

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

Case IPR2026-00100
U.S. Patent No. 10,117,290

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
DISCRETIONARY DENIAL BRIEF**

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	2
III.	THE PTAB IS THE MOST EFFICIENT FORUM TO DETERMINE VALIDITY OF THE '290 PATENT AND RELATED IPRS.....	3
IV.	SETTLED EXPECTATIONS OF THE PARTIES WEIGH AGAINST DISCRETIONARY DENIAL	5
	A. SitNet could not have settled expectations given the history of invalidity in the family.	5
	B. There is no evidence of licensing or commercialization, nor is there a history of enforcement of the patent family prior to SitNet's litigation against Meta.....	8
V.	REVIEW IS NEEDED TO CORRECT MATERIAL OFFICE ERROR.	10
	A. The Office erred in issuing the '290 patent claims in view of the <i>SitNet I</i> IPRs and the art asserted therein.	11
	B. The Petition should not be denied under § 325(d).	12
VI.	SITNET'S OTHER ARGUMENTS DO NOT FAVOR DENIAL.....	13
VII.	CONCLUSION.....	14

PETITIONER'S EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 10,117,290 to Cona et al. (“’290 patent”)
1002	Prosecution History of U.S. Patent No. 10,117,290 (“’290 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	<i>Intentionally Left Blank</i>
1024	U.S. Patent No. 9,877,345 to Cona et al. (“’345 patent”)

Exhibit No.	Description
1025	U.S. Patent No. 7,730,216 to Issa et al. (“Issa”)
1026	U.S. Publication No. 2008/0155080 to Marlow et al. (“Marlow”)
1027	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Final Written Decision, Paper 30 (PTAB September 8, 2025)
1028	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Petition, Paper 1 (PTAB February 27, 2024)
1029	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Institution Decision, Paper 9 (PTAB September 10, 2024)
1030	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Petitioner’s Opposition to Motion to Amend, Paper 18 (PTAB February 25, 2025)
1031	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Preliminary Guidance, Paper 20 (PTAB March 24, 2025)
1032	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Declaration of Dr. Jeremy Cooperstock in Support of Petition, EX1003 (PTAB February 27, 2024)
1033	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00530, Declaration of Dr. Jeremy Cooperstock in Support of Opposition to Motion to Amend, EX1028 (PTAB February 25, 2025)
1034	Claim Construction Order in <i>SitNet LLC v. Meta Platforms, Inc.</i> , Case No. 1:23-cv06389-AS (SDNY) (Dkt. 79) filed July 26, 2024
1035	<i>Intentionally Left Blank</i>
1036	<i>Intentionally Left Blank</i>
1037	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00528, Order Granting Request for Adverse Judgment, Paper 23 (PTAB Apr. 18, 2025)
1038	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00612, Final Written Decision, Paper 26 (PTAB Sept. 8, 2025)
1039	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00531, Final Written Decision, Paper 9 (PTAB Sept. 8, 2025)
1040	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00528, Preliminary Guidance, Paper 21 (PTAB Mar. 25, 2025)

Exhibit No.	Description
1041	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00529, Preliminary Guidance, Paper 20 (PTAB Mar 25, 2025)
1042	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00529, Final Written Decision, Paper 33 (PTAB Sept. 8, 2025)
1043	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00529, Motion to Withdraw Motion to Amend, Paper 21 (PTAB Apr. 9, 2025)
1044	<i>Intentionally Left Blank</i>
1045	<i>Meta Platforms v. SitNet, LLC</i> , IPR2024-00528, Motion for Adverse Judgment, Paper 22 (PTAB Apr. 9, 2025)
1046	<i>Meta Platforms, Inc. v. SitNet, LLC</i> , IPR2024-00529, Motion for Adverse Judgment, Paper 22 (PTAB Apr. 9, 2025)
1047	<i>Intentionally Left Blank</i>
1048	Assignment Records of Provisional Application No. 60/887,843
1049	Docket Navigator Search for "Parties: begins Resource Consortium Limited," accessed at https://search.docketnavigator.com/patent/binder/0/0?print=true
1050	Docket Navigator Search for "Parties: begins SitNet," accessed at https://search.docketnavigator.com/patent/binder/0/0?print=true

I. INTRODUCTION

The Director should institute this IPR because discretionary and non-discretionary considerations strongly favor review. *First*, Meta has settled expectations in the unpatentability of the '290 patent based on its successful challenge of related and substantially similar patents, demonstrating that the '290 patent claims are “highly vulnerable to invalidation based on prior art.” The PTAB is the most efficient forum to determine the validity of the '290 patent—especially in view of the Board’s previous finding that substantially similar claims from a related patent are unpatentable. Further, there is no evidence of licensing or commercialization, nor is there a history of enforcement of the patent or other patents in the family. The settled expectations of the parties thus favor institution.

