

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 IPR2024-00612
U.S. Patent No. 8,249,932

**PETITION FOR *INTER PARTES* REVIEW OF CLAIMS 12–21
OF U.S. PATENT NO. 8,249,932**

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE '932 PATENT AND ITS PROSECUTION HISTORY	2
	A. The '932 patent	2
	B. Prosecution history	4
III.	PERSON OF ORDINARY SKILL IN ART	5
IV.	CLAIM CONSTRUCTION	5
V.	IDENTIFICATION OF THE CHALLENGE (37 C.F.R. §42.104(B))	6
	A. Prior art.....	6
	B. Statutory grounds.....	6
VI.	GROUND 1: CLAIMS 12 AND 14-21 ARE OBVIOUS OVER AMIDON IN VIEW OF WALSH AND SHAHINE.	7
	A. Motivation to Combine Amidon and Walsh.....	7
	B. Independent Claim 12	11
	1. [12.P] “A method of presenting targeted advertising in a situational network”	11
	2. [12.A] “obtaining an indication of an occurrence of a situation”	14
	3. [12.B] “establishing an event node for the situation in a multi- dimensional personal information network”.....	15
	4. [12.C] “automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node, the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network and assigned an access level according to a role of the respective individual within the situational network”	17
	5. [12.D] “creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding information [] aggregators”	20

6.	[12.E] “aggregating information related to the situation received from the personal information aggregators connected through the situational network”	22
7.	[12.F] “providing the information and at least one of a plurality of advertisements to each of the information aggregators based on which of the two or more projections includes the respective personal information aggregator”	23
C.	Claim 14	26
D.	Claim 15	27
E.	Claim 16	28
F.	Claim 17	30
G.	Claim 18	30
H.	Claim 19	32
I.	Claim 20	35
J.	Claim 21	36
VII.	GROUND 2: CLAIM 13 IS OBVIOUS OVER AMIDON AND WALSH IN VIEW OF SHAHINE.	37
A.	Overview of Shahine	37
B.	Claim 13	39
VIII.	GROUND 3: CLAIM 20 IS OBVIOUS OVER AMIDON AND WALSH IN VIEW OF JONES.	42
IX.	THE BOARD SHOULD NOT DISCRETIONARILY DENY THE PETITION.	44
A.	<i>Advanced Bionics</i> strongly favors institution.	44
B.	The Board should not deny the Petition under <i>Fintiv</i>	44
X.	CERTIFICATION THAT THE PATENT MAY BE CONTESTED VIA <i>INTER PARTES</i> REVIEW BY THE PETITIONER AND STANDING (37 C.F.R. § 42.104(A))	46
XI.	MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1))	46
XII.	CONCLUSION	47

PETITIONER’S EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,249,932 to Cona et al. (“’932 patent”)
1002	Prosecution History of U.S. Patent No. 8,249,932 (“Prosecution History”)
1003	Declaration of Bernard J. Jansen, Ph.D.
1004	<i>Curriculum Vitae</i> of Bernard J. Jansen, Ph.D.
1005	<i>Intentionally Left Blank</i>
1006	<i>Intentionally Left Blank</i>
1007	U.S. Patent No. 8,346,864 to Amidon et al. (“Amidon”)
1008	U.S. Patent No. 9,195,996 to Walsh et al. (“Walsh”)
1009	Ioannidis, J.P.A. et al., “Updated science-wide author databases of standardized citation indicators,” <i>PLOS Biology</i> (Oct. 2020)
1010	<i>Intentionally Left Blank</i>
1011	U.S. Patent No. 7,263,614 to Roskind (“Roskind”)
1012	<i>Intentionally Left Blank</i>
1013	Zhang, P. et al., “Intelligent Delivery of Interactive Advertisement Content,” Bell Labs Technical Journal, 13(3):143-158 (Sept. 2008)
1014	U.S. Patent Pub. No. 2006/0095320 to Jones (“Jones”)
1015	U.S. Patent No. 8,799,073 to Shahine et al. (“Shahine”)
1016	“Why we’re buying DoubleClick” Google Blog, accessed at https://googleblog.blogspot.com/2007/06/why-were-buying-doubleclick.html (June 26, 2007) (“Google Blog”)
1017	<i>Intentionally Left Blank</i>
1018	<i>Intentionally Left Blank</i>
1019	<i>Intentionally Left Blank</i>
1020	<i>Intentionally Left Blank</i>
1021	“GPS Coordinates,” TechTarget (Aug. 2022)
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Exhibit No.	Description
1023	<i>Intentionally Left Blank</i>
1024	Tsang, M.M. et al., “Consumer Attitudes Toward Mobile Advertising: An Empirical Study,” <i>International Journal of Electronic Commerce</i> , 8(3):65-78 (2004)
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1026	Bruner, R.E. et al., “Best Practices for Optimizing Web Advertising Effectiveness,” <i>DoubleClick</i> (May 2006)
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1028	Jafarzadeh, H. et al., “A Systematic Review on Search Engine Advertising,” <i>Pacific Asia Journal of the Association for Information Systems</i> , 7(3):1-32 (Sept. 2015)
1029	“What is an ad server?,” Adjust, accessed at https://www.adjust.com/glossary/ad-server-definition/
1030	<i>Intentionally Left Blank</i>
1031	U.S. Patent No. 8,560,385 to Atazky et al. (“Atazky”)
1032	Complaint, <i>SitNet, LLC v. Meta Platforms, Inc.</i> , Case No. 1:23-cv-06389 (S.D.N.Y.)
1033	“From the original banner to Tosh.0: The hits and misses of publisher ad plays,” <i>Digiday</i> , accessed at https://digiday.com/sponsored/001-328-347-628-gumgumbcs-timeline-how-publishers-monetized-their-pages-since-1988/ (Dec. 9, 2015)
1034	Hesterberg, K., “A Brief History of Online Advertising,” accessed at https://blog.hubspot.com/marketing/history-of-online-advertising (Nov. 28, 2021)
1035	LaFrance, A., “The First-Ever Banner Ad on the Web,” accessed at https://www.theatlantic.com/technology/archive/2017/04/the-first-ever-banner-ad-on-the-web/523728/ (Apr. 21, 2017)

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1040	“Google Timeline,” The New York Times, accessed at https://www.nytimes.com/2004/04/29/business/google-timeline.html (April 29, 2004)
1041	“The Evolution of Google AdWords – A \$38 Billion Advertising Platform,” WordStream, accessed at https://www.wordstream.com/blog/ws/2012/06/05/evolution-of-adwords (Dec. 18, 2023)
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1045	Allen, C., “Stale Cookies,” ClickZ, accessed at https://www.clickz.com/stale-cookies/ (Dec. 28, 1999)

Exhibit No.	Description
1046	Rothenberg, R., “An Advertising Power, but Just What Does Doubleclick Do?,” The New York Times, accessed at https://www.nytimes.com/1999/09/22/technology/an-advertising-power-but-just-what-does-doubleclick-do.html (Sept. 22, 1999)
1047	Malhotra, A., “HTML Images,” Tech Altum, accessed at https://tutorial.techaltum.com/html-image.html (May 27, 2023)
1048	“Pop-up ads OK for Tripod,” CNET, accessed at https://www.cnet.com/tech/services-and-software/pop-up-ads-ok-for-tripod/ (Dec. 22, 1997)
1049	Langheinrich, M., “Unintrusive customization techniques for Web advertising,” Computer Networks: The International Journal of Computer and Telecommunications Networking, 31(11-16):1259-72 (May 1999)
1050	Reiter, M.K., “Detecting Hit Shaving in Click-Through Payment Schemes,” Proceedings of the 3rd USENIX Workshop on Electronic Commerce (Aug. 31, 1998)
1051	Civil Case Management Plan and Scheduling Order, Case No. 1:23-cv-06389 (S.D.N.Y.), Document 35 (10/20/2023)
1052	Plaintiff SitNet’s Disclosure of Asserted Claims and Infringement Contentions, <i>SitNet, LLC v. Meta Platforms, Inc.</i> , Case No. 1:23-cv-06389 (S.D.N.Y.)

I. INTRODUCTION

Petitioner Meta Platforms, Inc. (“Petitioner”) petitions for *inter partes* review, seeking cancellation of claims 12-21 of U.S. Patent No 8,249,932 (“the ’932 patent”; EX1001), assigned to SitNet, LLC (“Patent Owner”). The Board should institute this proceeding because the ’932 patent claims nothing more than well-known techniques developed long before the ’932 patent’s earliest priority date. This Petition is supported by the declaration of Bernard J. Jansen (EX1003), who holds a Ph.D. in computer science and has more than 25 years of academic and industry experience in the fields of computer networking and digital advertising. Dr. Jansen has also written numerous books and papers on targeted advertising, web analytics, and social networking.

The ’932 patent claims purport to have invented techniques for “presenting targeted advertising in a situational network.” EX1001, Claims 1, 12, 22. But the “situational network” of the ’932 patent provides no technical advancement. The claims recite little more than obtaining an occurrence of a situation, determining users affected by the situation, and providing information and advertisements to the users over a standard computer network (e.g., the Internet). A “situation” in the context of the patent may refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services.” EX1001, 5:66-6:1, 30:23-25, 30:46-47. And a “situational network” is merely a network including the group of

people who will be targeted for advertisements related to the situation. Such techniques for delivering targeted advertisements in response to an event were well-known long before the '932 patent, as illustrated in this petition.

None of the prior art relied on in this petition was previously before the Office. Accordingly, the Board should institute this proceeding and find the challenged claims unpatentable.

II. THE '932 PATENT AND ITS PROSECUTION HISTORY

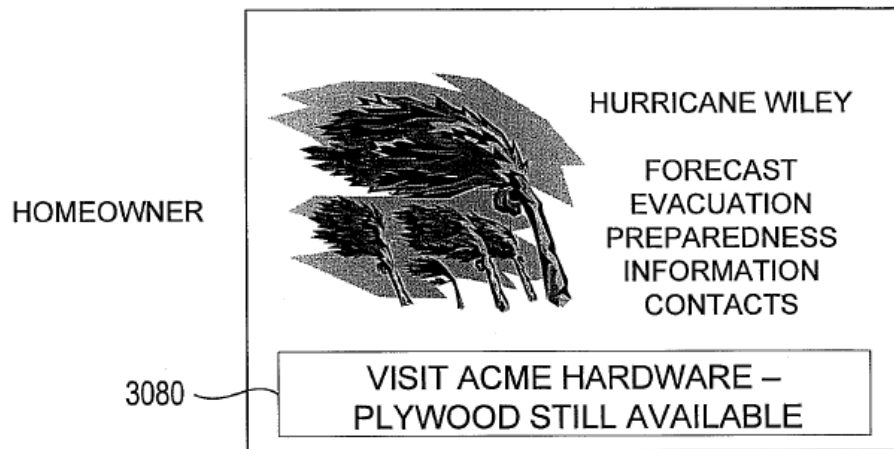
A. The '932 patent

The '932 patent issued on August 21, 2012 from U.S. Pat. Appl. No. 11/924,748, and claims a priority date of February 2, 2007.¹ The '932 patent is directed to “presenting targeted advertising in a situational network,” also referred to as a “SitNet.” EX1001, Abstract, 1:45-46. The patent explains that “a situational network [] is created when an occurrence or expected occurrence of an event or situation [] causes connections, also referred to as links, to be established between, within or among a set of participants.” *Id.*, 3:46-50. But the '932 patent’s “situational network” uses nothing more than a conventional “computer network,” *id.*, 3:50-53, 13:36-38 (“The Internet and some corporate intranets are examples of computer networks.”). The patent does not claim or allege any new networking technology. EX1003, ¶¶31-32. And a “situation” in the context of the patent may

¹ Petitioner does not acquiesce to the propriety of this priority claim.

refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services.” EX1001, 5:66-6:1, 30:23-25, 30:46-47; EX1003, ¶32.

