

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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META PLATFORMS, INC.,  
Petitioner

v.

SITNET, LLC,  
Patent Owner

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Case IPR2024-00530  
U.S. Patent No. 9,877,345

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**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 9,877,345**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
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Meta EX1028  
Meta v. SitNet  
IPR2026-00100

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**PETITIONER'S EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>                                                                                         |
|--------------------|------------------------------------------------------------------------------------------------------------|
| 1001               | U.S. Patent No. 9,877,345 to Cona et al. (“’345 patent”)                                                   |
| 1002               | Prosecution History of U.S. Patent No. 9,877,345 (“’345 File History”)                                     |
| 1003               | Declaration of Dr. Jeremy Cooperstock                                                                      |
| 1004               | <i>Curriculum Vitae</i> of Dr. Jeremy Cooperstock                                                          |
| 1005               | U.S. Publication No. 2008/0139165 to Gage et al. (“Gage”)                                                  |
| 1006               | U.S. Publication No. 2003/0162557 to Shida (“Shida”)                                                       |
| 1007               | U.S. Publication No. 2008/0208605 to Sinha et al. (“Sinha”)                                                |
| 1008               | U.S. Provisional Application No. 60/862,365 to Sinha et al. (“Sinha Provisional”)                          |
| 1009               | U.S. Publication No. 2003/0197615 to Roche et al. (“Roche”)                                                |
| 1010               | U.S. Patent No. 9,143,535 to Cona et al. (“Cona”)                                                          |
| 1011               | U.S. Patent No. 8,045,455 to Agronow et al. (“Agronow”)                                                    |
| 1012               | U.S. Publication No. 2007/0276908 to Asthana et al. (“Asthana”)                                            |
| 1013               | U.S. Publication No. 2007/0194938 to Mitchell (“Mitchell”)                                                 |
| 1014               | Japanese Patent Application Publication 2005-80211 to Ikeda (with certified English translation) (“Ikeda”) |
| 1015               | U.S. Patent No. 7,817,982 to Chu et al. (“Chu”)                                                            |
| 1016               | U.S. Patent No. 8,024,330 to Franco et al. (“Franco”)                                                      |
| 1017               | U.S. Publication No. 2005/0197775 to Smith (“Smith”)                                                       |
| 1018               | U.S. Publication No. 2007/0233635 to Burfeind et al. (“Burfeind”)                                          |
| 1019               | U.S. Publication No. 2006/0270419 to Crowley et al. (“Crowley”)                                            |
| 1020               | U.S. Publication No. 2006/0047825 to Steenstra et al. (Steenstra”)                                         |
| 1021               | U.S. Publication No. 2006/0155809 to Arav (“Arav”)                                                         |
| 1022               | U.S. Publication No. 2006/0117051 to Chin (“Chin”)                                                         |
| 1023               | Prosecution History of U.S. Patent No. 8,249,932 (’932 File History”)                                      |

| Exhibit No. | Description                                                                                         |
|-------------|-----------------------------------------------------------------------------------------------------|
| 1024        | Civil Case Management Plan and Scheduling Order, 1:23-cv-06389 (S.D.N.Y.), Document 35 (10/20/2023) |

Petitioner Meta Platforms, Inc. (“Petitioner”) petitions for *inter partes* review, seeking cancellation of claims 1-16 of U.S. Patent No 9,877,345 (“the ’345 patent,” EX1001), assigned to SitNet, LLC (“Patent Owner”).

## **I. INTRODUCTION**

The ’345 patent claims nothing more than well-known concepts of determining status information for users located near a “situation,” such as an emergency event, weather phenomena, or natural disaster. The claimed concepts were known to anyone who has participated in a fire drill. For instance, during a fire drill, a safety officer determines a network of on-site individuals for whom she is responsible, and logs the statuses of those individuals once they check in.

The independent claims merely apply these well-known concepts using generic computing components for forming a “situational network” with participant devices located near a situation, querying the devices for their statuses, and forming a roll call list from the responses. But determining and compiling user statuses was known. The ’345 patent is also clear that the claimed situational network merely uses conventional computer networks to establish communications between participants. There is thus nothing inventive in the claims.

Indeed, each of the primary references asserted herein—Gage and Shida—disclose all elements of the independent claims and most dependent claims. The remaining dependent claims merely disclose trivial and obvious limitations to the

independent claims. Thus, all claimed features were known in the art well before the priority date of the '345 patent.

This Petition is supported by the declaration of Dr. Jeremy Cooperstock (EX1003), an expert in the field of computer networking and telecommunications. Dr. Cooperstock's testimony confirms that all challenged claims are unpatentable. Accordingly, the Board should cancel all claims of the '345 patent.

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

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

**RELATED MATTERS:** The '345 patent is at issue in *SitNet LLC v. Meta Platforms, Inc.*, Case No. 1:23-cv-06389 (S.D.N.Y.), filed July 24, 2023.

In addition, Petitioner is concurrently filing petitions for *inter partes* review of the following related U.S. patents, each of which is also at issue in the above-captioned district-court litigation proceeding:

- U.S. Patent No. 8,249,932 (IPR2024-00528);
- U.S. Patent No. 8,332,454 (IPR2024-00529);
- U.S. Patent No. 11,470,682 (IPR2024-00531).

**LEAD AND BACK-UP COUNSEL:** Under 37 C.F.R. §§ 42.8(b)(3) and 42.10(a), Petitioner appoints **Jonathan Tuminaro** (Reg. No. 61,327) as lead counsel, and **Michael D. Specht** (Reg. No. 54,463) and **David W. Haars** (Reg. No. 73,112) as

back-up counsel, all at the address: Sterne, Kessler, Goldstein & Fox PLLC, 1101 K Street, NW, 10th floor, Washington, DC, 20005, phone (202) 371-2600, and facsimile (202) 371-2540.

**SERVICE INFORMATION:** Petitioner consents to electronic service by email at: **jtuminar-PTAB@sternekessler.com**, **mspecht-PTAB@sternekessler.com**, **dhaars-PTAB@sternekessler.com**, and **PTAB@sternekessler.com**.

### **III. GROUNDS FOR STANDING (37 C.F.R. § 42.104(A))**

The undersigned and Petitioner certify that the '345 patent is available for *inter partes* review and that Petitioner is not barred or estopped from requesting *inter partes* review of any '345 patent claim on the grounds herein.

### **IV. IDENTIFICATION OF THE CHALLENGE (37 C.F.R. §42.104(B))**

#### **A. Identification of Prior Art**

The '345 patent's earliest possible priority date is February 2, 2007. Without conceding that this is the correct priority date, all references relied upon herein are prior art as of February 2, 2007.

**Gage** (EX1005) was filed on December 11, 2006 and published on June 12, 2008. Gage is prior art under at least 35 U.S.C. §102(e).

**Mitchell** (EX1013) was filed on February 22, 2006 and published on August 23, 2007. Mitchell is prior art under at least 35 U.S.C. §102(e).

**Shida** (EX1006) published on August 28, 2003. Shida is prior art under at least 35 U.S.C. §102(b).

**Sinha** (EX1007) was filed on October 20, 2007 and published on August 28, 2008. Sinha is prior art under at least 35 U.S.C. §102(e) because it predates the filing date of the earliest non-provisional application on which the '345 patent relies. To the extent the '345 patent is entitled to the priority date of its provisional application, Sinha is still prior art because it claims priority to U.S. Provisional Patent Application No. 60/862,365 (“Sinha Provisional,” EX1008), which was filed on October 20, 2006.

Sinha is entitled to an October 20, 2006 priority date because the Sinha Provisional provides written-description support for at least one claim of Sinha as well as for the portions of Sinha relied on herein. EX1003, ¶¶238-241.

Specifically, for each citation to Sinha in Ground 4 below, Petitioner also provides corresponding citations to the Sinha Provisional that provide written-description support for the portions of Sinha (non-provisional) relied on herein.

Further, the below claim chart shows that the Sinha Provisional provides written-description support for at least one claim (claim 18) of Sinha. EX1003, ¶241.

| <b>Sinha Claim 18</b>                                                        | <b>Sinha Provisional Written Description</b>                                                                       |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| [18.P] A graphical user interface displayed on a computing device for use in | EX1008, 1:31-2:11: “The systems and methods describe herein provides a <b>business continuity management (BCM)</b> |

| Sinha Claim 18                                                                                                                                                                                                             | Sinha Provisional Written Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| providing continuity to an employee of workforce in response to the occurrence of an event, the graphical user interface created by a program stored on a portable memory device, the graphical user interface comprising: | <p><b>solution</b> for helping companies cope through a workforce disruption....”<sup>1</sup></p> <p>EX1008, 24:13-22: “FIG. 51 depicts an embodiment of a <b>client-side sidebar</b> which provides an <b>emergency communication center</b> that works in conjunction with and communicates to the BCM system. In some embodiments, the sidebar application is <b>provided on or via the USB device</b>. In other embodiments, the employee or user downloads the sidebar application from the BCM website or the WFC gateway or server <b>to the user's computing device</b>.”</p> <p>EX1008, 18:29-34: “In some embodiments, any one or more, or all, of these functions or applications may be provided or delivered via a USB device or stick.” <i>See also</i> 20:5-21:2.</p> |

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<sup>1</sup> Emphasis added unless otherwise noted.

| Sinha Claim 18                                                                          | Sinha Provisional Written Description                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                         |  <p>EX1008, FIG. 5I (excerpt).</p>                                                                                          |
| <p>[18.1] a first portion displaying, by a first portion of the program stored on a</p> | <p>EX1008, 24:13-22: “The employee communications center provided by the <b>sidebar</b> application or agent <b>displays status information</b>, roll call, instant messaging and directory information.”</p> |

| Sinha Claim 18                                                                                                                                                                                                                 | Sinha Provisional Written Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>portable device associated with an employee of the workforce, information related to the status of the occurrence of the event;</p>                                                                                         | <div data-bbox="483 254 927 877" data-label="Image"> </div> <p>EX1008, FIG. 5I (excerpt, annotated).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>[18.2] a second portion displaying a plurality of business tools available to the employee, each business tool being represented as icon and associated with a computing device providing the respective business tool;</p> | <p>EX1008, 5:27-34: “The WFC server 194 comprises <b>any type of server, appliance, or computing device</b> for providing any portion of the services, functionality, operation, logic and/or integration of the business and workforce continuity services and functionality described herein. ... In some embodiments, the WFC server 194 provides <b>a web based user interface for accessing the functionality and operations</b> of the services described herein. In one embodiment, the WFC server 194 provides <b>a portal web-site</b> or service.”</p> <p>EX1008, 23:9-13: “During the work portion of the user flow, employees use the <b>sidebar</b> deployed via the plugged in USB device to collaborate with other employees via the BCM system. In some embodiments, the employee launches <b>GoToMyPC to use work computer remotely.</b>”</p> <p>EX1008, 25:22-29: “In other embodiments, the user launches a user interface to <b>access a remote desktop, such as a corporate or office computer, via GoToMyPC services.</b>”</p> <p>EX1008, 24:28-34: “FIG. 5K depicts an embodiment of the <b>emergency workplace portion of the BCM web portal</b>. In one embodiment, <b>a user can access the emergency</b></p> |

| Sinha Claim 18 | Sinha Provisional Written Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <p><b>workplace from the sidebar</b> or employee communications center....”</p> <p>EX1008, 22:23-25: “The employees receive and response to alert notifications, and <b>use a client-side sidebar and/or emergency workplace portion of the portal to work</b> during the Emergency situation.”</p> <p>EX1008, 25:22-29: “FIG. 5N depicts an embodiment of a user interface to access the user's application and data. ... For example, the user clicks the <b>my programs user interface element</b> as depicted in FIG. 5N.”</p> <div data-bbox="483 730 977 1381"> <p>The screenshot shows a mobile application interface titled 'EMERGENCY COMM CENTER'. It features a 'CURRENT STATUS' section with a timestamp 'July 31, 2006 4:54 pm EST' and a message: 'MIAMI OFFICE CLOSED. Due to an Avian Flu warning from the Center for Disease Control, the Miami office will be closed.' Below this is a 'Read More &gt;&gt;' link. The 'EMERGENCY ROLL CALL' section displays three progress bars for 39%, 25%, and 41%, followed by the text '173 colleagues (59%) have responded out of 289' and a 'View Complete Details &gt;&gt;' link. The 'TOOLS' section at the bottom contains three icons: 'Go to My PC', 'Emergency Workplace', and 'My Programs'.</p> </div> <p>EX1008, FIG. 5I (excerpt, annotated).</p> |

Sinha Claim 18

Sinha Provisional Written Description

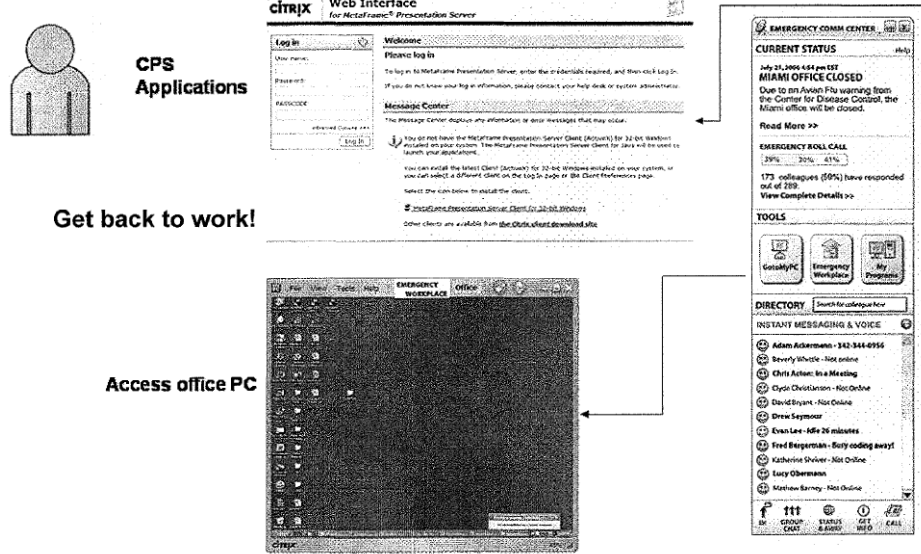
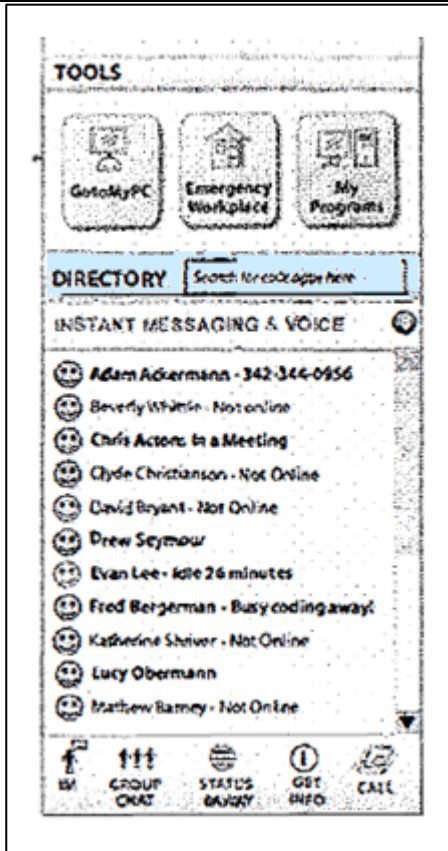


FIG. 5N

EX1008, FIG. 5N.

[18.3] a third portion providing a directory service to the employee, the directory service associated with directory information of the workforce; and



| Sinha Claim 18                                                                                                                                                                                                                                                                             | Sinha Provisional Written Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                            | <p>EX1008, FIG. 5I (excerpt, annotated).</p> <p>EX1008, 24:13-22: “The employee communications center provided by the <b>sidebar</b> application or agent <b>displays</b> status information, roll call, instant messaging and <b>directory information.</b>”</p> <p>EX1008, 25:10-21: “FIG. 5M is an embodiment of a user interfaces for users to communicate with peers. Via the emergency communication center, users can search the corporate <b>directory</b> for contact information, including updated or emergency contact information....”</p> <p>EX1008, 139:39-140:3: “The <b>directory</b> contains the names and abbreviated contact information of everyone in the organization....”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>[18.4] a fourth portion displaying a list of at least a portion of the employees of the work force and a status related each of the employees listed and a providing a mechanism for establishing at least one of an audio communications session and an instant messaging session.</p> | <div data-bbox="483 947 943 1793">  <p>The screenshot shows a mobile application interface. At the top, there is a 'TOOLS' section with three icons: 'Go to My PC', 'Emergency Workplace', and 'My Programs'. Below this is a 'DIRECTORY' section with a search bar labeled 'Search for colleagues here'. Under the search bar is a section titled 'INSTANT MESSAGING &amp; VOICE' which contains a list of employees with their names, status, and contact information. The list includes: Adam Ackermann - 342-344-0956, Beverly W. Farris - Not online, Chris Acton - In a Meeting, Clyde Christensen - Not Online, David Bryant - Not Online, Drew Seymour, Evan Lee - Idle 26 minutes, Fred Bergerman - Busy coding away!, Katherine Shriver - Not Online, Lucy Obermann, and Matthew Barney - Not Online. At the bottom of the screen, there is a navigation bar with five icons: a person, a group of people, a status icon, a get info icon, and a call icon. The icons are labeled: 'ME', 'GROUP CHAT', 'STATUS GALLERY', 'GET INFO', and 'CALL'.</p> </div> <p>EX1008, FIG. 5I (excerpt, annotated).</p> |

| Sinha Claim 18 | Sinha Provisional Written Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <p>EX1008, 24:13-22: “The employee communications center provided by the <b>sidebar</b> application or agent <b>displays</b> status information, roll call, <b>instant messaging</b> and directory information.”</p> <p>EX1008, 25:10-21: “FIG. 5M is an embodiment of a user interfaces for users to communicate with peers. Via the emergency communication center, the user can place <b>outbound calls</b>... In yet another embodiment, the emergency communication centers enables user to <b>chat or instant message their peers.</b>”</p> <p>EX1008, 25:30-26:2: “FIGs. 6A-6C depict embodiments of a plurality of user interfaces for the sidebar or WFC client. <b>The sidebar user interfaces of the emergency communication center may display...</b> the logged in user's status and info and contact information 7) peer information, 8) <b>chat</b> session, 9) chat archive, 10) <b>softphone</b> calling, 11) softphone call in progress status, and 12) call history.”</p> <div data-bbox="479 1081 1356 1627"> <p style="text-align: center;"><b>Users communicate with peers</b></p> </div> <p style="text-align: center;"><b>FIG. 5M</b></p> <p>EX1008, FIG. 5M.</p> |

| Sinha Claim 18 | Sinha Provisional Written Description                                                                                                 |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------|
|                | EX1008, 140:8-141:5: “Users can exchange text messages and start voice conversations with single or groups of buddies in their list.” |

