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

**DECLARATION OF BERNARD J. JANSEN, PH.D.,
IN SUPPORT OF PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

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I, Bernard J. Jansen, hereby declare as follows.

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of Meta Platforms, Inc. ("Petitioner") for the above-captioned IPR. I previously submitted a declaration (EX1003) in support of the Petition in this proceeding. This declaration is in support of Petitioner's Reply to Patent Owner's Preliminary Response.

II. CLAIM CONSTRUCTION

2. It is my opinion that each claim term should be given its ordinary and customary meaning. EX1003, ¶38. I understand that Patent Owner ("SitNet") proposes constructions for "situational network" and "event node." POPR, 1-11. I disagree with these constructions for the following reasons.

A. "situational network"

3. SitNet construes "situational network" as shown in the table below. In my opinion, this construction is improper because it is confusing and conflicts with embodiments from the specification that do not require a situational network to be a social network.

SitNet's Proposed Construction in the POPR
"social network formed in response to the occurrence of an event or situation by forming connections between nodes which represent the personal information and social metrics that interconnect participants of the social networking service hosting the 'situational network' to the underlying situation or event" POPR, 10.

4. Notably, SitNet's construction requires the situational network to be a "social network," which the '932 patent also refers to as an "N-dimensional social

network" (NDSN). POPR, 3; EX1001, 14:10-15; EX2001, 6. A "situational network" as described in the '932 patent is not so limited. The specification confirms that the situational network is established using a social network in only a *single* embodiment, explaining: "*In one embodiment*, the situational network may be established using the framework of an N-dimensional social network (NDSN)." EX1001, 7:24-29, *see also* 14:10-15:7, 19:35-36.

5. To support its construction, SitNet quotes one statement describing that situational network participants "may have no prior knowledge of or connection or contact with each other . . . through ***any other type of social network*** or personal interactions." POPR, 2 (citing EX1001, 3:46-58) (emphasis in original). In view of this statement, SitNet asserts that "the 932 Patent classifies a 'situational network' as a type of social network." POPR, 2-3. However, this statement does not define a situational network as a social network.

6. First, this statement refers broadly to "any other type of ***social network or personal interactions***." EX1001, 3:46-58 (emphasis added). This statement does not classify a situational network solely as a social network. Therefore, a POSA would not have understood this statement to define a "situational network" as being limited to a type of social network. Second, to the extent this passage even mentions a social network, it refers to only "one embodiment." EX1001, 7:24-29, *see also* 14:10-15:7, 19:35-36. Nowhere does the

'932 patent say that every embodiment of a "situational network" must be a social network. In my opinion, SitNet's construction improperly excludes the specification's other embodiments of a situational network. *See, e.g.,* EX1001, 7:1-23, 25:1-55.

B. "event node"

7. As shown in the table below, SitNet proposes that the term "event node" should be construed as "a node on a personal information network corresponding to an event or situation." POPR, 10-11. In my opinion, this construction adds more confusion than clarification and improperly narrows the claim.

SitNet's Proposed Construction in the POPR
"a node on a personal information network corresponding to an event or situation" POPR, 11.

8. For example, SitNet's construction leads to confusion in element [12.B] of the '932 patent, which would read: "establishing *a node on a personal information network corresponding to an event or situation* for the situation in a multi-dimensional personal information network." Thus, the claim would recite both "a personal information network" and "a multi-dimensional information network." It is unclear whether the *personal information network* and the *multi-dimensional personal information network* are the same or if they have different meanings. To the extent they are the same, this construction would create an

unnecessary redundancy in the claims.

9. From my review of the '932 patent, an "event node" itself is not limited to being on a personal information network (e.g., a social network). Instead, it may be a node *on a situational network*. *See, e.g.*, EX1001, 19:39-43 (describing that an event node may be established by a situation authority), 19:58-60 (users of a situational network may be automatically invited to connect to the event node), 20:16-19 (a situational network's temporal limit may be established at the event node), 21:49-52 ("Users connected to an event node of a SitNet in an NDSN through a PIA may also request a 'projected' view . . . ."). That is true even when the situational network is created within the framework of a "multi-dimensional personal information network." *See, e.g.*, EX1001, 5:47-65, 7:24-28, 14:10-17. In other words, when the situational network is created within the framework of a "multi-dimensional personal information network," the event node likewise is on a personal information network. Nevertheless, when the situational network is created in a different way (i.e., outside of the framework of a "multi-dimensional personal information network," such as the peer-to-peer embodiment), the event node is *not* on a personal information network but *is* on the situational network.

10. The POPR contends "a 'situational network' must be a type of 'personal information network,'" because a "'situational network may be

established using the framework of an N-dimensional social network (NDSN), also referred to hereafter as a multi-dimensional personal information network.'" POPR, 11 (quoting EX1001, 7:24-27). I disagree. That a situational network *may be* established within the framework of a personal information network does not mean that it *must be* established within such a framework. I note that in embodiments of a situational network that use an NDSN as a framework, event nodes may simultaneously be nodes on a situational network and a personal information network. *See, e.g.*, EX1001, 6:44-48, 7:24-39. In my opinion, the term "event node" should not be limited in such a manner because, in other embodiments, the event node may be on a situational network and *not* on a personal information network.

