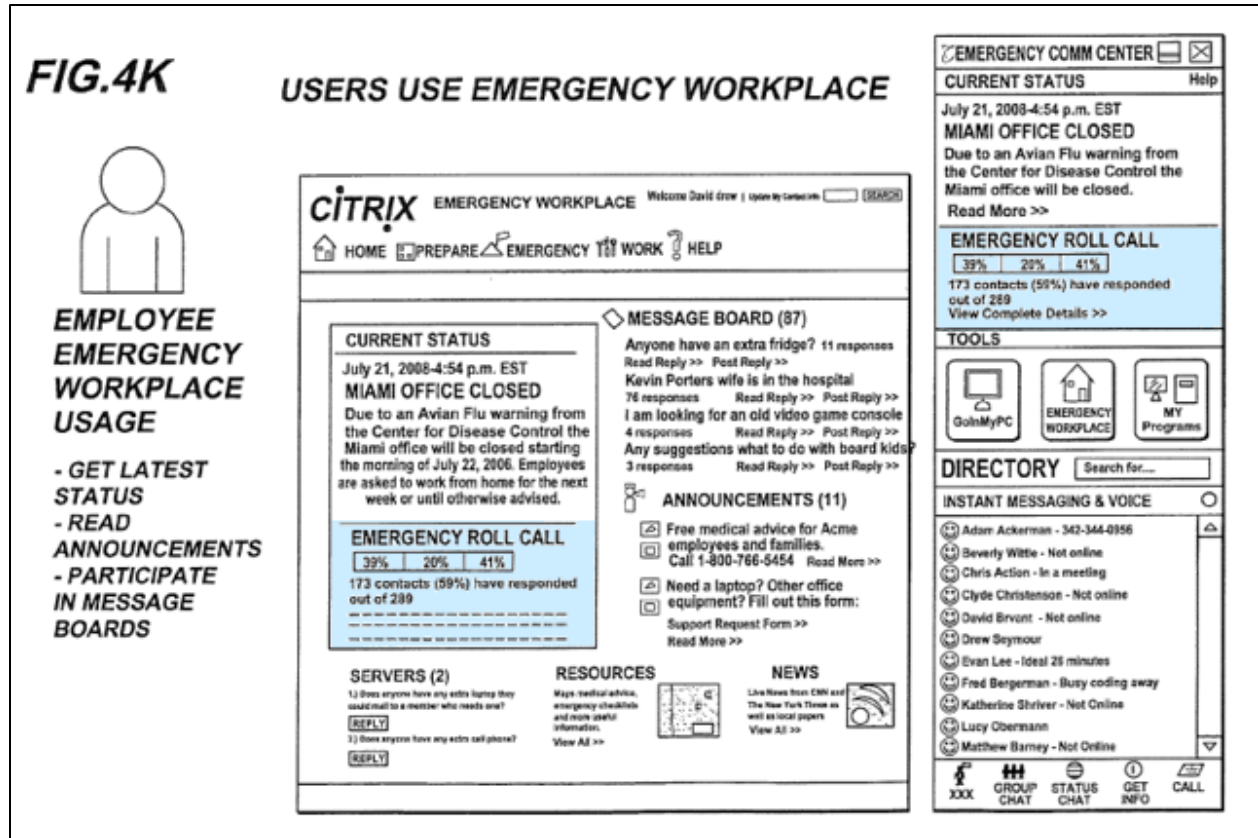
1. [1.P]: A server for providing roll call based information, the server comprising:

To the extent limiting, Smith-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.

To the extent Smith does not *provide roll call based information*, Sinha does. EX1003, ¶¶180-181. 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. 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 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; EX1003, ¶181.



EX1007, FIG. 4K.

A POSA would have modified Smith to implement Sinha's roll call techniques for the reasons provided in §VII.A. EX1003, ¶182. 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;

Smith's event center includes a *network controller*. EX1003, ¶184. 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.

Smith’s network controller is configured to *receive an information item from a user device, wherein the information item identifies a situation*. EX1003, ¶185. 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. For instance, 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.

