

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

SITNET LLC,
Patent Owner

U.S. Patent No. 8,249,932

IPR Case No.: 2024-00612

**SITNET LLC'S SUR-REPLY TO PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S.
PATENT NO. 8,249,932**

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EXHIBIT LIST

No.	Exhibit Description
2001	Joint Claim Construction Brief in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 57).
2002	Amended Joint Claim Construction Chart in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 58).
2003	Order regarding Trial Schedule in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 32).
2004	Statistics for Southern District of New York Judges
2005	Expert Report of Dr. Aviel D. Rubin
2006	Markman Hearing Transcript in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (July 1, 2024)
2007	Claim Construction Order in <i>SitNet LLC v. Meta Platforms, Inc.</i> , No. 1:23-cv-06389-AS (Dkt. 79).

I. INTRODUCTION

Petitioner has not informed the Board of the positions taken, arguments advanced, and decisions rendered in the current proceedings before the District Court. Patent Owner, in its Preliminary Response, set forth the claim constructions advanced before District Court by both parties and evaluated the asserted grounds with respect to thereto. The District Court has since conducted a *Markman* hearing – the transcript of which is attached as Exhibit 2006 – and issued an Opinion and Order – attached as Exhibit 2007. The Petitioner’s Reply should be assessed with respect to these changes in the law of the case.

Petitioner’s Reply contains arguments rendered moot by the District Court’s claim construction order, should the Board adopt it. For the sake of the brevity, Patent Owner limits its response to Petitioner’s arguments conflicting with the claim construction order.

II. CLAIM CONSTRUCTION

A. 37 C.F.R. § 42.100(b) Statement

An Opinion and Order construing the claims of the Patent at issues was issued in *SitNet LLC v. Meta Platforms, Inc.* No. 1:23-cv-06389-AS (S.D.N.Y. July 24, 2024). To preserve consistency between the proceedings, Patent Owner respectfully requests the Board to consider and adopt the District Court’s construction. This request should not be taken as waiving any right to appeal or as an admission to the accuracy of the District Court’s construction.

B. Situational Network

The District Court construed the term Situational Network as “a network created in response to an event or situation.” Exhibit 2007, at 2-4. In reaching this construction, the District Court observed the specification details the computer network 900 included within the situational network 3000 shown in FIG. 1 is “simply *the medium of connection*; it is not a social network.” *Id.*, at 3 (emphasis added).

The District Court did not find Petitioner’s proposed construction of “a network created when an occurrence or expected occurrence of an event or situation *causes connections to be established between, within, or among a set of participants*” (emphasis added) to be inaccurate – consistent with Court’s finding that the network of a situation network is medium of connection. Rather, “given the complexity and length of Meta’s proposed construction, the Court adopt[ed] its own” and Meta had no objections. *Id.*, at 4. As the Court found the network of a situational network to be “a medium of connections” and did not dispute the accuracy of Petitioner’s proposed construction which requires “connections to be established,” the “network created in response to the event of situation” must have a newly created connection.

C. Event Node

The District Court declined to construe the term event node on the basis that it is defined within the claims. Exhibit 2007, at 5-6. The Court found the label “event” makes “clear that the node corresponds to an event, so that part of each side’s construction is unnecessary.” *Id.*, at 6.

III. AMIDON, WALSH, AND SHAHINE DO NOT RENDER THE CLAIMS OBVIOUS

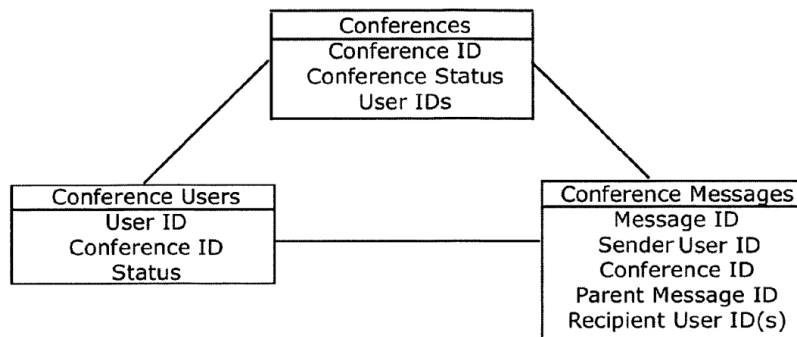
A. Amidon Does Not Teach a Situational Network

A situational network is a network created in response to a situation or event. Creating a network requires establishing connectivity between its members. As detailed in the Preliminary Response, the connections within Amidon’s conferences, and those used to establish distribution lists therein, are formed prior to the conference. Preliminary Response, 12-17. Consequently, creating a conference as taught by Amidon does not create new connections. Therefore, Amidon does not create a network in response to a situation or event and thus does not teach a situational network.

To the extent Petitioner’s arguments are consistent with Patent Owners proposed claim construction before the District Court, the Court rejected that construction for being inconsistent with the specification. Exhibit 2007, 2-4.

B. Amidon Does Not Teach an Event Node

The label “event” makes “clear that [an event] node corresponds to an event.” Exhibit 2007, at 6. Petitioner asserts Amidon’s conference is an event node. But, as detailed in the Preliminary Response, page 20, the record defining an Amidon conference fails to include any entry for an event. Rather, as shown in FIG. 3 of Amidon (below), it merely comprises a listing of participants (User IDs), an identifier (Conference ID), and status indicator (Conference Status). Lacking any entry for an event, the conference does not correspond to an event and thus is not an event node.



IV. CONCLUSION

Petitioner has failed to demonstrate a reasonable likelihood that they will prevail as to any of the challenged claims. *Inter partes* review should therefore be denied.

Dated: July 26, 2024

Respectfully submitted by,

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

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that Patent Owner's Preliminary Response was served on July 26, 2024 by e-mailing copies to the following e-mail addresses as provided in Petitioner's Petition:

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