## B. Grounds Summary

Petitioner requests *inter partes* review based on the grounds summarized below.

| Ground | Basis | Claims                     | References    |
|--------|-------|----------------------------|---------------|
| 1      | §103  | 1, 3-8, 10-13, and 15-16   | Gage          |
| 2      | §103  | 2, 9, and 14               | Gage-Mitchell |
| 3      | §103  | 1, 3-4, 6-8, 10-13, and 15 | Shida         |
| 4      | §103  | 2, 5, 9, 14, and 16        | Shida-Sinha   |

## V. THE '345 PATENT

### A. Summary of the '345 Patent

The '345 patent discloses techniques for enabling participant devices to exchange information regarding an event or situation, such as a weather event, emergency situation, or natural disaster. EX1001, 4:3-10, 4:59-65. To do so, the '345 patent forms a situational network in response to determining that the situation has occurred. For instance, Figure 1 below depicts a situational network 3000 that connects participants 250, 207 via a computer network 900. *Id.*

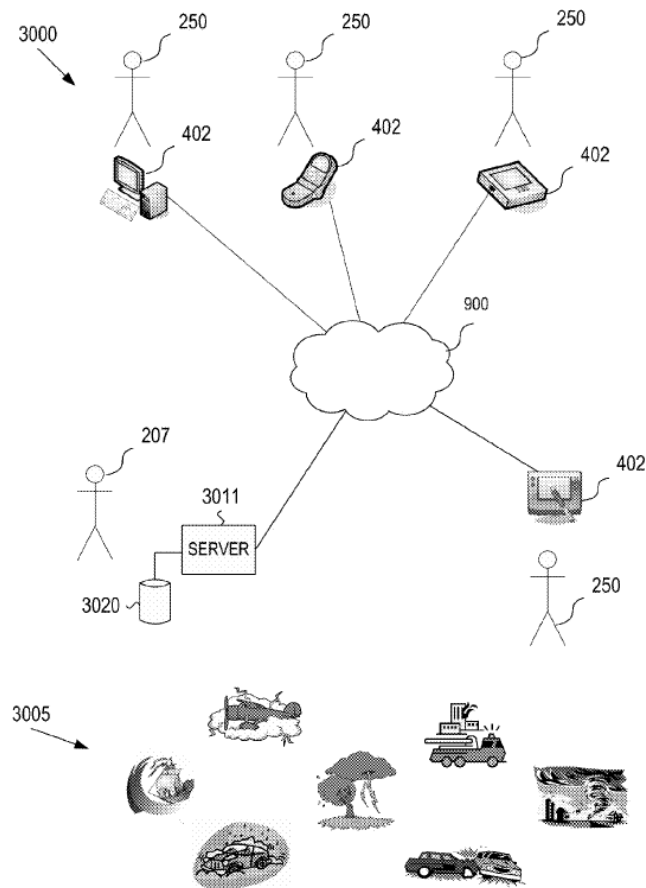


**Fig. 1**

EX1001, FIG. 1.

As shown in Figure 1, the situational network is formed by connecting the participants over an existing computer network 900. The network 900 is implemented using conventional and known networking technologies (e.g., the internet). EX1001, 4:3-10, 14:1-11. As also shown in Figure 1, the participants include users 250 and external entities 207. The users 250 include users affected by the situation (e.g., located near the situation). EX1001, 5:39-41, 26:7-18. The external entities 207 include, for instance, emergency responders, relief agencies, and situation authorities. EX1001, 4:15-27, 25:61-26:25.

The situational network is thus formed by establishing “connections” or “links” between participants via conventional computer networks. EX1001, 4:3-10. In some embodiments, the connections are established by coupling the participants to a central server, as shown in Figure 43 below. EX1001, 6:44-59.

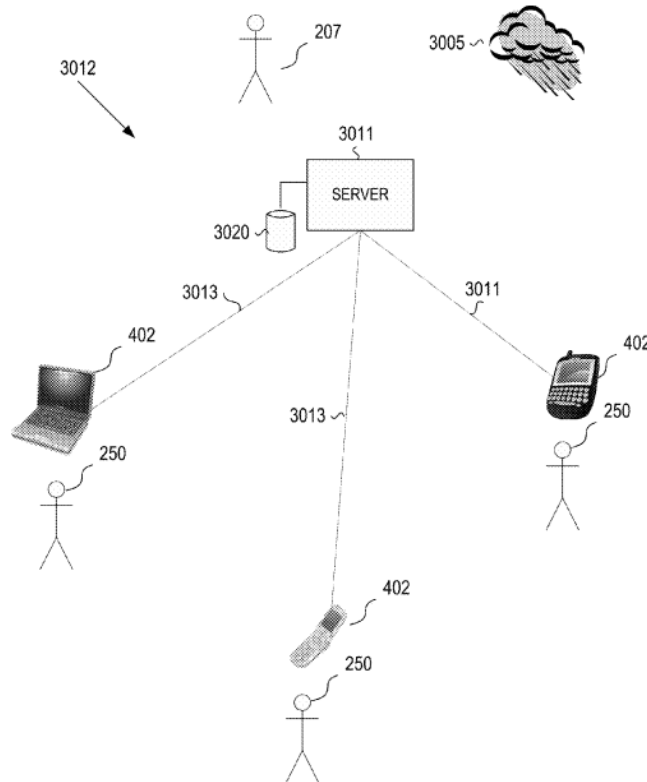


**Fig. 43**

EX1001, FIG. 43.

The situational network can implement a “roll-call” feature, for instance, to establish a list of persons that might be missing or need assistance. EX1001, 27:3-6. For example, the situation authority of the SitNet invites users determined to be physically threatened by a disaster or emergency event to check-in. EX1001, 27:3-9. As shown in Figure 32 below, a user’s device “displays an alert warning 3070

requiring user input that they are either ok 3074 or need assistance 3072.” EX1001, 27:19-21. The user can also “provide information on users that have not responded to the roll call query.” EX1001, 27:19-25, FIG. 32.

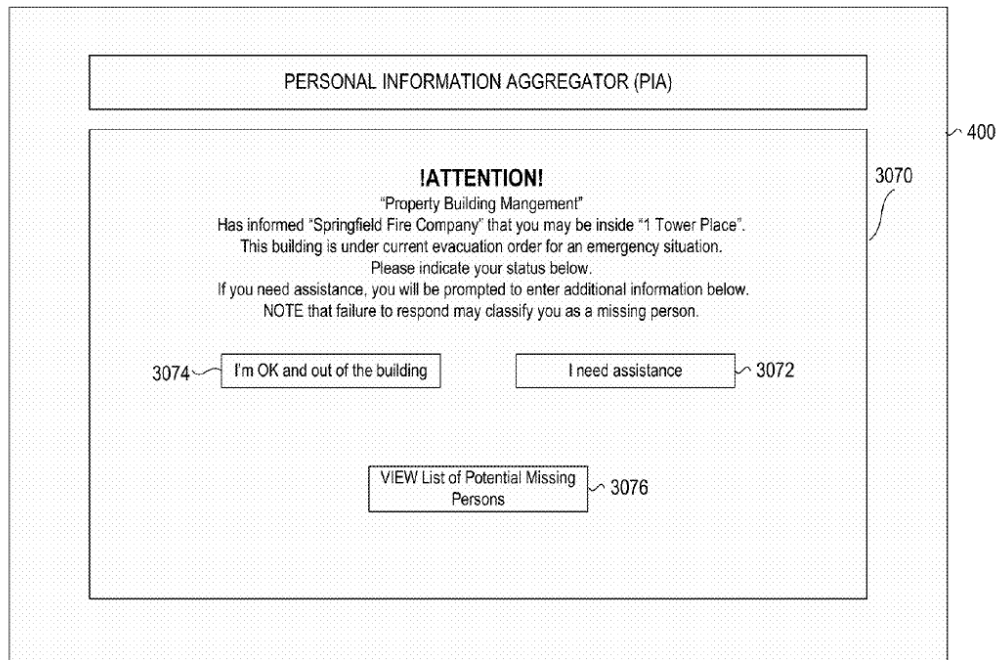


Fig. 32

EX1001, FIG. 32.

The '345 patent also discloses a searchable message board for users connected to the SitNet as well as visitors not connected to the SitNet. EX1001, 27:30-36. The message board is accessible by a website on the internet for visitors to search for information related to a situation or event. EX1001, 27:45-49; EX1003, ¶¶32-36.

## B. Prosecution History

The application that issued as the '345 patent was allowed after a single rejection that included only a double-patenting rejection over references to Cona

(EX1010) or Agronow (EX1011)<sup>2</sup> in view of a reference to Asthana (EX1012).

EX1002, 0138-39. In this rejection, the Examiner indicated that Cona and Agronow each “teach accessing situation related information of [a] plurality participant devices geographically proximate to the situation in the network, but do not teach a roll call list of participants.” EX1002, 0139. However, the Examiner found that “the concept of forming a roll call list of participants is known in the art as disclosed by Asthana.” *Id.*

The Examiner issued a notice of allowance after the applicant filed a terminal disclaimer. EX1002, 0156-57, 0160, 0174-81.<sup>3</sup> The application then issued on January 23, 2018. EX1002, 0232.

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<sup>2</sup> Cona and Agronow each share a specification with the '345 patent.

<sup>3</sup> Although one of the references relied on in this petition—Shida—appears on the face of the '345 patent, there is no indication that the examiner substantively considered this reference when examining the claims of the '345 patent. Shida is not applied in any rejection, nor otherwise discussed during examination, of any of the claims of the '345 patent. EX1002, 0136-40, 0174-81. Thus, as explained in more detail below, the mere citation of Shida on the face of the '345 patent does not form a basis for discretionary denial of this petition under 35 U.S.C. § 325(d). *See infra* Section VIII.A.

**C. Person of Ordinary Skill in the Art**

A person of ordinary skill in the art (“POSA”) would have had a bachelor’s degree in Computer or Electrical Engineering or equivalent discipline, and approximately two years’ experience in telecommunications or computer networking. Additional education could substitute for professional experience, and significant work experience could substitute for formal education. EX1003, ¶¶59-60.

**D. Claim Construction**

Claims must be given their ordinary and customary meaning in light of the specification—the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention.

Solely for the purposes of this Petition, Petitioner submits that all claim terms should receive their plain and ordinary meaning in the context of the ’345 patent specification.<sup>4</sup> EX1003, ¶61.

**VI. OVERVIEW OF THE APPLIED REFERENCES**

**A. Gage**

Gage discloses “a disaster response system” that, upon detecting a disaster (e.g., a hurricane, flood, fire, tsunami, etc.), queries subscriber devices for their

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<sup>4</sup> Petitioner reserves the right to challenge the validity of the claims under 35 U.S.C. §112 in other proceedings and forums.

location. EX1005, ¶¶9, 19, Abstract. When a subscriber is proximate to a disaster area, the disaster response system also queries the subscriber's device for a status indicator and for an optional user-provided message. EX1005, ¶9. The subscriber's device then displays an interface that permits the subscriber to report situation status information. EX1005, ¶27, FIG. 2. For instance, a user can select a status indicator such as "OK, NEED HELP, and IN CRITICAL NEED." *Id.*

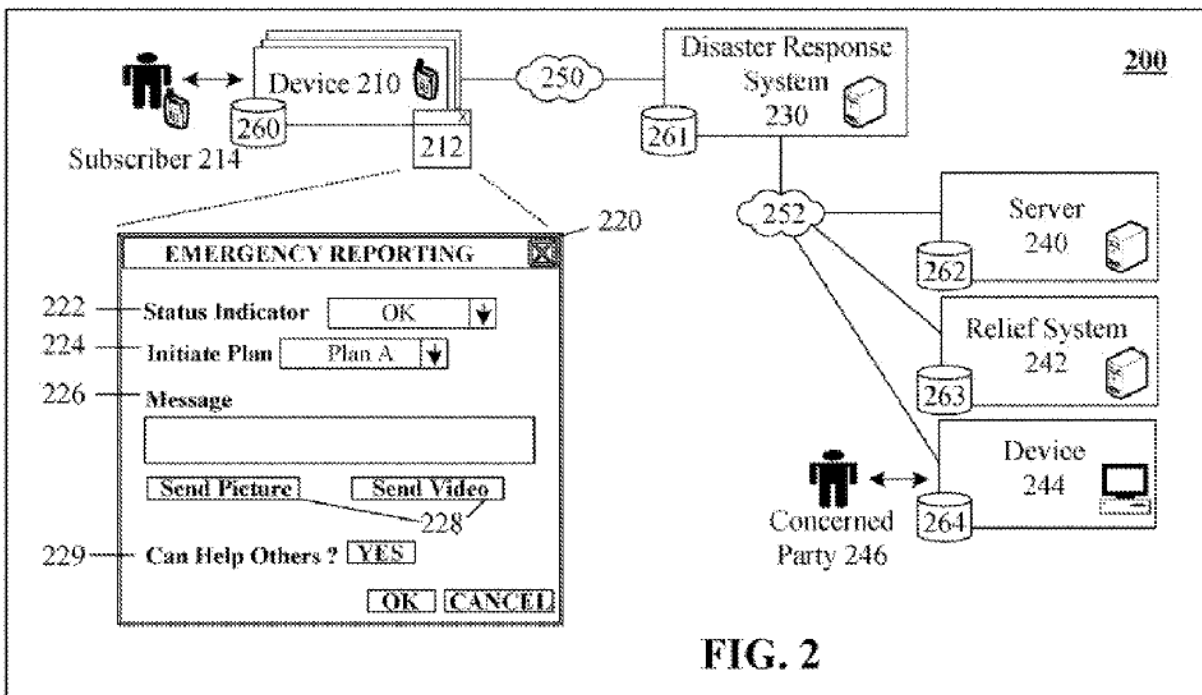


FIG. 2

EX1005, FIG. 2.

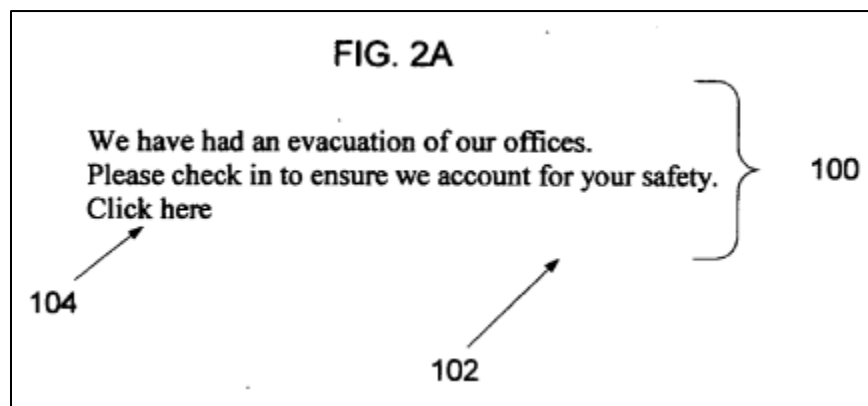
The disaster response system receives the status responses, and shares the status responses and other information associated with the disaster with various entities, such as disaster relief personnel and other concerned parties. EX1005, ¶¶21, 23, 31. For instance, "[c]oncerned parties, such as family members, can be granted access to the Web site, through which they can look-up the last known

location and situational status of the subscriber.” EX1005, ¶37.

## B. Mitchell

Mitchell discloses techniques for enabling participants in an “intelligent headcount system” to share information regarding an emergency or disaster.

EX1013, Abstract, ¶11. When a disaster is detected, a server 18 provides an alert message to a user prompting the user to check in by sending an acknowledgement signal that indicates the user’s status. EX1013, ¶¶35-37.



EX1013, FIG. 2A.

Mitchell further teaches “backup procedures” for determining the statuses of users who do not respond to the alert message. EX1013, ¶¶54-56. For instance, one backup procedure includes “generating a message sent only to a selected group of colleagues” that “requests that the recipients of this message provide information regarding the unaccounted for person.” EX1013, ¶19, *see also* ¶¶54-55. If such information is received, the system updates the status for the nonresponsive user. *Id.*

**C. Shida**

Shida discloses techniques for enabling users to share information regarding a disaster. EX1006, Abstract. For instance, when a disaster occurs, a reporting subscriber terminal generates and transmits a disaster occurrence report to a carrier server, which in turn transmits information included in the disaster occurrence report to a center server. EX1006, ¶¶33, 37, FIG. 1. The center server then determines the subscribers who are located near the disaster and informs those users of the occurrence of the disaster. EX1006, ¶¶39, 46.

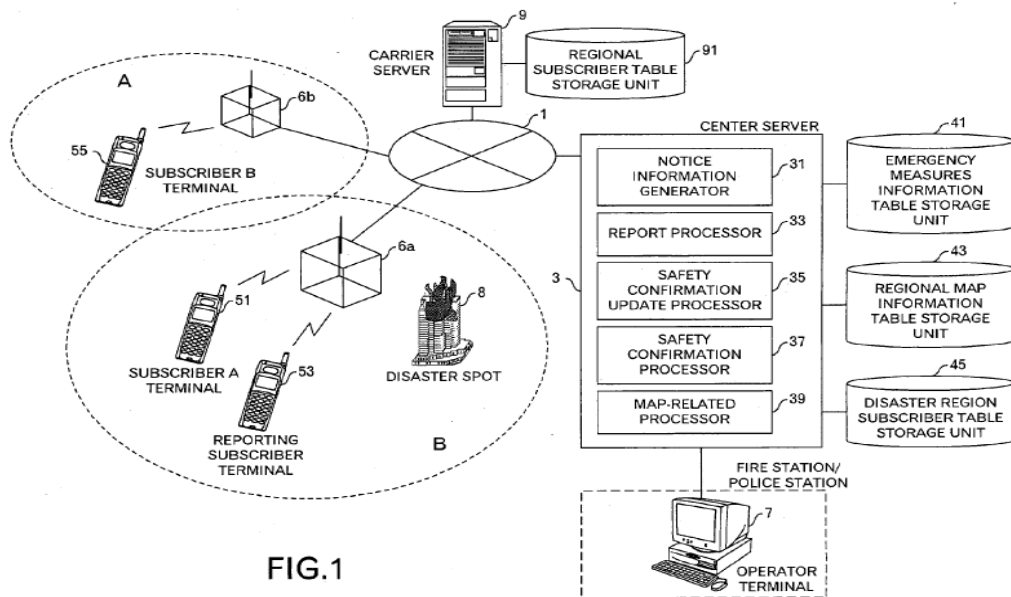


FIG.1

EX1006, FIG. 1.