Smith’s event is the *situation* as claimed. EX1003, ¶186; *see also* 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;

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; EX1003, ¶¶187-188. The event center sends “information concerning the nature of the event” to “each device that is predicted to intersect with or be located” proximate 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 comprise the *first plurality of user devices*. EX1003, ¶187.

Specifically, upon receiving an “event type and 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, ¶110. Further, “authorized users may access the data stored on the event center server, e.g., via the Internet.” EX1006, ¶110, *see also* ¶¶111, 115 (“authorized users or subscribers can access any and/or all information stored in the event center server”). A POSA would have thus understood that the user devices of the “authorized users or subscribers” comprise the *first plurality of*

user devices. EX1003, ¶188.

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

Smith's event center server includes a *central processing unit* because it includes "a computer or other data processing device." EX1006, ¶124, *see also* ¶¶21, 50, 56, 69-70, 110; EX1003, ¶189. The central processing unit is coupled to the *network controller* because the central processing unit performs operations using information received from user devices via the network controller. EX1006, ¶¶21, 56, 69-70, 108, 124; EX1003, ¶190; *see also* EX1001, 33:12-17, FIG. 23.

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; EX1003, ¶191. 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

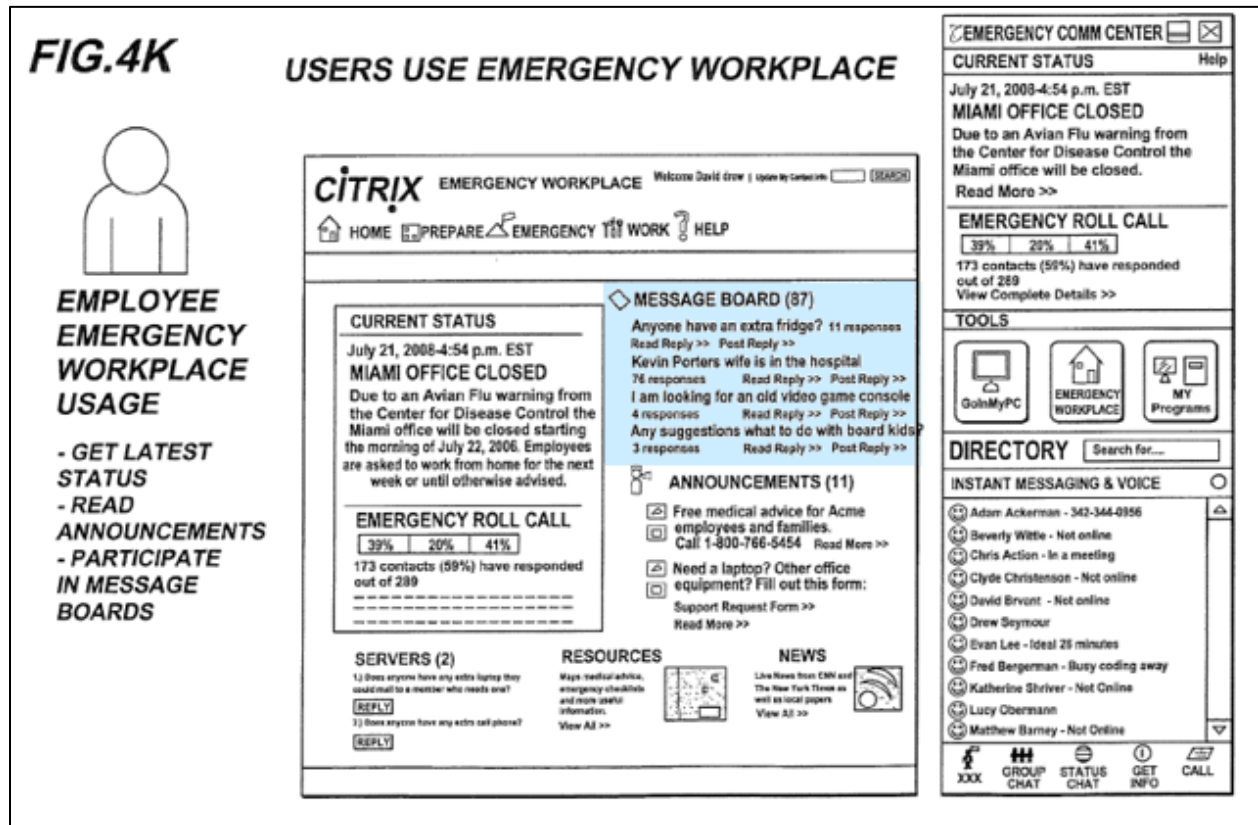
event center thus performs the integrity check to *verify that the information item is related to the situation*. EX1003, ¶191.