A targeted advertising example is provided in Figure 27 in which “[a] homeowner in the direct path of [a] hurricane may be shown ad for a hardware store that still has an ample supply of plywood.” EX1001, 27:47-54; EX1003, ¶33.



EX1001, FIG. 1.

The patent describes using conventional user information to target advertisements to users, explaining that “targeted advertisements ... may be delivered to devices of users 254, 256 connected through a SitNet using profile and location information related to the users.” EX1001, 27:19-25. The challenged claims of the ’932 patent recite only generic and well-known elements, such as “obtaining an indication of an occurrence of a situation,” “establishing an event node for the situation,” “connecting personal information aggregators [(i.e., user devices)] corresponding to a plurality of individuals,” “aggregating information

related to the situation,” and “providing the information and at least one of a plurality of advertisements to each of the information aggregators.” EX1001, Claim 12. Each of these elements was well-known and common in the art before the ’932 patent, for example, as illustrated by the art applied in this petition. EX1003, ¶34.

B. Prosecution history

During prosecution, the application leading to the ’932 patent was rejected as obvious over U.S. Patent No. 7,239,871 (“Shamp”) in view of U.S. Patent No. 6,091,956 (“Hollenberg”). EX1002, 77-80. In response, the applicant amended independent claim 13 (issued as claim 12), introducing, among other things, the limitation “*creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding to each of the personal information aggregators,*” and “*aggregating information related to the situation received from the personal information aggregators connected through the situational network.*” *Id.*, 71.

The Examiner allowed the application following the applicant’s amendment and response, stating that the art of record failed to disclose at least “creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding to each of the personal information aggregators.” EX1002, 48-49. But, as discussed

below, the prior art presented in this petition teaches the elements the Examiner relied upon for allowance. And this art was not before the Examiner during prosecution.

III. PERSON OF ORDINARY SKILL IN ART

A person of ordinary skill in the art (“POSA”) at the time of the ’932 patent would have had a B.S. degree in computer science, computer engineering, or an equivalent field, as well as at least 2-3 years of academic or industry experience in computer networking and digital advertising, or comparable industry experience. EX1003, ¶37.

IV. CLAIM CONSTRUCTION

Claims must be given their ordinary and customary meaning in light of the specification—“the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-1313 (Fed. Cir. 2005) (en banc); *see also* 37 C.F.R. §42.100(b); 83 Fed. Reg. 51,340, 51,358 (Oct. 11, 2018). Here, Petitioner believes that no claim term requires explicit construction and that all terms should be accorded their ordinary and customary meaning.²

² Petitioner reserves the right to challenge the validity of the claims under 35 U.S.C. §112 in other proceedings and forums.

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

A. Prior art

The grounds of unpatentability presented in this petition rely on the following prior art references:

U.S. Patent No. 8,346,864 to Amidon *et al.* (EX1007)

U.S. Patent No. 9,195,996 to Walsh *et al.* (EX1008)

U.S. Patent Pub. No. 2006/0095320 to Jones (EX1014)

U.S. Patent No. 8,799,073 to Shahine *et al.* (EX1015)

The '932 patent was filed October 26, 2007, and claims priority to a provisional application filed February 2, 2007. Regardless of which date applies, the above-noted references qualify as prior art to the '932 patent under 35 U.S.C. §102(e).

B. Statutory grounds

Petitioner requests IPR based on the grounds summarized below.

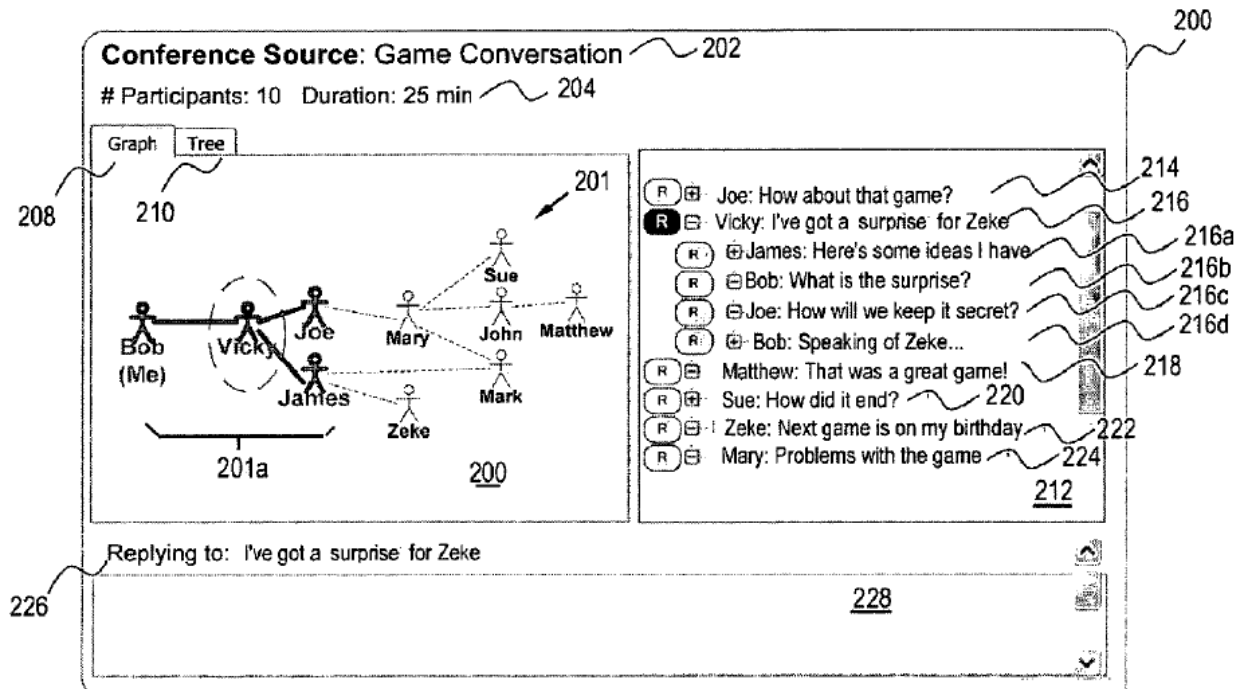
Ground	35 U.S.C. Section	Claims	References
1	§103(a)	12, 14-21	Amidon and Walsh
2	§103(a)	13	Amidon, Walsh, and Shahine
2	§103(a)	20	Amidon, Walsh, and Jones

VI. GROUND 1: CLAIMS 12 AND 14-21 ARE OBVIOUS OVER AMIDON IN VIEW OF WALSH AND SHAHINE.

A. Motivation to Combine Amidon and Walsh

Amidon and Walsh are related patents having the same inventors. EX1007, Cover (75); EX1008, Cover (75). Amidon is directed to “providing systems and methods for users to conduct online conferences based on underlying social network structures.” EX1007, 2:54-56. “Using the presently disclosed technology, a user can specify the nature and extent of a conference amongst members of a social network based on various parameters,” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users.” *Id.*, 2:57-63; EX1003, ¶63.

Figure 4 of Amidon “illustrates an exemplary user interface which may be used by one or more users participating in social network conferences.” EX1007, 16:65-67.

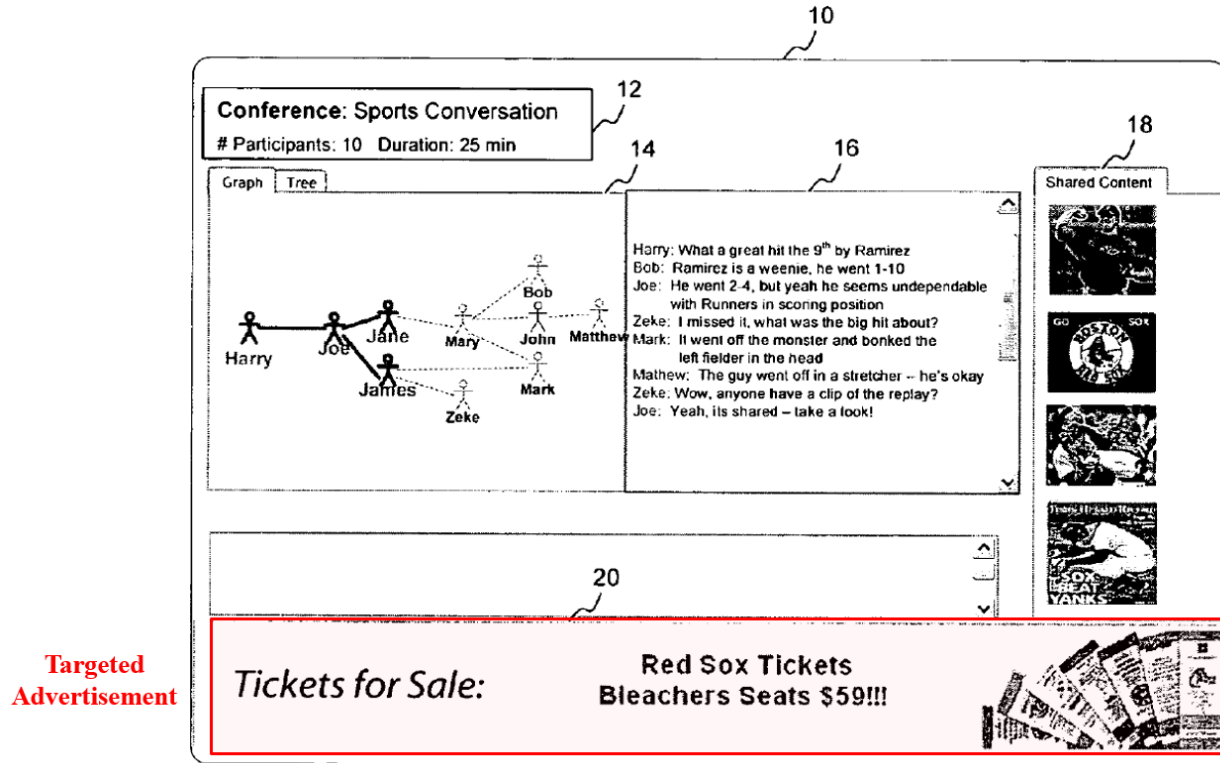


EX1007, FIG. 4.

Conference window 200 includes a “[t]itle bar 202 [that] provides a description of the presently-selected conference (‘Game Conversation’), while area 204 includes conference metadata (in this example, the number of participants and duration of the conference).” EX1007, 17:2-7. “Window 200 further includes conference thread display area 212,” which includes “data (messages, content, etc.) exchanged amongst the members of conference 201.” *Id.*, 17:21-26; EX1003, ¶¶64-65.

Walsh’s disclosure relates to “communication sessions (e.g., a messaging conference) of social network users” and is based on the same general system disclosed by Amidon. EX1008, 1:7-12; EX1003, ¶66. For example, Figure 1 of

Walsh illustrates the same conference interface disclosed by Amidon, with the addition of “an advertisement display 20.” *Id.*, 5:1-8.



EX1008, FIG. 1 (annotated).

Walsh explains that “shared content display 18 as well as the advertisement display 20 are customized by the subject session profiling service to provide content and/or ads,” and “[t]his specialized customization for a given user display will vary user to user depending on the session profile relative to each different user.” EX1008, 6:9-17.³ “Thus, available content and/or ads or other information may be particularly selected for each user participating in the social

³ Emphasis added unless otherwise noted.

network communication session.” EX1008, 6:9-20; EX1003, ¶67. Accordingly, Walsh discloses incorporation of advertisements targeted to users participating in a messaging conference. EX1003, ¶67.

Although Amidon does not explicitly disclose providing targeted advertisements within its social network conferences, a POSA would have recognized the well-known benefits of doing so, such as generating ad revenue. EX1003, ¶¶39-47, 68. Indeed, the inventors of Amidon themselves recognized the benefits of including advertisements within social network conferences, disclosing such operation in Walsh. EX1003, ¶68. A POSA considering Amidon would have thus been motivated to seek out a reference such as Walsh for specific targeted advertising techniques. EX1003, ¶68.