III. AMIDON, WALSH, AND SHAHINE RENDER THE CLAIMS OBVIOUS EVEN UNDER SITNET'S CONSTRUCTIONS.

A. Amidon teaches a "situational network" under SitNet's proposed construction.

11. Dr. Rubin does not dispute that Amidon teaches a social network. *See* EX2005, ¶¶46-48. Instead, Dr. Rubin challenges the alleged timing requirements for the formation of a "situational network." EX2005, ¶¶46-48. For example, Dr. Rubin argues that "Amidon's architecture does not create new connections but instead creates chatrooms, referred to as 'conferences,'" and that these "chatrooms are created using existing social networks to determine the participants in a chatroom (i.e., conference)." EX2005, ¶47. Dr. Rubin, therefore, asserts that "these

chatrooms are not created *in response* to an event or situation." EX2005, ¶47 (emphasis in original). However, nothing in SitNet's proposed construction, nor the specification, prevents the use of existing social network information in forming a "situational network." In other words, a "situational network" may be formed in response to a situation whether or not it uses existing social network information, such as knowledge that a user may be interested in a situation.

12. I understand that in the district court, SitNet explained, "[w]hat is clear is that a subset of nodes in an online social network, when formed in response to the occurrence of an event or situation, is a 'situational network' within the meaning of the asserted claims." EX2001, 7. To the extent this is required by the claims, SitNet's characterization of a "situational network" is what Amidon teaches.

13. As I explain in my original declaration, 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; EX1003, ¶72. Each conference is formed in response to a situation ("a user can specify the nature . . . of a conference," EX1007, 2:57-63). Therefore, Amidon's conferences connect a subset of the users of the larger social network in response to an event or situation. EX1003, ¶¶71-73.

14. In certain embodiments, Amidon also discloses "send[ing] an invitation to users . . . to join in the conference" as part of conference formation. EX1007, 21:5-8. In the POPR, when arguing its construction of "event node," SitNet points to a similar embodiment in the '932 patent "show[ing] a situation in which a user is invited to connect to an event node ('invite(Event Node)') based on a likely interest in the event underlying the 'situational network.'" POPR, 7-8 (citing EX1001, 19:58-66). The cited passage of the '932 patent also explains that "[t]he automatic invitation may be based on a stored user profile" to determine whether a user "would likely be interested in the information about the event." EX1001, 19:58-66; POPR, 8. Therefore, even the portions of the '932 patent allegedly supporting SitNet's POPR construction confirm that a "situational network" may be formed using existing social network information, such as whether a user "would likely be interested in the information about the event." EX1001, 19:58-66.

B. Amidon teaches an "event node" under SitNet's proposed construction.

15. To the extent the Board determines the event node must be in "a node on a *personal information network*," neither SitNet nor Dr. Rubin disputes that Amidon teaches a personal information network or that Amidon's "social network conference[s]" are established within that network. *See* POPR, 17-20; EX1003, ¶¶78-80 (explaining that Amidon teaches a "multi-dimensional personal

information network" and establishes conferences within the network). Instead, SitNet asserts that Amidon's "conferences do not include **as a participant** *the situation or event underlying the conference*." POPR, 19 (bolding added, italics in original). SitNet, therefore, asserts, "Without the underlying situation or event as a participant, the conferences do not and cannot include an 'event node' corresponding to the situation or event that is the subject of the conference." POPR, 19; EX2005, ¶50 (asserting that "[t]he chatroom itself is not a node on a situational network").

16. SitNet and Dr. Rubin apparently miss the point. As I explain in my original declaration, Amidon's social network conference *itself* is the claimed "event node": "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." EX1003, ¶¶79-80. An additional node is unnecessary because the conference *is* the node—i.e., a node to which conference participants connect. Nothing in SitNet's proposed construction requires the "event node" to be a conference participant.

17. Such an understanding is consistent with embodiments of the '932 patent, where the event node connects users to facilitate communication about the event or situation. For example, in the embodiment of Figure 25, a first user propagates messages (about a situation, e.g., a snowstorm) to other users in

selected groups via a node in the network. EX1001, 30:23-45. The other users may then forward and/or reply to messages. EX1001, 30:23-45. The node in this embodiment simply connects users to facilitate messaging. Amidon's social network conference similarly connects users to facilitate messaging about a situation (e.g., a "Game Conversation"). EX1007, 16:65-18:50, FIG. 4.

18. SitNet and Dr. Rubin further contend that Amidon's "database record cannot correspond to a situation or event without providing entry for the event or situation, because without such a field, the conference could not be queried based on the event or situation." POPR, 20; EX2005, ¶52. However, Amidon's "conference ID" specifically identifies the conference. EX1007, 15:6-17. Additionally, Amidon discloses that "[t]itle bar 202 provides a description of the presently-selected conference ('Game Conversation')," indicating to a POSA that this information must be stored in the database record. EX1007, 16:65-17:7. In other words, the conference clearly provides an indication of the event. Disclosure of a specific database field providing entry for the event is not necessary for Amidon to teach the limitation.

IV. CONCLUSION

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

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

Executed on this 12th day of July 2024, in Phuket, Thailand.

Bernard J Jansen

Bernard J. Jansen, Ph.D.