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

The Smith-Sinha combination 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; EX1003, ¶¶192-194. This warning is transmitted in response to performing the integrity check on the reported data (*the verifying*). EX1006, ¶¶101-102, 119, FIG. 12; EX1003, ¶192. Although Smith does not teach the claimed *message board*, such a *message board* would have been obvious in view of Sinha's teachings. EX1003, ¶192.

As explained in §VII.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 determining 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.

As explained in §VII.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*). EX1003, ¶¶193-194. 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. 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. Thus, the Smith-Sinha combination 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;

Smith-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. "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. 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. EX1003, ¶¶195-196.

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; EX1003, ¶197.

Activate Emergency : STEP 1																					
① Choose Scenario ② Review Zones ③ Review Alert Notifications ④ Review Status Message ⑤ Request Activation Approval	Chosen Emergency Scenario from the list below, then click the Next button. ▼ Scenarios <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> BACK NEXT	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																				
SAVE CANCEL																					

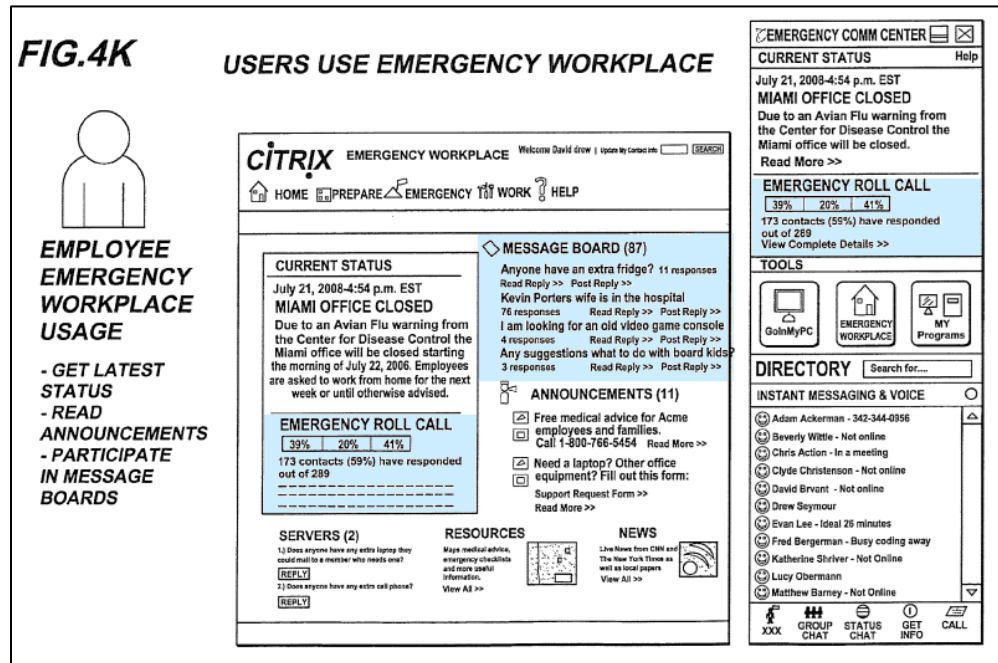
EX1007, FIG. 4G (excerpt).

As explained in §VII.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*. EX1003, ¶198.

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.