A POSA would have had a reasonable expectation of success incorporating Walsh’s advertising techniques into Amidon’s conference system because this would amount to nothing more than incorporating well-known techniques (selecting and displaying relevant advertisements to a user) into Amidon’s known conferencing system. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 419-421 (2007); EX1003, ¶69. Walsh, in fact, discloses how to make this combination, illustrating Amidon’s conference interface with an incorporated advertisement display. *See* EX1008, FIG. 1; EX1003, ¶69. Therefore, a POSA would have been motivated to combine, with a reasonable expectation of success, Amidon and Walsh, and the

results of the combination would have been predictable. EX1003, ¶70.

B. Independent Claim 12

1. [12.P] “A method of presenting targeted advertising in a situational network”

To the extent the preamble is limiting, Amidon-Walsh teaches this element. Amidon discloses “systems and **methods** for users to conduct online conferences based on underlying social network structures.” EX1007, 2:54-56. Amidon’s architecture provides a “*situational network*” because, like the ’932 patent, it “allows the participants [] to interact and exchange information over connections to or through a computer network [] regarding [an] event or situation.” EX1001, 3:50-53; EX1003, ¶71. Amidon discloses that “[t]he present disclosure [] refers to the relay of communicated data over a network such as the Internet,” and “[u]sers may participate in social network conferences by way of any suitable communication technique(s).” EX1007, 3:4-5, 6:11-12. An example architecture is illustrated in Figure 2 in which “each client 30a, 30b, and 30c interfaces with messaging server via respective links 114a, 114b, and 114c.” *Id.*, 8:36-40.

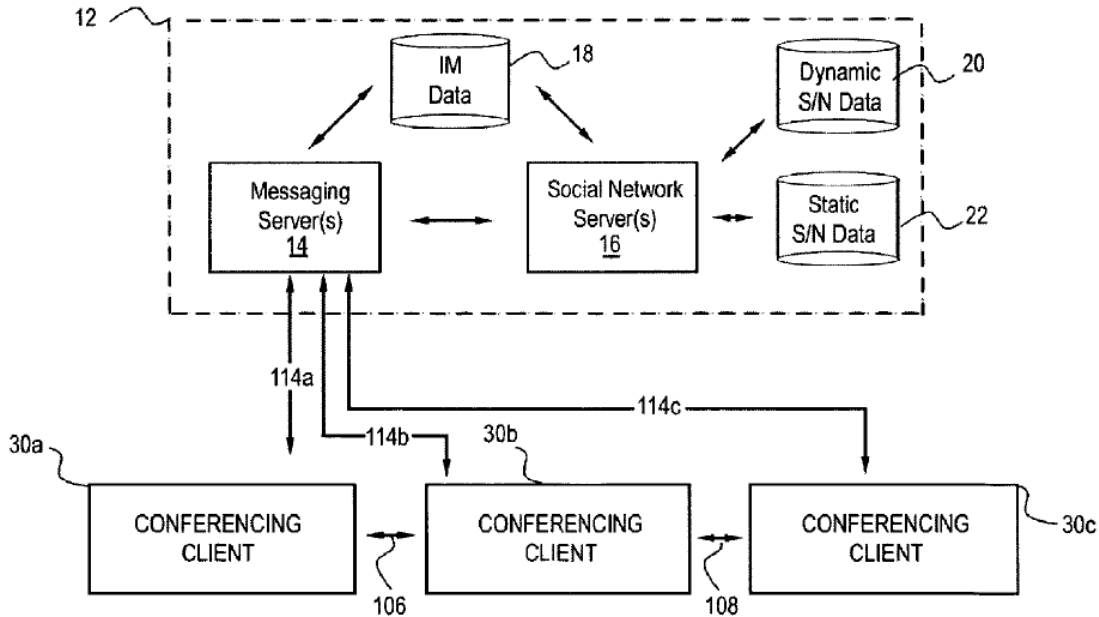


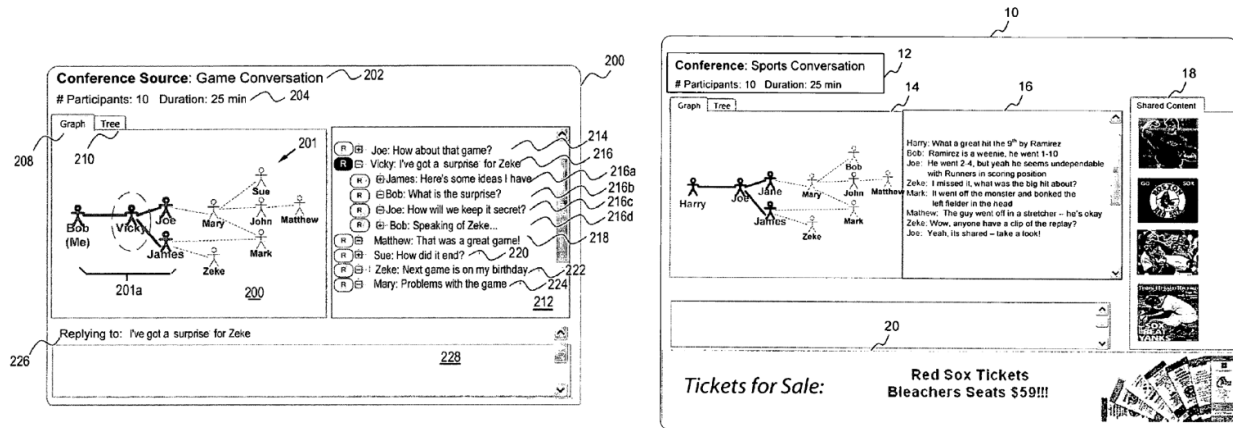
FIGURE 2

EX1007, FIG. 2.

In Amidon’s system, “a user can specify the nature and extent of a conference amongst members of a social network,” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference.” EX1007, 2:57-63. As both Amidon and Walsh disclose, each conference relates to a situation⁴ (“the nature ... of a conference,” *id.*), such as a particular game, sporting event, or request to “talk about vacation.” EX1007,

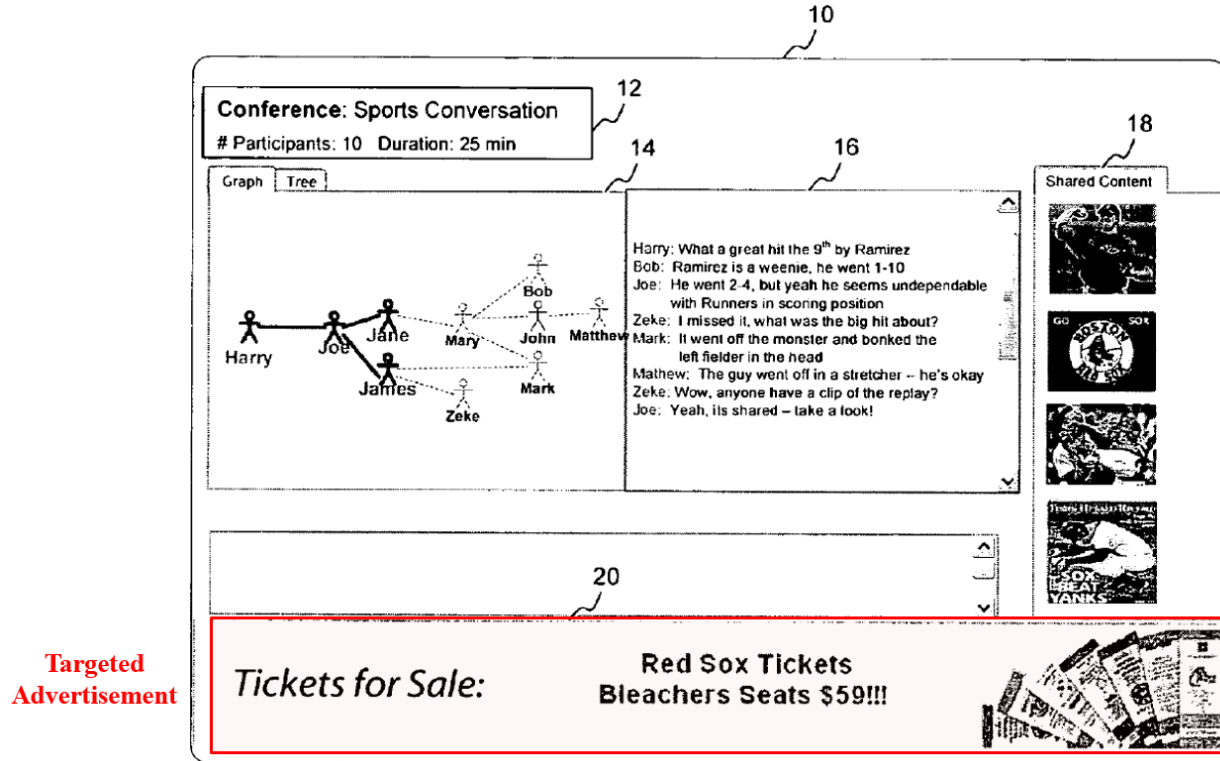
⁴ The ’932 patent uses the term “situation” broadly. For example, a “situation” in the context of the patent may refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services.” EX1001, 5:66-6:1, 30:23-25, 30:46-47.

21:35-38, FIG. 4 (“Game Conversation”: users discussing a game that previously occurred); EX1008, FIG. 1 (“Sports Conversation”: users discussing a Red Sox baseball game); EX1003, ¶¶72-73.



EX1007, FIG. 4; EX1008, FIG. 1.

Walsh further discloses “[a] method of presenting targeted advertising” within Amidon’s “*situational network*.” EX1003, ¶74. Walsh discloses “providing improved **methods** and systems of classifying communication sessions among users in a social network.” EX1008, 2:16-20. As part of those systems and methods, Walsh discloses “computing a session profile,” which “represents a snapshot of the communication classification (e.g., a conferencing classification) at a given moment in time.” EX1008, 6:21-25. “Advertisements may [] be selected by comparison of available ads to the session profile and provided to a user in the advertisement display portion 20 of user interface 10,” as shown in Figure 1. EX1008, 13:30-33; EX1003, ¶74.



EX1008, FIG. 1 (annotated).

The selected advertisements are also individually targeted to each user:

This specialized customization for a given user display **will vary user to user depending on the session profile relative to each different user**. Thus, available content and/or **ads** or other information **may be particularly selected for each user participating in the social network communication session**.

EX1008, 6:15-20; EX1003, ¶¶75-76.

Amidon-Walsh therefore teaches this element.

2. [12.A] “obtaining an indication of an occurrence of a situation”

Amidon-Walsh teaches this element. Amidon discloses that “clients 30

support **transmitting metadata to social network conferencing system 12 to define one or more social network conferences.**” EX1007, 9:57-61, 10:25-34 (“[T]he conference metadata is sent to messaging server 14” to initiate a conference). “For example, a user may provide for formation of conferences based on content metadata—for instance, a user may provide for the system to automatically form a conference including all users currently listening to the same song, music by the same artist, music of the same genre, etc.” *Id.*, 13:66-14:3. The metadata transmitted to the conferencing system thus provides “*an indication of an occurrence of a situation*,” e.g., “users currently listening to the same song,” which is “*obtain[ed]*” by Amidon’s “social network conferencing system 12.” EX1007, 9:57-61, 13:66-14:3; EX1003, ¶77.