The center server generates “notice information” related to the disaster and transmits it to the subscribers in the disaster region. EX1006, ¶46. The users of the subscriber terminals then input a “safety confirmation response,” which can indicate, for instance, a message of “Safety” or a message of “Rescue request.”

EX1006, ¶50. Upon receiving the safety confirmation responses, the center server updates the disaster region subscriber table to include statuses of the users' safety, as shown below in Figure 6. EX1006, ¶¶57-58.

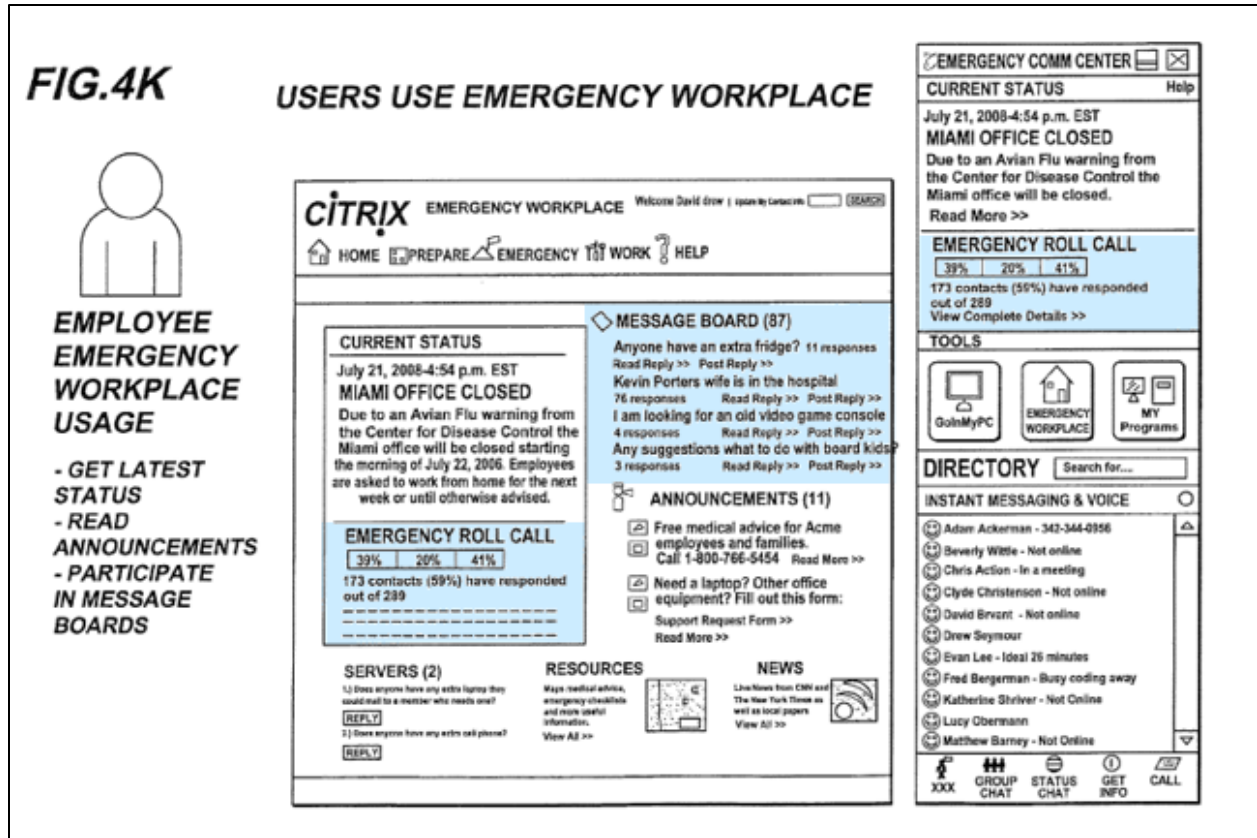
| 205                        | 206                             | 207           | 208                  | 209                              |
|----------------------------|---------------------------------|---------------|----------------------|----------------------------------|
| REPORTING<br>SUBSCRIBER ID | DISASTER OCCURRING<br>REGION ID | SUBSCRIBER ID | CURRENT<br>REGION ID | STATUS OF SAFETY<br>CONFIRMATION |
| REPORTING<br>SUBSCRIBER    | REGION A                        | SUBSCRIBER A  | REGION A             | NOT YET                          |
|                            |                                 | SUBSCRIBER B  | REGION B             | OK                               |
|                            |                                 | SUBSCRIBER C  | REGION A             | NOT YET                          |
|                            |                                 | SUBSCRIBER D  | REGION D             | OK                               |
|                            |                                 | ⋮             | ⋮                    | ⋮                                |

**FIG.6**  
EX1006, FIG. 6.

**D. Sinha**

Sinha discloses a “business continuity application” that is provided to a portion of a displaced workforce of an organization when an event occurs.

EX1007, Abstract; EX1008, 1:31-2:6. Specifically, Sinha teaches a “workforce continuity server (WFC server) 194” that provides a “message board” and “roll call report.” EX1007, ¶¶57, 112, 133-134, FIGs. 4J-K; EX1008, 4:23-30, 22:25-29, 24:13-25:2. The WFC server provides to employee user devices a “user interface [that] displays information for the employee regarding the employee roll call.” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIGs. 5J-K.



EX1007, FIG. 4K.

## VII. GROUNDS OF UNPATENTABILITY

### A. Ground 1: Gage renders obvious claims 1, 3-8, 10-13, and 15-16.

#### 1. Independent Claim 1

- a. [1.P]: A method of accessing situation related information, the method comprising:

To the extent limiting, Gage discloses the preamble.

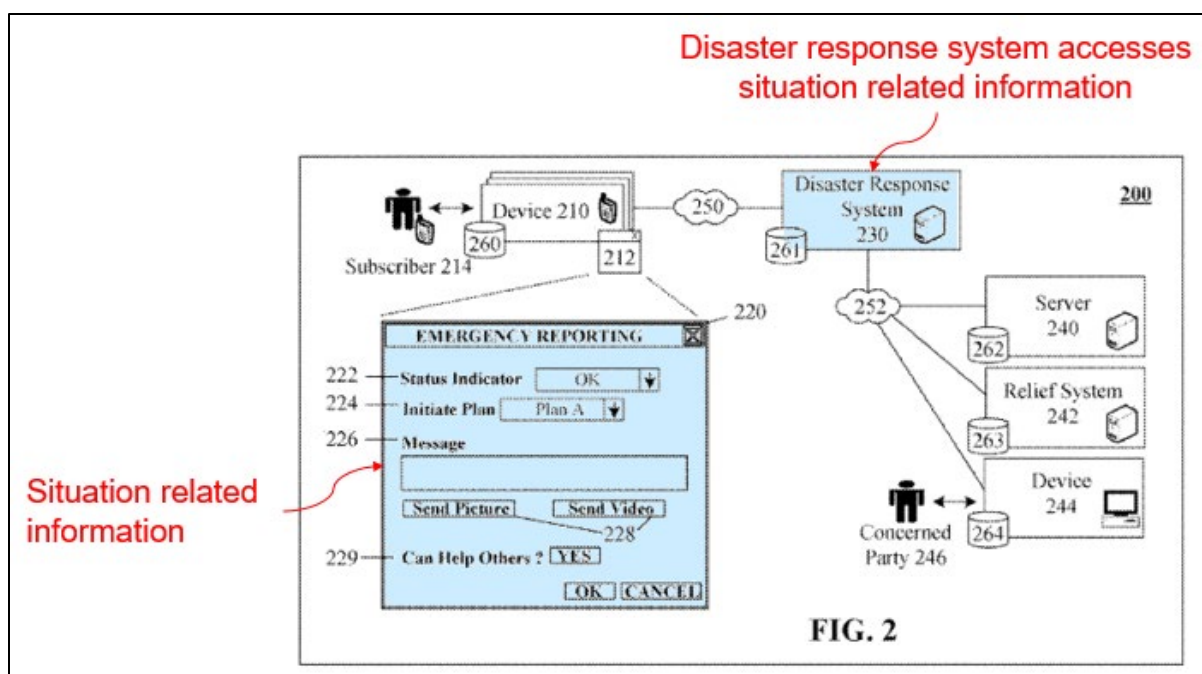
Gage discloses “a method for reporting a status indicator” (*situation related information*) to a disaster response system “during a disaster.” EX1005, Abstract.

Gage discloses that a disaster can be “a hurricane, flood, fire, tsunami, and the like.” EX1005, ¶19. The disaster is thus a *situation*, as claimed. EX1003, ¶71.

Indeed, the '345 patent explains that situations include “weather phenomenon, such as hurricanes, tornadoes, severe thunderstorms, or winter storms,” as well as “building fires” and “tsunamis.” EX1001, 4:59-5:2.

Gage explains that subscribers in a disaster region communicate “a status indicator” to the disaster response system indicating “whether the subscriber [] is alright or is in need of help due to the disaster.” EX1005, ¶19, FIG. 1. Thus, by receiving the status indicators, the disaster response system *accesses situation related information*. EX1003, ¶72.

For instance, Figure 2 below shows that subscriber 214 “report[s] situation status information,” including a status indicator, to a disaster response system 230. EX1005, ¶¶26, 27. The disaster response system then “inform[s] concerned parties [] of a situation status of subscribers [] who may have been effected by a disaster.” EX1005, ¶19, FIG. 1, *see also* ¶¶20, 31. The disaster response system 230 also “convey[s] data to one or more disaster relief systems 242.” EX1005, ¶31; EX1003, ¶73.



EX1005, FIG. 2 (annotated).

**b. [1.1]: receiving an indication of an occurrence of a situation;**

Gage’s disaster response system receives messages that *indicate an occurrence of a situation*. EX1003, ¶¶75-77. Specifically, the disaster response system receives messages indicating (i.e., *receiving an indication*) that subscribers have activated an “emergency response plan,” and these received messages indicate the occurrence of a disaster (i.e., *an occurrence of a situation*). EX1005, ¶36, *see also* ¶28, claim 7 (“communicating the plan triggering command to the disaster response system”). That is, the subscribers activate the emergency response plan when a disaster occurs. The disaster response system receives messages indicating such activations, and when enough activations are received, determines that a disaster has occurred.

For instance, Gage’s Figure 3 depicts a method 300 for determining “whether a disaster has occurred.” EX1005, ¶36. Gage explains that subscribers can “manually activate[] an emergency response plan” and that “sufficient subscriber emergency plan activation in a given area can cause” the disaster response system to determine that a disaster has occurred in the area. EX1005, ¶36. Thus, the emergency response plan activation messages received by the disaster response system comprise *an indication of an occurrence of a situation* because the disaster response system determines that a disaster has occurred based on these messages. *Id.*; EX1003, ¶¶75-76.

Gage further discloses that “multiple communication/information transmission options” are established between subscribers and the disaster response system. EX1005, ¶25, *see also* ¶¶26, 30. A POSA would have understood that the disaster response system *receives* such information when a subscriber manually activates an emergency response plan. EX1003, ¶77.

- c. **[1.2]: forming a situational network related to the occurrence of the situation with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network;**

This claim element includes three features: (i) *forming a situational network related to the occurrence of the situation*; (ii) the situational network is formed *with a plurality of participant devices determined to be geographically proximate*

to the situation; and (iii) each of the participant devices correspond[s] to a participant in the situational network. Gage teaches each of these features.

First, Gage discloses forming a situational network related to the occurrence of the situation. EX1003, ¶¶79-87. Gage discloses that “when a disaster is detected” (*occurrence of the situation*), “a centrally located disaster response system” queries mobile devices of subscribers located near the disaster for status indicators. EX1005, ¶9. To do this, Gage forms a *situational network related to the occurrence of the disaster*. EX1003, ¶¶80-83.

To implement the situational network, the disaster recovery system establishes “multiple communication/information transmission options ... to enable subscribers 130-134 to communicate with system 120.” EX1005, ¶25. For instance, one example transmission option comprises “a special communication channel [that] can be reserved for the disaster response system to obtain the situational status indicators and messages” from users proximate the disaster. EX1005, ¶¶9-10, *see also* ¶24. Further, “mobile telephony and push-to-talk (PTT) channels of mobile devices can both be used for sending status indicators to system 120.” EX1005, ¶25, FIG. 1, *see also* ¶19. As another example, “ad hoc networks can be dynamically established (i.e., through BLUETOOTH functionality of mobile telephones) to enable subscribers 130-134 to convey status and location.” EX1005, ¶25. Further, “[l]ocal wireless data networks, such as WIMAX networks

and WIFI networks can also be used for relaying status information to system

120.” EX1005, ¶25. “[C]ommunication access points, such as WIFI access points” can also be used for “receiving situation status information from areas that are otherwise disconnected from system 120.” EX1005, ¶25; EX1003, ¶¶80-83.

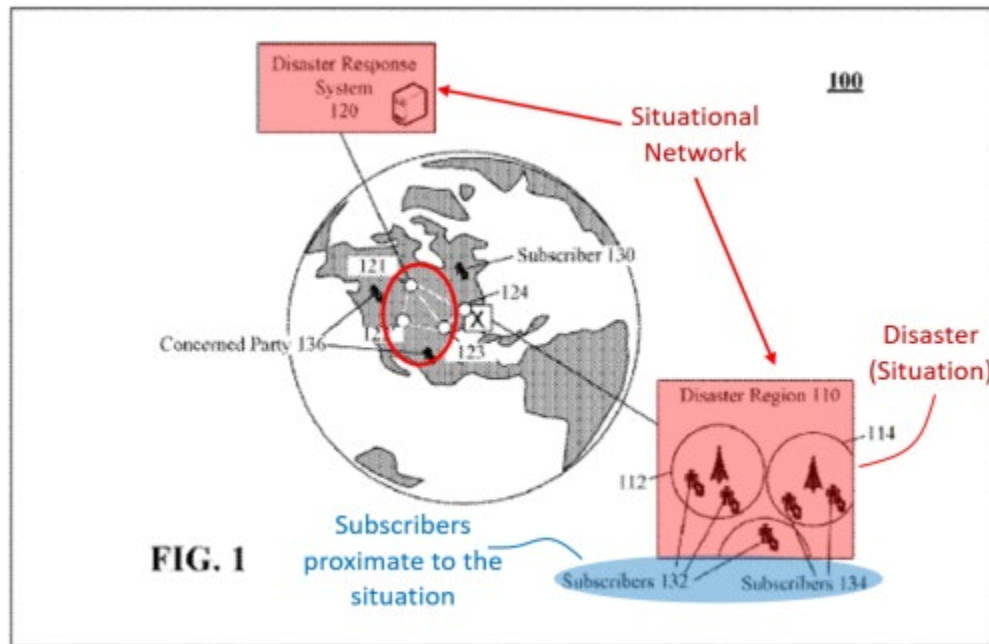
A POSA would have understood that the disaster response system *forms a situational network* by connecting with subscribers 132-134 in the disaster region 110 using one or more of the above-described communication channels for querying subscribers’ situation status. EX1003, ¶¶84-85. That is, upon determining that a “disaster has occurred,” and that one or more users are located proximate the disaster, the disaster recovery system establishes connections with the users’ mobile devices to “contact” the users by “request[ing] status indicators.” EX1005, ¶¶9-10, 36, 38, FIG. 3. The disaster response system also establishes connections for communication with “one or more disaster relief systems” or “agencies” that can provide assistance to needful subscribers. EX1005, ¶¶21, 31, 33; EX1003, ¶¶84-85.

Gage’s subscriber status reporting system comprises a *situational network* as claimed. EX1003, ¶¶86-87. Indeed, the ’345 patent explains that situational networks are formed by “caus[ing] connections ... to be established between, within or among a set of participants.” EX1001, 4:3-10, *see also* 7:29-51. The connections are formed by coupling the participant devices to a central server via

existing computer networks (e.g., the internet). EX1001, 4:3-10, 6:44-59, 14:1-11.

The participants include users proximate to the situation, “emergency responders,” “situation authorities,” “government agencies (e.g., local fire departments...),” “relief agencies,” etc. EX1001, 4:16-32, 25:61-26:25. As explained above, this is consistent with Gage’s disclosure that the disaster response system forms connections with multiple participants including subscriber devices (e.g., through the established communication channels) and disaster relief systems or agencies.

*E.g.*, EX1005, ¶¶25, 31, 33.



EX1005, FIG. 1 (annotated).

*Second*, Gage’s situational network is formed with a plurality of participant devices determined to be geographically proximate to the situation. EX1003, ¶88.

The disaster response system “request[s] location information” from the

subscribers, and determines “whether any subscribers have been affected by the disaster” based on the received location information. EX1005, ¶36. “When a subscriber is proximate to a disaster area, the subscriber’s device can be queried for a status indicator and for an optional user provided message.” EX1005, ¶9.

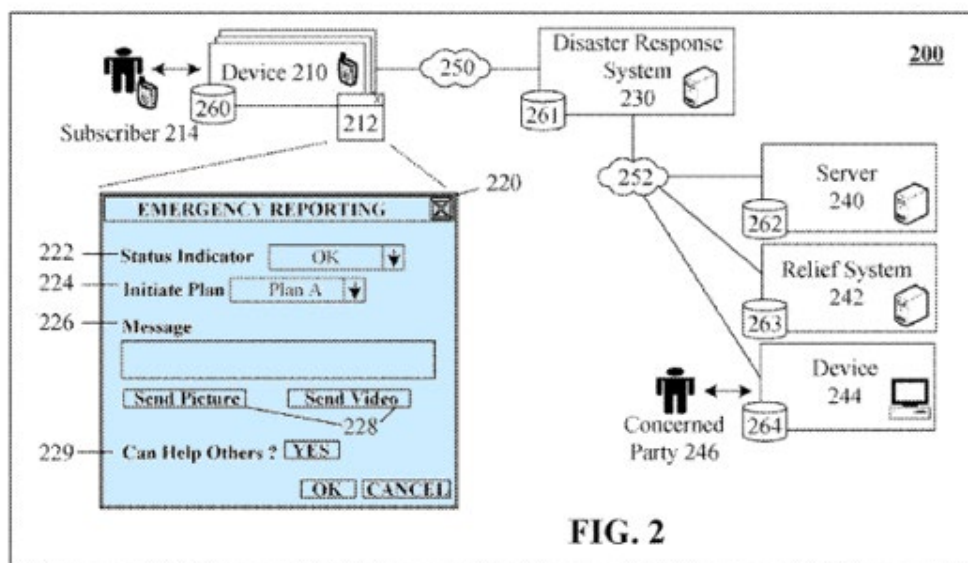
Figure 1 above shows that subscribers 132-134 inside or proximate to a disaster region 110 communicate a status indicator to the system 120 through various communication options. EX1005, ¶¶19 (“[D]isaster region 110 can include multiple mobile communication zones 112-114 within which included subscribers 132-134 can communicate a status indicator ....”), 25. Thus, the subscriber devices 132-134 located in the disaster region are *a plurality of participant devices determined to be geographically proximate to the situation*. EX1003, ¶88. As explained above, Gage’s disaster response system forms the *situational* network with these devices.

