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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

SITNET, LLC,
Patent Owner.

IPR2024-00529 (Patent 8,332,454 B1)
IPR2024-00612 (Patent 8,249,932 B1)

Record of Oral Hearing
Held: June 11, 2025

Before NEIL T. POWELL, KARA L. SZPONDOWSKI, and
STEPHEN E. BELISLE, *Administrative Patent Judges.*

APPEARANCES:

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P R O C E E D I N G S

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JUDGE POWELL: -- arguments in two inter partes reviews today. Those include IPR2024-00529, which involves U.S. Patent Number 8,332,454 B1. The other IPR is IPR2024-00612, which involves U.S. Patent Number 8,249,932 B1. I am Judge Powell and I am joined by Judges Belisle and Szpondowski. Who do we have on the conference for Petitioner?

MR. TUMINARO: For Petitioner, this is Jonathan Tuminaro from the law firm of Sterne, Kessler, Goldstein & Fox. I have with me in the room, Jennifer Chagnon and Steve Pappas, both from Sterne, Kessler. And also on the line, I believe, is Jordan Bekier, who is in-house counsel for Meta.

JUDGE POWELL: Thank you. Who do we have on the conference for Patent Owner?

MR. HECHT: Good afternoon, Your Honor. My name is David Hecht with the law firm of Hecht Partners. My partner, James Zak, is on the line and in a separate window, as well.

JUDGE POWELL: Thank you. So, each party will have 60 minutes of total time to argue. Petitioner will start and may reserve rebuttal time. Patent Owner will respond to Petitioner's opening arguments and may reserve time for surrebuttal. I'm going to keep track of each party's time with a timer, which is barely visible behind me. Because it's barely visible, I think probably it's best that you try to keep track of your own time, as well, in parallel, but I will try to let you know when we're running close.

When you present, please specify which demonstratives and exhibits you refer to. Patent Owner has a set of demonstratives for the 529

case and a separate set for the 612 case. So in the case of -- referring to Patent Owner's demonstratives, please specify which set you refer to. For example, you could refer to a particular slide of Patent Owner's 529 demonstratives or of Patent Owner's 612 demonstratives, and that should keep things clear for us.

Once we finish with all the argument, we will go off the record and I'd ask that everybody please stay on the line -- Counsel, at least -- for a little bit to see if the Court Reporter has any questions. And with that -- actually, does Patent Owner have any other general questions or concerns?

MR. HECHT: No, Your Honor. Thank you.

JUDGE POWELL: Okay. How about Petitioner?

MR. TUMINARO: No, Your Honor.

JUDGE POWELL: Okay. Then I give the floor to Petitioner and before you start, let me ask, do you want to reserve time for rebuttal?

MR. TUMINARO: Yes. May I reserve 30 minutes, please?

JUDGE POWELL: Okay. You may begin when you're ready.

MR. TUMINARO: I'm going to share my screen so I can share my slides. Okay, thank you. Jonathan Tuminaro on behalf of the Petitioner, Meta. The claims of the '454 and the '932 patents are directed to nothing more than connecting people over a conventional social network to share information about a situation or a disaster. And in some of the claims about sending targeted advertising to people involved in those situations are disasters.

No new technology or techniques are disclosed. The petition shows how all of the challenged claims would have been obvious. SitNet's responsive arguments focus only on a single claim element, the event node,

and as we've shown in the petition and as we'll discuss today, all the challenged claims should be held unpatentable.

So, I'm moving on to Slide 2, which just has an overview of the instituted grounds. In today's discussion, unless Your Honors have questions, I'm only going to focus on the disputed issues and we'll rest on the papers for all the other issues. And the disputed issues here focus on the Amidon reference and the Wong and Gogic references, but the disputed issues don't touch upon Walsh, Shahine, or Jones. So unless Your Honors have questions about those references -- Walsh, Shahine, or Jones -- I won't discuss them here today.

I'm on Slide 3. Slide 3 here is sort of an overview of the agenda of what I plan to address. As I mentioned, there's disputed issues with respect to the Amidon grounds and those focus on the term "the event node" and the issues across the '454 and the '932 are similar for that event node issue with respect to Amidon. And there's a couple issues with respect to the dependent Claims 2 and 5 of the '454 patent. I'll address those and then I'll address the issues with respect to Wong and Gogic.

So, moving on to the Amidon grounds. I am now on Slide 5 of our presentation and it just provides an overview of independent Claim 1 of the '454 patent, and I'll pause at this point just to give an overview, just to re-orient Your Honors. The '454 patent, in general, what that's directed to is forming projections within a situational network, and the '932 patent, in general, what that's directed to is providing targeted advertising to participants in a situational network. So, I'm just focused here on independent Claim 1 of the '454 patent as an example because it recites the event node. And in particular, if you look at element 1.1, it talks about

creating client event node server and event node in a multidimensional personal information network.

So, I'll move on to Slide 6 and talk about, well what is an event node and what is the -- what do the patents at issue here say about what an event node is. And I guess here's a good point to pause. The two patents at issue here are not in the same family, but they share the same specifications, so the disclosure from these two patents are the same. So, in our slides, we try to cite -- have parallel cites to the two different patents, but they're not in the same family, but they include the same disclosure.

So, with respect to an event node, I'm looking at the -- on the left-hand side. The second highlighted material. It says the situation or event itself may be associated with a node, and when the event is associated with the node, that's known as an event node. That's what the specification says about the event node.

And what is that? SitNet's expert agreed that an event node is an object with attributes that define the event and that object is merely a data structure. The quote on the right has SitNet's expert's testimony. Question, and an event node would be an object with attributes that defines the event; is that fair? Answer, yes. Question, those objects are simply data structures, right? Answers, that's what they are. And Amidon teaches such an event node and I'm moving on to Slide 10 of our presentation.

Slide 10 of our presentation shows on the left-hand side, Amidon's social network conference. The user's view of the social network conference, and on the right-hand side, a portion from our petition explaining how Amidon's social network conference is the event node, because the highlighted text on the right-hand side, it talks about the

conferencing system 12 Amidon teaches may store data defining social network conferences in any suitable fashion.

And what Amidon describes about how those social network conferences are stored is they're stored as a data structure. And we have that illustrated, for example, on Slide 11 of our presentation. So, you look at, at the left-hand side our presentation, this is a quote from the Amidon reference. The highlighted material there says, a social network conference may be defined using a plurality of data structures, such as are illustrated in Figure 3. And in the bottom center portion of our slide is Figure 3 from Amidon, showing the types of data structures that Amidon teaches for defining that social network conference.

And just going back to, again, Slide 6 of our presentation, SitNet's expert agreed that an event node is simply a data structure and that is what Amidon teaches, that there's -- a social network conference is defined by data structures stored in a database. So, if there's no questions on that, I'll move on to the dependent claims for Amidon and that is on Slide 15 of our presentation.

JUDGE SZPONDOWSKI: Counsel, I do have a question. What's your response to Patent Owner's argument that the social network conference is the social network, rather than the node?

MR. TUMINARO: So, we disagree with that. I'll go back to Slide 10. What's shown here on the left-hand side of Slide 10 in the box that's labeled 201, that's showing participants -- that's an illustration of the participants that would be included in a social network, but that's not the -- that's not what we're relying on for the event node.

The event node is the social network conference itself and I think

the argument from SitNet, if I understand it correctly, is they're saying, well, Amidon doesn't show a node in like that figure there on the left that says event node. Well, a depiction like that is really just a way of understanding the abstract concept of what an event node is. In a real network, if you had an event node, it wouldn't be illustrated by a little, you know, dot in a graph.