3. [12.B] “establishing an event node for the situation in a multi-dimensional personal information network”

Amidon-Walsh teaches this element. *First*, Amidon teaches “*a multi-dimensional personal information network*.” EX1003, ¶78. Amidon discloses a “[s]ocial network server 16 [that] stores data defining one or more social networks, social network member data, and other social network data in one or more stores 22.” EX1007, 9:23-25. “For example, store 22 may comprise one or more databases identifying, social network users, **characteristics for each user (profile information, etc.), relationships between each user**, and privacy, informational, and system parameter settings for each user.” *Id.*, 9:25-30. These relationships span

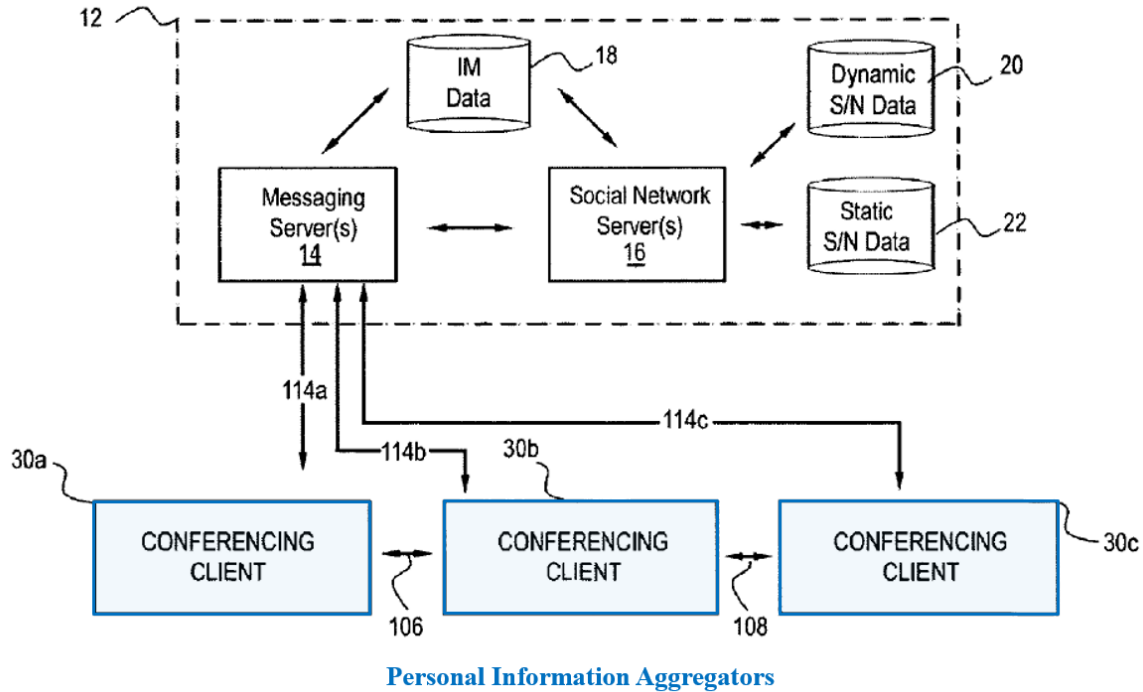
multiple dimensions, “such as grouping members by common interest, age or other demographic information, etc.” *Id.*, 9:32-38; EX1003, ¶78.

Second, Amidon teaches “*establishing an event node for the situation in a multi-dimensional personal information network*” in the form of a “social network conference” to which users may connect. EX1007, 10:37-44, 2:60-63 (“Once a conference has been initiated, users participating in the conference can direct messages to desired users in the conference...”); EX1003, ¶79. When a user initiates a conference, “[m]essaging server 14 is configured to recognize the conference metadata,” and “data defining social network conferences may be maintained in one or more additional databases accessible by social network conferencing system 12.” *Id.*, 10:40-44. For example, “[c]onferences may be defined by a database record including a conference ID and list of users by user ID.” *Id.*, 15:6-15; EX1003, ¶¶79-80. And, as discussed with respect to [12.P] and [12.A], each conference relates to a “*situation*” (“the nature ... of a conference,” EX1007, 2:57-63).

Therefore, Amidon-Walsh-Shahine teaches “*establishing an event node for the situation in a multi-dimensional personal information network.*”

4. **[12.C] “automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node, the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network and assigned an access level according to a role of the respective individual within the situational network”**

Amidon-Walsh teaches this element. *First*, Amidon discloses “*personal information aggregators corresponding to a plurality of individuals ..., the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network.*” EX1003, ¶81. Amidon discloses that “[e]ach conferencing client 30 comprises one or more computing devices each accessing instructions that configure client 30 to provide messaging functionality, interact with one or more users of the device, and interface with one or more computing devices comprising social network conferencing system 12.” EX1007, 8:14-19.



EX1007, FIG. 2 (annotated).

For example, “[s]uch devices may include **cellular telephones or other devices** with GPS capability.” EX1007, 16:16-22. Thus, each of Amidon’s conferencing clients “*correspond[s] to a different node in the multi-dimensional personal information network.*” EX1003, ¶82.

As described in the ’932 patent, Amidon’s client devices are “*personal information aggregator[s]*” because they “provide[] a user with the ability to store, organize and control personal information.” EX1001, 7:52-54. For example, “[c]lients 30 may [] be in communication with social network server 16,” and “social network server 16 may provide a web-based interface for users to define friends, upload and edit contact lists, and view and maintain social network profile

web pages.” EX1007, 9:9-15. Additionally, “a social network client application or process running on clients 30 ... may be used for the user to define social network relationships and preferences, as well as conference formation, participation, message filtering, and other parameters and preferences.” *Id.*, 9:15-22; EX1003, ¶83.

Second, Amidon discloses “*automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node*,” i.e., connecting the participants to the conference. EX1003, ¶84. For example, Amidon discloses that “[e]ach conferencing client 30 ... provide[s] messaging functionality, interact[s] with one or more users of the device, and interface[s] with one or more computing devices comprising social network conferencing system 12.” EX1007, 8:14-19, 19:54-61 (“FIG. 6B illustrates a plurality of networked computing devices,” and “[e]ach user K through P is associated with one or more social network conferencing system clients 330.”), FIG. 6B; EX1003, ¶84. And “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference,” EX1007, 2:60-63—that is, Amidon automatically connects user devices to the conference (“*the event node*”) such that users may communicate with one another. EX1003, ¶84.

Third, Amidon discloses “*the personal information aggregators each [are] ... assigned an access level according to a role of the respective individual within*

the situational network.” EX1003, ¶85. For example, Amidon discloses that “a participation policy may be defined whereby **users have different access levels**, with the participation policy included with conference metadata, message metadata, or otherwise provided to the conferencing system and associated with the conference.” EX1007, 13:10-14. “The access levels may provide for some users to moderate and fully participate in the conference,” while “[o]ther users may be allowed to participate but not moderate.” *Id.*, 13:8-21. “Still other users may be allowed to participate, but in a limited extent—for example, the users may be able to view the conference, but not to send messages to the conference, or to only send messages to designated users (such as a moderator or moderators).” *Id.*, 13:17-21. Amidon further discloses that “The access levels may be defined based on any parameters discussed herein”—e.g., location or “degrees of separation,”—“either alone or in combination.” *Id.*, 13: 21-29; EX1003, ¶85.

Therefore, Amidon-Walsh teaches this element.

5. [12.D] “creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding information [] aggregators”

Amidon-Walsh teaches this element. The ’932 patent describes that a “*projection*” simply refers to a subset of users or devices within a network. EX1003, ¶86. For example, the patent describes that “[a] user might desire to work with a ‘**projected**’ view, i.e., a subset of the nodes, of the NDSN 100.” EX1001,

16:8-9; *see also id.*, 14:35-37 (“The NDSN can also provide a ‘projected’ view of a subset of the members of the NDSN...”); EX1003, ¶86.

Amidon discloses that “[a] participation policy or participation policies may be provided to any desired degree of granularity,” and “**access levels may be defined based on any parameters discussed herein.**” EX1007, 13:21-23, 13:29-30. Amidon discloses, for example, that “**users within 2 degrees of separation** from a moderator may be allowed to fully participate, [and] **users within four degrees of separation** may be allowed to view the conference but not participate.” *Id.*, 13:23-29. Thus, Amidon’s process creates a “*two or more projections of the nodes of the multi-dimensional personal information network*” based on the users’ access levels, i.e., “*based at least in part on the access levels of the individuals corresponding information [] aggregators.*” EX1003, ¶87. That is, the subset of users within two degrees of separation are “allowed to fully participate,” while the subset of users within four degrees of separation “may be allowed to view the conference but not participate.” EX1007, 13:23-29; EX1003, ¶87.

Amidon further discloses that “[a]dditional parameters may include geographical parameters,” and that “conference participation can be determined based on geographical parameters, such as users within a certain distance, users from a particular location, and so on.” EX1007, 12:58-65. A POSA would have thus understood that, similar to degrees of separation, Amidon teaches defining

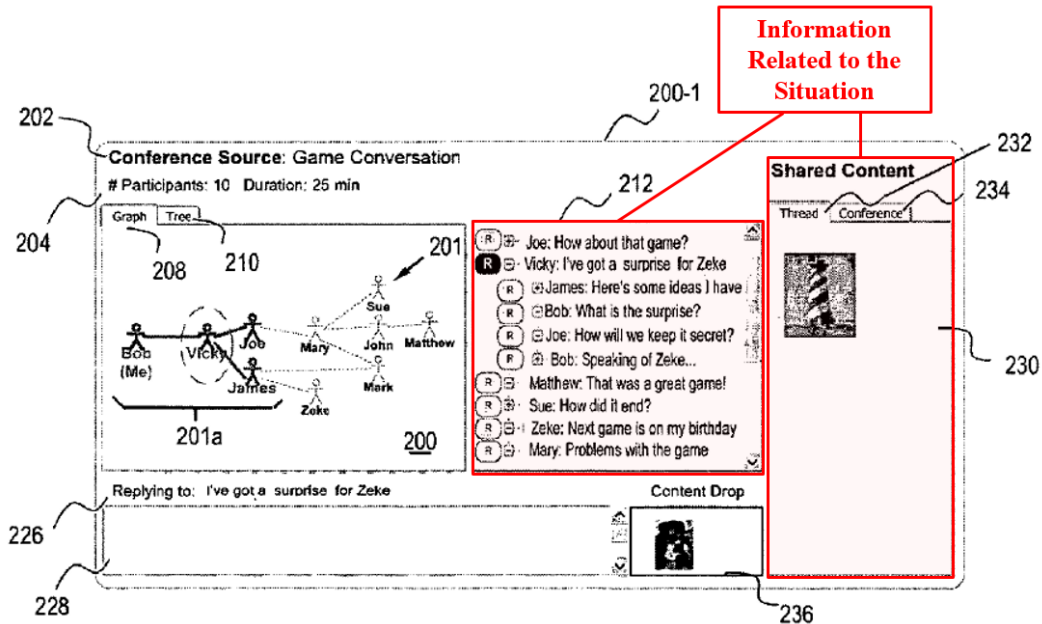
participation access levels based on location, creating “*projections*” of users based on the locations of user devices. EX1003, ¶88. For example, “users within a certain distance” may be allowed to fully participate, while users beyond that distance may be allowed to view the conference but not participate. EX1007, 12:58-65, 13:23-29; EX1003, ¶88.

Therefore, Amidon-Walsh teaches this element.

6. [12.E] “aggregating information related to the situation received from the personal information aggregators connected through the situational network”

Amidon-Walsh teaches this element. Amidon discloses, “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users,” as well as “share [] content with some or all participants of a social network conference.” EX1007, 2:57-63, 18:66-19:1; EX1003, ¶89. Amidon further discloses “*aggregating information related to the situation received from the personal information aggregators connected through the situational network*”—messages and other content received from users for distribution and display to other users of the conference. EX1003, ¶89. For example, as shown in Figure 5 below, “thread display area 212 includes a plurality of threads (214, 216, 218, 220, 222, 224), each thread comprising data (messages, content, etc.) exchanged amongst the members of conference 201.” EX1007, 17:22-26. “Several of the threads are displayed as expandable trees such that the

user may select a thread and see one or more replies and sub-threads.” EX1007, 26-29; EX1003, ¶90.