*Third*, Gage teaches that each of the participant devices in its situational network *corresponds to a participant in the situational network*. EX1003, ¶89. For instance, Gage teaches that each subscriber device (e.g., subscriber devices 132-134) is “associated with a subscriber.” EX1005, ¶26, claim 15, *see also* ¶19, FIG.

2.

**d. [1.3]: presenting a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant;**

Gage discloses that “[w]hen a subscriber is proximate to a disaster area, the subscriber’s device [is] queried for a status indicator and for an optional user provided message.” EX1005, ¶9, *see also* ¶¶10, 30. The query is a *roll call query* as claimed because it is provided to the subscriber devices that are “proximate to a disaster area” (i.e., *participant devices*), and solicits a “status indicator” and “message” from subscriber (i.e., *a reply related to a status of the participant*). EX1003, ¶¶92-93. For instance, as shown below in Figure 2, when the disaster recovery system queries a mobile device, the mobile device displays an interface 220 that permits subscriber 214 to “report situation status information.” EX1005, ¶27, FIG. 2. By interacting with the interface 220, a user can select a status indicator 222, such as “OK, NEED HELP, and IN CRITICAL NEED.” *Id.* The subscriber can also provide a message 226.



EX1005, FIG. 2.

Thus, Gage teaches *presenting a roll call query to each of the plurality of participant devices* (e.g., query for status indicator from subscribers proximate to a disaster area) *soliciting a reply related to a status of the participant* (e.g., a status indicator such as OK, NEED HELP, or IN CRITICAL NEED). EX1003, ¶¶92-93.

**e. [1.4]: receiving a status response from one or more of the participants; and**

Gage discloses that “a user can enter their status indicator and optional message [*status response*], which is thereafter automatically conveyed to the disaster response system.” EX1005, ¶9. Specifically, Gage explains that multiple communication/information transmission options are used “for sending status indicators to” the disaster response system. EX1005, ¶25, *see also* ¶30. Additionally, Gage discloses that the disaster response system stores the “response to each of these queries” in a corresponding database entry. EX1005, ¶38.

Thus, Gage teaches *receiving a status response from one or more of the participants*. EX1003, ¶¶95-96.

**f. [1.5]: aggregating the status responses from responsive participants into a roll call list.**

Gage teaches this claim element in two ways.

First, Gage aggregates the status indicators of responsive participants into a roll call list by compiling and storing the status indicators in a database. For instance, Gage’s disaster response system places “response[s] to each of [the status] queries” in “a corresponding database entry.” EX1005, ¶38. In doing so, the disaster response system populates “response field[s]” with the received status indicators. *Id.* The database thus “relates the [status indicators] and the locations to a corresponding one of the mobile telephony devices.” EX1005, claim 15, *see also* claim 3 (“associating an identifier for the mobile communication device and corresponding location and status indicators within a database structure”). Gage thus *aggregates the status responses from responsive participants into a roll call list* (database entries) that is stored in the database. *See* EX1005, ¶¶21, 45; EX1003, ¶¶98-99.

*Second*, Gage also meets this element by aggregating the status indicators (responses) in “a Web site containing subscriber status information” that is “updated with the subscriber’s status indicator and location.” EX1005, ¶37. “Concerned parties, such as family members, can be granted access to the Web

site, through which they can look-up the last known location and situational status of the subscriber.” *Id.* Thus, the Web site aggregates the status indicators into a *roll call list* because it includes aggregated subscriber status information that can be viewed by concerned parties. EX1003, ¶100.

To the extent Gage does not explicitly disclose that the Web site provides the “subscriber status information” in a *list* format (i.e., *roll call list*), a POSA would have found it obvious to implement the Web site in this way. EX1003, ¶¶101-102. Indeed, a list is a natural way to provide aggregated information for a number of users. Such a list would also provide an intuitive and easily navigable interface for the concerned parties to “look-up the last known location and situational status of the subscriber.” EX1005, ¶38. For instance, the Web site would include a list of subscriber names and corresponding status responses that users could easily scroll through. A POSA would have understood that users, such as concerned parties, are familiar with data presented in a list format, and would have readily understood how to navigate such information. EX1003, ¶¶101-102. Such a roll call list would have been easily and predictably implemented as merely configuring the format with which the data is presented on the Web site. EX1003, ¶102.

Thus, Gage teaches *aggregating the status response from responsive participants into a roll call list* (e.g., database entry).

**2. Independent Claim 8**

- a. [8.P] A method of providing situation related information to a situation authority via a situational network, the method comprising**

To the extent limiting, Gage teaches the preamble for the reasons provided for elements [1.P] and [1.2]. Indeed, as explained for claim 1 and below for claim 8, Gage teaches that a subscriber device communicates a status indicator (*situation related information*) to the disaster response system (*a situation authority*) through a subscriber status reporting system that implements a network configured for use during disasters (*situational network*). EX1005, ¶19, *see also* ¶25. The disaster response system is a situation authority because the disaster response system “detect[s] an occurrence of a disaster affecting a region” (*situation*), receives and “aggregate[s]” information related to the disaster, and provides the information to various participants in the network, such as disaster relief agencies and rescue personnel. EX1005, ¶¶8-9, 21, 36, 45, claim 15; EX1003, ¶104. This is consistent with the ’345 patent, which discloses that situation authorities are “generally [] able to aggregate and provide comprehensive information related to the situation” to “relief agencies” and “emergency responders.” EX1001, 4:16-20, 25:61-26:25.

- b. [8.1] receiving, by a participant device, a roll call query soliciting a reply related to a status of a participant based on the participant being determined, by the situation authority, to be geographically proximate to the situation;**

Gage teaches element [8.1] for the reasons provided for elements [1.2] and

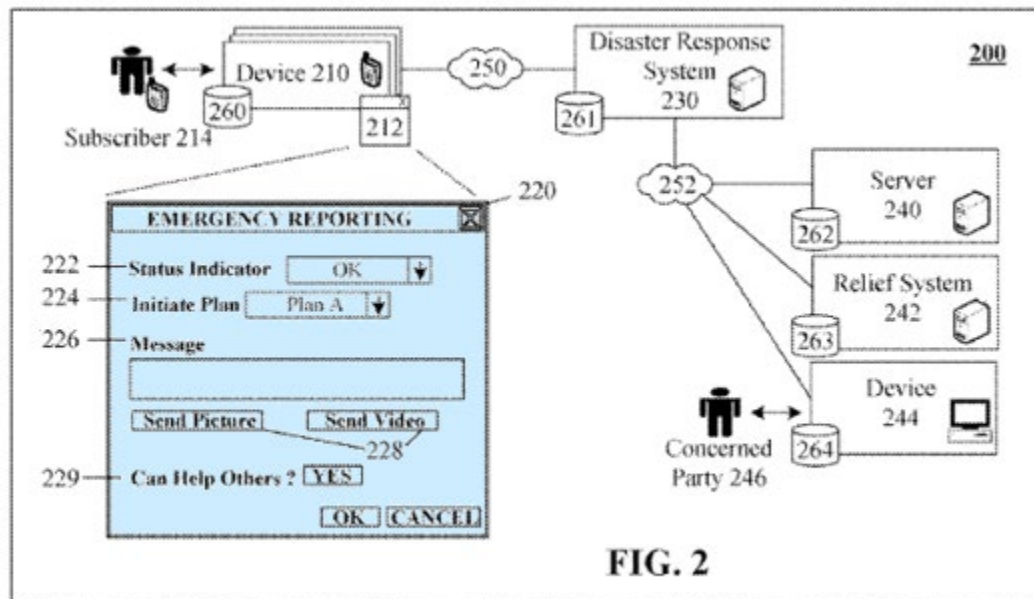
[1.3]. EX1003, ¶105.

- c. **[8.2] receiving, by the participant device, a selection of a status response from the participant; and**

Gage teaches element [8.2] for the reasons provided for element [1.4].

Further, Gage discloses that a reporting interface 220 on device 210 (*the participant device*) permits subscriber 214 to “report situation status information.”

EX1005, ¶27, *see also* ¶9, FIG. 2. Gage explains a user can “select a status indicator” (*a status response*) such as OK, NEED HELP, and IN CRITICAL NEED. EX1005, ¶27. Thus, Gage teaches that the participant device *receiving a selection of a status response from the participant*. EX1003, ¶106.



EX1005, FIG. 2.

- d. **[8.3] sending the status response to the central authority, wherein the status response is included in a roll call list.**

Gage teaches or renders obvious element [8.3] for the reasons provided for elements [1.4]-[1.5]. EX1003, ¶107.

### 3. Independent Claim 13

- a. **[13.P] A system for accessing situation related information, the system comprising:**

To the extent limiting, Gage teaches the preamble for the reasons provided for element [1.P]. Indeed, as explained for claim 1 and below for claim 13, the disaster response system performs the method for providing situational status. EX1003, ¶108.

- b. **[13.1] a central server, corresponding to a situation authority,**

Gage teaches element [13.1] for the reasons provided for element [1.1].

Further, Gage discloses “a centralized disaster response system” providing “situational status.” EX1005, ¶8, *see also* ¶9 (“centrally located disaster response system”). The disaster response system includes a “disaster response server” (*central server*)<sup>5</sup>. EX1005, ¶10. Gage also explains that the disaster response

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<sup>5</sup> Although Gage discloses an example embodiment where the elements of the disaster response system are “geographically dispersed,” this embodiment is optional. EX1005, ¶23 (“a series or cluster of linked communication resources *can*

system is implemented in a “server 120.” EX1005, ¶21, *see also* ¶47. Thus, Gage teaches that the disaster response system comprises *a central server*. EX1003, ¶¶109-110.

**c. [13.2] configured to receive an indication of an occurrence of a situation,**

Gage teaches element [13.2] for the reasons provided for element [1.1]. EX1003, ¶111.

**d. [13.3] form a situational network related to the occurrence of the situation with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network,**

Gage teaches element [13.3] for the reasons provided for element [1.2]. EX1003, ¶112.

**e. [13.4] present a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant,**

Gage teaches element [13.4] for the reasons provided for element [1.3]. EX1003, ¶113.

**f. [13.5] receive a status response from one or more of the participants, and aggregate the status responses from responsive participants into a roll call list;**

Gage teaches element [13.5] for the reasons provided for elements [1.4] and  

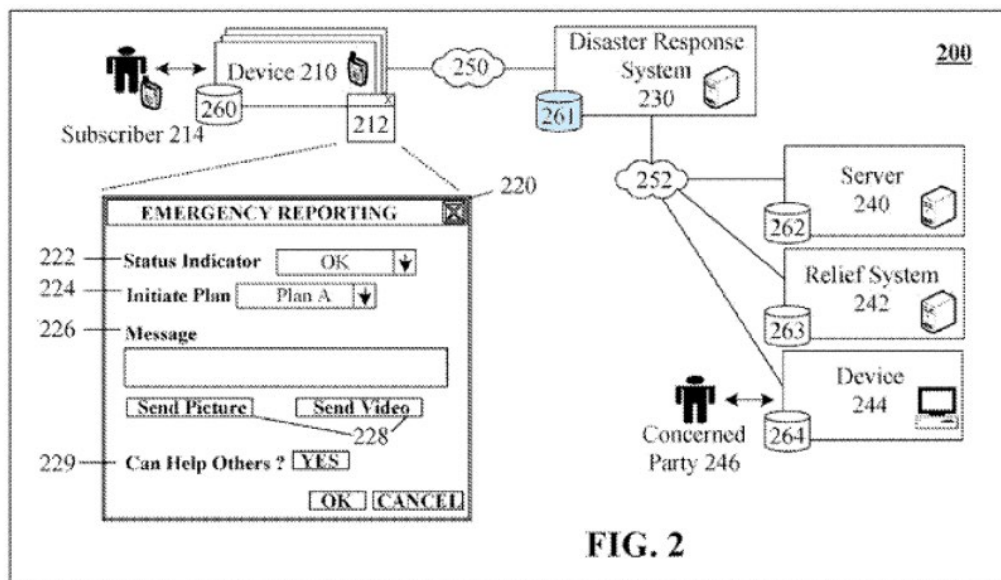
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*be geographically dispersed”).*

[1.5]. EX1003, ¶114.

- g. [13.6] and a database corresponding to the central server for storing the responses and the roll call list.

Gage discloses data store 261 coupled to the disaster response system 230 and is configured to “store digital information.” EX1005, ¶34, FIG. 2. As explained for element [13.1], the disaster response system 230 is implemented in a central server. EX1003, ¶116.



EX1005, FIG. 2.

Gage explains that “a time-stamp response to each of these queries” is placed in a “corresponding database entry” for “all responses.” EX1005, ¶38, *see also* Section VII.A.1.f (element [1.5]). For instance, Gage teaches “storing [the status responses] and the determined locations in a data store that relates the [status responses] and the locations to a corresponding one of the mobile telephony devices.” EX1005, claim 15, *see also* claim 3 (“associating an identifier for the

mobile communication device and corresponding location and status indicators within a database structure”). Thus, Gage teaches *a database corresponding to the central server* (database in data store 261) *for storing the responses and the roll call list* because the database has a corresponding entry for each response, and relates the status responses to the mobile devices (*roll call list*). EX1003, ¶¶116-117.

#### **4. Claims 3, 10, and 15**

Claims 3, 10, and 15 recite, “*wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster.*”

Gage discloses that a disaster (*the situation*) can be “a hurricane, flood, fire, tsunami, and the like.” EX1005, ¶19. Thus, Gage teaches these claims. EX1003, ¶119.

#### **5. Claim 4**

Claim 4 recites, “*wherein the situational network is formed by a situation authority.*”

Gage discloses this element for the reasons provided for elements [1.2] and [8.P]. As explained, Gage’s disaster response system is a situational authority that forms the situational network. EX1003, ¶121.

#### **6. Claims 5 and 16**

Claim 5 recites, “*establishing an electronic message board for providing access to the roll call information related to the situation for individuals not*

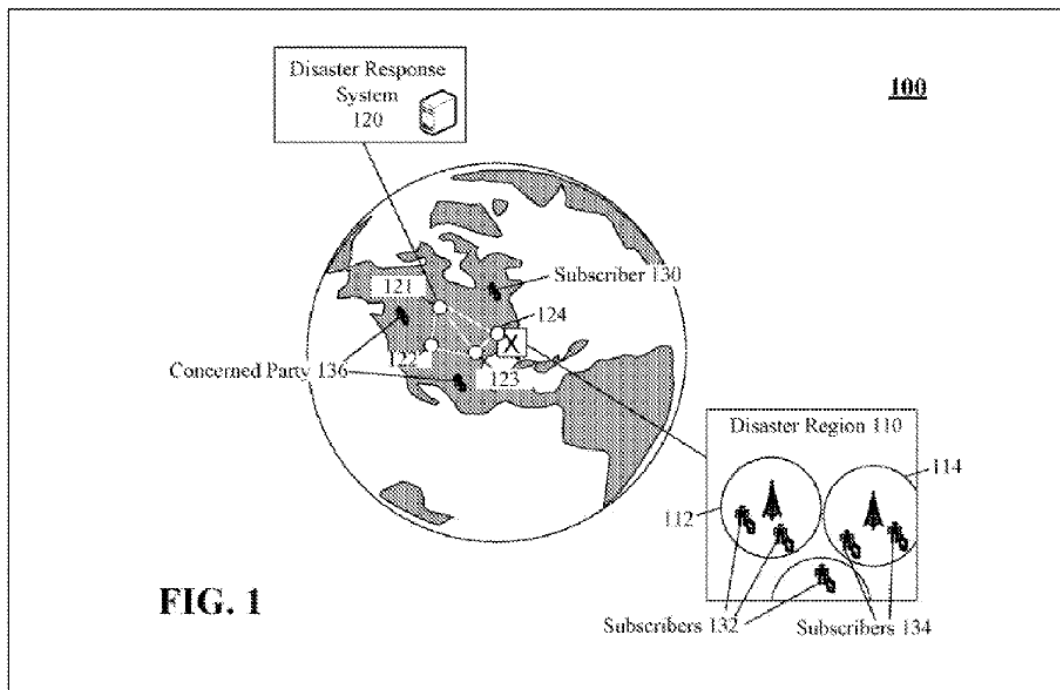
*participating in the situational network.*” Claim 16 recites substantively similar elements.

Gage discloses *establishing an electronic message board for providing access to the roll call information related to the situation.* EX1003, ¶¶123-124. For instance, Gage discloses that “[c]oncerned parties, such as family members, can be granted access to [a] Web site, through which they can look-up the last known location and situational status of the subscriber.” EX1005, ¶37. The “Web site contain[s] subscriber status information,” (*roll call information*) and “can be updated with the subscriber’s status indicator and location.” EX1005, ¶37. The Web site further includes “user provided message[s]” that are “textual message[s].” EX1005, ¶9, claim 8, *see also* ¶28 (“A message 226 entry option can also exist that permits the subscriber 214 to send a message detailing a situation to the system 230.”). Thus, the Web site is a message board because it provides textual messages posted by the subscribers. EX1003, ¶124.

Further, Gage discloses that the message board is established for *individuals not participating in the situational network.* EX1003, ¶¶125-126. For instance, Gage discloses the disaster response system 100 “for informing concerned parties 136 of a situation status of subscribers 130-134.” EX1005, ¶19, FIG. 1. The “subscribers” are participants of the situational network because they communicate with the disaster response system via the “multiple communication/information

transmission options [that are] established to enable subscribers 130-134 to communicate with system 120.” EX1005, ¶25, *see also* Section VII.A.1.c (element [1.2]).

