

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

**PETITIONER'S NOTICE RANKING PETITIONS FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 8,249,932**

Mail Stop "**PATENT BOARD**"
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. INTRODUCTION

Petitioner Meta Platforms, Inc. (“Petitioner”) is simultaneously filing two petitions for *inter partes* review of all 23 claims of U.S. Patent No 8,249,932 (“’932 patent”; EX1001). Each petition challenges a non-overlapping subset of the claims: IPR2024-00528 challenges claims 1-11, 22, and 23, and IPR2024-00612 challenges claims 12-21. In accordance with the Consolidated Trial Practice Guide, Petitioner submits this paper to “identify: (1) a ranking of the petitions in the order in which it wishes the Board to consider the merits, if the Board uses its discretion to institute any of the petitions, and (2) a succinct explanation of the differences between the petitions, why the issues addressed by the differences are material, and why the Board should exercise its discretion to institute additional petitions if it identifies one petition that satisfies petitioner’s burden under 35 U.S.C. § 314(a).” CTPG, 59-60.

II. RANKING OF THE PETITIONS

The Board should consider the merits of the petitions in the following order:

1. IPR2024-00528 (“-00528 Petition”); and
2. IPR2024-00612 (“-00612 Petition”).

III. SUCCINCT EXPLANATION OF DIFFERENCES BETWEEN THE PETITIONS

The -00528 Petition challenges claims 1-11, 22, and 23, while the -00612 Petition challenges claims 12-21. Although independent claims 1 and 22 share

multiple claim elements, independent claim 12 differs substantially in claim scope, reciting a number of elements not present in claims 1-11, 22, or 23. The dependent claims also differ across claim sets. A summary of the grounds presented in each petition is shown in the table below.

IPR2024-00528			
Ground	Basis	References	Claims
1	§103(a)	Carlson and Shahine	1-4, 6-11, 22-23
2	§103(a)	Carlson, Shahine, and Lundy	1-4, 6-11, 22-23
3	§103(a)	Carlson, Shahine, and Roskind	5
4	§103(a)	Carlson, Shahine, Lundy, and Roskind	5
5	§103(a)	Amidon, Walsh, and Shahine	1-11, 22-23
6	§103(a)	Amidon, Walsh, Shahine, and Jones	8
IPR2024-00612			
Ground	Basis	References	Claims
1	§103(a)	Amidon and Walsh	12, 14-21
2	§103(a)	Amidon, Walsh, and Shahine	13
3	§103(a)	Amidon, Walsh, and Jones	20

IV. THE BOARD SHOULD EXERCISE ITS DISCRETION TO INSTITUTE BOTH PETITIONS.

The Board should exercise its discretion to institute both petitions for at least three reasons. First, the petitions are not duplicative, challenging different claims with substantially different claim scope, and efficiently address the validity of the '932 patent. Second, the petition in IPR2024-00612 relies on the same prior art presented in IPR2024-00528, minimizing the burden on both the Board and the parties. Third, the length of the claims (which, alone, include almost 1,000 words) accounts for a significant portion of the 14,000 word limit. Two petitions are thus appropriate.

A. Multiple petitions are required to sufficiently address the elements of all claims.

The '932 patent has been asserted in a co-pending litigation in the Southern District of New York. *See* EX1032. The complaint alleges infringement of “**at least** claims 1-7 and 22 of the '932 Patent.” EX1032, 40 (emphasis added); *see also* EX1052, 1 (“At present... claims 1-7 and 22 of the '932 Patent are alleged to be infringed”). Moreover, in its initial infringement contentions, Patent Owner “expressly reserves the right to amend or supplement its identification of asserted claims ... based on further investigation and discovery.” EX1052, 8. Thus, a challenge to all claims of the '932 patent is appropriate. *AliveCor, Inc. v. Apple Inc.*, IPR2023-00948, Paper 8 at 24 (P.T.A.B. Jan. 9, 2024) (finding “it is not unreasonable for Petitioner to challenge all the claims of the [] patent” where the district-court complaint asserted infringement of “at least claim 1” and the initial infringement contentions “reserved the right to amend its Complaint”).

All claims of the '932 patent are purportedly directed to “presenting targeted advertising in a situational network.” EX1001, Claims 1, 12, 22. Claims 12-21, however, recite multiple, highly-specific elements not present in claims 1-11, 22, and 23. For example, claim 12 recites, among other elements, “*personal information aggregators each ... assigned an access level according to a role of the respective individual within the situational network,*” “*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 a [sic] aggregator,” and “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.” Dependent claims 16-18 and 21, which depend from claim 12, similarly recite unique elements not present in other claim sets.

Two petitions are therefore required to sufficiently address all elements of different claim sets. *Semiconductor Components Industries, LLC v. Greenthread, LLC*, IPR2023-01242, Paper 35 at 7 (P.T.A.B. Feb. 21, 2024) (instituting multiple petitions where the petitions “challenge different claims, and those claims appear on the present record to have different claim scope”); *Samsung Electronics Co., Ltd. V. Mojo Mobility Inc.*, IPR2023-01089, Paper 11 at 26 (P.T.A.B. Jan. 11, 2024) (“[W]e find persuasive Petitioner’s reasons for filing two parallel petitions, particularly because the petitions challenge different claims of the [] patent.”).

Moreover, the -00528 Petition includes multiple grounds in anticipation of alternative claim interpretations that Patent Owner may present. For example, Patent Owner may argue for interpretations of the phrase “*causing an automatic redirection of a web browser application*” that require varying degrees of automation (e.g., whether the element restricts user involvement, whether a user click may initiate the “*automatic redirection*,” etc.). EX1012, 10. The multiple

grounds of the -00528 Petition address these potential interpretations in different ways. *See* -00528 Petition, 18-21, 42-49, 65-67; *AliveCor*, Paper 8 at 24-25.

B. The overlap between the prior art presented in the petitions minimizes the burden on both Patent Owner and the Board.

Institution of multiple petitions would not “place a substantial and unnecessary burden on the Board and the patent owner.” CTPG, 59. In addition to the two petitions challenging non-overlapping claim sets, the -00612 Petition presents the same prior art as the -00528 Petition (Amidon, Walsh, Shahine, and Jones). Thus, institution of both petitions would minimize any additional burden on the Board and Patent Owner to analyze the prior art. *Mojo Mobility*, Paper 11 at 26-27. Moreover, the non-overlapping claim sets and overlap in prior art would allow efficient consolidation of the proceedings, or, at a minimum, oral hearing and depositions to be combined. *Greenthread*, Paper 35 at 8.

C. The length of the claims favors institution of both petitions.

In addition to the differing claim scope across claim sets, the claims of the '932 patent include almost 1,000 words. Similar length was considered by the Board in *AliveCor* in which the Board explained, “[j]ust reproducing the claims and claim limitations alone, as a Petitioner generally must do for purposes of appropriate analysis, accounts for a significant portion of the required 14,000 word count.” *AliveCor*, Paper 8 at 24. Two petitions here is thus appropriate to meet Petitioner’s burden under 37 C.F.R. § 42.104(b).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/ Michael D. Specht /

Michael D. Specht (Reg. No. 54,463)
Counsel for Petitioner Meta Platforms, Inc.

Date: March 4, 2024

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

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

I certify that the above-captioned **PETITIONER'S NOTICE RANKING
PETITIONS FOR *INTER PARTES* REVIEW OF U.S. PATENT NO.**

8,249,932 was served in its entirety 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,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/ Michael D. Specht /

Michael D. Specht (Reg. No. 54,463)
Counsel for Petitioner Meta Platforms, Inc.

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