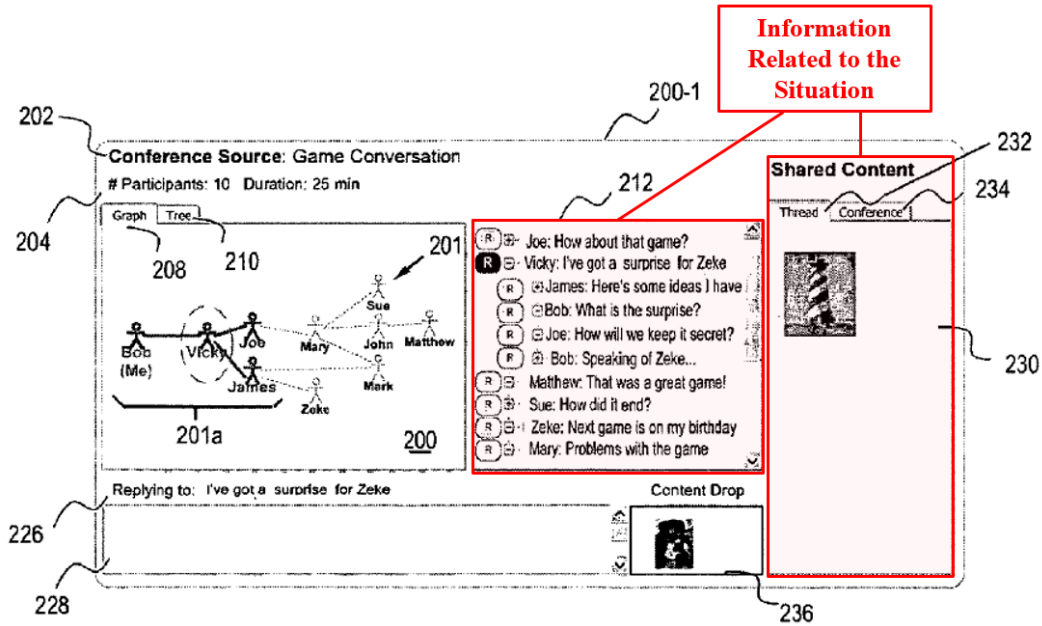


EX1007, FIG. 5 (annotated).

Thus, Amidon teaches “*aggregating information related to the situation*”—e.g., the messages and content shared by users—for display within a conference window, as well as within individual threads. EX1003, ¶91.

7. [12.F] “**providing the information and at least one of a plurality of advertisements to each of the information aggregators based on which of the two or more projections includes the respective personal information aggregator**”

Amidon-Walsh teaches this element. As discussed for element [12.E], Amidon “*provid[es] the information ... to each of the information aggregators,*” as illustrated in the user interface of Amidon’s Figure 5. EX1003, ¶92.

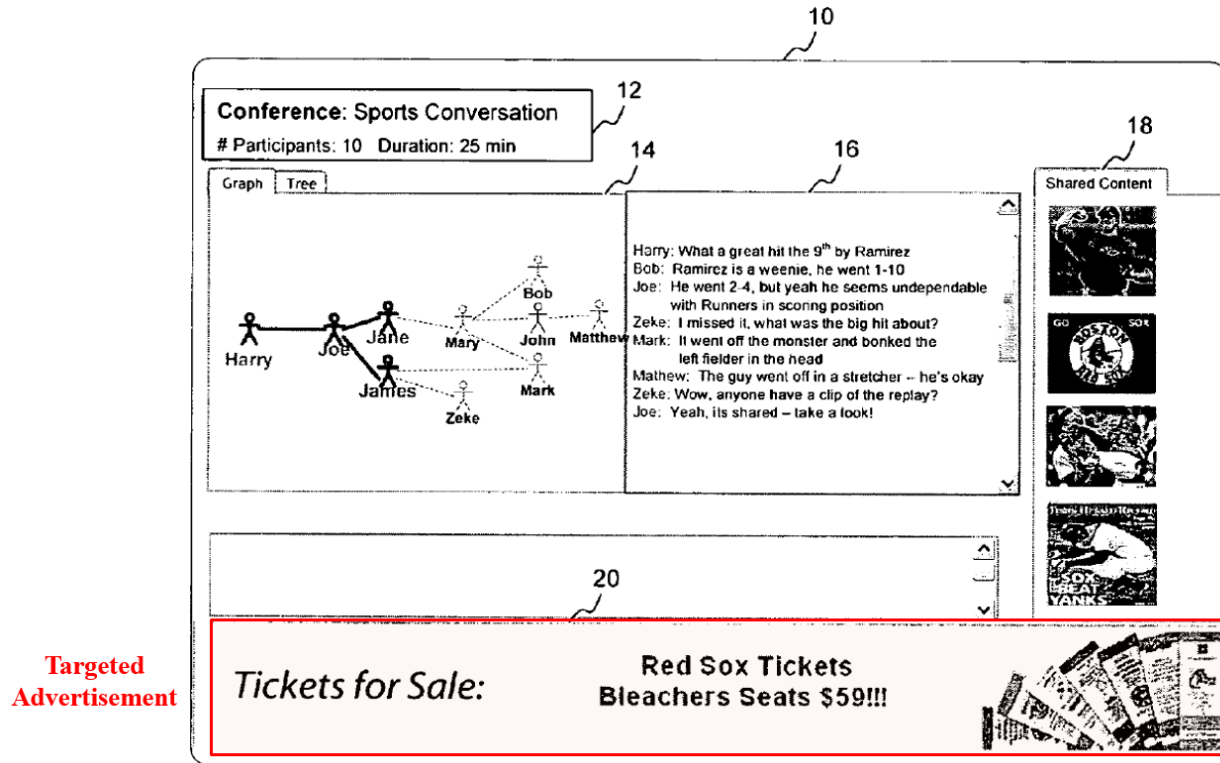


EX1007, FIG. 5 (annotated).

Amidon further discloses that the information is provided “*based on which of the two or more projections includes the respective personal information aggregator.*” EX1003, ¶93. As one example, Amidon discloses creating a projection of “users to moderate and fully participate in the conference,” and a projection of “users [that] may be allowed to participate but not moderate.” EX1007, 13:14-17. And, in such a case, some messages may be sent to or viewable only by “moderators.” *Id.*, 13:17-21; *see also id.*, 13:30-33 (“a participation policy may specify **participation**, **visibility**, and other parameters at the conference level, **thread/discussion level**, and/or even on a **message-by-message basis**.”). Thus, Amidon teaches providing the information (e.g., messages) to user devices based on which projection includes the user (and associated device). EX1003, ¶93. A

POSA would have also recognized that Amidon's distribution of information is not limited to this disclosed "moderator" example. EX1003, ¶94. Because Amidon teaches that "visibility" of information can be controlled based on "any desired degree of granularity" (EX1007, 13:8-33), a POSA would have understood that Amidon teaches providing information to users based on any desired projection. EX1003, ¶94.

Walsh also discloses "*providing ... at least one of a plurality of advertisements to each of the information aggregators.*" Walsh teaches that "[a]dvertisements may [] be selected by comparison of available ads to the session profile **and provided to a user in the advertisement display portion 20 of user interface 10,**" as shown in Figure 1. EX1008, 13:30-33, 6:17-20 ("**ads ... may be particularly selected for each user** participating in the social network communication session."); EX1003, ¶95. Walsh also teaches providing its advertisements "*based on which of the two or more projections includes the respective personal information aggregator,*" for example, based on location, as illustrated in Figure 4 of Walsh. EX1003, ¶95.



EX1008, FIG. 1 (annotated).

And, for the reasons discussed in §VI.A, a POSA would have been motivated to incorporate Walsh's advertisement distribution and display into Amidon's system. EX1003, ¶96. Indeed, Walsh discloses the same conference interface as Amidon with the addition of an advertisement provided to the user.

Compare EX1007, FIG. 5 *with* EX1008, FIG. 1; EX1003, ¶96.

Therefore, Amidon-Walsh renders obvious element.

C. Claim 14

Claim 14 recites, "*wherein the two or more projections are based at least in part on a geographic proximity of the nodes of the situational network.*"

Amidon-Walsh teaches this element for the reasons discussed for element

[12.D]. *See* §VI.B.5; EX1003, ¶98. Particularly, Amidon discloses that its “parameters may include geographical parameters,” and that “conference participation can be determined based on **geographical parameters, such as users within a certain distance, users from a particular location**, and so on.” EX1007, 12:58-65. A POSA would have thus understood that Amidon teaches defining participation access levels based on location, creating “*projections*” of users based on the locations of user devices. EX1003, ¶98. For example, “users within a certain distance” (“*a geographic proximity*”) may be allowed to fully participate, while users beyond that distance may be allowed to view the conference but not participate. EX1007, 12:58-65, 13:23-29; EX1003, ¶98.

D. Claim 15

Claim 15 recites, “*wherein the locations of the personal information aggregators corresponding to the nodes are determined using positional coordinates obtained from the personal information aggregators.*” Amidon-Walsh teaches this element.

Amidon discloses determining the “[l]ocation of users” using “GPS.” EX1007, 16:16-22. For example, Amidon discloses that “users may participate in a conference using one or more computing devices supporting **location-based services**,” and “[s]uch devices may include cellular telephones or other devices with **GPS capability**.” EX1007, 16:16-22; *see also* 12:59-61 (“user devices and/or

the conferencing system may support **location-based services such that the location of particular users can be determined**"); EX1003, ¶100. As Dr. Jansen explains, a POSA would have understood that "GPS" information of the users' devices would include "GPS coordinates," i.e., "*positional coordinates obtained from the personal information aggregators.*" EX1003, ¶¶100-01 (citing EX1021, 1).

E. Claim 16

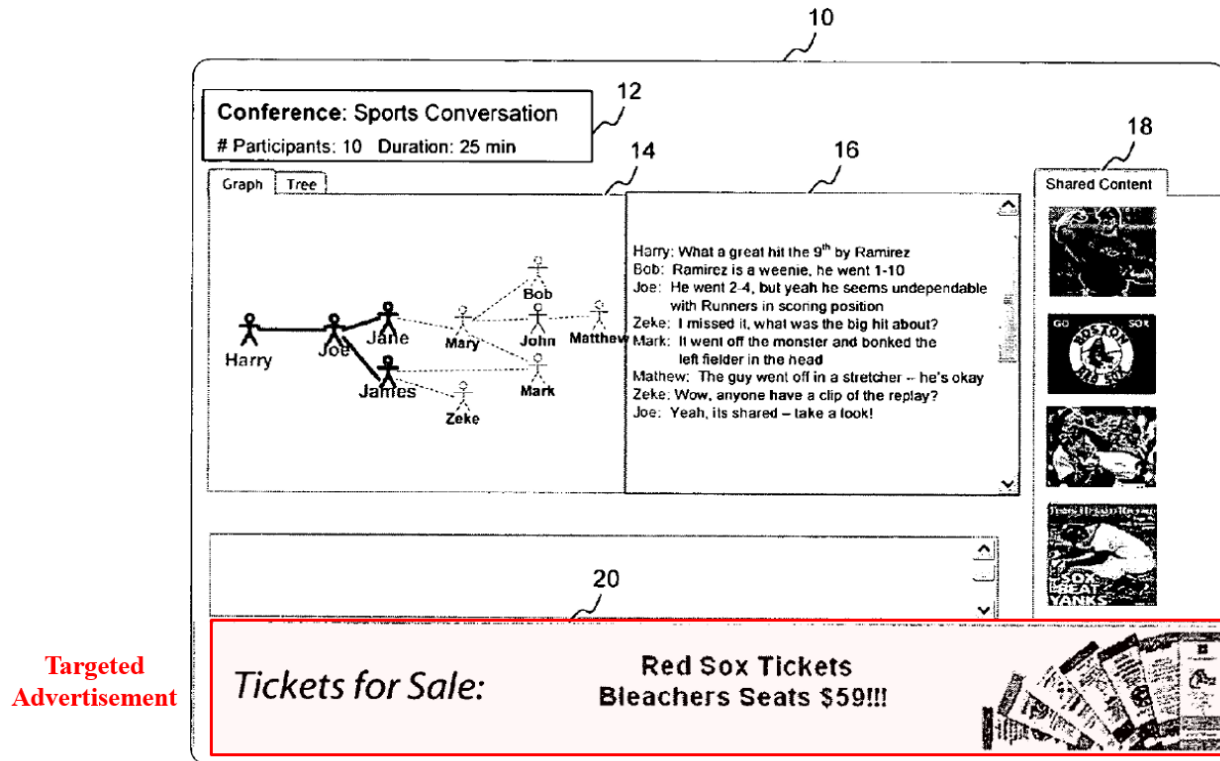
Claim 16 recites, "*wherein different advertisements of the plurality of advertisements are provided to each of the two or more projections.*" Amidon-Walsh teaches this element.