Smith-Sinha teaches this element. First, Sinha teaches a *message board* that *comprises a roll call list*. EX1003, ¶¶200-202. As explained for element [1.4], Sinha's WFC server provides a "portal web-site or service" that presents a user

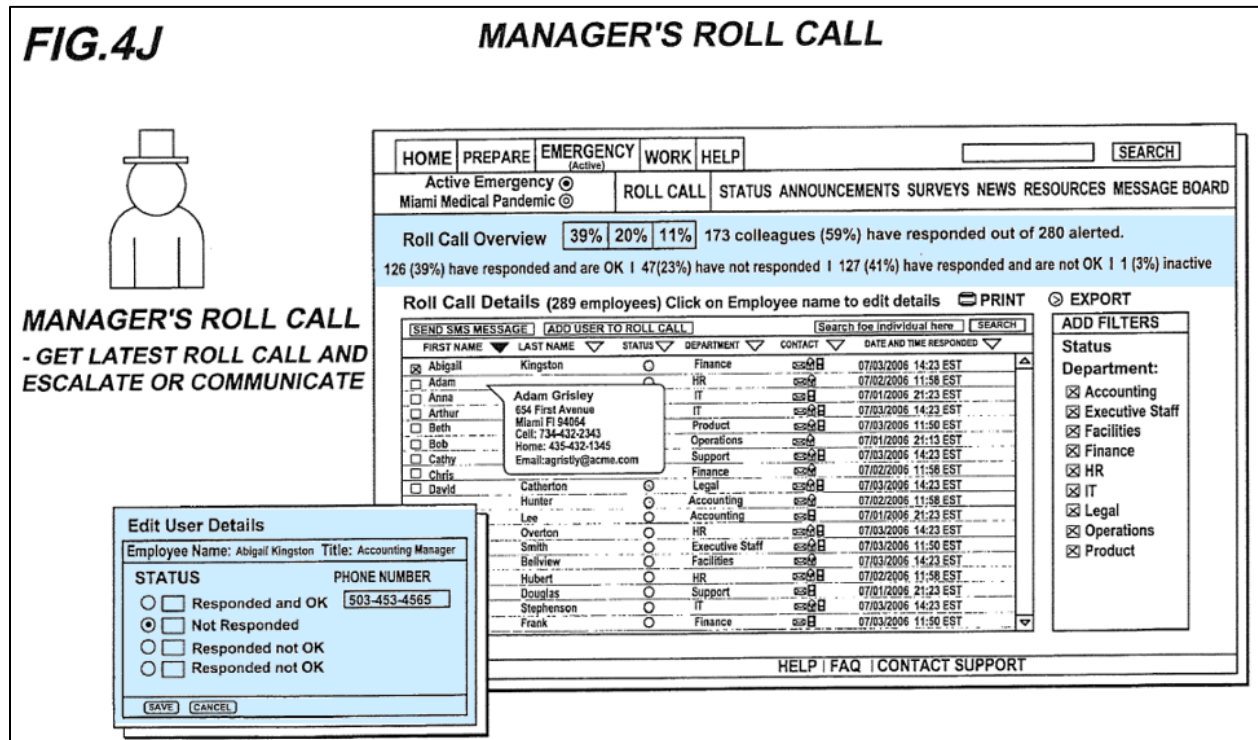
interface including a “message board.” EX1007, ¶¶58, 72, 134, FIG. 4K; EX1008, 5:27-6:4, 22:14-19, 24:28-25:2, FIG. 5K. The user interface also “displays information for the employee regarding the employee roll call” (*roll call list*). EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K; EX1003, ¶¶200-202.



EX1007, FIG. 4K.

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; EX1003, ¶200. Users can interact with the roll call in the Emergency Workplace interface 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.¹¹



EX1007, FIG. 4J.

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. Thus, the message board comprises the roll call list as claimed. EX1003, ¶202.

¹¹ 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.