The concerned parties communicate with the disaster response system by accessing the above-described Web site via the Internet in order to “look-up the last known location and situational status of the subscriber.” EX1005, ¶37. Figure 1 of Gage shows that a concerned party 136 is outside the disaster region 110 for which the situational network is established. The concerned parties access the subscriber information “using unaffected telecommunication resources.” EX1005, ¶23, *see also* ¶8. Thus, a POSA would have understood that concerned parties 136 are “*individuals not participating in the situational network.*” EX1003, ¶¶126-128.



EX1005, FIG. 1.

**7. Claims 6 and 11**

Claims 6 and 11 recite, “*wherein the status response includes a request for assistance and a location of the participant.*”

Gage discloses that, “when a disaster is detected, mobile devices of subscribers can be queried for location ... by a centrally located disaster response system.” EX1005, ¶9. The “subscriber’s device [is also] queried for a status indicator and for an optional user provided message.” *Id.*

In response to these queries, the subscriber device provides its location, the status indicator, and the user-provided message (*status response*). EX1005, ¶¶8-9, 19, 25, 32. The location is automatically obtained through either a GPS component or a triangulation based method. EX1005, ¶19. A POSA would have also understood that the “user provided message” could also include a location manually entered by the subscriber because the message includes information “detailing a situation.” EX1005, ¶28, *see also* ¶¶9, 11; EX1003, ¶¶131-132. The status indicator includes a *request for assistance* by specifying a status of “NEED[s] HELP” or “IN CRITICAL NEED.” EX1005, ¶27, *see also* ¶¶19 (“a status indicator ... indicates [that] the subscriber ... is in need of help due to the disaster”), 21, 27.

**8. Claim 7**

Claim 7 recites, “*wherein non-responding devices are reported to an*

*emergency management organization.”*

Gage’s disaster response system stores the status indicators received from the subscribers in a database. EX1005, ¶38, FIG. 3. “If no response is received” from a subscriber, “the response field can be populated with an ‘Unknown’ indication.” EX1005, ¶38. Users having an “Unknown” status are “potentially threatened subscribers.” EX1005, ¶39. Gage discloses that the disaster response system conveys the subscriber statuses (including the unknown statuses) and locations “to one or more disaster relief systems 242, which can provide assistance to needful subscribers 214.” EX1005, ¶31, *see also* ¶¶21 (“[A]ggregated data can be reported to disaster relief workers and/or agencies ....”), 11 (“[L]ocation information of subscribers and messages relating to relief needs can be used to further focus disaster relief efforts.”), claim 5. This data helps relief workers and/or agencies “determine a response order and/or to proportion relief resources based upon need.” EX1005, ¶21. A POSA would have understood one or more disaster relief systems 242 are *emergency management organizations* because they coordinate and provide relief for disasters or emergencies. EX1003, ¶135.

## **9. Claim 12**

Claim 12 recites, “*wherein the roll call list includes aggregated status responses from responsive participants of the situational network.*”

Gage teaches claim 12 for the reasons provided for element [1.5]. EX1003,

¶138.

**B. Ground 2: The combination of Gage and Mitchell renders obvious claims 2, 9, and 14.**

**1. A POSA would have found it obvious to combine Gage and Mitchell to arrive at claims 2, 9, and 14.**

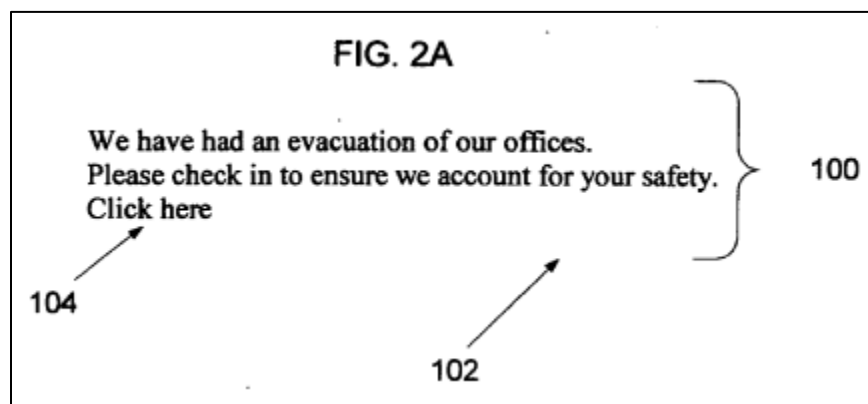
As explained above, Gage’s disaster response system enables users who are located in a disaster region to “report[] a status indicator” that indicates whether the user is safe, in need of help, etc. EX1005, Abstract, ¶27. Specifically, Gage discloses that “[w]hen a subscriber is proximate to a disaster area, the subscriber’s device [is] queried for a status indicator and for an optional user provided message.” EX1005, ¶9, *see also* ¶¶10, 30. The disaster response system stores the status indicators in a database. EX1005, ¶38. When a user does not provide a response, the database entry for that user is “populated with an ‘Unknown’ indication.” *Id.* The disaster response system considers non-responsive subscribers to be “potentially threatened subscribers.” EX1005, ¶39.

A POSA reading Gage would have understood that there could be many reasons for a subscriber to fail to respond to the disaster response system queries. For instance, the subscriber’s phone battery may be dead, or the subscriber may not have checked his phone. *See* EX1005, ¶32; EX1003, ¶¶139-140. In each of these scenarios, the non-responsive subscriber may be safe. A POSA would have also realized that other subscribers located within the disaster region may have

information concerning the status of the non-responsive subscriber. A POSA would have thus recognized that it would be beneficial to enable such other subscribers to provide information relating to the status of the non-responsive subscriber so that the disaster response system could receive the most accurate information. EX1003, ¶140.

With these concerns in mind, a POSA would have sought out references similar to Gage that additionally teach techniques for enabling other users or subscribers to provide status updates for non-responsive subscribers. This would have led a POSA to Mitchell. EX1003, ¶141.

Mitchell discloses a similar system as Gage. For instance, Mitchell is directed to an “intelligent headcount system” that “ensur[es] that all persons have been accounted for ... in real time in response to an emergency or disaster declaration.” EX1013, ¶11, *see also* Abstract. When a disaster is detected, a server 18 provides an “alert message” to a user prompting the user to check in by sending an “acknowledgement signal” that indicates the user’s status. EX1013, ¶¶35-37.



EX1013, FIG. 2A.

Mitchell further teaches “backup procedures” for determining the statuses of users who do not respond to the alert message. For instance, one backup procedure includes “generating a message sent only to a selected group of colleagues or a single colleague who has been accounted for and typically works in close contact with an [unaccounted for] person.” EX1013, ¶19, *see also* ¶¶54-55. “The message requests that the recipients of this message provide information regarding the unaccounted for person.” EX1013, ¶19. “If a response contains information verifying that the unaccounted for person is at a location outside the crisis event, the search for him/her may end and his/her status is updated as checked-in and accounted for.” EX1013, ¶19, *see also* ¶50.

A POSA would have been motivated to modify Gage to enable accounted for (responsive) subscribers to provide information relating to the status of unaccounted for (nonresponsive) subscribers, as taught by Mitchell. EX1003, ¶¶142-144. As explained above, this would improve Gage’s system by enabling accurate status information to be determined for nonresponsive subscribers. *See* EX1004, ¶¶38-39. For instance, a POSA would have found it obvious to enable Gage’s responsive subscribers in a disaster area to request and access the status information of other subscribers from the disaster response system. EX1003, ¶¶144-145. In viewing this information, the responsive subscribers could determine

if they had any information relating to any unaccounted for subscriber, and if so, provide such information to the disaster response system.

This is consistent with Gage, which already discloses a “Web site [that] contain[s] subscriber status information,” (*roll call list*) and “can be updated with the subscriber’s status indicator and location.” EX1005, ¶37; EX1003, ¶146. Gage enables users, such as concerned parties, to be “granted access to the Web site, through which they can look-up the last known location and situational status of the subscriber.” EX1005, ¶37. That is, these users request and access the subscriber status information for the queried users from the Web site. Consistent with these teachings, in modifying Gage with Mitchell, a POSA would have found it obvious to enable responsive subscribers to request such subscriber status information from the disaster response system so that the subscribers could provide information on one or more nonresponsive subscribers to the disaster response system. EX1003, ¶¶147-148. Upon receipt of such information, the disaster response system would update the statuses of the nonresponsive subscribers. *See* EX1005, Abstract, ¶38.

A POSA would have recognized that this implementation of Mitchell’s teachings would amount to a predictable variation of Gage. EX1003, ¶149. That is, in the context of Gage’s system, a POSA would have sought to implement Mitchells’ backup procedure techniques by enabling the disaster response system to present requesting users with the status subscriber information (*roll call list*) so

that the users could browse the list and provide status responses for other users. *Id.* This would enable the users to determine whether they knew relevant information relating to any of the unaccounted for users on the list, and to report this information to the disaster response system.

And a POSA would have readily been able to implement these techniques in Gage. As explained, Gage and Mitchell teach similar system for determining the statuses of users located in a disaster region. EX1003, ¶150. Gage already discloses techniques for communicating with subscribers located in the disaster region. A POSA would have readily been able to leverage Gage’s existing infrastructure to enable subscribers to request and access subscriber status information for updating the statuses of non-responsive subscribers. *Id.* In this manner, a POSA would have realized that such implementations would merely amount to combining prior-art elements according to known methods to yield predictable results (providing backup procedures for locating non-responsive subscribers). *Id.*

**2. The combination of Gage and Mitchell teaches claims 2, 9, and 14.**

Claim 2 recites, “*receiving a request from a responsive participant to view the roll call list; presenting the roll call list to the responsive participant; and receiving from the participant an indication of the status of non-responsive participant.*” Claims 9 and 14 recite substantively similar elements.

The combination of Gage and Mitchell teaches these claims. As explained

above in Section VII.B.1, a POSA would have found it obvious based on Mitchell's teachings to enable Gage's responsive subscribers in a disaster area to *request* the status information of other subscribers (*roll call list*) from the disaster response system (*receiving a request from a responsive participant to view the roll call list*). See EX1005, ¶37; EX1013, ¶19; EX1003, ¶152. As explained, this is consistent with Gage's teaching of enabling users to request and view "a Web site containing subscriber status information" (*roll call list*). EX1005, ¶37. This is also consistent with Mitchell's teaching of enabling users to "provide [status] information regarding [an] unaccounted for person." EX1013, ¶19.

The disaster response system would *present* this information to the requesting subscriber (*presenting the roll call list to the responsive participant*), who could determine if they had any information relating to any unaccounted for subscriber, and if so, provide such information to the disaster response system (*an indication of the status of non-responsive participant*). EX1003, ¶153.

**C. Ground 3: Shida renders obvious claims 1, 3-4, 6-8, 10-13, and 15.**

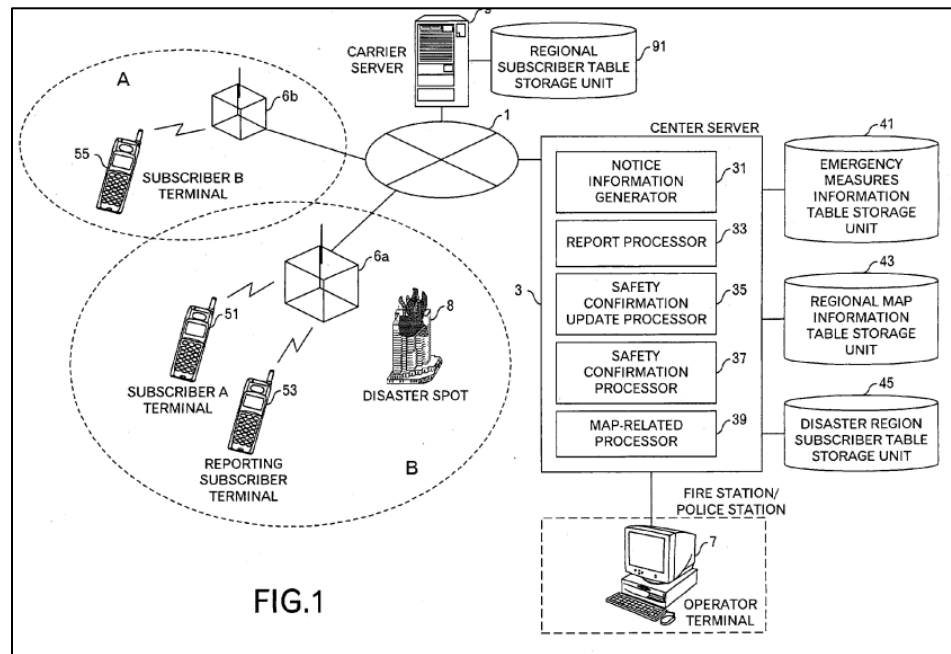
**1. Independent Claim 1**

**a. [1.P]: A method of accessing situation related information, the method comprising:**

To the extent limiting, Shida discloses the preamble.

Shida discloses "a method of processing information associated with [a] disaster" ("*situation related information*"). EX1006, ¶6. Shida discloses that a

“center server” “receiv[es] information concerning a disaster occurring region and information of a user ... in the disaster occurring region, and stor[es] it in a storage device.” EX1006, ¶¶6, 27, *see also* ¶37. Shida’s center server accesses “safety confirmation response[s]” of users proximate to the disaster. EX1006, ¶¶49-50. Accordingly, Shida teaches the preamble. EX1003, ¶155.

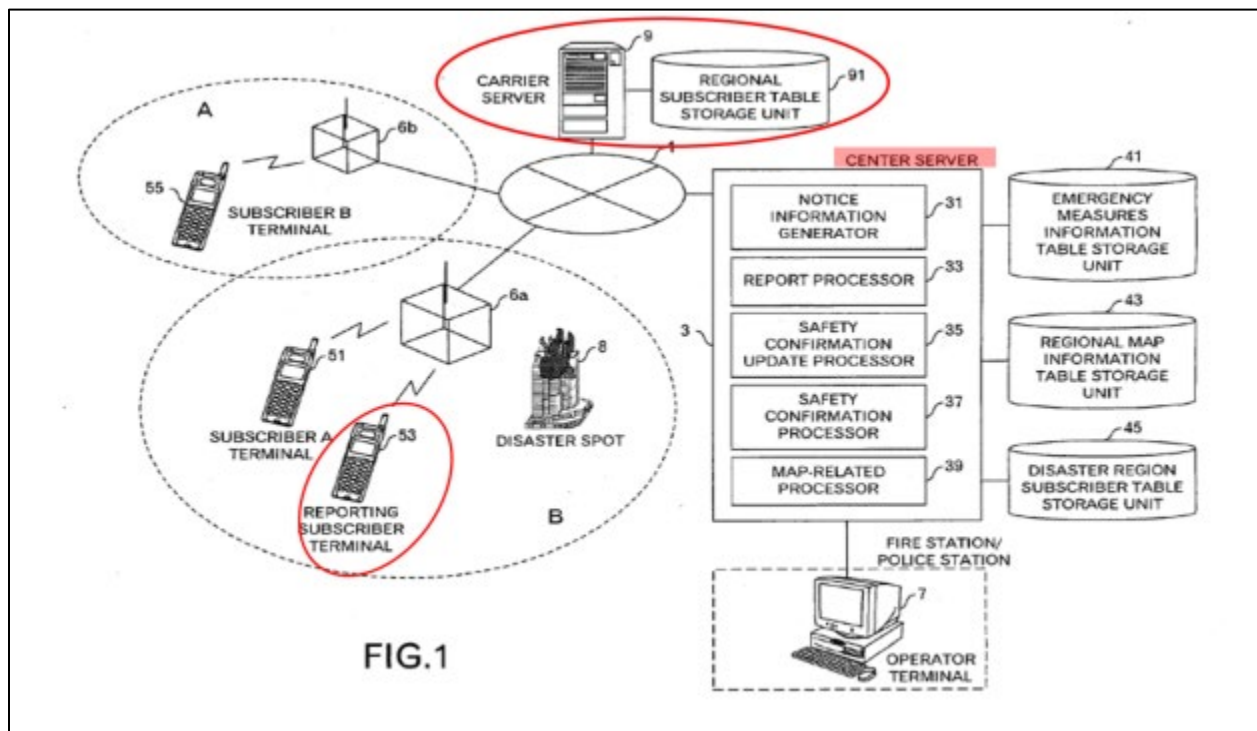


EX1006, FIG. 1.

**b. [1.1]: receiving an indication of an occurrence of a situation;**

Shida’s “center server” receives *an indication of an occurrence of a situation* because it receives information related to a disaster that was communicated by a “reporting subscriber.” EX1006, ¶¶32-33, 37. For instance, Shida discloses that “a reporting subscriber inputs disaster information by operating [a] reporting subscriber terminal [] when he or she discover[s] the

occurrence of [a] disaster at the disaster spot.” EX1006, ¶32, FIG. 1. The reporting subscriber terminal then “generates [a] disaster occurrence report including the input disaster information... and transmits it” to a “carrier server.” EX1006, ¶33. The carrier server “receives the disaster occurrence report,” and “transmits... disaster information included in the disaster occurrence report, information on the disaster occurring region, and list information of the subscribers in the disaster occurring region information to [a] center server.” EX1006, ¶¶33, 37. “[T]he center server [] receives [this information] from the carrier server.” EX1006, ¶38, FIG. 5. Thus, the center server *receives an indication of an occurrence of a situation*. EX1003, ¶157.



EX1006, FIG. 1 (annotated).

- c. **[1.2]: forming a situational network related to the occurrence of the situation with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network;**

This claim element includes three features: (i) *forming a situational network related to the occurrence of the situation*; (ii) *the situational network is formed with a plurality of participant devices determined to be geographically proximate to the situation*; and (iii) *each of the participant devices correspond[s] to a participant in the situational network*. Each of these features is taught by Shida.