As discussed for element [12.D], Amidon discloses creating projections based on "geographical parameters," such as "users from a particular location." *See* §VI.B.5; EX1007, 12:58-65, 13:23-29; EX1003, ¶103. Walsh further teaches that advertisements may be provided based on geographical parameters. EX1003, ¶103. Particularly, Walsh teaches that "[a]dvertisements may [] be selected by **comparison of available ads to the session profile** and provided to a user in the advertisement display portion 20 of user interface 10." EX1008, 13:30-33, 6:17-20 ("**ads ... may be particularly selected for each user** participating in the social network communication session."); EX1003, ¶103. As part of its session profile computation, "keyword scores associated with a given message or content item

[can] be **adjusted based on the geographic location** of its contributing user.”

EX1008, 10:58-61; EX1003, ¶103. “For example, in one embodiment keyword scores may be increased for messages and content received from **users that are geographically closer to a target user.**” EX1008, 10:66-11:1; EX1003, ¶103.

Walsh provides an example, illustrated in Walsh’s Figure 1, in which the location of the users participating in a conference can be used to provide a targeted advertisement for “Red Sox Tickets.” c; EX1003, ¶104.



EX1008, FIG. 1 (annotated).

Although Walsh does not expressly disclose providing “*different advertisements*” to users in different geographic locations, as Dr. Jansen explains, a POSA would have understood that such operation would increase the effectiveness

of the provided advertisements. EX1003, ¶105. For example, a user participating in the conference residing in a location geographically distant from Boston would be unlikely to purchase Red Sox tickets. EX1003, ¶105. Therefore, a POSA would have been motivated to provide “*different advertisements*” to users of different geographic locations to increase the probability of the user acting on the advertisement. EX1003, ¶106. And such techniques were well-known—indeed, Walsh already discloses using location information to select advertisements for users. EX1008, 6:17-20, 10:58-11:1, 13:30-33; EX1003, ¶106.

Therefore, Amidon-Walsh renders obvious this element.

F. Claim 17

Claim 17 recites, “*wherein the at least one advertisement is selected based on targeting criteria for each of the two or more projections.*” Amidon-Walsh teaches this element for the reasons discussed for claim 16. *See* §VI.E; EX1003, ¶108. Particularly, as discussed above, Amidon-Walsh teaches selecting advertisements for users based on geographical criteria, i.e., “*based on targeting criteria for each of the two or more projections.*” *See* §VI.E; EX1007, 12:58-65, 13:23-29; EX1008, 6:17-20, 10:58-11:1, 13:30-33; EX1003, ¶108.

G. Claim 18

Claim 18 recites, “*wherein the targeting criteria is determined using aggregate user demographic information obtained from the personal information*

aggregators corresponding to each of the two or more projections.” Amidon-Walsh teaches this element.

Amidon discloses that its “[s]ocial network server 16 may interact with users of clients 30a, 30b, and 30c to define social network relationships and preferences,” including allowing users to “maintain [a] social network profile.” EX1007, 9:10-15. Amidon also discloses that “[s]ocial network data may be used, for instance, to determine the extent of **social network groups (such as grouping members by common interest, age or other demographic information, etc.)**.” *Id.*, 9:32-38. Thus, Amidon discloses “*using aggregate user demographic information obtained from the personal information aggregators.*” EX1003, ¶110.

Walsh further discloses, as part of its session profile computation, “adjusting [session profile] ratings based on social network characterizations,” e.g., “based on [users’] social network information.” EX1008, 7:47-51, 9:14-19. As Amidon discloses, a POSA would have understood that a user’s social network information would typically include “demographic information.” EX1007, 9:32-38; EX1003, ¶111. Because “[a]dvertisements may [] be selected by comparison of available ads to the session profile,” EX1008, 13:30-33, a POSA would have understood that Walsh teaches selecting advertisements based on aggregate social network information—i.e., based on “social network characterizations”—such as user demographic groupings. EX1008, 7:47-51, 9:14-19; EX1003, ¶111.

Moreover, using “*aggregate user demographic information*” to target advertisements was well-known. EX1003, ¶112. Indeed, Amidon discusses in its background that “in some [social network] systems, a user may direct announcements or **sales pitches toward members of a social network based on** member parameters, such as degree of separation or member characteristics, such as **demographic groupings** or group membership.” EX1007, 2:29-35. Thus, to the extent argued that neither Amidon nor Walsh expressly discloses using “*aggregate user demographic information*” to target advertisements, a POSA would have been motivated to do so to increase the effectiveness of advertisements. EX1003, ¶112.

Therefore, Amidon-Walsh renders obvious this element.

H. Claim 19

Claim 19 recites, “*wherein the event node is established by a situation authority using an event node server.*” Amidon-Walsh teaches this element.

Amidon discloses “a system 12 that supports social network based conferencing,” which includes a “messaging server 14” connected to other components of system 12, as shown in Figure 2. EX1007, 8:1-5; EX1003, ¶114.

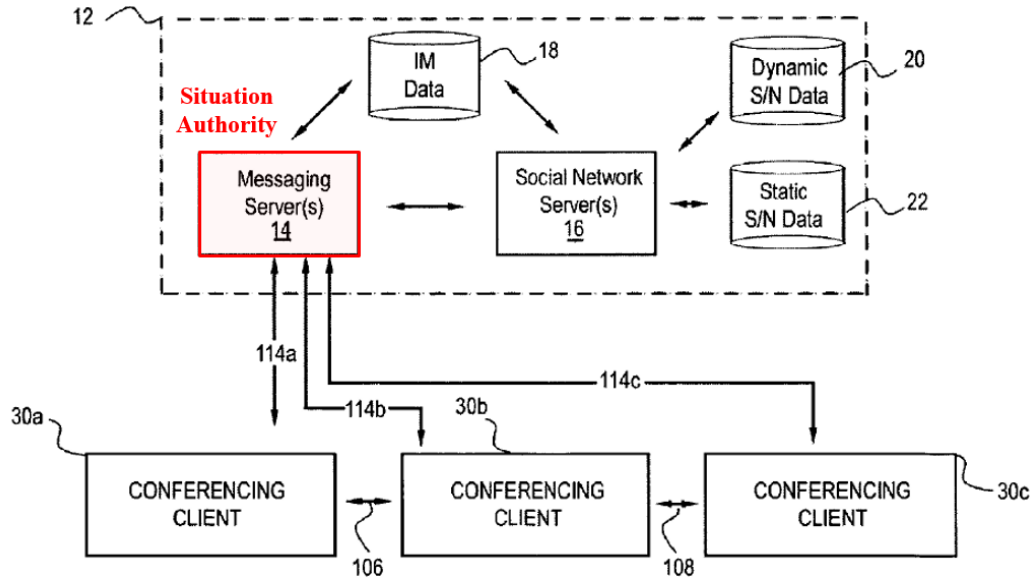


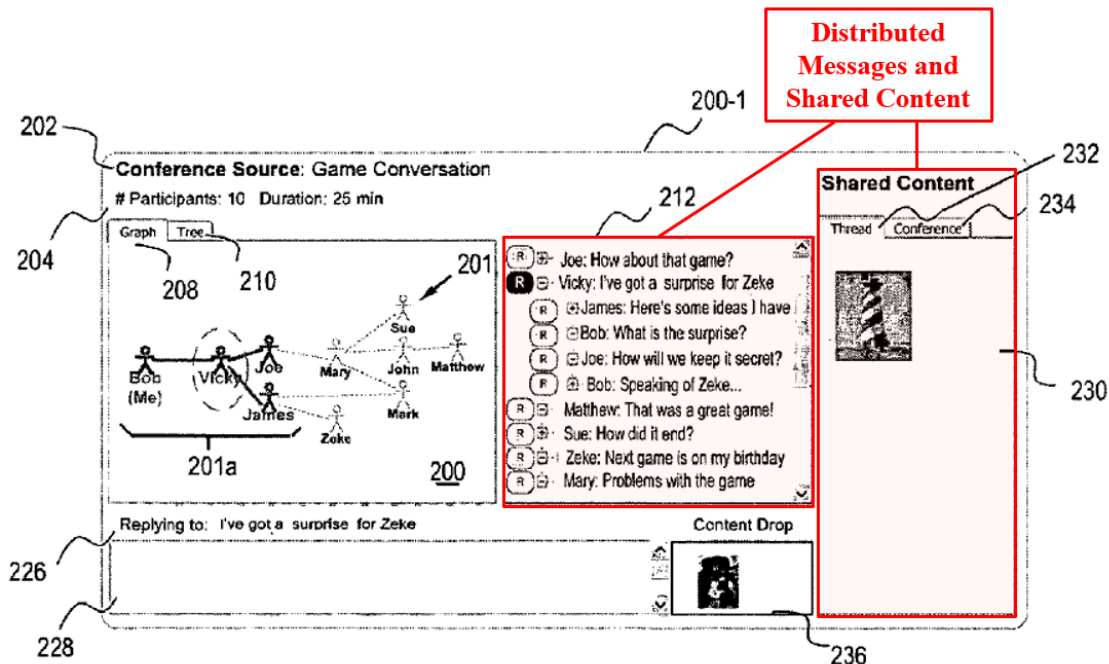
FIGURE 2

EX1007, FIG. 2 (annotated).

“[E]ach client 30a, 30b, and 30c interfaces with messaging server via respective links 114a, 114b, and 114c,” and “[u]sers of clients 30a, 30b, and 30c may then send messages, such as instant messages, to one another via server 14 using links 114.” EX1007. 8:36-37, 8:49-51. Thus, Amidon’s “messaging server 14” connects client devices and other network resources. EX1003, ¶115. And because client devices interface with Amidon’s conferencing system via “messaging server 14,” as illustrated in Figure 2, a POSA would have understood that “messaging server 14” would provide conference data (e.g., messages, shared content, and advertisements) to clients during a conference. EX1007. 8:31-37, 8:44-59; EX1003, ¶116.

Amidon’s “messaging server 14” further corresponds to “*a situation*

authority” because, consistent with the ’932 patent, it is “able to aggregate and provide comprehensive information related to the situation.” EX1001, 3:59-63. For example, Amidon’s “messaging server 14” receives messages/content (information related to the situation) from and distributes messages/content to users participating in a conference, and aggregates messages within a “web-based application[,]” as illustrated in Figure 5. EX1007, 8:31-35, 8:49-51, 18:63-19:3; EX1003, ¶117.



EX1007, FIG. 5 (annotated).

Additionally, Amidon teaches “*wherein the event node is established by a situation authority using an event node server*”—for example, as discussed for element [12.B], Amidon’s messaging server 14 provides a “social network conference” to which users may connect. EX1007, 10:37-44, 2:60-63 (“Once a

conference has been initiated, users participating in the conference can direct messages to desired users in the conference...”); EX1003, ¶118. When a user initiates a conference, “[m]essaging server 14 is configured to recognize the conference metadata,” and “data defining social network conferences may be maintained in one or more additional databases accessible by social network conferencing system 12.” EX1007, 10:40-44. For example, “[c]onferences may be defined by a database record including a conference ID and list of users by user ID.” *Id.*, 15:6-15; EX1003, ¶118.