What that real event node would be in a real network would be a data structure that has attributes that define that event node. And just the way that SitNet's expert agreed that the event node is a data structure and if you're going to actually implement an event node in a social network, it would have to be a data structure, and that's precisely what Amidon teaches, going back to Slide 11 of our presentation. Amidon's social network conference is defined by these data structures that allow for the communication between the participants in a social network.

I'll move on then to Slide 15 of our presentation with respect to dependent Claim 2. So, dependent Claim 2 requires that -- it recites that the event node is created in response to the -- to identification of a situation by a situation authority. So, the dispute here with respect to dependent Claim 2 revolves around the term, situation authority, and in the lower left-hand side of this slide, it shows the disclosure from the patents at issue about situation authority.

It's highlighted and in red on the lower left-hand side and it says that the situation authority could be things like a news organization, a news agency, traffic agency, some sort of agency or entity, other than perhaps, just an individual. That's the way a situation authority is described in the '454 patent, for example, and Amidon teaches this. In particular, it's Amidon's user, and this is described on Slide 16 of our presentation.

So, Amidon's user on the left-hand side -- this is a quote from Amidon in the highlighted text -- Amidon defines that user very broadly. It says the user is meant to broadly include not only an individual, but also other entities, such as groups of individuals and organizations when treatable as a single entity. So, Amidon's user is broadly defined. It could be an entity just like the situation authority was described as being an entity. So, Amidon's user satisfies the situation authority in dependent Claim 2.

Moving on to dependent Claim 5. Dependent Claim 5 depends from Claim 4 and essentially what it requires is that there's a certain amount of information -- the information that's provided has to be a targeted advertisement. So, Claim 5 is adding this notion of a targeted advertisement, and as we explained in the petition, Amidon teaches this targeted advertisement. This is on Slide 18 of our presentation.

On the left-hand side, we have a quote from Amidon and the highlighted text. A user may direct announcements or sales pitches towards members of a social network based on member parameters, such as degree of separation or member characteristics, such as demographic grouping. So, these types of sales pitches teach the targeted advertising that's required by dependent Claim 5. With that, unless there's questions on Amidon, I'll move on to the Wong and Gogic combination.

So, starting with Wong, now on Slide 20 of our presentation. So, Wong, at a high level, talks about a social network with nodes and communications between those nodes. So, on the right-hand side, we have a callout from a portion of Wong's disclosure. And looking at the second highlighted text material there, it says communications with other entities within or outside the network using features of a social network. So, Wong

teaches the notion of a social network through a bunch of nodes. Looking at the last highlighted text on the right-hand side, it talks about these nodes can connect to living or non-living entities within this social network construct.

Wong also teaches -- moving on to Slide 21 -- that a user can create a new node within this social network -- within its social network, and that's the first highlighted text on the right-hand side. It says, the user 31 can construct a network or join an existing network by adding, creating, and linking new nodes. So, Wong explicitly discloses the concept of adding a new node to this social network construction.

And Wong -- moving on to Slide 22 -- also discloses this notion that the social network could be used in order to provide alerts or updates. That's the underlying text on the right-hand side of Slide 22. So Wong teaches a social network with nodes. Wong explicitly teaches how to create a new node within that social network and Wong talks about how that social network can be used to provide updates or notifications. And then this is where Gogic comes in.

Moving on to Slide 23, Gogic teaches the creation of an ad hoc location-based communication in response to an emergency type situation. So, the quote on the left-hand side of Gogic that's highlighted, it says, during emergency situations, the formation of a communication group based on proximity of other users or based on user's location being confined to a given area may allow emergency services to be more efficiently or more appropriately deployed. So, Gogic talks about this ad hoc network that's created in response to this sort of emergency.

And we explained in the petition -- now I'm on to Slide 24 -- we explained in the petition how a person of ordinary skill in the art would've

been motivated to combine Wong's teaching of a social network with nodes, the creation of a new node, and providing alerts, combining that with Gogic, so that the combination of Wong and Gogic, a POSA would have recognized that a new node, i.e. an event node related to the identified event or situation would be useful in Wong's social network to facilitate communications related to the event or condition.

In response to this argument and in response to this petition, SitNet makes essentially two arguments with respect to the Wong-Gogic combination. I'm moving on to Slide 25 of our presentation. First of all, SitNet argues that neither Gogic or Wong individually teach the event node, and we're not relying on either of them individually for this event node. Again, it's the combination of Wong and Gogic that we're relying on. And then the second type of argument that --

JUDGE POWELL: So you don't dispute Patent Owner's argument that individually, neither reference expressly teaches an event node; is that accurate?

MR. TUMINARO: We're not relying on either reference individually for the teaching of an event node. So, to that extent, we don't dispute that, but what we're relying on is that the combined teaching of Wong and Gogic would disclose the event node because, as I mentioned, Wong teaches a social network with a bunch of nodes, teaches how a user would want to create a new node, and Wong also teaches that you could provide alerts.

And a person of ordinary skill in the art, as we explained in our petition, would have been motivated to combine Gogic's teachings with Wong in order to provide an event node. And that's described, for example,

at page 47 of our petition and 48 of our petition, where we lay out in detail the motivation to combine Wong with Gogic. So --

JUDGE POWELL: Would you say that the event node is obvious over the two references, even if it's not disclosed per say?

MR. TUMINARO: Yes, we would agree with that. The event node would have been obvious based on the teachings of Wong and Gogic, and that's essentially what our position is in the petition, that we're saying that these claims of the '454 patent would've been obvious over the combination of Wong and Gogic.

And the test, as Your Honors pointed out in your own institution decision, the test for obviousness -- this is on the right-hand side of Slide 25 of our presentation -- the test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references, but whether the claim subject matter would have been obvious to those of ordinary skill in the art in light of the combined teachings of those references. And as we set forth in the Petition, it's the combined teachings of Wong and Gogic that render the claimed event node and the overall claimed subject matter of the '454 patent to be unpatentable.

JUDGE POWELL: Thank you.

JUDGE BELISLE: Counsel, this is Judge Belisle. So, if the teachings of those two references would've rendered this feature sort of obvious to the skilled artisan, what does the skilled artisan in practice see an event node to be? What is an event node?

MR. TUMINARO: An event node --

JUDGE BELISLE: Cover that again for me. What is an event node --

MR. TUMINARO: Sure.

JUDGE BELISLE: -- from, you know -- from the eyes of a skilled practitioner here, in practice, like what is it?

MR. TUMINARO: In practice, in a real network, it would be a data structure. It would be some sort of data structure, like a file or something that's stored in a database that defines that node, and that's precisely what -- SitNet's expert agreed what a node would be. This is on the right-hand side of Slide 6 of our presentation. It's just an object or a data structure with attributes that define that node, and that's where the node would be in a real network. It wouldn't be an illustration of a little dot and a graph on a figure. That's just a way of understanding the abstract concept of a node, but what a node would really be is a data structure in a network.

JUDGE BELISLE: What are some examples of attributes that are going to comprise this data -- what is the data -- what data is in the data structure? What kind of information is going to define this event node?

MR. TUMINARO: For example, Amidon teaches some of these things. So the type of information that would be in there would be what is the event, who are the participants of that event, how do I communicate, or you know, what's the IP address of the devices that are going to be associated with this event. Those are the types of attributes that could be included. There are more that are also described in Amidon. Does that --

JUDGE BELISLE: Is --

MR. TUMINARO: -- help, Your Honor?

JUDGE BELISLE: Is it the information that the system needs in order to be able to communicate with a given sort of network of users?