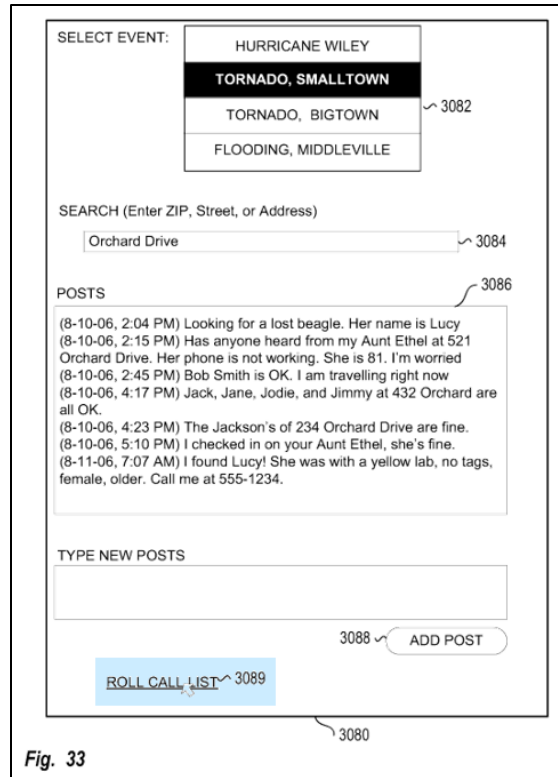


Fig. 33

EX1001, FIG. 33.

Second, in the Smith-Sinha combination, the 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*. EX1003, ¶¶203-205. 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. 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 Smith’s 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.*

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 §VII.A. EX1003, ¶205. 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.

C. Independent Claim 11

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 table in Section VI.C 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. EX1003, ¶206.

D. Claim 2

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, Smith-Sinha renders this claim obvious. EX1003, ¶208.

E. Claim 3

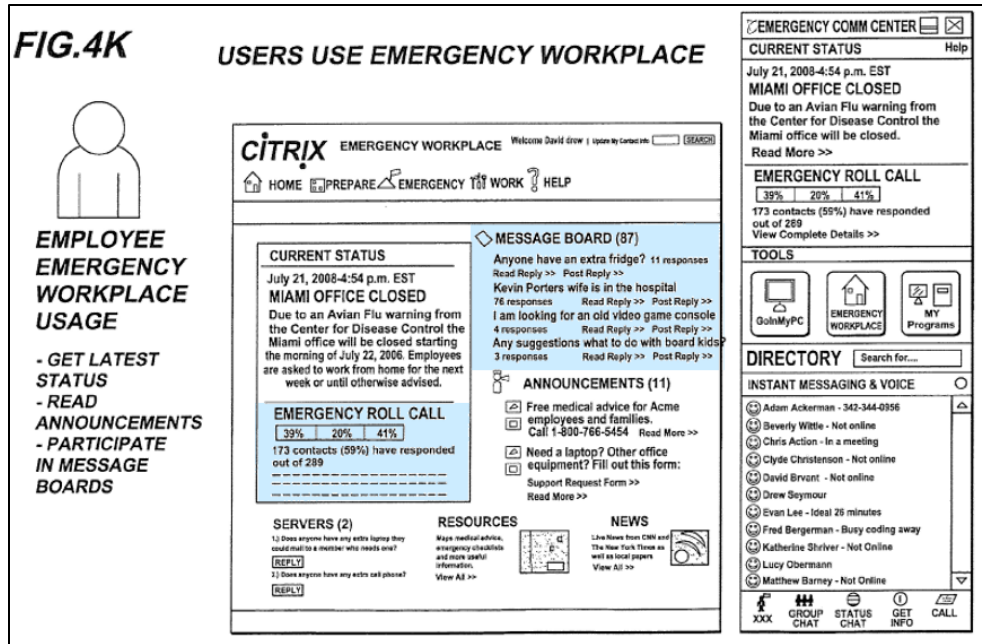
As explained for element [1.3], Smith performs the *verification* by performing an “integrity check” on data reported by a user. EX1006, ¶101. The integrity check “determin[es] the user or spotter from which the information was received” and/or “compare[s] the received information to known conditions.” EX1006, ¶101. The integrity check is performed after receiving a predetermined number of information items from a user. EX1003, ¶¶210-212. For instance, the user reports the event type and location. EX1006, ¶¶21, 95-98. The number of these information items is required and thus predetermined for performing the integrity check. 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.

F. Claim 4

Sinha-Smith teaches this element.

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* the first time the user device accessed the message board and roll call list. EX1003, ¶215.



EX1007, FIG. 4K.

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.* EX1003, ¶¶216-218. 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.

As shown in Figure 4J below, when the manager accesses the roll call list (and selects a user from the list), Sinha provides to the manager's user device a user interface for updating 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 accesses the roll call list

(and selects a user from the list). In response, Sinha's system provides the manager with the "Edit User Details" interface, and updates the user details (*user profile*) stored in the system based on the manager's inputs. EX1003, ¶¶216-217.