Therefore, Amidon-Walsh renders obvious this element.

I. Claim 20

Although Amidon and Walsh do not expressly disclose “*wherein the situation is a weather phenomenon*,” claim 20 recites only non-functional descriptive matter that that should be deemed non-limiting. *In Re: Copaxone Consol. Cases*, 906 F.3d 1013, 1023 (Fed. Cir. 2018) (“Claim language without any bearing on the claimed methods should be deemed non-limiting when it does not result in ‘a manipulative difference in the steps of the claim.’”) (quoting *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1376 (Fed. Cir. 2001)); EX1003, ¶121. Amidon-Walsh renders obvious claim 20 for this reason alone.

Nevertheless, should the Board determine this element to be limiting,

Amidon-Walsh in view of Jones teaches this element for the reasons discussed in Ground 3. *See* §VII.

J. Claim 21

Claim 21 recites, “*wherein the connections cause a raised affinity between each of the personal information aggregators and the event node along a dimension corresponding to the situation.*” Amidon-Walsh teaches this element.

The ’932 patent does not define or restrict the form in which the claimed “*raised affinity*” is represented. EX1003, ¶124. Instead, the ’932 patent explains, “[i]f there are multiple dimensions connecting the users [in a SitNet], the dimension related to interests in the event or situation (e.g., travel) may have a temporally raised affinity.” EX1001, 21:3-9. “During the situation or event, users may have a greater need for information about the event or situation and are more likely to share or provide information to other users in the SitNet.” *Id.*, 21:9-12. Thus, due to the “raised affinity,” “the user’s PIA will utilize most if its resource sharing or searching for information about the situation or event.” *Id.*, 21:12-18; EX1003, ¶124.

Similar to the ’932 patent, Amidon discloses that during a situation (while the user is connected to a conference), user devices connected to the conference will be using their resources to share or view information related to the situation. EX1003, ¶125. For example, Amidon discloses initiating a conference to “talk

about vacation” in which users share messages and content related to vacation.

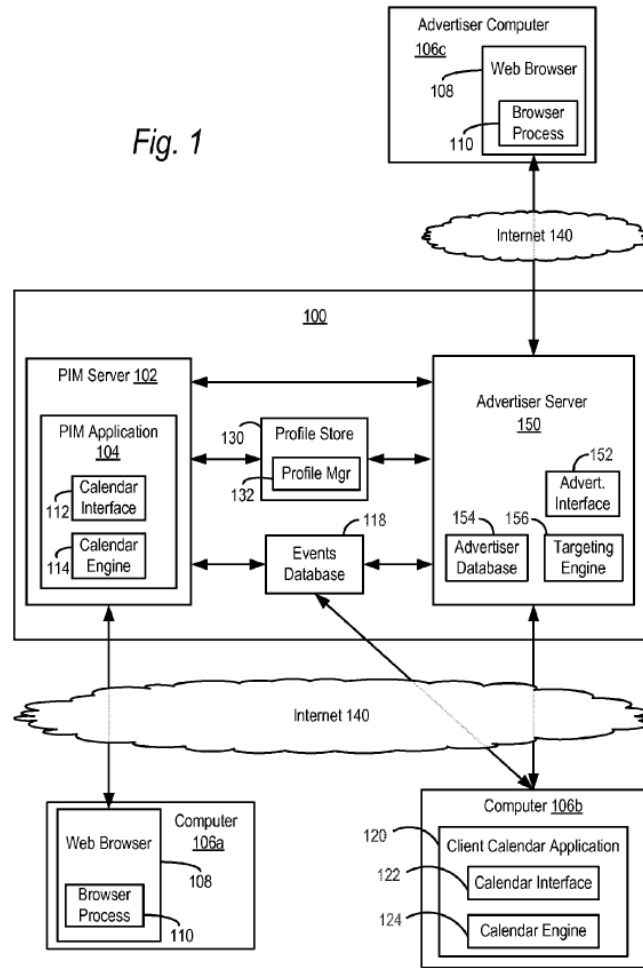
EX1007, 21:18-45 (“Conferencing application 340, messaging client 342, and P2P client 344 could be configured to interact to support drag-and-drop content sharing amongst the conference participants using interfaces such as those illustrated in FIG. 5.”); EX1003, ¶125. Thus, connecting to a conference in Amidon “*cause[s] a raised affinity between each of the personal information aggregators and the event node along a dimension corresponding to the situation,*” e.g., travel or vacation. EX1003, ¶126.

Therefore, Amidon-Walsh renders obvious this element.

VII. GROUND 2: CLAIM 13 IS OBVIOUS OVER AMIDON AND WALSH IN VIEW OF SHAHINE.

A. Overview of Shahine

Shahine generally relates to a “method of targeted advertising in association with the use of a calendar application.” EX1015, 14:27-28. Shahine discloses a “service provider system 100” that “include[s] an advertiser server 150 for receiving advertising content and targeting data from advertisers via a computing device.” EX1015, 5:32-34; EX1003, ¶60.



EX1015, FIG. 1.

An “[i]nterface 152 allows an advertiser to upload an advertisement including textual and/or graphical data, which data is then stored in an advertiser database 154 associated with advertiser server 150.” EX1015, 5:39-42. “The interface 152 may also accept targeting data from the advertiser, which targeting data is also stored within database 154,” and “[t]he targeting data determines which users of the calendar application program will be targeted by the advertiser.” EX1015, 5:45-48. A “[t]argeting engine 156 may then select the recipients of the

advertisement,” and advertisements are sent “from the advertiser server 150 to the client application program in computing device 106b.” EX1015, 6:31-39. An example “calendar interface including targeted ads” is illustrated in Figure 3 of Shahine. EX1015, 2:63-65; EX1003, ¶61.

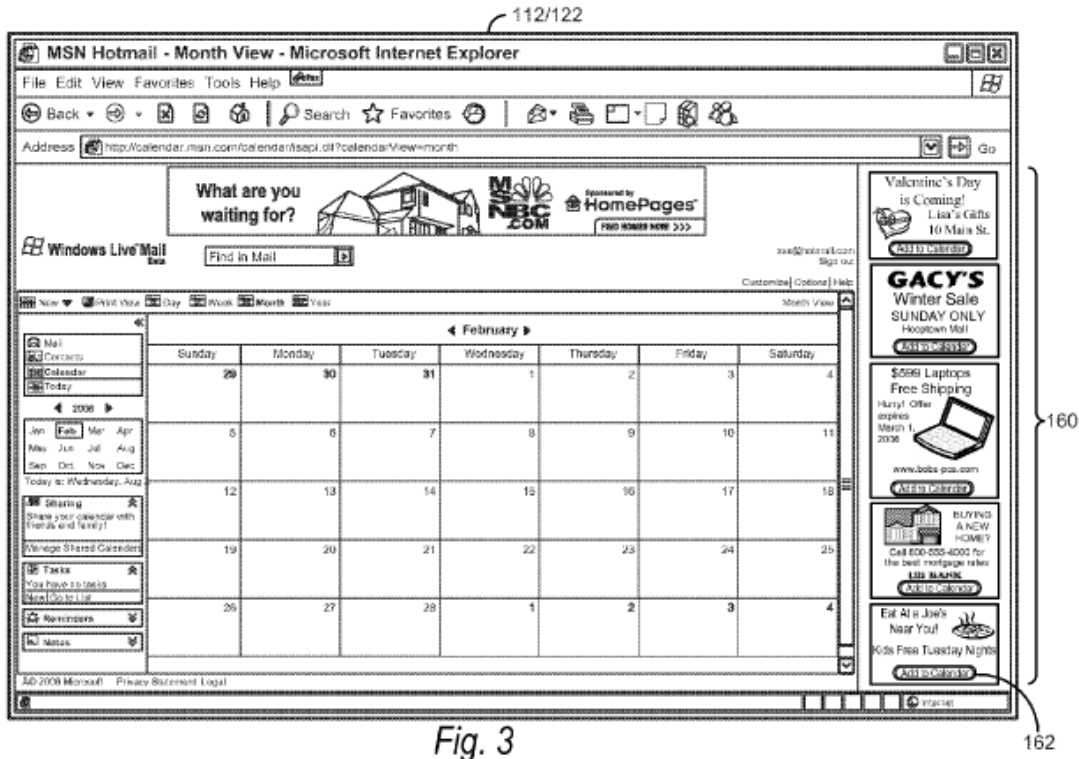


Fig. 3

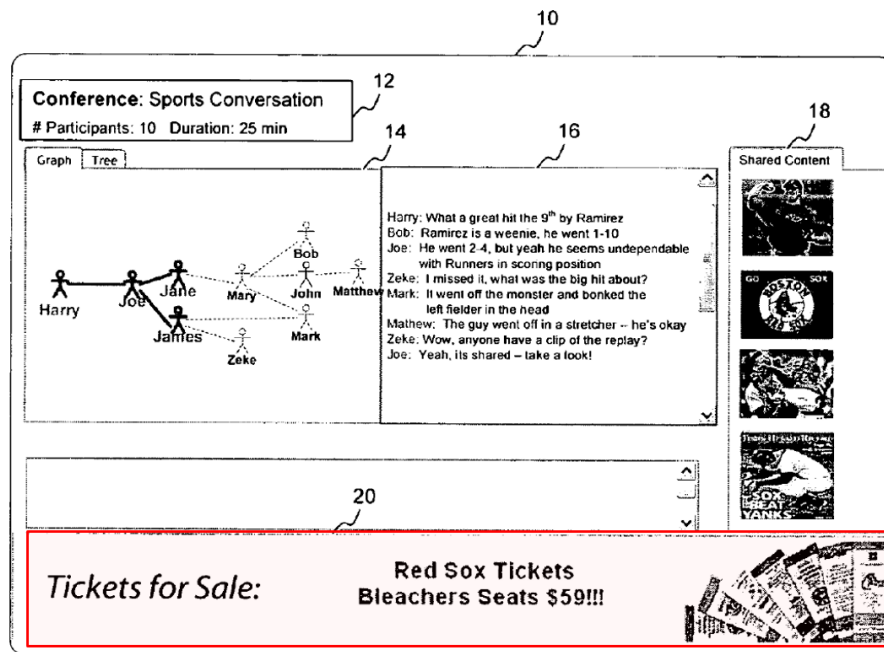
EX1015, FIG. 3.

B. Claim 13

Claim 13 recites, “*wherein the plurality of advertisements are received from at least one advertising entity.*” Amidon-Walsh in view of Shahine teaches this element.

Walsh explains that “[a]dvertisements may [] be selected by **comparison of available ads** to the session profile and provided to a user in the advertisement

display portion 20 of user interface 10,” as shown in Figure 1. EX1008, 13:30-33, 6:17-20 (“ads” (plural) “may be particularly selected for each user participating in the social network communication session.”); EX1003, ¶128. Walsh thus discloses a “*plurality of advertisements*” available for selection and distribution to users. EX1003, ¶128.