MR. TUMINARO: Yes, with a given network of users around a

1 particular event.
2 JUDGE BELISLE: Around a particular --
3 MR. TUMINARO: So, for example --
4 JUDGE BELISLE: -- event, yes.
5 MR. TUMINARO: So, for example, in the example of Amidon,
6 this is now on Slide 10. The social network conference that's being
7 discussed in Amidon, that's in the -- sort of the center top of this. It says
8 game conversation. So the event in this example of Amidon is that the
9 participants are talking about a game. So, that's the event. So, there would
10 have to be some sort of attributes that were stored in this data structure
11 around the ID, the identification of that event, the identification of the users
12 that are participating in that event.
13 JUDGE BELISLE: That sounds a bit like a breakout room in
14 WebEx here that we use. So, we have a bunch of users in a big WebEx, but
15 then groups break out and are in their own defined sort of communication
16 realm for a particular reason. And that sort of sounds like that becomes an
17 event node.
18 MR. TUMINARO: That's the way it is described in the patents at
19 issue here. The patents at issue talk about the event itself can be associated
20 with a node and in the patents at issue, what they describe in terms of a
21 node -- sorry, this is at Column 14. I'm on the '454 patent, Column 14, lines
22 59 to 64. And broadly describing -- this section of the specification broadly
23 describes a node and it says, in one embodiment, the NDSN comprises
24 interconnected nodes, where individual users, members, entities,
25 communities, or other aggravations of entities within the NDSN are
26 associated with the nodes.

And it goes on to say, each node provides an associated entity with the ability to store and manage his profile in relationship with other users of the NDSN. How nodes are broadly described in the patent at issue does not provide really more explanation about what a node is beyond that. What SitNet's own expert, as I've shown on Slide 6 as being presented, agreed that a node is simply a data structure with attributes that define it. That's how the patents at issue describe what a node is and the references that we rely on -- Amidon and Wong and Gogic -- teach precisely what is described in the patents at issue.

JUDGE BELISLE: Okay.

MR. TUMINARO: With that, if there's no further questions, I will reserve the remainder of my time for rebuttal.

JUDGE POWELL: Very good.

MR. TUMINARO: I'll stop sharing so Mr. --

MR. HECHT: Just one moment, Your Honors. Oh, go ahead.

JUDGE POWELL: So, for your planning, Petitioner, you have 36 minutes, 22 seconds left, so you can plan your rebuttal.

MR. TUMINARO: Thank you, Your Honor.

JUDGE POWELL: Mr. Hecht, would you like to reserve time?

MR. HECHT: Yes, Your Honor. Sorry. I would like to reserve 30 minutes.

JUDGE POWELL: Okay.

MR. HECHT: Just let me get the preview window. There we go.

JUDGE POWELL: Yes. No rush.

MR. HECHT: Why is this -- okay, I think this works. Are you able to see the slides now?

JUDGE BELISLE: Yes.

JUDGE POWELL: Yes.

MR. HECHT: Okay, excellent. Good afternoon, Your Honors. Let me make sure my slides work. There we go. Meta argues that a database record defining a social network constitutes a node in that social network. There are two problems with this argument. A relational database is not a situational network and a record defining the social network cannot be within itself. The --

JUDGE POWELL: And on that point -- I'm sorry to start in so soon on you.

MR. HECHT: No problem.

JUDGE POWELL: In Amidon, isn't there a bigger network of which that conference is a smaller part? And that goes to the question of, it can't be a part of itself, but it's a part of a bigger network, right? Amidon's conference is part of a bigger social network and therefore, not a part of itself in a sense. Does that --

MR. HECHT: I believe --

JUDGE POWELL: -- make sense?

MR. HECHT: I'm not 100 percent sure. I don't think we argue that the -- the event node is not a network. So the fact -- I think there's -- this might kind of clarify as we're going through, but I don't think we've argued that and I don't know that we've necessarily seen that there's a bigger network. I think Amidon -- is it possible that there are other users and that those users, you know, could be connected in a different conference -- yes, because there's a database of users. I think your point is that there could be other aspects of the conference that are not included within say, you know --

in Figure 4, I think it shows a gaming conversation.

So, we admit that, but we don't think that -- the event is not a network. The project could be a sub-network, but that is a different claim element. So, I think it's a little confusing, but I do think that the fact that Meta has not pointed to anything specifically other than the overall aspect of Amidon that has, you know, everything. It doesn't matter whether there's a broader network or not because we still don't meet the claim limitations in Amidon. So, that's a little convoluted way of saying it, but there might be more clarity as I dig in some more.

JUDGE POWELL: I think I follow what you're saying, and again, sorry to waylay you so early in your presentation. I'll let you run a little bit here.

MR. HECHT: Thank you.

JUDGE BELISLE: And Counsel, this is Judge Belisle.

MR. HECHT: Yeah.

JUDGE BELISLE: Before you get going, I do look forward to hearing your version of what an event node is, as opposed to what it is not. And I'm sure it's not whatever Petitioner says it is, but I'd like to hear you explain what it is.

MR. HECHT: And actually, on that point, I would say -- we've referenced in our papers, Column 7 of the '932, specifically, which is the shared spec, but just pointing to the '932, Column 7, lines 29 to 38, I believe. Essentially, the event node provides up-to-date information regarding the situation because the event node is -- corresponds to the situation. It's the whole point of the event node. So, I think there is some concrete detail in the patent that sheds light on it and there's certainly limitations of the claim

that gear the event node to the situation. So, I would cite that portion as a very important portion. So, you know, obviously, we know where we're headed roadmap-wise.

I also wanted to touch on, because it is in the record, even though we've essentially cancelled the claims, but what was the point of the amendment that was entered and then essentially withdrawn. So, now the claims that are left are Claims 12 to 21, essentially. Those original -- those claims were amended in order to bring in event node and sort of make those other claims uniform with the remaining claims. And I think it's very -- again, it's in the record. It's informative to look at, but Meta had to bring up a new reference in order to find the event node.

And they didn't just rely on Amidon or any other art in this proceeding, but they relied on additional art. And I think there's sort of this adverse -- there should be an adverse view or there could be an adverse view of that because it wasn't good enough to have what they already flagged as the, you know -- the prior art in this proceeding as the grounds for institution, but they have to find more and I think it's sort of an implicit admission that there's not enough, you know, in terms of the raised grounds.

But I will move on because the point of those amendments and the point of what we've done is what's left are these event node claims, which we are confident in and the whole point was to sort of prune the patent to find what -- where the meat of what was innovative -- was being covered by. And that is the event node. That's why this whole argument is really about event node.

The Markman order claim -- the Markman order in SitNet, the underlying case, noted that the claims clarify that the event node

1 corresponds to a situation. That's, again, to what I was saying in the cited
2 aspect of the specification. Claim 12, for example -- and this is the '932
3 demonstrative in the 612 proceeding that I was going to begin with, and then
4 we can pivot to the other proceeding, but this '932 patent has sort of the bulk
5 of the Amidon argument that overlaps in the other patent. So we'll be able to
6 quickly go through the other one when it's time.
7 Moving on. The social network is explicitly defined as one
8 embodiment of the multidimensional personal information network and
9 that's in the specification. The N-dimensional social networks also refer to
10 as a multidimensional personal information network, the NDSN, and that's
11 consistent with Dr. Rubin's report, which was that there's this
12 correspondence. He repeated this, I believe, in his deposition, so to the
13 extent that it's instructive for the Board, in the context of a network, what's a
14 node.
15 So, we're going a little bit, you know, broader than just the event
16 node. So Dr. Rubin answers, a node is different, depending on which layer
17 of the network you're referring to. In a TCP network -- TCIP network -- the
18 nodes would be communicating parties that have particular IP addresses. In
19 an application, it would be whatever attributes are defined by the
20 application. So, the application is a social network, then the node could be
21 an object representing an entity in the social network.
22 Now, this is sort of what Petitioner was leaning into regarding the
23 testimony that they brought up from Dr. Rubin's testimony. Every object in
24 computer programming is a data structure. A circle is a data structure, a
25 document is a data structure, just like everything is made of atoms. That fact
26 alone is not dispositive and doesn't show that because Amidon has data

structures, so therefore, they are now equal to an event node. That is not what the claims say. That is not what is covered by this patent, and that is too broad of an interpretation.