*First*, Shida's center server *forms a situational network related to the occurrence of the situation* by establishing connections for communicating with "the subscribers... who should be informed of the occurred disaster." EX1006, ¶46; EX1003, ¶¶159-166. The center server then "generates notice information" related to the disaster "and transmits it to the subscribers to be notified." EX1006, ¶46. "The subscriber terminal of the designated subscriber receives the broadcast notice information from the mobile communication network system, and displays it on the display device." *Id.*

The users of the subscriber terminals then input a "safety confirmation response," which is transmitted to the center server via a "mobile communication network system." EX1006, ¶50. The safety confirmation response can indicate, for instance, a message of "Safety" or a message of "Rescue request." *Id.* The center

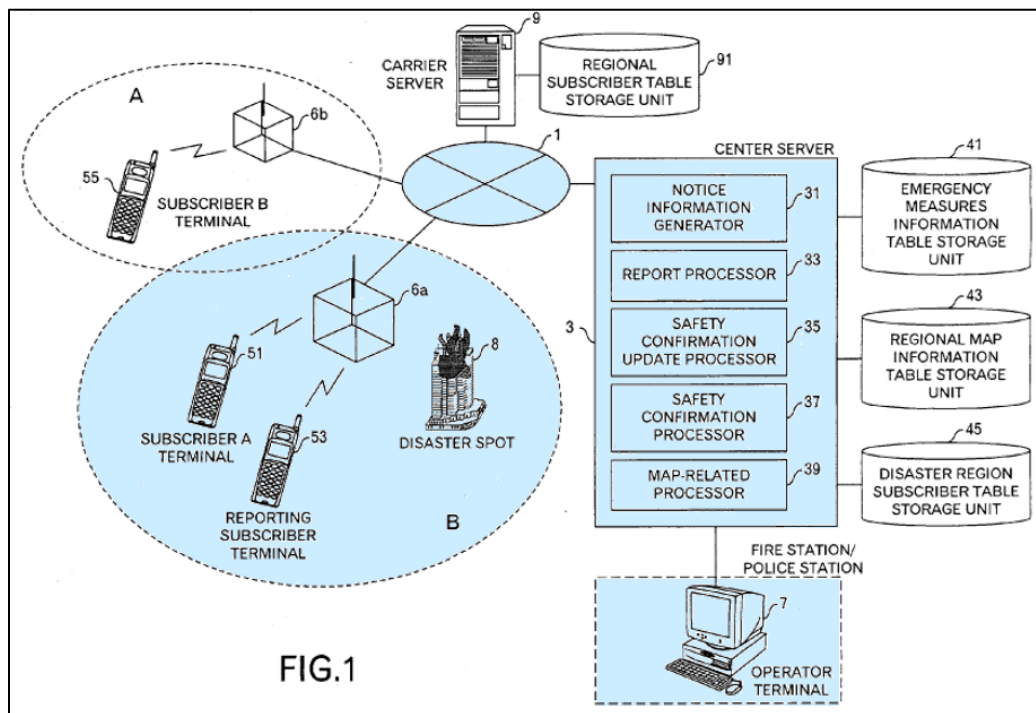
server then “transmits [a] safety confirmation result ... to the subscriber terminal,” which may indicate, for instance, that “Safety was confirmed” or that the subscriber is “still in the vicinity of the region of the disaster.” EX1006, ¶¶60. Thus, Shida’s center server *forms a situational network related to the occurrence of an event* by establishing connections with participant devices for communicating information related to the event. EX1003, ¶¶160.

The center server also establishes connections for communication with an “operator terminal” that is “provided in facilities such as fire stations and police stations.” EX1006, ¶¶30. As a result, the situational network enables participants of the network, such as subscriber terminals, the center server, and the operator terminal, to communicate information regarding the disaster. EX1003, ¶¶162-164. This is consistent with the ’345 patent, which teaches that situational networks are formed by “caus[ing] connections ... to be established between, within or among a set of participants.” EX1001, 4:3-10, *see also* 7:29-51. The connections are formed by coupling the participant devices to a central server via existing computer networks (e.g., the internet). EX1001, 4:3-10, 6:44-59, 14:1-11. The participants include users proximate to the situation, “emergency responders,” “situation authorities,” “government agencies (e.g., local fire departments...),” “relief agencies,” etc. EX1001, 4:16-32, 25:59-26:25; EX1003, ¶¶161-166.

*Second, Shida’s situational network is formed with a plurality of participant*

devices determined to be geographically proximate to the situation. EX1003, ¶167.

For instance, Shida describes determining which subscribers should be notified of the disaster by determining which exist in the disaster occurring region using subscriber position information (i.e., *determined to be geographically proximate to the situation*). EX1006, ¶¶8, 39, 46, 56. Figure 1 below shows a situational network formed by the center server. Upon determining that a disaster has occurred in Region B, the center server 3 establishes communication with the subscriber terminals located in Region B (proximate the disaster) via network 1. EX1006, ¶¶38, 46.



EX1006, FIG. 1 (annotated).

Third, each of the subscriber terminals in Shida's situational network

*corresponds to a participant in the situational network.* EX1003, ¶168. For instance, each of Shida’s “subscriber terminals” are “operated by a subscriber.” EX1006, ¶27. Thus, as explained above, the center server forms a situational network with subscriber terminals that are associated with respective subscribers who are located in the “disaster occurring region.” EX1006, ¶46, FIG. 1.

**d. [1.3]: presenting a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant;**

Shida discloses that subscribers receive the “broadcast notice information” including a “safety confirmation necessity flag.” EX1006, ¶46. When the safety confirmation necessity flag is included in the notice information, the received notice information is a *roll call query* because it solicits a “safety confirmation response” from the subscriber (*reply related to a status of the participant*). EX1006, ¶¶49, 50; EX1003, ¶¶170-171.

“The subscriber terminal of the designated subscriber receives the broadcast notice information from the mobile communication network system, and displays it on the display device.” EX1006, ¶46. For instance, the subscriber terminal displays interface elements such as a “Safety” button or “Rescue request” button “according to the disaster notice information” for soliciting a safety confirmation response. EX1006, ¶50. The user inputs the safety confirmation response by “push[ing] ‘Safety’ button or ‘Rescue request’ button displayed on the display device of the

subscriber” (“*a reply related to the status of the participant*”). EX1006, ¶50,

Figures 10, 12; EX1003, ¶171.

Figures 10 and 12 below show the processes of a subscriber terminal providing safety confirmation response when the safety confirmation necessity flag is “ON.” Thus, Shida teaches this claim element. EX1003, ¶172.

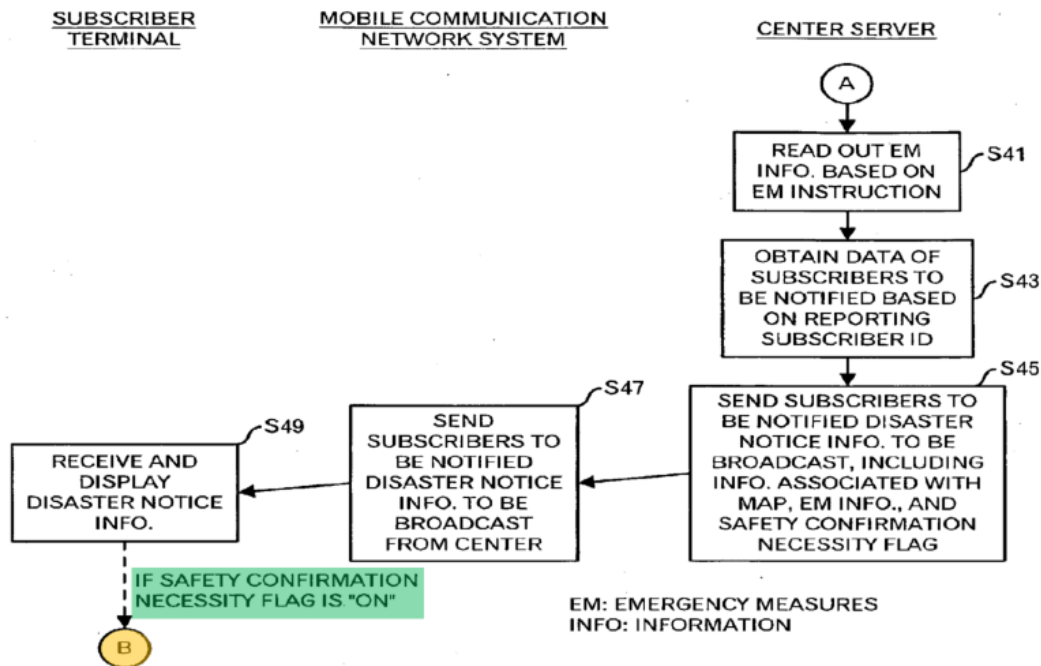
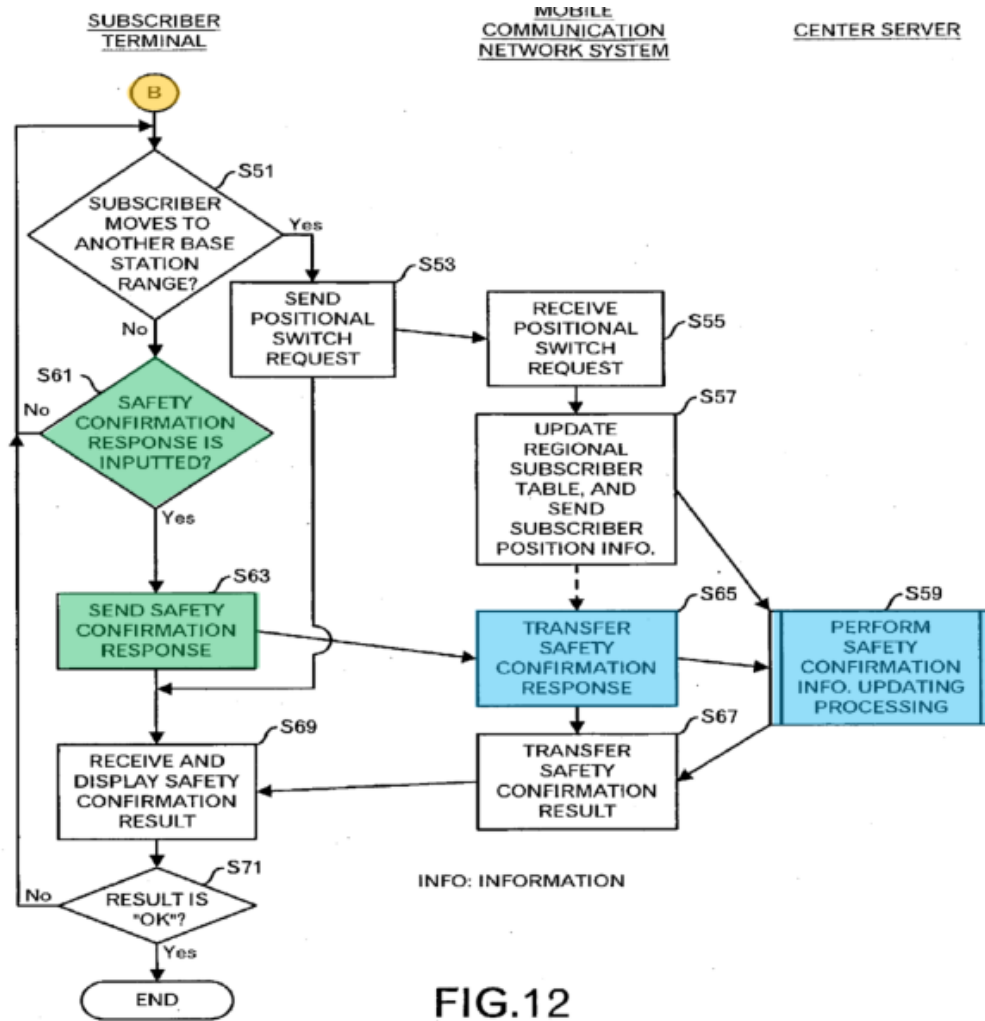


FIG.10

EX1006, FIG. 10 (annotated).



EX1006, FIG. 12 (annotated).

- e. [1.4]: receiving a status response from one or more of the participants; and

Shida discloses that “the mobile communication network system forwards the safety conformation response [*status response*] from the subscriber [] terminal [] to the center server” and that, upon receiving the response, “the center server [] carries out the safety confirmation updating processing.” EX1006, ¶50, FIG. 12. The blue boxes in Figure 12 above shows that the center server *receives* safety

confirmation response (*a status response*). EX1003, ¶174.

**f. [1.5]: aggregating the status responses from responsive participants into a roll call list.**

Shida discloses that the center server *aggregates the statuses from responsive participants into a roll call list* by “generat[ing a] disaster regional subscriber table [*roll call list*] from the disaster occurring region ID and list information of the subscribers in the disaster occurring region.” EX1006, ¶39; EX1003, ¶¶176-177. As shown in Figure 6 below, the disaster region subscriber table includes “a column 207 of the subscriber IDs of subscribers who exist in the disaster occurring region, a column 208 of the current subscriber existing region ID, [and] a column 209 of the subscriber's safety confirmation status.” EX1006, ¶39, FIG. 6. Shida explains that the center server updates the safety confirmation status of a subscriber in the disaster region subscriber table after receiving safety confirmation response from the subscriber. EX1006, ¶¶57-58, *see also* FIG. 13. The center server *aggregates* these responses into a *roll call list* in the form of the disaster regional subscriber table. EX1006, ¶39; EX1003, ¶¶176-177.

Roll call list

|                                   |                                        |                      |                             |                                         |
|-----------------------------------|----------------------------------------|----------------------|-----------------------------|-----------------------------------------|
| 205<br>REPORTING<br>SUBSCRIBER ID | 206<br>DISASTER OCCURRING<br>REGION ID | 207<br>SUBSCRIBER ID | 208<br>CURRENT<br>REGION ID | 209<br>STATUS OF SAFETY<br>CONFIRMATION |
| REPORTING<br>SUBSCRIBER           | REGION A                               | SUBSCRIBER A         | REGION A                    | NOT YET                                 |
|                                   |                                        | SUBSCRIBER B         | REGION B                    | OK                                      |
|                                   |                                        | SUBSCRIBER C         | REGION A                    | NOT YET                                 |
|                                   |                                        | SUBSCRIBER D         | REGION D                    | OK                                      |
|                                   |                                        | ⋮                    | ⋮                           | ⋮                                       |

**FIG.6**

EX1006, FIG. 6 (annotated).

## 2. Independent Claim 8

- a. **[8.P] A method of providing situation related information to a situation authority via a situational network, the method comprising**

To the extent limiting, Shida teaches the preamble for the reasons provided for elements [1.P] and [1.2]. Indeed, as explained for claim 1 and below for claim 8, the method is performed by a subscriber terminal in the disaster occurring region that communicates a safety confirmation response (*situation related information*) to a center server (*a situation authority*) via *situational network*. EX1006, ¶50; EX1003, ¶178. The center server is a *situation authority* because the center server determines “the occurrence of the disaster,” stores “emergency measures information,” and is “connected to an operator terminal [] provided in facilities such as fire stations and police stations, for instance, to plan and instruct measures against the disaster etc.” EX1006, ¶¶6, 30, 38, 46; EX1003, ¶178. As explained for

element [1.5], the center server also aggregates user safety confirmation responses by storing them in a disaster region subscriber table. The center server also provides the safety confirmation responses to an operator terminal (e.g., implemented in a fire station or police station). EX1006, ¶¶30, 51, 58. This is consistent with the '345 patent, which discloses that situation authorities are “generally [] able to aggregate and provide comprehensive information related to the situation” to “relief agencies” and “emergency responders.” EX1001, 4:16-20, 25:61-26:25.

- b. [8.1] receiving, by a participant device, a roll call query soliciting a reply related to a status of a participant based on the participant being determined, by the situation authority, to be geographically proximate to the situation;**

Shida teaches element [8.1] for the reasons provided for elements [1.2] and [1.3]. EX1003, ¶179.

- c. [8.2] receiving, by the participant device, a selection of a status response from the participant; and**

Shida teaches element [8.2] for the reasons provided for element [1.3]. EX1003, ¶180. The user inputs the safety confirmation response by “push[ing] ‘Safety’ button or ‘Rescue request’ button displayed on the display device of the subscriber” (“*a reply related to the status of the participant*”). EX1006, ¶50, FIGs. 10, 12. The subscriber terminal 51 then “accepts” the safety confirmation response input from the subscriber. EX1006, ¶50.

- d. **[8.3] sending the status response to the central authority, wherein the status response is included in a roll call list.**

Shida teaches element [8.3] for the reasons provided for elements [1.4] and [1.5]. EX1003, ¶181.

### **3. Independent Claim 13**

- a. **[13.P] A system for accessing situation related information, the system comprising:**

To the extent limiting, Shida teaches the preamble for the reasons provided for element [1.P]. EX1003, ¶182. Indeed, as explained for claim 1 and below for claim 13, Shida discloses a system including a center server for performing a method for providing and accessing disaster (situation) related information. EX1006, ¶27.

- b. **[13.1] a central server, corresponding to a situation authority,**

Shida teaches element [8.1] for the reasons provided for elements [1.4] and [8.P]. EX1003, ¶183.

Shida discloses “a center server 3 that carries out a main processing for this embodiment.” EX1006, ¶27. The center server corresponds to a *situation authority* for the reasons provided for element [8.P]. EX1003, ¶184.

- c. **[13.2] configured to receive an indication of an occurrence of a situation,**

Shida teaches element [13.2] for the reasons provided for element [1.1].

EX1003, ¶185.

- d. **[13.3] form a situational network related to the occurrence of the situation with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network,**

Shida teaches element [13.3] for the reasons provided for element [1.2].

EX1003, ¶186.

- e. **[13.4] present a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant,**

Shida teaches element [13.4] for the reasons provided for element [1.3].

EX1003, ¶187.

- f. **[13.5] receive a status response from one or more of the participants, and aggregate the status responses from responsive participants into a roll call list;**

Shida teaches element [13.5] for the reasons provided for elements [1.4] and

[1.5]. EX1003, ¶188.

- g. **[13.6] and a database corresponding to the central server for storing the responses and the roll call list.**

Shida discloses that the center server includes “a disaster region subscriber table storage unit 45 for storing a disaster region subscriber table.” EX1006, ¶30,

FIG. 1. As explained with respect to claim element [1.5], the disaster region

subscriber table includes the responses and the roll call list. Thus, Shida teaches

element [13.6]. EX1003, ¶190.

**4. Claims 3, 10, and 15**

Shida discloses a *situation* in the form of a “disaster.” EX1006, ¶6. In response to determining the occurrence of the disaster, Shida’s system implements “emergency measures.” EX1006, ¶30, *see also* ¶41 (users take cover in “places of refuge”). Thus, Shida’s disclosure of a disaster teaches the claimed *emergency event*. EX1003, ¶192. A POSA would have further understood that such disasters encompass natural disasters (e.g., fires) and weather phenomenon (e.g., tornadoes, hurricanes, etc.). EX1006, ¶¶2, 30; EX1003, ¶192. Thus, Shida teaches these claims.

**5. Claim 4**

Shida teaches this claim for the reasons provided for elements [1.2] and [8.P]. EX1003, ¶194. As explained, Shida’s situational network is formed by the center server, which is a situation authority.