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	OK	Finance	503-453-4565	07/03/2006 14:23 EST
Adam	Grisley	OK	HR	503-453-4565	07/02/2006 11:56 EST
Anna		OK	IT	503-453-4565	07/01/2006 21:23 EST
Arthur		OK	Product	503-453-4565	07/03/2006 14:23 EST
Beth		OK	Operations	503-453-4565	07/01/2006 21:13 EST
Bob		OK	Support	503-453-4565	07/03/2006 14:23 EST
Cathy		OK	Finance	503-453-4565	07/02/2006 11:56 EST
Chris		OK	Legal	503-453-4565	07/03/2006 14:23 EST
David		OK	Accounting	503-453-4565	07/02/2006 11:56 EST
Lee		OK	Accounting	503-453-4565	07/01/2006 21:23 EST
Overton		OK	HR	503-453-4565	07/03/2006 14:23 EST
Smith		OK	Executive Staff	503-453-4565	07/03/2006 11:50 EST
Bellview		OK	Facilities	503-453-4565	07/03/2006 14:23 EST
Hubert		OK	HR	503-453-4565	07/02/2006 11:56 EST
Douglas		OK	Support	503-453-4565	07/01/2006 21:23 EST
Stephenson		OK	IT	503-453-4565	07/03/2006 14:23 EST
Frank		OK	Finance	503-453-4565	07/03/2006 11:50 EST

HELP | FAQ | CONTACT SUPPORT

ADD FILTERS

Status Department:

- ☒ Accounting
- ☒ Executive Staff
- ☒ Facilities
- ☒ Finance
- ☒ HR
- ☒ IT
- ☒ Legal
- ☒ Operations
- ☒ Product

Edit User Details

Employee Name: Abigail Kingston Title: Accounting Manager

STATUS PHONE NUMBER

☐ Responded and OK 503-453-4565

☒ Not Responded

☐ Responded not OK

☐ Responded not OK

SAVE CANCEL

EX1007, FIG. 4J.

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 HOME PHONE

503-453-4565 503-453-4565

STREET ADDRESS

324 First St.

CITY STATE

Miami FL

ZIP

14565

SAVE CANCEL

EX1008, 101.

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; EX1003, ¶217. 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.

A POSA would have found it obvious to combine Smith and Sinha for the reasons provided in §VII.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 as taught by Sinha. EX1003, ¶218. 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. A POSA would have had a reasonable expectation of success in implementing these features for the reasons provided in §VII.A.

G. Claim 5

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. EX1003, ¶220.

A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §VII.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. EX1003, ¶221.

H. Claim 6

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 roll call list is provided to team members who are proximate 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. EX1003, ¶223.

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

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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	☒	Finance	504 First Avenue	07/03/2006 14:23 EST
Adam		☐	HR		07/02/2006 11:38 EST
Anna		☐	IT		07/01/2006 21:23 EST
Arthur		☐	Product		07/03/2006 14:23 EST
Beth		☐	Operations		07/03/2006 11:50 EST
Bob		☐	Support		07/01/2006 21:13 EST
Cathy		☐	Finance		07/03/2006 14:23 EST
Chris		☐	Finance		07/02/2006 11:38 EST
David		☐	Legal		07/03/2006 14:23 EST
Catherine		☐	Accounting		07/02/2006 11:38 EST
Hubert		☐	Accounting		07/01/2006 21:23 EST
Overton		☐	HR		07/03/2006 14:23 EST
Smith		☐	Executive Staff		07/03/2006 11:50 EST
Belview		☐	Facilities		07/03/2006 14:23 EST
Hubert		☐	HR		07/02/2006 11:38 EST
Douglas		☐	Support		07/01/2006 21:23 EST
Stephenson		☐	IT		07/03/2006 14:23 EST
Frank		☐	Finance		07/03/2006 11:50 EST

HELP FAQ CONTACT SUPPORT

Edit User Details
Employee Name: Abigail Kingston Title: Accounting Manager

STATUS PHONE NUMBER
☐ Responded and OK 503-453-4565
☒ Not Responded
☐ Responded not OK
☐ Responded not OK

SAVE CANCEL

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

EX1007, FIG. 4J.