Moving back to the slide, Slide 10. What is the -- this is digging more into what is the definition of a node. This represents my understanding of how social networks work and is formed by a Facebook document. And moving on, what's your basis for that? There's nothing in the patents that overrides this definition of a node, which is what the understanding of a node is in the social network. Okay. Moving on --

JUDGE POWELL: That's on Slide 11.

MR. HECHT: That's on -- that was on Slide 11, yeah. I don't know why this --

JUDGE POWELL: Yeah.

MR. HECHT: -- skips to 15, but this is page 12. I think our numbering got screwed up. Okay. This should be Slide 12 and it's labeled as Slide 15 on the slides. We can correct that. Claims 1 and 20, again, in the '454 and Claim 7 in the '932 explicitly state that the event node is an event node in a multidimensional personal information network. And although Claim 10 in the '454 patent doesn't contain that phrase -- and pivoting to '454 briefly -- it nonetheless makes it explicitly clear that all the claim nodes, including the event node, are in a multidimensional personal information network.

Now, the Petitioner has an overly broad construction that the event node needs no construction beyond the generic node or an object, but this ignores the explicit claim limitation. There's a misrepresentation of Dr. Rubin's testimony and we know that claim terms must be read in light of the

specification and the patent defines a social network as an embodiment of how an event node operates within NDSN. So turning to Ground 1, which is really the --

JUDGE SZPONDOWSKI: Counsel, I have a question about that, please. So if a multidimensional personal information network is explicit in the claim limitation, why do we have to construe event node to also include that? Isn't that redundant?

MR. HECHT: I don't think you do. I think that is redundant and I think it's more of how -- I think the term "claim construction" is more of how Meta is looking at this versus how all of us should be looking at this. I think they're taking a narrow view, so I think it's meant sort of in the broader sense. We're not asking you to reconstrue. The claims say the event node is in the network. I think that's crystal clear and so we rely on that. I don't even think you need to construe. I think it's more of, you know -- it's kind of just the phraseology of how do we interpret this claim element in light of the spec. We don't necessarily need you to take on anything more narrow because it's already narrowed in the specification. Turning to Ground 1. Is there something else?

JUDGE BELISLE: Counsel, before you get there -- this is Judge Belisle. All of what I just heard, at least in my opinion, doesn't tell me what an event node is. It tells me it might correspond to something -- correspond to a situation. I mean, I think that could not be more vague. I mean, correspond to a situation. So, I'm still coming back to, I haven't heard what is an event node. I know there's an event node in something. There's an event node in something else, but perhaps you can give it another shot at trying to tell me what is an event node in the context of these claims.

MR. HECHT: So, I said -- I think the best we're going to be able to do, sir, is look at the specification. I'm so sorry. Give me -- let me silence my phone. I really apologize, Your Honors. It goes through my computer, so it's supposed to be on silent. Sorry. Okay.

So, we are at -- sorry -- and this is where we're getting the -- providing the updating information to flag this aspect of the specification. The situation or event itself may be associated with a node on the SitNet, known as the --

JUDGE BELISLE: Where are you, Counsel?

MR. HECHT: This is Column 7, line 31 it starts at.

JUDGE BELISLE: In which patent?

MR. HECHT: This is the '932 patent. Sorry, Your Honor. The situation or event itself may also be associated with a node on the SitNet, known as the event node for the SitNet. For example, an entity, such as a trusted provider of information. For example, a news source such as CNN or Weather.com establishes an event node in NDSN that propagates up-to-date information on the situation to the PIAs of the NDSN connected to that event node. So, it's a broadcast of information. That's what the event node is supposed to be.

Nodes are sort of communicating parties, so they have to be communicating within the network. It's the thing that is communicating and I think that's expressed here. And I think that's also how you can only interpret the claims, because the whole point of having this structure in the network is to sort of broadcast those alerts or that information to the various nodes. So, the event node -- that's why it sounds, you know -- it sort of makes sense that event node is associated with an event. It's in the name,

1 but that is the takeaway from -- you know, it's at least how I can interpret it
2 from the patent.
3 JUDGE BELISLE: And you disagree that in reality, that's not a
4 data structure in the system where the data structure is defining those
5 features of the event and who's involved with it?
6 MR. HECHT: I think it is a data structure, but it's a specific type
7 of structure. So, I think that's fine to say it's a data structure because again,
8 everything to be distilled down to a --
9 JUDGE BELISLE: Okay. Well, what is the specific type of data
10 structure then that it is?
11 MR. HECHT: It's the node that's associated with the event. It's on
12 our Slide 9. This is what Dr. Rubin says -- an object representing an entity
13 in the social network. So, it's the event in the social network. It's the thing
14 that's being -- that's broadcasting the alert or whatever else that's being
15 broadcasted. So, it is a data structure, but it's doing a specific thing.
16 Moving ahead.
17 JUDGE BELISLE: So, the event node is CNN?
18 MR. HECHT: It's CNN's server -- sorry -- CNN's node. It's
19 CNN's, you know, computer that's connected to the network. CNN's user
20 account, yes. If it's doing the broadcasting. It may not be -- it's the
21 representation in the network of CNN. So, it's associated with that event, if
22 CNN is the event. And really, it would be something like CNN weather,
23 most likely, but there's CNN emergency, there's riots in the city, is everyone
24 okay, that kind of a thing.
25 The event node -- yeah, and I think this is where -- sorry, we are
26 now going to the -- Slide 15 is what we're up to. The Petitioner contends

that the social network is the node and the event node. That's social network server 16 that stores the data defining one or more networks in Amidon social network member data and other social network data in the one or more storage 22. And then Amidon counts it as an object in the network with a unique ID and other attributes defining it. And you'll see Figure 1 of Amidon -- those are users.

Just because there's a social network -- a social network conference is an object within the system does not necessitate it being an event node. The social network server 16 stores data, defining the one or more social networks, as we said on the previous slide. Amidon discloses a system, including social networks stored within a social network server and those are shown by the Figure 1, but again, this is only users. And from the Amidon patent, it says, Figure 1 illustrates an exemplary social network 10 that may be used as the basis for one or more social network conferences.

In this example, the links are between users A, B, C to J, are shown by double-ended arrows. Although, one of the skill in the art will recognize it in some situations. Social network links may be unidirectional. So, the social network conference is a social network. That makes sense in the name, which is an embodiment of the multidimensional personal information network, but per the claim, there must be an event node and that's missing here.

Petitioner points to the user interface comprising window 200 in their briefing, and it was on their slides. You know, there's a direct comparison here with Figure 1, the users. The graph that's reflected in 208, Figure 4, is the identical user graph that's in Figure 1, showing connections between users. The display area of window 200 per the patent, Amidon,

comprises a portion of the window that shows a display of social network conference group 201 comprising various persons, Bob, Vicky, and so forth. And then as you can see, in the depiction of window 200, the social network conference group is the same. There's the Figure 1, which is only users. The social network conference group is the social network lacking an event node. Characterizing --

JUDGE SZPONDOWSKI: Counsel, I have a question about this.

MR. HECHT: Yes.

JUDGE SZPONDOWSKI: I have a question. So in Dr. Rubin's declaration in paragraph 92, he provides some testimony about what a node is and then states, for example, Meta defines in their graph, API documentation, that a node is an individual object with a unique ID. For example, there are many user node objects, each with a unique ID representing a person of Facebook. Pages, groups, posts, photos, and comments are just some of the nodes of the Facebook social graph. So given that his testimony seems to indicate that a group can be a node, why isn't the group in Amidon's social network conference also a node?