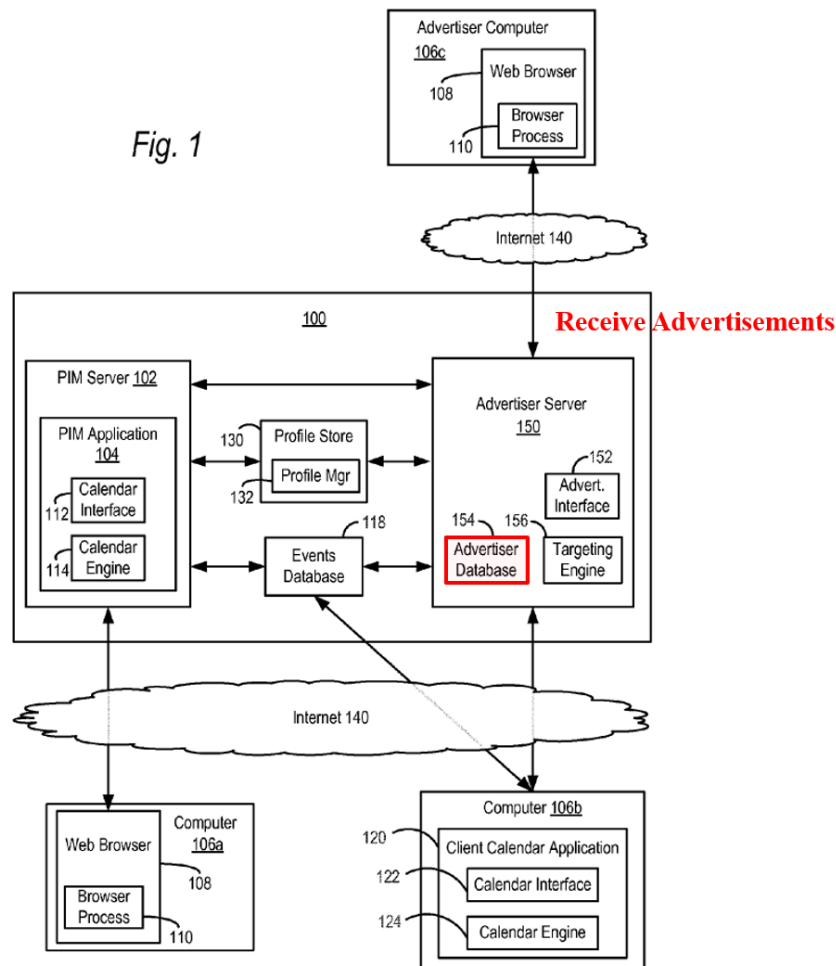
EX1008, FIG. 1 (annotated).

A POSA would have also understood from Walsh’s disclosure that Walsh’s “available ads,” such as the advertisement for “Red Sox Tickets” illustrated in Figure 1, would be associated with and received from “*at least one advertising entity*,” e.g., an organization selling Red Sox tickets. EX1003, ¶129.

However, to the extent argued that Amidon and Walsh do not expressly disclose “*receiving a plurality of advertisements from at least one advertising*

entity,” a POSA would have been motivated to look to a reference such as Shahine.

EX1003, ¶130. As discussed in Section VII.A, Shahine expressly discloses receiving advertisements from various advertisers for storage and distribution to users. EX1015, 5:39-42; EX1003, ¶130. In particular, Shahine discloses a “service provider system 100” that “include[s] an advertiser server 150 for receiving advertising content and targeting data from advertisers via a computing device.” *Id.*, 5:32-34.



EX1015, FIG. 1 (annotated).

An “[i]nterface 152 **allows an advertiser to upload an advertisement including textual and/or graphical data, which data is then stored in an advertiser database 154** associated with advertiser server 150.” EX1015, 5:39-42.

Advertisements may then be sent “from the advertiser server 150 to the client application program in computing device 106b.” *Id.*, 6:36-39; EX1003, ¶¶130-31.

To the extent not already known, a POSA would have been motivated to receive and store advertisements in Amidon-Walsh’s system, as in Shahine, to allow selection and distribution of advertisements to users—that is, to allow Walsh’s “comparison of available ads to the session profile” to be performed. EX1008, 13:30-33, FIG. 1; EX1003, ¶¶132-35. Indeed, as Dr. Jansen explains, at the time of the ’932 patent, advertising services such as Walsh’s typically employed ad servers that received and stored advertisements from various advertising entities for distribution to users. EX1003, ¶¶48-50, 132-34. And a POSA would have had a reasonable expectation of success in doing so using well-known network communication and upload techniques. EX1003, ¶135.

Therefore, Amidon-Walsh-Shahine teaches this element.

VIII. GROUND 3: CLAIM 20 IS OBVIOUS OVER AMIDON AND WALSH IN VIEW OF JONES.

Claim 20 recites, “*wherein the situation is a weather phenomenon.*” To the extent the Board determines this element to be limiting, Amidon-Walsh in view of Jones teaches this element. EX1003, ¶¶136-39.

Jones is directed to “[a] system and method of electronic advertisement and commerce” in which a consumer may “access live chat-rooms to discuss or inquire into the advertised products/services.” EX1014, Abstract. In addition to providing advertisements, Jones discloses providing “announcement[s],” such as a “public service announcement or news broadcast concerning **emergency weather reports,**” i.e., “*a weather phenomenon.*” *Id.*, ¶37. Jones explains, “In such instances where advertisement/announcement 30 is a public service announcement or news broadcast concerning **emergency weather reports,** ... **live chat-room 74** and/or telephonic response system 76 of system and method 10 **provide the Internet-user with an effective source of immediate information, feedback and participation.**” *Id.* Thus, Jones teaches connecting users via an Internet chat-room in response to “*a weather phenomenon.*” EX1003, ¶¶137-38.

In view of Jones’s disclosure, a POSA would have found it obvious to use Amidon’s conferencing system to host conferences related to weather events. EX1003, ¶139. As Jones discloses, such a conference provides “Internet-user[s] with an effective source of immediate information” regarding the weather event. EX1014, ¶37. And a POSA would have recognized that Amidon’s conferencing system is already equipped to support such conferences, requiring no modifications. EX1003, ¶139. Therefore, a POSA would have had a reasonable expectation of success hosting conferences related to weather events using

Amidon's system. EX1003, ¶139.

Accordingly, Amidon-Walsh-Shahine-Jones renders obvious this element.

IX. THE BOARD SHOULD NOT DISCRETIONARILY DENY THE PETITION.

A. *Advanced Bionics* strongly favors institution.

Applying the two-part framework from *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH* demonstrates that denial under §325(d) is not appropriate. IPR2019-01469, Paper 6 at 8-9 (P.T.A.B. Feb. 13, 2020) (precedential). Under part one, the same or substantially the same art or arguments were *not* previously presented to the Office, ending the inquiry in favor of institution. None of the references applied here—Amidon, Walsh, Shahine, and Jones—have previously been considered by the Office.

Thus, the “new, noncumulative prior art asserted in the Petition” strongly favors institution. *Oticon Medical AB v. Cochlear Ltd.*, IPR2019-00975, Paper 15 at 20 (P.T.A.B. Oct. 16, 2019) (§§II.B and II.C precedential). Should Patent Owner attempt to analogize any previously considered art or arguments to those presented here, Petitioner reserves the right to respond.

B. The Board should not deny the Petition under *Fintiv*.

The *Fintiv* factors strongly favor institution. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) (precedential). On July 24, 2023, Patent Owner filed a complaint alleging infringement of the '932 patent

against Petitioner in the Southern District of New York. The *Fintiv* factors heavily 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, EX1051, the Director's June 21, 2022 guidance recognizes, "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 and substantive motion practice will still be ongoing. EX1051. Currently, the court has not made any substantive rulings (e.g., a claim construction order). Petitioner's diligence filing the petition seven months after filing of the complaint, only two months after the infringement contentions, four weeks after the invalidity contentions, and five months before the statutory deadline favors institution.

Factor 4 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 petitions challenging the '932 patent challenge all claims of the '932 patent, whereas only

claims 1-7 and 22 are currently asserted in the parallel litigation. Petitioner's stipulation and challenge to additional claims significantly mitigates the concerns for duplication of efforts and reaching inconsistent conclusions under factor 4. *See Sand Revolution II, LLC v. Cont'l Intermodal Group*, IPR2019-01393, Paper 24, 12 (P.T.A.B. June 16, 2020) (informative).

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. The petition is also supported by the testimony of Dr. Jansen, adding further weight to the petition's compelling invalidity challenges.

X. CERTIFICATION THAT THE PATENT MAY BE CONTESTED VIA *INTER PARTES* REVIEW BY THE PETITIONER AND STANDING (37 C.F.R. § 42.104(A))

Petitioner certifies that the '932 patent is available for IPR and Petitioner is not barred or estopped from requesting IPR of any '932 patent claim.

XI. MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1))

REAL PARTY-IN-INTEREST: The real party-in-interest is Petitioner Meta Platforms, Inc.

RELATED MATTERS: The '932 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.

The '932 patent claims the benefit of U.S. Provisional Application 60/887,843, filed February 2, 2007. Petitioner has filed 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 proceeding:

- U.S. Patent No. 8,332,454 (IPR2024-00529);
- U.S. Patent No. 9,877,345 (IPR2024-00530); and
- U.S. Patent No. 11,470,682 (IPR2024-00531).

LEAD AND BACK-UP COUNSEL: Under 37 C.F.R. §§ 42.8(b)(3) and 42.10(a), Petitioner appoints **Michael D. Specht (Reg. No. 54,463)** as lead counsel, and **Jonathan Tuminaro (Reg. No. 61,327)** and **Steven M. Pappas (Reg. No. 73,904)**, 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: **mspecht-PTAB@sternekessler.com**, **jtuminar-PTAB@sternekessler.com**, **spappas-PTAB@sternekessler.com**, and **PTAB@sternekessler.com**.

XII. CONCLUSION

The challenged claims are unpatentable as obvious and IPR is warranted.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Michael D. Specht/

Michael D. Specht (Reg. No. 54,463)
Jonathan Tuminaro (Reg. No. 61,327)
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Claims Appendix – U.S. Patent No. 8,249,932

Claim 12

Element	Claim Language
[12.P]	A method of presenting targeted advertising in a situational network, the method comprising:
[12.A]	obtaining an indication of an occurrence of a situation;
[12.B]	establishing an event node for the situation in a multi-dimensional personal information network;
[12.C]	automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node, the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network and assigned an access level according to a role of the respective individual within the situational network;
[12.D]	creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding information [] aggregators;
[12.E]	aggregating information related to the situation received from the personal information aggregators connected through the situational network;
[12.F]	providing the information and at least one of a plurality of advertisements to each of the information aggregators based on which of the two or more projections includes the respective personal information aggregator;

Claim 13

Element	Claim Language
[13]	The method of claim 12, wherein the plurality of advertisements are received from at least one advertising entity

Claim 14

Element	Claim Language
[14]	The method of claim 12, wherein the two or more projections are based at least in part on a geographic proximity of the nodes of the situational network.

Claim 15

Element	Claim Language
[15]	The method of claim 14, wherein the locations of the personal information aggregators corresponding to the nodes are determined using positional coordinates obtained from the personal information aggregators.

Claim 16

Element	Claim Language
[16]	The method of claim 12, wherein different advertisements of the plurality of advertisements are provided to each of the two or more projections.

Claim 17

Element	Claim Language
[17]	The method of claim 16, wherein the at least one advertisement is selected based on targeting criteria for each of the two or more projections.

Claim 18

Element	Claim Language
[18]	The method of claim 17, wherein the targeting criteria is determined using aggregate user demographic information obtained from the personal information aggregators corresponding to each of the two or more projections.

Claim 19

Element	Claim Language
[19]	The method of claim 12, wherein the event node is established by a situation authority using an event node server.

Claim 20

Element	Claim Language
[20]	The method of claim 12, wherein the situation is a weather phenomenon.

Claim 21

Element	Claim Language
[21]	The method of claim 12, wherein the connections cause a raised affinity between each of the personal information aggregators and the event node along a dimension corresponding to the situation.

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 7,548 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

/Michael D. Specht/

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Counsel for Petitioner Meta Platforms, Inc.

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

I certify that the above-captioned **PETITION FOR *INTER PARTES***
REVIEW OF CLAIMS 12–21 OF U.S. PATENT NO. 8,249,932 and associated
Exhibits 1001-1004, 1007-1009, 1011, 1013-1016, 1021, 1024-1029, 1031-1052
were served in their entireties upon the Patent Owner on March 4, 2024, via
FedEx® Express at the following address:

Haley Guiliano LLP
75 Broad Street, Suite 1000
New York, NY 10004
Patent Owner's Correspondence Address of Record for U.S. Patent No. 8,249,932

Respectfully submitted,

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