**6. Claims 6 and 11**

Shida discloses that a subscriber terminal provides a safety confirmation response to the center server that may include a “Rescue request” (*request for assistance*). EX1006, ¶50, *see also* ¶58. Shida also teaches that the subscriber terminal provides location information to the center server in conjunction with the safety confirmation response. For instance, when the subscriber terminal determines that the subscriber has changed positions (e.g., to a new cell), it provides data indicative of the new position to the center server via the mobile

communication network system. EX1006, ¶49, *see also* ¶¶52-53.

“In response to this, the ... center server [] carries out the safety confirmation information updating processing” related to the new position. EX1006, ¶49. For instance, when the safety confirmation response from the subscriber terminal is a rescue request, the center server “transmits [a] warning including the subscriber’s information (subscriber ID etc.) and the position information (the existing region information after the movement) to the operator terminal.” EX1006, ¶58.

Thus, Shida teaches that, in response to receiving the notice information from the center server, the subscriber terminal transmits a safety confirmation response and position information to the center server. EX1003, ¶¶196-198. A POSA would have understood that the safety confirmation response and position information collectively comprise the claimed *status response*. EX1003, ¶198.

To the extent that these claims require the safety confirmation response and position information to be transmitted in the same message, this would have been obvious in view of Shida. EX1003, ¶¶199-203.

For instance, a POSA would have found it obvious for the subscriber to send the safety confirmation response and “subscriber position information” together so that the center server would receive the most up-to-date location of the subscriber terminal to execute the rescue requested in the safety confirmation response.

EX1006, ¶58; EX1003, ¶200. That is, a POSA would have recognized that it would be beneficial to receive subscriber position information that represents the subscriber's location at the time that the rescue request was issued. EX1003, ¶¶200-201.

Indeed, Shida suggests this implementation through its disclosure of sending position information to the operator terminal when the subscriber provides a safety confirmation response that requests rescue, as described above. *See* EX1006, ¶58. A POSA would have recognized that it would be beneficial for the operator terminal to receive position information that was provided concurrently with the safety confirmation response so that the operator terminal would receive accurate and up-to-date information regarding the subscriber's status and location. EX1003, ¶201.

Shida further suggests this implementation through its disclosure of providing a safety confirmation result to the subscriber terminal based on the subscriber's location. EX1006, ¶60; EX1003, ¶202. For instance, the safety confirmation result may specify that the subscriber “[m]oved to the safe area” or “is still in the vicinity of the region of the disaster.” EX1006, ¶60, *see also* ¶62. A POSA would have found it beneficial for the subscriber to transmit both the “subscriber position information” and the “safety confirmation response” simultaneously so that the event center would have more information to judge the

safety status of the subscriber. EX1003, ¶202.

A POSA would have recognized that such implementation would further Shida's goal of enabling fast and efficient rescues to "suppress human damage due to the disaster to the minimum." EX1006, ¶58; EX1003, ¶203. And this would have been trivial to implement as Shida already discloses sending the "position information" and "safety confirmation response" separately. EX1006, Abstract, ¶¶49, 52. Sending these messages together would have been a straightforward and predictable variation of Shida's express disclosure.

## **7. Claim 7**

Shida discloses that, when a subscriber terminal has not yet provided a "safety confirmation response" to the center server, the center server specifies a safety confirmation status of "Not yet" in the "disaster regional subscriber table." EX1006, ¶39, FIG. 6. Shida also teaches that, upon a request from the operator terminal, the center server transmits the safety confirmation responses of the subscribers in the disaster regional subscriber table to the operator terminal (*emergency management organization*), including the "Not yet" statuses. EX1006, ¶63; EX1003, ¶206.

Specifically, the center server generates a "safety confirmation status list" by "extract[ing] each subscriber ID ... and information of the safety confirmation status of that subscriber from the disaster subscriber table." EX1006, ¶63. For

instance, with respect to the example disaster subscriber table shown in Figure 6, the center server “extracts information in the column 207 of the subscriber ID and the column 209 of the safety confirmation status.” *Id.* As can be seen below, the column 209 in the disaster subscriber table includes safety confirmation statuses of “Not Yet” for Subscribers A and C. The center server then “transmits the subscriber safety confirmation status list,” which includes non-responding subscriber devices corresponding to subscribers A and C, to the operator terminal. EX1006, ¶63; EX1003, ¶207.

| 205                        | 206                             | 207           | 208                  | 209                              |
|----------------------------|---------------------------------|---------------|----------------------|----------------------------------|
| REPORTING<br>SUBSCRIBER ID | DISASTER OCCURRING<br>REGION ID | SUBSCRIBER ID | CURRENT<br>REGION ID | STATUS OF SAFETY<br>CONFIRMATION |
| REPORTING<br>SUBSCRIBER    | REGION A                        | SUBSCRIBER A  | REGION A             | NOT YET                          |
|                            |                                 | SUBSCRIBER B  | REGION B             | OK                               |
|                            |                                 | SUBSCRIBER C  | REGION A             | NOT YET                          |
|                            |                                 | SUBSCRIBER D  | REGION D             | OK                               |
|                            |                                 | ⋮             | ⋮                    | ⋮                                |

FIG.6

EX1006, FIG. 6 (annotated).

The operator terminal is implemented in an *emergency management organization* because it is “provided in facilities such as fire stations and police stations, for instance, to plan and instruct measures against the disaster etc.” EX1006, ¶¶30, 63; EX1003, ¶208.

Shida also teaches this claim because the center server then “transmits

information on the state of the safety of subscribers who exist in the disaster occurring region to the operator terminal.” EX1006, ¶31; EX1003, ¶209. For instance, when a non-responding device is located in the disaster area, the center server “transmits warning including the subscriber’s information (subscriber ID etc.) and the position information... to the operator terminal.” EX1006, ¶58, *see also* ¶¶52, 56, 60.

## **8. Claim 12**

Shida teaches claim 12 for the reasons provided for element [1.5]. EX1003, ¶212.

### **D. Ground 4: The combination of Shida and Sinha renders obvious claims 2, 5, 9, 14, and 16.**

#### **1. A POSA would have found it obvious to combine Shida and Sinha**

A POSA would have found it obvious to modify Shida to implement Sinha’s message board and roll call features. EX1003, ¶¶213-226.

As explained in §VII.C, Shida discloses “a method of processing information associated with [a] disaster” (“*situation related information*”). EX1006, ¶6. Shida teaches that a subscriber terminal located in a disaster area sends a “safety confirmation response” (*status response*) to a “center server,” indicating, for instance, whether the subscriber is safe or in danger. EX1006, ¶¶52-53, 57. The center server stores this response, and “carries out the safety confirmation information updating processing.” EX1006, ¶50.

Shida, however, does not enable users to view the safety statuses of subscribers in the disaster region. Shida also does not enable direct communication between subscribers or other users, such as friends or family. A POSA would have recognized that such features would be beneficial to enable users to communicate information related to the disaster, and to view the statuses of subscribers located in the disaster area. EX1003, ¶¶215-219. For instance, concerned parties (e.g., friends and family) would be interested in being able to communicate with and/or view status information of subscribers located in the disaster area to make sure that the subscribers were safe. *Id.* That is, certain concerned parties would be aware when a user is located proximate a disaster, and would find it beneficial to be able to communicate with or to view the status of the user. Thus, a POSA would have sought references teaching systems similar to Shida that also provide mechanisms for communicating with subscribers in a disaster region. EX1003, ¶219.

Sinha is such a reference. For instance, Sinha discloses “a business continuity application” that is provided to “a displaced workforce of an organization when an event occurs.” EX1007, Abstract; EX1008, 1:31-2:6<sup>6</sup>. Like Shida, Sinha sends “alerts and notifications” related to location-specific events to

---

<sup>6</sup> The entirety of the Sinha Provisional (EX1008) is “incorporated by reference” into Sinha (EX1007). EX1007, ¶1.

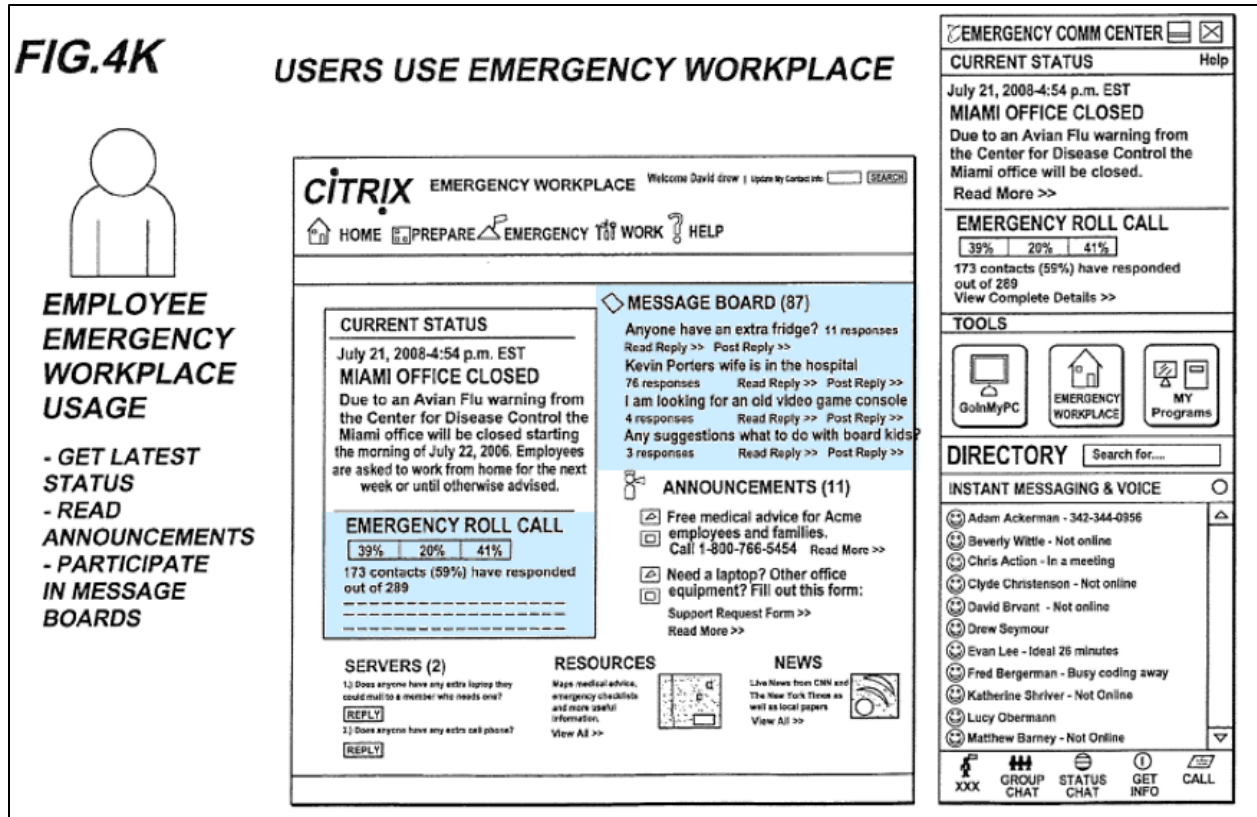
users proximate to the event. EX1007, ¶¶119, 124; EX1008, 21:27-31. For instance, such alerts are provided to team members within “geographical zones” that are affected by an event, such as a hurricane, earthquake, pandemic, etc. EX1007, ¶¶126, 130, FIG. 4G-H; EX1008, 22:24-26, 38:15-35, FIG. 5G-H.

The image is a screenshot of a web application titled "CITRIX EMERGENCY WORKPLACE". Inside the main frame, there is a sub-frame containing the following elements:

- A welcome message: "Welcome David Smith".
- A blue banner with white text: "Active Emergency=Miaimi Hurricane Warning" and "A Hurricane warning has been issued for your area."
- A section titled "UPDATE YOUR CONTACT INFO" with a sub-header "Please update your contact info for this emergency. Enter your phone number and email you would like coworkers to use."
- Form fields for "Preferred phone number:" and "Preferred email number:".
- A checkbox labeled "Forward Office Number number to this number." with radio buttons for "Yes" and "No".
- A "SAVE" button at the bottom.

EX1007, FIG. 4H (excerpt, annotated).

Sinha further discloses a “portal web-site or service” that can be accessed by “one or more users” affected by an event. EX1007, ¶¶58, 72, 118; EX1008, 5:27:6-4, 22:14-19. The portal provides a “message board” with which users impacted by the event can “participate (post and reply).” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K. As shown in Figure 4K below, the message board enables users to post and respond to topics relating to the event.



EX1007, FIG. 4K (annotated).

The portal further includes a “roll call” list that includes “statistics and a bar graph showing the number of employees who have responded to the alert.”

EX1008, 139:16-20, *see also* 24:28-5:2, FIG. 5K; EX1007, ¶134, FIG. 4K. For instance, an employee can respond as being “OK” or “not OK.” EX1007, ¶122, FIG. 4J; EX1008, 22:20-29, FIG. 5J. Users can interact with the roll call interface shown above in the emergency workplace portal to “view complete details” of the roll call. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K. The “complete details” provide a list of employees and their status responses, as shown in Figure

4J.<sup>7</sup>

A POSA would have found it obvious to modify Shida based on Sinha's teachings to implement a user interface that includes a message board and roll call that could be accessed by subscribers and certain concerned parties, such as friends and families of subscribers. EX1003, ¶¶220-223. As explained above, a POSA would have sought to improve Shida's system by enabling subscribers and concerned parties to be able to communicate and to view status information of other users. EX1003, ¶¶223-224. Sinha teaches such features through its message board and roll call interfaces. *Id.*

In the combined system, the center server would provide a user interface including a message board and roll call to Shida's subscribers in the disaster area, as well as to concerned parties, such as friends and family of the subscribers, in accordance with Sinha's teachings. EX1003, ¶225. This would be beneficial by increasing access to potentially vital information related to the disaster. *Id.*

And a POSA would have had a reasonable expectation of success in implementing these changes. EX1003, ¶226. Indeed, Shida already teaches

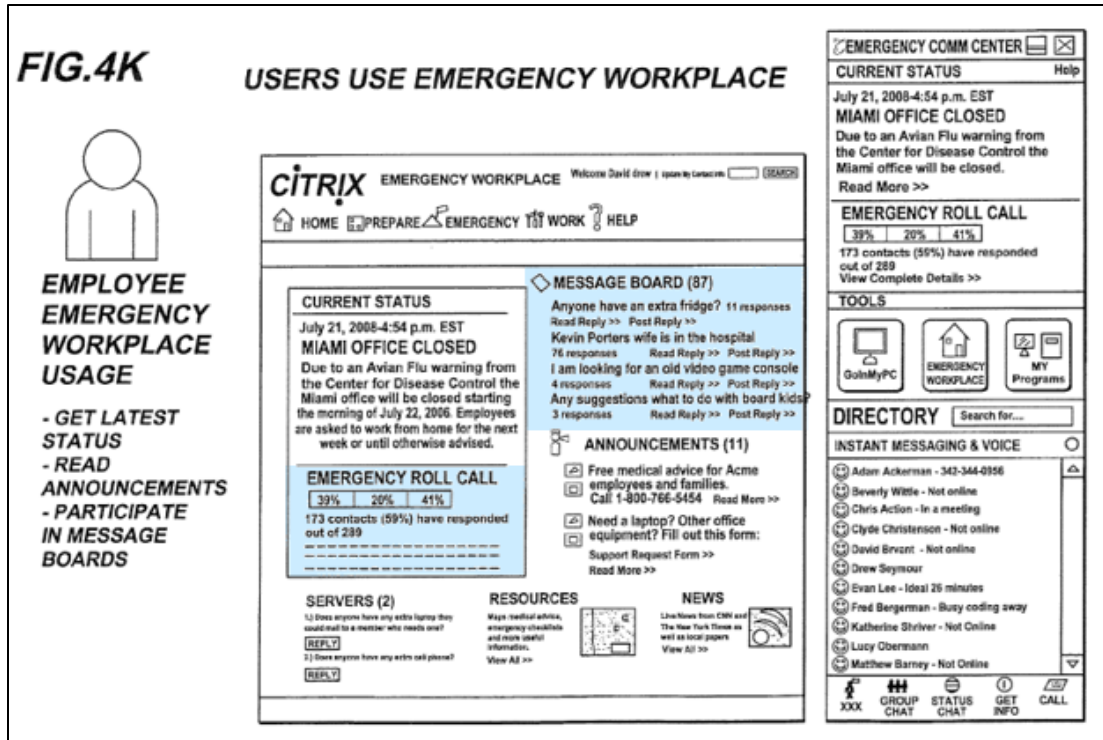
---

<sup>7</sup> Although Figure 4J depicts the roll call details as being viewed by a "manager," Sinha teaches that employees can access the roll call details as well. EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K.

techniques for communicating with subscribers in a disaster area. Sinha further teaches that “any portion of the functionality, operation or logic of the business workforce continuity system” can be utilized. EX1007, ¶72; EX1008, 5:27-6:4, 19:26-20:4. Thus, a POSA would have readily been able implement Sinha’s message board and roll call features within Shida by adapting Shida’s existing capabilities. EX1003, ¶226. In this manner, a POSA would have recognized that these changes would merely amount to applying a known technique to a known system ready for improvement to yield predictable results. *Id.*

## **2. Claims 5 and 16**

The Shida-Sinha combination teaches these claims. As explained, Sinha’s portal provides a “message board” with which users impacted by the event can “participate (post and reply).” EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K. As shown in Figure 4K below, the message board enables employees to post and respond to topics relating to the event. As also shown, the message board interface *provides access to the roll call information* because the user interface implementing the message board also implements the roll call feature. EX1007, ¶134, FIG. 4K; EX1008, 24:28-25:2, FIG. 5K.



EX1007, FIG. 4K (annotated).

A POSA would have found it obvious to modify Shida to implement these features for the reasons provided in Section VII.D.1. EX1003, ¶¶227-228. As explained, the combined system would enable concerned parties, such as friends and family, to access the message board and roll call information, in addition to the subscribers themselves. EX1003, ¶229. The concerned parties would be able to access the message board and roll call list, even though they are located outside disaster area and thus not participating in Shida's situational network. Thus, the combined system would provide the message board and roll call list to *individuals not participating in the situational network*. EX1003, ¶229.

### 3. Claims 2, 9, and 14

The Shida-Sinha combination teaches these claims.

First, Sinha teaches that certain users, such as a manager, can request to view details of a “roll call” that specifies user statuses during a disaster (*receiving a request from a responsive participant to view the roll call list*). EX1003, ¶231. The system then *presents* the roll call to the users (*presenting the roll call list to the responsive participant*). For instance, Sinha teaches that “[m]anagers use the portal and user interfaces... to access history and reports, such as a roll call, in managing the workforce during an emergency or disruptive situation.” EX1007, ¶122; EX1008, 22:20-29, 98:1-17; *see also* EX1007, FIG. 4K; EX1008, 98:1-27, 139:16-21, FIG. 5K. Thus, the managers request to view the roll call, and the system presents the roll call to the managers in response. EX1003, ¶231.