MR. HECHT: I think the issue with Amidon -- and first, I don't think that says that a group can be a node. Let me see. Do you --

JUDGE SZPONDOWSKI: It's paragraph 92.

MR. HECHT: Do you know what exhibit that is? I apologize.

JUDGE SZPONDOWSKI: I think it is -- let me see. 2009.

MR. HECHT: 2009. One second. I'm sorry. It'll just take me a second. Unfortunately, anything I --

JUDGE SZPONDOWSKI: Sure, no problem.

MR. HECHT: -- blow up on the screen is shared immediately, so

it makes it a little bit annoying. So, I'm using my other computer.

JUDGE SZPONDOWSKI: Yeah, it's about the fourth line down in paragraph 92.

MR. HECHT: This is in the --

JUDGE SZPONDOWSKI: The '932 patent case. The 612.

MR. HECHT: And it's paragraph what?

JUDGE SZPONDOWSKI: Paragraph 92.

MR. HECHT: 92. Okay. I'm with you. So, it says -- oh, you read about the Facebook pages, groups. So, a group is -- it doesn't say groups of users are -- I think that means -- having used Facebook and being somewhat familiar -- group can be a church, it can be a temple. It's not necessarily a social network. I think my law firm might be a group, the same way we have a LinkedIn page.

So, a group can be -- I don't think that is meant to show that it's, you know, quantities of people or a sub-network, so to speak, within. It could be. It could be that you have something that's affiliated and then you have various members, but I don't think that that's what was meant here. Facebook groups is, you know -- it could be, you know, something beyond that, so I don't think that's clearly defining what groups are.

JUDGE SZPONDOWSKI: I mean, I belong to a lot of Facebook groups. Various things, and it's all, you know, collections of individuals and there's some --

MR. HECHT: Yeah.

JUDGE SZPONDOWSKI: -- commonality to the group, right?

MR. HECHT: Right. Like I have the local community for sale group, right? So, that would be a type of a group. That's just like a bulletin

board. So, I think a meet -- to say that -- and that has to be -- there would have to be a specific -- so the event node, again, corresponds to an event. So, I don't know that the group could qualify as an event node and I don't think there's enough in the record. Certainly, Meta has not argued this. So, you know, I'm not completely prepared, but you know, I understand your point, but I would kind of argue the counter, which is it's not clear that a group has to be more than one.

JUDGE SZPONDOWSKI: Okay, thank you.

MR. HECHT: You're welcome, Your Honor. All right. So, as I said, characterizing -- this is back to Slide 22 of the '932 -- characterizing the social network conference as a node contradicts its very name. The first part of the name is social network, which Amidon itself defines as a group of persons or other entities, members linked through one another through one or more types of social connections.

A conference is a meeting or exchange of views, a group of individuals communicating. Amidon's description in the text, audio, video, message between users, Figure 4 and 5 shows users in discussion groups aligns with this, not a singular functional node. And Petitioner's characterization of the social network conference as a node is not supported by Amidon itself. The social network service 16 stores data, defining one or more social networks. And I think this is actually very helpful. This is akin to what was in our briefing.

Social network conferences may be defined using a plurality, such as are illustrated in Figure 3. This is from Amidon. Conferences may be defined at a database record, including a conference ID, and a list of users by User ID. Conference activity may be cross-referenced between database

records, so it's a database.

For example, a record may be included for each user indicating the status of each user with regard to one or more conferences by conference ID, and that's what we're trying to show here that the database shown in Figure 3 corresponds to everything you're seeing in the conversation or the conference shown in Figure 4. Everything from the user IDs, which are in the graph, to the conference ID, to the conference users, which are within both of these. And these are all cross-referenced, as we'll get to.

Next, Slide 24. Petitioner's characterization of the social network as a node, again, is not supported by Amidon. Window 200 -- this is in Amidon -- includes conference thread display area 212 based on information received from social networking conferencing system 12. Thread display area 212 includes a plurality of threads. Each thread containing or comprising data -- messages, content, et cetera exchanged amongst the members of the conference 201. And so, Amidon is using a plurality of data structures to define the elements of an interface window 200. That's what's in Amidon.

The plurality of data structures form -- it's a relational database. The conferences, again, may be defined by a database record, including the conference ID, a list of users, conference activity of cross-references -- you cross-reference between the database records. More steps from the Amidon, in respect to just --

JUDGE BELISLE: Counsel, Judge Belisle.

MR. HECHT: Yeah.

JUDGE BELISLE: Counsel, this is Judge Belisle. Why isn't the conference itself the event for the event node?

MR. HECHT: The conference itself is -- let's see.

JUDGE BELISLE: And while you're looking, I'll give you an example. If a bunch of attendees to an AIPLA meeting all sign on to communicate with each other as opposed to all those same attendees sign on to talk about the PTAB trial committee as part of the AIPLA meeting, is one of those an event node, but the other one isn't?

MR. HECHT: I think the users are not the event node. That's why. I think there's nothing in Amidon to suggest that -- these are nodes. They're not event nodes. I think that's the issue. These are -- to say --

JUDGE BELISLE: Well, the event is the situation, right? So, the situation could be the conference, the situation could be one of the topics at the conference.

MR. HECHT: But then we're talking about the situation itself or the event node itself comprises all the other nodes. That's the -- this is sort of swallowing the larger concept. The conference can't be a node within itself. That was one of the themes that we had. I think that's the issue. It's hard sometimes to think about because I do understand your point that, you know, there's data structures, there's certain things, there's certain aspects of this, but the figure is showing that there is, you know, database and there are users and all -- what's in the chat is part of this relational database. Everything is defined within the data structure shown in Figure 3. It's not an event node. That's why. So, I think, again, it's swallowing the hole, like you can't have nodes within the event node. That's not what is claimed.

JUDGE BELISLE: So, perhaps this will help. What more does that need to become an event node?

MR. HECHT: This isn't -- well, you would have to have -- there

1 would have to have been another structure. Something else that's here.
2 Maybe it would be shown as a -- I don't think it would necessarily be a user,
3 but maybe it would be something else such as in, you know, the figures of
4 the '932 where there's something else, an event node, and that would be
5 broadcasting to the users. You need a node communicating like a user that
6 corresponds to an event.
7 So, there's like different layers of abstraction, but I think here, you
8 have -- you know, again, we're kind of conflating a lot of things because
9 they all have similar attributes and I think it's important to take a step back
10 and say, what is claimed and how does that relate. If we say the whole
11 conference itself is a node, then how are there nodes within the node. That's
12 our whole issue here and I think the relational database aspect really shows
13 that and nails it because it's showing there's nothing there. If you consider
14 the whole thing various nodes, then there is no event node and there has to
15 be nodes because they are users. They're users in a relational database.
16 JUDGE BELISLE: Can the users interact with an "event node"?
17 And I put "event node" in quotes. Can a user -- does the user interact with
18 the event node or does the event node merely act as the broadcaster of
19 information to all the people who signed on to receive the information?
20 MR. HECHT: So, that's described in the patent. I'm not sure that
21 that's in the claim explicitly, but it is described in the patent. I know there's
22 something that -- there are updates that are received from the users at the
23 event node, so it is bidirectional communication potentially in an
24 embodiment.
25 JUDGE BELISLE: And two users -- one user can get a message
26 over to another user?

MR. HECHT: Then it wouldn't be -- then that would be bypassing the event node, I believe.

JUDGE BELISLE: Or does it go through the event node?