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; EX1003, ¶224. The updated user status is thus provided based on *demographic information associated with the updated user profile*.

Sinha also teaches providing the supplemental information item to the new user device based on *social connections associated with the updated user profile*. EX1003, ¶225. 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. *Id.*

A POSA would have found it obvious to combine Smith and Sinha in this

manner for the reasons provided in §VII.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. EX1003, ¶226. For instance, the combined system would enable friends, family, or other members of the community (proximate the event) to access user details for another user to enable those users to provide missing information, as taught by the combination of Smith and Sinha. *Id.*

I. Claim 7

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 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.” EX1003, ¶228.

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*. EX1003, ¶229.

A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §VII.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*. EX1003, ¶230.

J. Claim 8

Sinha's updated user profile comprises a *social network connection* to the manager because it specifies the user's job title and department within the organization. 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; EX1003, ¶232. 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.

A POSA would have found it obvious to combine Smith and Sinha in this manner for the reasons provided in §VII.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*. EX1003, ¶233.

A. Dependent Claims 12-18

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 in Section VI.L shows the claim correspondence. EX1003, ¶234.

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

The combination of Smith in view of Sinha and Gage renders obvious claims 9-10 and 19-20. EX1003, ¶¶235-244.

As explained in §VII.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. EX1006, ¶115; EX1007, ¶¶121-122; EX1008, 22:14-29; EX1003, ¶237. But, to the extent the Smith-Sinha combination does not expressly teach *social connections* indicative of family or friends, Gage does.

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.

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. EX1003, ¶¶237-241. 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.

While Sinha 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 the event. *See* §VII.A; EX1003, ¶240. 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. EX1003, ¶¶240-241.

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; EX1003, ¶242.

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. EX1003, ¶243.

A POSA would have had a reasonable expectation of success in implementing these features for the same reasons provided in §VII.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. EX1003, ¶244.

IX. DISCRETIONARY CONSIDERATIONS UNDER SECTIONS 314(A) AND 325(D) STRONGLY FAVOR INSTITUTION.

A. The *Advanced Bionics* two-part framework strongly favors institution.

Denial under *Advanced Bionics* is not appropriate. Under the *Advanced Bionics* framework, the same or substantially the same art or arguments were *not* previously presented to the Office, ending the inquiry in favor of institution. Only Sinha has been considered by the Office, via citation in an IDS. Sinha was not applied in a rejection or considered in combination with Smith, as applied herein. Thus, the Board should not deny institution under 35 U.S.C. § 325(d).

B. Denial under *Fintiv* is not appropriate.

The *Fintiv* factors strongly favor institution. The stage and location of the parallel litigation in the Southern District of New York (factors 2 and 3),

Petitioner's stipulation (factor 4), and the compelling merits of the Petition (factor 6) all favor institution.

Factor 1 is neutral or favors institution. No motion for stay has been filed and the SDNY court has not indicated whether it would grant any such motion.

Factor 2 favors institution because the SDNY case is in early stages, and the median time to trial for civil actions in SDNY is almost four years (47 months). Although trial is currently scheduled for January 20, 2025, EX1019, the Director recognizes that "scheduled trial dates are unreliable and often change." *Fintiv* Guidance Memo, 8.

Factor 3 favors institution because, by the time of institution, much work will remain in the parallel litigation. For example, discovery will still be ongoing and substantive motion practice will not yet be complete. EX1019. Currently, the court has not made any substantive rulings (e.g., a claim construction order). Petitioner's diligence filing the Petition 7 months after the filing of the complaint, only 2 months after the infringement contentions and 3 weeks after the invalidity contentions, and 5 months before the statutory deadline confirms that factor 3 favors institution.

Factor 4 also favors institution. Petitioner stipulates that, if the Board institutes this Petition, Petitioner will not raise at trial in the parallel litigation any invalidity challenges based on prior art that is asserted here. Additionally, the

Petition challenges all claims whereas only claims 1-4 and 11-14 are asserted in litigation.