**FIG.4J**

**MANAGER'S ROLL CALL**



**MANAGER'S ROLL CALL**  
- GET LATEST ROLL CALL AND  
ESCALATE OR COMMUNICATE

**Roll Call Overview** 39% | 20% | 11% 173 colleagues (59%) have responded out of 280 alerted.  
126 (39%) have responded and are OK | 47(23%) have not responded | 127 (41%) have responded and are not OK | 1 (3%) inactive

**Roll Call Details (289 employees) Click on Employee name to edit details** **PRINT** **EXPORT**

**SEND SMS MESSAGE** **ADD USER TO ROLL CALL** **SEARCH**

| FIRST NAME | LAST NAME | STATUS                           | DEPARTMENT      | CONTACT      | DATE AND TIME RESPONDED |
|------------|-----------|----------------------------------|-----------------|--------------|-------------------------|
| Abigail    | Kingston  | <input checked="" type="radio"/> | Finance         | 503-453-4565 | 07/03/2006 14:23 EST    |
| Adam       |           | <input type="radio"/>            | HR              |              | 07/03/2006 11:58 EST    |
| Adam       | Grisley   | <input type="radio"/>            | IT              |              | 07/01/2006 21:23 EST    |
| Artur      |           | <input type="radio"/>            | IT              |              | 07/03/2006 14:23 EST    |
| Beth       |           | <input type="radio"/>            | Product         |              | 07/03/2006 11:58 EST    |
| Bob        |           | <input type="radio"/>            | Operations      |              | 07/01/2006 21:13 EST    |
| Cathy      |           | <input type="radio"/>            | Support         |              | 07/02/2006 14:23 EST    |
| Clay       |           | <input type="radio"/>            | Finance         |              | 07/03/2006 11:58 EST    |
| David      |           | <input type="radio"/>            | Legal           |              | 07/03/2006 14:23 EST    |
| Kathleen   |           | <input type="radio"/>            | Accounting      |              | 07/03/2006 11:58 EST    |
| Hubert     |           | <input type="radio"/>            | Accounting      |              | 07/01/2006 21:23 EST    |
| Lee        |           | <input type="radio"/>            | HR              |              | 07/03/2006 14:23 EST    |
| Smith      |           | <input type="radio"/>            | Executive Staff |              | 07/03/2006 11:58 EST    |
| Bellevue   |           | <input type="radio"/>            | Facilities      |              | 07/03/2006 14:23 EST    |
| Hubert     |           | <input type="radio"/>            | HR              |              | 07/03/2006 11:58 EST    |
| Goodell    |           | <input type="radio"/>            | Support         |              | 07/01/2006 21:23 EST    |
| Stephenson |           | <input type="radio"/>            | IT              |              | 07/03/2006 14:23 EST    |
| Frank      |           | <input type="radio"/>            | Finance         |              | 07/03/2006 11:58 EST    |

**Edit User Details**  
Employee Name: Abigail Kingston Title: Accounting Manager  
**STATUS** **PHONE NUMBER**  
☐ Responded and OK ☒ Not Responded  
☐ Responded not OK ☐ Responded not OK  
**SAVE** **CANCEL**

**ADD FILTERS**  
Status  
Department:  
☒ Accounting  
☒ Executive Staff  
☒ Facilities  
☒ Finance  
☒ HR  
☒ IT  
☒ Legal  
☒ Operations  
☒ Product

**HELP** **FAQ** **CONTACT SUPPORT**

EX1007, FIG. 4J.

Second, Sinha teaches *receiving from the participant an indication of the*

*status of non-responsive participant.* For instance, Sinha enables the manager to “get the latest roll call information and escalate a status of an employee,” and to “create, modify or update a status of information in the roll call” for users in the roll call. EX1007, ¶133, FIG. 4J; EX1008, 24:23-27, FIG. 5J. That is, the manager can update the status of a nonresponsive participant within the system to indicate that the participant is safe. EX1003, ¶232.

**Edit User Details**

EMPLOYEE NAME: Abigail Kingston TITLE: Accounting Manager

**STATUS**

☐ Responded and OK

☒ Not Responded

☐ Responded but not OK

☐ Responded but not OK

**CELL PHONE** 503-453-4565 **HOME PHONE** 503-453-4565

**STREET ADDRESS** 324 First St.

**CITY** Miami **STATE** FL

**ZIP** 14565

SAVE CANCEL

EX1008, 101.

A POSA would have understood that Sinha’s managers are *responsive participants* because the managers are employees affected by a disaster, and thus participate in the roll call. EX1007, FIG. 4J; EX1008, 101:5-11, FIG. 5J; EX1003, ¶233. For instance, “[m]anagers use the portal and user interfaces... to access history and reports, such as a roll call, in managing the workforce during an emergency or disruptive situation.” EX1007, ¶122; EX1008, 22:20-29, 98:1-17. “A

manager may use the remote workplace portion of the portal or BCM web-site to post messages, read status updates and answer surveys,” as well as to “review, update or otherwise manage the roll call portion of the web-site.” EX1007, ¶124, FIG. 4J; EX1008, 23:3-8, FIG. 5J.

A POSA would have found it obvious to modify Shida to implement Sinha’s roll call features for the reasons provided in Section VII.D.1; EX1003, ¶234. A POSA would have further found it obvious to enable certain subscribers to request and receive the roll call list, and to update a status for a nonresponsive subscriber, as taught by Sinha. For instance, in Shida, when a subscriber fails to provide the safety confirmation response, Shida considers the user to potentially be “not ‘OK.’” EX1006, ¶52; EX1003, ¶234. A POSA reading Shida would have understood that there could be many reasons for a subscriber to fail to respond to the disaster response system queries. *Id.* For instance, the subscriber’s phone battery may be dead, or the subscriber may not have checked his phone. In each of these scenarios, the nonresponsive subscriber may be safe.

A POSA would have also realized that other subscribers located within the disaster region may have information concerning the status of the non-responsive subscriber. EX1003, ¶235. A POSA would have thus recognized that it would be beneficial to enable such other subscribers to be able to update the status of the nonresponsive subscriber so that the system could receive the most accurate

information. *Id.*

Accordingly, a POSA would have recognized the benefits of implementing Sinha's techniques for allowing other users (e.g., managers) to update statuses of nonresponsive users. EX1003, ¶236. In the context of Shida, a POSA would have found it obvious to implement Sinha's teachings by enabling certain responsive subscribers (i.e., subscribers who already sent their safety confirmation response) to provide a request to the center server to view the compiled safety confirmation statuses for the subscribers in the disaster area. EX1003, ¶236. As explained, in a disaster area, various subscribers may have information regarding the statuses of certain other subscribers, such as friends, family, colleagues, etc. The center server would present the list of statuses to the requesting subscriber, and enable the subscriber to update the statuses of one or more nonresponsive subscribers, for instance, if the subscriber had personal knowledge of the statuses.

And a POSA would have had a reasonable expectation of success in implementing these changes for the reasons provided in Section VII.D.1. EX1003, ¶237. A POSA would have readily been able to adapt Shida's existing capabilities to allow certain subscribers to update status responses for nonresponsive subscribers as described. *Id.* In this manner, a POSA would have recognized that these changes would merely amount to applying a known technique to a known system ready for improvement to yield predictable results. *Id.*

**VIII. DISCRETIONARY CONSIDERATIONS UNDER SECTIONS 314(A) AND 325(D) STRONGLY FAVOR INSTITUTION.**

**A. The *Advanced Bionics* two-part framework strongly favors institution.**

Applying the two-part framework from *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH* demonstrates that denial under §325(d) is not appropriate. IPR2019-01469, Paper 6 at 8-9 (P.T.A.B. Feb. 13, 2020) (precedential). Under part one, the same or substantially the same art or arguments were *not* previously presented to the Office, ending the inquiry in favor of institution. Because Gage has not been considered by the Office, the Board should thus reach the merits and institute.

Under part two, although Shida was cited as one of 91 references in an IDS, the Office erred in a manner material to the patentability of challenged claims by allowing the '345 patent over Shida. There is no indication that the Examiner substantively considered Shida—it was not applied in a rejection or otherwise discussed by the Examiner. Shida was merely buried in a 91-reference IDS.

The Board routinely declines to exercise its discretion to deny petitions where, as here, “the art asserted [] was not the basis for a rejection and was not evaluated substantively at all during examination.” *Yita LLC, et al., v. MacNeil IP LLC*, IPR2023-00172, Paper 12, 45-48 (PTAB, 2023) (citing *Liquidia Tech., Inc. v. United Therapeutics Corp.*, IPR2021-00406, Paper 18 at 19 (PTAB, 2021)); *see*

*also Code 2000 v. Bright Data Ltd.*, IPR2022-00353, Paper 8 at 10 (PTAB July 1, 2022) (“the fact that [the reference] was not the basis of rejection in the prosecution of the [challenged] patent . . . weighs strongly against exercising our discretion to deny institution under 35 U.S.C. § 325(d)"); *Hum Industrial Technology, Inc., Amsted Rail Company, Inc.*, IPR2023-00539, Paper 10, 51 (PTAB, 2023) (declining to exercise discretionary denial where the reference was listed in “an IDS citing almost 100 references,” but not applied in a rejection).

To the extent the Examiner of the '345 patent paid any attention to Shida beyond merely placing his initials next to this reference on the Applicant's information disclosure statement, this Examiner materially erred by failing to appreciate the significance of Shida's disclosure. Indeed, the Petition shows that Shida teaches all claims of the '345 patent, either alone or in combination with Sinha. *See supra* Sections VII.C, VII.D. Thus, the Examiner misapprehended or overlooked Shida's disclosure. *See Advanced Bionics*, Paper 6, 8-9 n.9.

Further, Shida was considered by a *different* examiner during prosecution of an earlier patent in the '345 patent's family (U.S. Patent No. 8,249,932 (the "'932 patent")). There, the Examiner stated that “Shida is similar in many respects to the current application.” EX1023, 0260. The Examiner allowed the case after finding that Shida does not teach the following elements of the '932 patent claims, none of which are included in the '345 patent claims:

Shida fails to show the redirection of a website to a website containing information about a disaster and creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding to each of the personal information aggregators. Further Shida fails to each providing advertisements to each of the personal information aggregators based upon an affiliation of the user to the situation.

EX1023, 0260-61.

Thus, in view of the previous Examiner's acknowledgment that "Shida is similar in many respects to the current application," and because, as shown above, Shida clearly teaches or renders obvious each element of the independent claims, the Board should decline to exercise discretionary denial in view of Shida's bare citation in a 91-reference IDS.<sup>8</sup>

**B. The *Fintiv* factors strongly favor institution.**

The *Fintiv* factors strongly favor institution. On July 24, 2023, Patent Owner filed a complaint alleging infringement of the '345 patent against Petitioner in the Southern District of New York. The stage and location of the parallel litigation (factors 2 and 3), Petitioner's stipulation (factor 4), and the compelling merits of the Petition (factor 6) all favor institution.

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<sup>8</sup> Should Patent Owner attempt to analogize any previously considered art or arguments to those presented here, Petitioner reserves the right to respond.

**Factor 1** is neutral or favors institution. No motion for stay has been filed and the SDNY court has not indicated whether it would grant any such motion.

**Factor 2** favors institution because the SDNY case is in early stages, and the median time to trial for civil actions in SDNY is almost four years (47 months). Although trial is currently scheduled for January 20, 2025, EX1024, the Director's June 21, 2022 Guidance Memorandum regarding discretionary denial under *Fintiv* recognizes, "scheduled trial dates are unreliable and often change." *Fintiv* Guidance Memo, 8.

**Factor 3** favors institution because, by the time of institution, much work will remain in the parallel litigation. For example, discovery will still be ongoing and substantive motion practice will not yet be complete. EX1024. Currently, the court has not made any substantive rulings (e.g., a claim construction order). Petitioner's diligence filing the Petition 7 months after the filing of the complaint, only 2 months after the infringement contentions and 3 weeks after the invalidity contentions, and 5 months before the statutory deadline confirms that factor 3 favors institution.

**Factor 4** also favors institution. Petitioner stipulates that, if the Board institutes this Petition, Petitioner will not raise at trial in the parallel litigation any invalidity challenges based on prior art that is asserted here. Additionally, the Petition challenges all claims of the '345 patent whereas only claims 1, 3, 5, 6, 13-

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

**Factor 6** is *dispositive* in favor of institution because, as shown above, the grounds applied herein are compelling, meritorious challenges that present evidence in which, if unrebutted, would plainly lead to a conclusion that the challenged claims are unpatentable by a preponderance of the evidence. The Petition is also supported by the testimony of Dr. Cooperstock, who supports and adds further weight to the Petition's compelling invalidity challenges.

## **IX. CONCLUSION**

The challenged claims are unpatentable and IPR is warranted.

Respectfully submitted,

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**Claims Appendix – U.S. Patent No. 9,877,345**

**Claim 1**

| Element |                                                                                                                                                                                                                                                                         |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [1.P]   | A method of accessing situation related information, the method comprising:                                                                                                                                                                                             |
| [1.1]   | receiving an indication of an occurrence of a situation;                                                                                                                                                                                                                |
| [1.2]   | forming a situational network related to the occurrence of the situation with a plurality of participant devices determined to be geographically proximate to the situation, each of the participant devices corresponding to a participant in the situational network; |
| [1.3]   | presenting a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant;                                                                                                                                 |
| [1.4]   | receiving a status response from one or more of the participants; and                                                                                                                                                                                                   |
| [1.5]   | aggregating the status responses from responsive participants into a roll call list.                                                                                                                                                                                    |

**Claim 2**

| Element |                                                                                                                                                                                                                                                                                     |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [2]     | The method of claim 1, further comprising: receiving a request from a responsive participant to view the roll call list; presenting the roll call list to the responsive participant; and receiving from the participant an indication of the status of non-responsive participant. |

**Claim 3**

| Element |                                                                                                                                        |
|---------|----------------------------------------------------------------------------------------------------------------------------------------|
| [3]     | The method of claim 1, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster. |

**Claim 4**

| Element |                                                                                            |
|---------|--------------------------------------------------------------------------------------------|
| [4]     | The method of claim 1, wherein the situational network is formed by a situation authority. |

**Claim 5**

| Element |                                                                                                                                                                                                                              |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [5]     | The method of claim 1, further comprising: establishing an electronic message board for providing access to the roll call information related to the situation for individuals not participating in the situational network. |

**Claim 6**

| Element |                                                                                                                         |
|---------|-------------------------------------------------------------------------------------------------------------------------|
| [6]     | The method of claim 1, wherein the status response includes a request for assistance and a location of the participant. |

**Claim 7**

| Element |                                                                                                             |
|---------|-------------------------------------------------------------------------------------------------------------|
| [7]     | The method of claim 1, wherein non-responding devices are reported to an emergency management organization. |

**Claim 8**

| Element |                                                                                                                                                                                                                                       |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [8.P]   | A method of providing situation related information to a situation authority via a situational network, the method comprising:                                                                                                        |
| [8.1]   | receiving, by a participant device, a roll call query soliciting a reply related to a status of a participant based on the participant being determined, by the situation authority, to be geographically proximate to the situation; |
| [8.2]   | receiving, by the participant device, a selection of a status response from the participant; and                                                                                                                                      |
| [8.3]   | sending the status response to the central authority, wherein the status response is included in a roll call list.                                                                                                                    |

### Claim 9

| Element |                                                                                                                                                                                                                                                                                                                          |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [9]     | The method of claim 8, further comprising: requesting, by the participant device, the roll call list; receiving, by the participant device, an indication of a status of non-responsive participant included on the roll call list; and sending the status of the non-responsive participant to the situation authority. |

### Claim 10

| Element |                                                                                                                                        |
|---------|----------------------------------------------------------------------------------------------------------------------------------------|
| [10]    | The method of claim 8, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster. |

### Claim 11

| Element |                                                                                                                         |
|---------|-------------------------------------------------------------------------------------------------------------------------|
| [11]    | The method of claim 8, wherein the status response includes a request for assistance and a location of the participant. |

### Claim 12

| Element |                                                                                                                                                 |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| [12]    | The method of claim 8, wherein the roll call list includes aggregated status responses from responsive participants of the situational network. |

### Claim 13

| Element |                                                                                                                                               |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| [13.P]  | A system for accessing situation related information, the system comprising:                                                                  |
| [13.1]  | a central server, corresponding to a situation authority,                                                                                     |
| [13.2]  | configured to receive an indication of an occurrence of a situation,                                                                          |
| [13.3]  | form a situational network related to the occurrence of the situation with a plurality of participant devices determined to be geographically |

|        |                                                                                                                                                            |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | proximate to the situation, each of the participant devices corresponding to a participant in the situational network,                                     |
| [13.4] | present a roll call query to each of the plurality of participant devices soliciting a reply related to a status of the participant,                       |
| [13.5] | receive a status response from one or more of the participants, and aggregate the status responses from responsive participants into a roll call list; and |
| [13.6] | a database corresponding to the central server for storing the responses and the roll call list.                                                           |

#### Claim 14

| Element |                                                                                                                                                                                                                                                                                                               |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [14]    | The system of claim 13, wherein the central server is further configured to receive a request from a responsive participant to view the roll call list, present the roll call list to the responsive participant, and receive from the participant an indication of the status of non-responsive participant. |

#### Claim 15

| Element |                                                                                                                                         |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------|
| [15]    | The system of claim 13, wherein the situation includes at least one of an emergency event, a weather phenomenon, or a natural disaster. |

#### Claim 16

| Element |                                                                                                                                                                                                                                                            |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [16]    | The system of claim 13, wherein the central server is further configured to establish an electronic message board for providing access to the roll call information related to the situation for individuals not participating in the situational network. |

**CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))**

1. This Petition for *Inter Partes* Review complies with the type-volume limitation of 14,000 words, comprising 13,853 words, excluding the parts exempted by 37 C.F.R. § 42.24(a)(1).

2. This Petition for *Inter Partes* Review complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

Respectfully submitted,

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

I certify that the above-captioned **PETITION FOR *INTER PARTES***  
**REVIEW FOR U.S. PATENT NO. 9,877,345** and associated Exhibits 1001-1024  
were served in their entireties upon the Patent Owner on February 27, 2024, via  
FedEx® Express at the following addresses:

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