MR. HECHT: I think it could be either, and again, in a different embodiment. The event node is supposed to send the message, but I think the -- it's a little of a difficult question because obviously, the users in a social network have to be able to correspond with each other, but as far as the event node, while there could -- because the point is to get those real-time updates from the user. Is there an emergency? Are you okay? You know, those kinds of things -- those kinds of updates from the user. So, that would allow the event node to then update its broadcast. To say, you know, what is the scope of the emergency? The various information would be utilized by the event node potentially (INDISCERNIBLE).

JUDGE BELISLE: Okay, so we might be getting there. Is the event node effectively acting, in a sense, as just another user, as part of a discreet group, so that that user, whether it's a CNN entity can broadcast out information, but then the people receiving that can also interact with each other about that information. You know, they're limited to within their group because no one else will receive it, but the event node is acting in a sense as one of those actors who can put information into that network.

MR. HECHT: I think that's accurate. I think that is something that -- that's how the system would operate as claimed and in the embodiments that are described. I would agree with that. Moving on -- hold on. You know what? It might be helpful -- let me look.

JUDGE POWELL: Let me just interject that you're a hair under 30 minutes left.

MR. HECHT: Okay.

JUDGE POWELL: You're free to continue going on.

MR. HECHT: I appreciate that. I think we're getting into some good conversation, so -- and good questions, so what I'll do is I'll try to, you know, as quickly as possible, go through the rest of the slides, especially because there's so much duplication. Let's see. Of course I can't orient this properly on the screen. Let me see. It's misorienting the wrong one. Let me see. All right.

Figure 29 of the '932 sort of shows what could happen. I'm really sorry that I can't reorient this, but maybe you could look at it on your copy of the '932, but basically what it's showing is that -- you're getting updates to the event node, so the event node is shown as 310, and so you have Ted as node 3042 is giving some information or maybe potentially receiving some information from the event node regarding the storm. I think it's helpful to read the associated description of Figure 29, but Figure 29 visualizes it. So, I'll flag that for Your Honors.

Moving ahead. So, Dr. Rubin recognized the plurality of data structures form a relational database. That was in his report. Additional flaws with Amidon, Claim 12, requires an event node and multidimensional personal information network. The critical omission is that the petition argues the Amidon social network conferences as a node, but they fail to show the conference node exists as a component node within the disclosed social networking in Amidon, Walsh, or Shahine.

The social networks in Amidon consist of user nodes only and there's no teaching of the social network conference itself being a subcomponent. Amidon's social network conference, at Slide 31, is more

aptly described as a type of social network itself, not a singular node within one. So, that addresses some of the conversation that we were having, and the conclusion is that the claim limitation of event node in a multidimensional personal information network is not met. Event node is also lacking in the other references.

The Patent Owner response and surreply note that the Petitioner does not assert that Walsh or Shahine provide missing event node if Amidon fails to do so, so if Amidon doesn't teach the event node, neither do the other two. And with that, I'm going to turn very quickly -- and we'll probably just -- I think it's not going to be particularly helpful to repeat all of the Amidon specific arguments.

So, what we'll do is quickly go through -- I want to go to, specifically, Gogic and Wong, but before I do, just like the '932, we did have substitute claims that we withdrew. Those substitute claims basically were designed to harmonize all of the claims to introduce the same set of features of the event node, and those were withdrawn, so we're left with Claims 1 to 9 and 20, and they have the distinguishing feature of event node.

So, again, just you know, sailing through this, same arguments, but then we have Gogic and Wong. Petitioner admits that neither reference individually teaches an event node, so it really comes down to the combination. Gogic is wireless ad hoc groups, participants in Gogic systems, dispatcher in various other abbreviations that I don't even remember off the top of my head are not the functional event node, and you have Wong as the generic social network node.

Now, here is, I think, the strongest argument that we have. Let me just bring this up because I want to lead with it. If you look at -- I think it's

worthwhile to look at the testimony of Dr. Cooperstock. I asked Dr. Cooperstock about -- we're talking about the provisional. Again, this is -- I'm bringing up Exhibit 2010 in the '454 related IPR. Dr. Cooperstock was asked about the date regarding the provisional application that led to the '454, and I asked, in 2005, is it fair to say many people had cell phones that looked exactly like the cell phone that's on the cover of Gogic. And we can bring that up later, but it was old school, pre-smartphone and cell phones. And Dr. Cooperstock admitted that would be reasonably fair. This was before the smartphone era; is that fair? And he says, if I recall correctly, smartphones started their appearance a few years later.

In this era, would a person of ordinary skill in the art use a cell phone to navigate a social network? And this is where Dr. Cooperstock admitted his own personal experience with social network post-dates the arrival of smartphones, and Meta's entire argument about the combination relies on Dr. Cooperstock and his view of a person of ordinary skill in the art. No one practically would use a cell phone with a one-inch screen to browse a social network. That's a huge issue for that combination and that's an argument we make.

I'm just bringing up the Gogic reference, which is Exhibit 1007 and it shows those old school -- I think those were Nokia style phones, if I recall correctly, from back in the day, and they don't have fully functional keyboard. I don't think there's even touchscreen displays on any of that, and that was admitted by Gogic that that was a different era and he doesn't even have the experience. So, it's irrelevant what they even looked like because he doesn't know.

We're at the 529 demonstratives. Slide 14. Of course, a person of

1 ordinary skill in the art would see, according to the Petitioner, a new node,
2 an event node, would be useful in Wong from Gogic's teachings. This is
3 conclusory. There's no specific explanation of how the new node would
4 possess the social network integration and peer-to-peer information
5 propagation capabilities of the '454 as event node, in that -- especially in that
6 era.
7 The combination lacks a nexus to the claimed event node. There's
8 no teaching about a new node to be integrated in the NDSN to propagate the
9 peer-to-peer, and a person of ordinary skill would never have been
10 motivated to combine, due to the technical disparities and we briefed that at
11 our Patent Owner response. Gogic was telecom specific with signaling
12 protocols and Wong was about IP computer networks and social networks,
13 specifically. And again, that was the deposition transcript. And with that,
14 I'll utilize the rest of my time for rebuttal, potentially.
15 JUDGE POWELL: Sorry, I'm going to --
16 MR. HECHT: Oh, yep.
17 JUDGE POWELL: -- bug you a little bit more --
18 MR. HECHT: Oh, yep. I'm happy to answer to your questions.
19 JUDGE POWELL: I have one question about --
20 MR. HECHT: Sure.
21 JUDGE POWELL: -- your arguments related to Dr. Cooperstock's
22 deposition testimony. Specifically, are you suggesting that we should give
23 Dr. Cooperstock's testimony diminished weight because of his lack of
24 familiarity with smartphones in the applicable timeframe? Is that an
25 accurate characterization of what -- of the main thrust of your argument
26 there?

MR. HECHT: That is actually -- to the extent that I have not explicitly said that, that is absolutely the upshot because if the reliance is on his testimony and he doesn't know what a person of ordinary skill in the art would have done, then how could there possibly be a combination and he wouldn't know what those references in that timeframe were even capable of in the case of Gogic with those old cell phones.

JUDGE POWELL: Okay. That's all I have and I appreciate the answer.

MR. HECHT: You're welcome. Thank you, Your Honor. Let me stop my presentation.

JUDGE POWELL: So, as I did with Petitioner, let me note for Patent Owner that you've got 21 minutes and 18 seconds left for your information and planning your surrebuttal. And with that -- no rush -- Petitioner, go ahead and do whatever you need to do to get ready for your rebuttal. As I mentioned, you have 36:22 left, and when you are ready, you may begin.

MR. TUMINARO: Thank you, Your Honor. Jonathan Tuminaro for Petitioner, Meta, again. I'll start where Mr. Hecht left off and the question directed him about Dr. Cooperstock's testimony, and that was at Slide 16 of SitNet's 529 presentation. The testimony from Dr. Cooperstock that they -- SitNet referenced.