Factor 6 is *dispositive* in favor of institution because, as shown above, the grounds applied herein are compelling, meritorious challenges that present evidence in which, if unrebutted, would plainly lead to a conclusion that the challenged claims are unpatentable by a preponderance of the evidence.

X. CONCLUSION

The challenged claims are unpatentable as obvious and *inter partes* review is warranted.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

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Michael D. Specht (Reg. No. 54,463)
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Date: February 27, 2024

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

Claims Appendix – U.S. Patent No. 11,470,682

Claim 1

Element	
[1.P]	A server for providing roll call based information, the server comprising:
[1.1]	a network controller configured to: receive an information item from a user device, wherein the information item identifies a situation; and
[1.2]	make the information item available to a first plurality of user devices;
[1.3]	a central processing unit, coupled to the network controller, configured to verify that the information item is related to the situation; and
[1.4]	in response to the verifying, make a message board related to the situation available to a second plurality of user devices;
[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; and
[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.

Claim 2

Element	
[2]	The server of claim 1, wherein the user device from which the information item related to the situation was received is geographically proximate to the situation.

Claim 3

Element	
[3]	The server of claim 1, wherein the verification occurs after receiving a predetermined number of information items.

Claim 4

Element	
[4]	The server of claim 1, 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.

Claim 5

Element	
[5]	The server of claim 4, wherein the central processing unit is configured to: provide supplemental information item to the new user device based on the updated user profile.

Claim 6

Element	
[6]	The server of claim 5, 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.

Claim 7

Element	
[7]	The server of claim 5, wherein providing the supplemental information item to the new [u]ser 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.

Claim 8

Element	
[8]	The server of claim 5, 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.

Claim 9

Element	
[9]	The server of claim 8, wherein the social connection between the first user and the second user is indicative of a friend relationship.

Claim 10

Element	
[10]	The server of claim 8, wherein the social connection between the first user and the second user is indicative of a family relationship.

Claim 11

Element	
[11.P]	A method for providing roll call based information, the method comprising:
[11.1]	receiving, at a central server, an information item from a user device, wherein the information item identifies a situation;
[11.2]	making the information item available to a first plurality of user devices;
[11.3]	verifying that the information item is related to the situation; and
[11.4]	in response to the verifying, making a message board related to the situation available to a second plurality of user devices;
[11.5]	wherein the second plurality of user devices was identified based on the second plurality of user devices being geographically proximate to the situation; and

[11.6]	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.
--------	---

Claim 12

Element	
[12]	The method of claim 11, wherein the user device from which the information item related to the situation was received is geographically proximate to the situation.

Claim 13

Element	
[13]	The method of claim 11, wherein the verification occurs after receiving a predetermined number of information items.

Claim 14

Element	
[14]	The method of claim 11, further comprising: determining 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, updating a user profile associated with the new user device.

Claim 15

Element	
[15]	The method of claim 14, further comprising: providing a supplemental information item to the new user device based on the updated user profile.

Claim 16

Element	
[16]	The method of claim 15, 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.
--	--

Claim 17

Element	
[17]	The method of claim 15, 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.

Claim 18

Element	
[18]	The method of claim 15, 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.

Claim 19

Element	
[19]	The method of claim 18, wherein the social connection between the first user and the second user is indicative of a friend relationship.

Claim 20

Element	
[20]	The method of claim 18, wherein the social connection between the first user and the second user is indicative of a family relationship.

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

1. This Petition for *Inter Partes* Review complies with the type-volume limitation of 14,000 words, comprising 13,964 words, excluding the parts exempted by 37 C.F.R. § 42.24(a)(1).

2. This Petition for *Inter Partes* Review complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

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

Date: February 27, 2024

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

CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

I certify that the above-captioned **PETITION FOR *INTER PARTES***
REVIEW FOR U.S. PATENT NO. 11,470,682 and associated Exhibits 1001-
1019 were served in their entireties upon the Patent Owner on February 27, 2024,
via FedEx® Express at the following addresses:

HALEY GUILIANO LLP
75 Broad Street, Suite 1000
New York, NY 10004
Patent Owner's Correspondence Address of Record for U.S. Patent No.
11,470,682

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

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Counsel for Petitioner Meta Platforms, Inc.

Date: February 27, 2024

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