Two points with respect to this testimony. First point is this is at our Petitioner reply at page 21 of our Petitioner reply. The claims don't include -- they have no requirement for using a cell phone to navigate a social network, nor does Petitioner's proposed combination include any such requirement. The claims simply don't have any requirement about

navigating a social network via a cell phone, so that -- the first point is that testimony is irrelevant.

Second point about the expert not having -- Dr. Cooperstock supposedly not having the appropriate level of skill, I guess, or have acquired that knowledge -- we address this at page 22 of our Petitioner reply. It's in the middle of the page. I'll just read it. In any case, even if there were such a requirement -- there's not -- the Federal Circuit has recognized "an expert need not have acquired that skill level prior to the time of the invention to be able to testify from the vantage point of a person of ordinary skill in the art." That's the *Osseo Imaging* and again, that's at Petitioner's reply, page 22.

Okay. With that, I'll move on to event node and I'll start with talking about what an event node is and then what it does. So, first of all, what is an event node? The parties, at this point, agree. This is at SitNet's Slide 9 in the 612 proceeding. I don't have access to those slides to put them up on the screen, but I have the copy in front of me. I'll wait for Your Honors to get there.

JUDGE POWELL: I have it.

MR. TUMINARO: So, SitNet's Slide 9 in the 612 proceeding, on the right-hand side, there's quoted text from Dr. Rubin, SitNet's expert, and he agreed in the second paragraph of his answer, it says, so if the application is a social network, then a node could be an object representing an entity in the social network and it would have attributes that would define the node in it. So, again, what a node is, it's a data structure, it's an object with attributes that define it. Both parties agree at this point. There's no dispute on that.

That is simply a data structure with attributes that define it. And

1 what we know, there is some quoted language from the '454 patent that the
2 event node would propagate up-to-date information. This is at Column 7,
3 lines 46 to 52. It says, for example, an entity such as a trusted provider of
4 information establishes an event node and an NDSN that propagates up-to-
5 date information on the situation.
6 That's what it says in the spec, but we know that that propagating
7 of up-to-date information can't be imported into the event node itself, and we
8 know that because of Claim 6, for example, of the '454 patent. Claim 6 of
9 the '454 patent depends from Claim 4, which depends from Claim 1, which
10 recites an event node. And Claim 6 is introducing this notion of distributing
11 up-to-date or updated information. So, the distribution of updated
12 information is providing an additional claim limitation. It shouldn't be read
13 into the event node itself.
14 JUDGE BELISLE: But Counsel -- this is Judge Belisle -- the
15 event node is what's doing that distributing of the updated information,
16 correct?
17 MR. TUMINARO: It could do that in the dependent claim, yes,
18 but it shouldn't be imported into the independent claim.
19 JUDGE BELISLE: No, but it helps us understand what the event
20 node -- the event node is, in a sense, an actor in this group; is it not? I mean,
21 the event is not the event node. The whole reason this thing was formed in
22 the first place, to distribute particular information about the event, whether it
23 be a thunderstorm coming or some other event?
24 MR. TUMINARO: The specification -- sort of. I guess that would
25 be my response, Your Honor. I think what the event node is, is it facilitates
26 communications among participants in that event, but the event node itself

need not be the thing that provides the information. So, for example, using Your Honor's example, participants in a conference could communicate with each other, but the node itself need not be the thing that provides that information, at least in the independent claim.

And that is shown, for example, in Slide 6, which I have up here, and it's also illustrated in Amidon, if we look at the SitNet's Slide 23 with respect to the 612 patent. Sorry, I said the 612 patent. I meant the 612 proceeding. This is with respect to the '932 patent, Slide 23. On Slide 23, SitNet has an annotated version of Figures 3 and 4 of Amidon. And what this annotated version of Figures 3 and 4 show is that the social network conference in Amidon, which is depicted in Figure 4, has corresponding data structures that are illustrated in Figure 3 that define that social network conference. This --

JUDGE BELISLE: So, where are you at?

MR. TUMINARO: This is in -- on Slide 23 of SitNet's slides in the 612 proceeding.

JUDGE BELISLE: Okay, thank you.

MR. TUMINARO: So for example, this Slide 23 annotated version has a blue circle around the participants in that social network conference and it's providing a line up to the conference and showing user IDs, so there's a data structure that's stored, that defines the user IDs that are participating in this social network conference.

There's also, for example, the red line that shows that the conference -- that that particular event or the conference that's being discussed in Figure 4 of Amidon is the game conversation. And SitNet's annotated version of that slide shows that that game conversation has a

1 corresponding conference ID stored in a data structure that defines that
2 social network conference. So, this annotated figure from SitNet confirms
3 that Amidon's social network conference is, in fact, an event node because
4 there are attributes stored that define that node.
5 JUDGE BELISLE: Counsel, this is Judge Belisle, and Patent
6 Owner, you can correct this if my understanding is wrong, but my
7 understanding of Patent Owner's argument, looking at this figure, is if we
8 assume, on the slide we've been talking about -- Slide 23 -- if we assume the
9 group of characters depicted there -- let's just call them -- that's the AIPLA
10 attendees. I think what Patent Owner is arguing is that what's missing there
11 is AIPLA. There's no AIPLA node. There's no event node that can act to
12 distribute information within this group, this event. This is just a group of
13 people talking with each other, but there's not -- there's no -- and I refer to
14 Figure 29 of the '454 patent, to one of the challenged patents.
15 In Figure 29 of the '454 patent, just to relate these two, we see
16 event node called out and it's part of the other users -- the other nodes. And
17 as we see in Figure 29, it's being used to distribute information about the
18 storm, or at least as I'm understanding this drawing. So, my question is, why
19 does this, an event node, shown in Amidon -- or I should say, why is what's
20 shown in Figure 4 of Amidon an event node when it doesn't even include an
21 actor of the conference itself?
22 MR. TUMINARO: Amidon's Figure 4, that social network
23 conference, is an event node. The event is the -- in this particular example is
24 the game conversation, and that game conversation allows users to -- the
25 members of that social network or that sub-group of members of that social
26 network to communicate about that game conversation. And I'll contrast

that answer with respect to Figure 29 of the '454 that Your Honor referenced.

At Figure 29 where it shows an event node -- this relates to a comment that I made when I first stood up -- that event node depiction is really -- it's just an abstraction. It's an illustration that allows us people to understand what an event node is. But an event node that's actually implemented in a network wouldn't be depicted as a circle with lines coming off it. It would be a data structure in that network that would define that event.

So, in a real social network that has an event node, there wouldn't be a picture of a circle with lines coming off it. There would be a data structure that defines the conference, and that's precisely what Amidon teaches. There's a data structure that defines what the conference is, there's a data structure that defines the user IDs that are participating in that conference, and there's a data structure that talks about the conference messaging. There's associated messages that could be communicated among the users that are participating in that social network conference. So, in that sense, Amidon doesn't have to show a figure with a circle and lines come off it in order to teach an event node, because that's merely an abstraction of what an event node is.

JUDGE BELISLE: But in Amidon's Figure 4, the game conversation from this conference -- the conference itself, you know, whoever is running the conference, they're not a player in that group. Only the participants in the group are players, but the conference itself is not a player; is that correct?

MR. TUMINARO: Well, the conference -- I guess I don’t'

understand what you mean by player. The conference is --

JUDGE BELISLE: I mean, able to communicate with the group.

MR. TUMINARO: The participant who set up this conference is able to communicate with the other members of the group.

JUDGE BELISLE: And where is that depicted in Figure 4?

MR. TUMINARO: It's not -- I believe that's Bob as me -- if you look back at the specification of what it describes, Bob is the individual, if I'm remembering correctly from Amidon's disclosure, that the individual that set up this social network conference. I'm not seeing it at the moment. Maybe one of my colleagues will help me in a second, but in any event, as I understand it, Bob, me, depicted in Figure 4, is the individual that is -- has set up this conference among the various participants and Bob being the individual is able to also communicate in this -- the game conversation.

There's a sub-conversation that can be started and that's depicted -- if you look on the right-hand side of Figure 4 of Amidon, there's like an indented discussion that's going on. The indented discussion on the right. That indented discussion is associated with a surprise birthday party for Zeke, so that sub-conversation that's going on does not include, for example, Zeke, who's depicted on the left-hand side.

The sub-conversation only includes the participants 201A, which are Bob, Vicky, Joe, and James. Those sub-participants are the ones who are talking about Zeke's surprise birthday party within the context of the larger game conversation. So, there is a user who is able to start that substring about Zeke's surprise birthday party, and that substring allows those participants to communicate about that sub-event, if you will.

JUDGE BELISLE: So, Counsel, if I set up a Teams meeting with

10 people, am I -- "I" as the one setting it up -- am I the event node?

MR. TUMINARO: No. That, by yourself, would not be the event node. The event node has a data structure that defines the event, so you might be the individual who started the event node, but there would be some data structure that would be stored somewhere with the attributes that you use to create that event node. That would be the event node.

JUDGE BELISLE: Okay.

MR. TUMINARO: If I may move on to Wong and Gogic combination. So I'm moving over to SitNet's slides in the 529 proceeding. And I'm going to start at Slide 14. So, on their Slide 14 in the 529 proceeding -- this is SitNet's slides -- there is -- the third bullet down, it's an indented bullet, it said, no specific explanation of how this new node would possess the NDSN integration and peer-to-peer information, and it goes on. The point here is that there's no requirement in the claimed event node for peer-to-peer communication and this is shown, for example, on our Slide 34. So, I'll jump there.

The district court did not offer a construction for event node. That's on Slide 34. On Slide 35 of our presentation, the specification provides various examples where users may share information, but there's no requirement in these examples that the event node must communicate in a peer-to-peer fashion, and that's also shown in Slide 36 of our presentation.

If you look at the right-hand side, there's an embodiment that's disclosed in the specification, in which each node of capable of communicating in a peer-to-peer fashion. That's on the right-hand side, the second paragraph, but there's no requirement that every single node and every single embodiment communicate in a peer-to-peer fashion. So, there's

1 no requirement that an event node communicate in a peer-to-peer fashion.
2 In addition, with respect to the Wong-Gogic combination, Wong
3 and Gogic -- well, Wong explicitly describes various means for creating a
4 new node, and that's shown, for example, in Wong at paragraph 26.
5 Paragraph 26 of Wong -- I'll read it. It says, Figure 5 illustrates the steps
6 when a user creates a new node. So, Figure 5 of Wong is about creating a
7 new node.
8 Paragraph 27, I'll read it. It says, Figure 6 illustrates the steps in
9 creating a new node and linking it to an existing node. So, there's two
10 examples -- Figure 5 and Figure 6 of Wong where it -- Wong explicitly
11 describes creating a new node, and we cited those paragraphs in our petition
12 and those figures in our petition in the '454 patent to explain why it
13 would've -- a person of ordinary skill in the art would have known to
14 combine Wong and Gogic to create an event node in the combined Wong-
15 Gogic system. And that's described, for example -- that's described at page
16 53 of our petition.
17 The last point is with respect to SitNet's Slide 15 in the '529
18 proceeding. In that slide, the first bullet -- they argue, for example, that
19 the -- there's no motivation to combine Gogic and Wong due to
20 "fundamental technical disparities." The first point I'll make on this slide is
21 that there's no legal authority anywhere cited for that principle, either on
22 Slide 15 of SitNet's slides or in pages 21 to 25 of the POR -- SitNet's POR --
23 patent owner response -- where they discuss this point.
24 They don't have a single legal cite -- legal authority -- to support
25 that technical and feasibility argument. And as the petition showed, at pages
26 47 through 49, there would've been a motivation to combine. And on page

48 in particular, we explained why there would be a reasonable expectation of success. For example, it says at page 48 of our petition, a POSA would have had a reasonable expectation of success in implementing Gogic's ad hoc location-based communication group in Wong's social network communications system.

And in particular, we pointed out how Gogic talks about various types of communications that may be used. It says in particular, Gogic discloses that its invention can be used with, for example, any wireless communication system, wire line telephones, paging devices, and portable or desktop computers, and that applies to all of the various forms of media, including but not limited to voice, speech, data, and video. With that, the challenged claims merely connect people over conventional social network to share information about a situation or disaster. All claims of the '454 patent should be held unpatentable, and Claims 12 to 21 of the '932 should be held unpatentable. Unless there are any questions, I will yield the rest my time.

JUDGE POWELL: Thank you, Counsel.

MR. HECHT: Hello, Your Honors. My comments will probably be pretty brief. Your Honor -- I don't know a specific -- sorry, I can't see everyone's faces -- but whomever brought up the AIPLA argument, you were right. I think you hit it on the head in terms of our argument. The main point is that the '932 patent does not say a node is a network. It only says that the node is an object within a network. Meta is trying to rewrite the patent to fit an overbroad construction. They're asking the Board to construe for the first time a node to be a projection of nodes or to construe a node to be a subnetwork or some other type of network.

I think it's instructive to look at Claim 12 from the '932 patent because there are specific limitations that really matter here, specifically automatically connecting -- this is the third limitation -- 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 multidimensional personal information network and assigned an access level according to a role of the respective individual within the network. Users are connected to the event node in this claim.

We could also look at Claim 1 of the '454. For example -- I'm not going to bring it up on the screen, I'll just describe it -- the event node corresponding to a situation is when a limitation is forming a projection of nodes of the situational network using geographic locations of devices, corresponding to nodes in the multidimensional personal information network, and then transmitting an invitation to establish a link with the event node server to the devices corresponding to each node in the projection formed in step B. So, that's in Claim 1 of the '454.

In Claim 20 of the '454, there's also a limitation that's forming the projection of nodes of the situational network using geographic locations of a plurality of devices corresponding to nodes, and then the next part is transmit an invitation to establish a link with the event node server. That is not anywhere in Amidon. Not even close. And we have users being linked to an event node of a projection or a subnetwork, so the subnetwork can't be the event node because the claim lists that separately as a projection of nodes. The connection of nodes forms the networks. The claim requires different user nodes are connected to different nodes, just like we saw in

Figure 29 with the event that was occurring and had the line to the various users.

Regarding the arguments about data structures, they were all just abstractions. Amidon depicts user nodes as people with lines coming off of them. Bob was a user. Amidon doesn't teach a user ever becoming an event node. Regarding the Wong and Gogic arguments, the clear response is that how does combining the cell phone/radio network with the social network even create an event? It's just not there. Gogic is a radio communication network.

With respect to the issue with the expert and the testimony, the point was not that he can't testify about what a person of ordinary skill in the art is doing. The point was that he didn't know what Gogic was capable of, given the date of the patent and the date of that -- those dated -- the date of technology, whether they were even compatible. That's our larger point.

And I think with that, that's all I have, unless Your Honors have -- you know, the purpose -- sorry, one last thing. The purpose of Gogic is managing access to the radio frequency, the transmitting. It's really far from anything social-network-related. They just don't fit. It's round peg, square hole kind of thing. And that's all I have.

JUDGE POWELL: Thank you, Counsel. Well, with that, the cases are submitted and let's go off the record.

(Whereupon, the above-entitled matter went off the record at 2:34 p.m.)

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