Second, review is needed to correct material Office error. It was material error for the Office to issue the '290 patent over prior art that was ultimately successfully asserted in prior IPRs against priority applications in the '290 patent family. For example, the '290 patent is a direct continuation of—and recites substantially similar claim to—U.S. Patent No. 9,877,345. The Board determined that all claims of the '345 patent were unpatentable over much of the same art asserted here. In contrast, the examiner issued the '290 patent’s claims without a single prior-art rejection. This disparate result constitutes material error. And this material error dooms SitNet’s arguments under 35 U.S.C. § 325(d).

The Director should institute review because the Petition's merits are strong, and the discretionary considerations favor institution.

II. BACKGROUND

Meta has already successfully challenged the patentability of four patents in the '290 patent's family. SitNet asserted the four related patents in a prior case, *SitNet LLC v. Meta Platforms, Inc.*, Case No. 1:23-cv-06389 (S.D.N.Y.) ("*SitNet I*"), filed July 24, 2023. Meta filed IPR petitions, Pet., 89, and in each proceeding the Board canceled all challenged claims.¹ EX1027; EX1037; EX1038; EX1039; EX1042. SitNet filed Motions to Amend (MTA) in three of the proceedings; the Board provided Preliminary Guidance that there was a reasonable likelihood the proposed amended claims were unpatentable. EX1031; EX1040; EX1041. SitNet then withdrew two of the MTAs and requested adverse judgment as to the claims sought to be amended in those proceedings, which the PTAB granted. EX1037, 3; EX1038; EX1042, 41-42; EX1043; EX1045; EX1046. The Board denied SitNet's remaining MTA. EX1027, 49-82 (finding the proposed substitute claims

¹ IPR2024-00528, IPR2024-00529, IPR2024-00530, IPR2024-00531, IPR2024-00612 ("*SitNet I* IPRs"). The FWDs in the -529IPR, the -530IPR, and the -612IPR are on appeal to the Federal Circuit (case numbers 26-1157, 26-1158, and 26-1159).

unpatentable under §§ 101, 103).

While the *SitNet I* IPRs were ongoing, SitNet continued to prosecute additional patents in the family, and even after the *SitNet I* IPRs were instituted. Those additional patents were asserted along with the '290 patent in *SitNet LLC v. Meta Platforms, Inc.*, Case No. 1:25-cv-06185 (S.D.N.Y.) (“*SitNet II*”), filed July 28, 2025. Pet., 88; Paper 4.² Meta also filed petitions for *inter partes* review of the other five patents asserted in *SitNet II*. See Pet., 88.

III. THE PTAB IS THE MOST EFFICIENT FORUM TO DETERMINE VALIDITY OF THE '290 PATENT AND RELATED IPRS.

Meta has filed IPR challenges for all six of the patents initially asserted in *SitNet II*. Five of the patents issued less than two years ago:

Patent (IPR)	Patent Issue Date
10,117,290 (IPR2026-00100)	October 30, 2018
12,120,769 (IPR2026-00110)	October 15, 2024
12,238,815 (IPR2026-00111)	February 25, 2025
12,245,325 (IPR2026-00101)	March 4, 2025
12,256,463 (IPR2026-00112)	March 18, 2025
12,336,052 (IPR2026-00113)	June 17, 2025

Thus, a significant majority of Meta’s challenges are “early challenges,” which weighs against discretionary denial. See, e.g., *OnePlus Tech.*, Paper 11 at 2.

² The complaint in the SNDY proceeding was later amended to remove the '290 patent. See DD Br., 1, 3.

Further, the PTAB is the most efficient, and fastest, forum to resolve the parties' dispute: the six patents are related and have similar claims, at least some of the prior art overlaps across all six IPRs, and the projected date for the PTAB to issue its FWDs is more than a year before the district court trial date. This also weighs against discretionary denial.

Although SitNet dropped the '290 patent from district court a day after Meta filed its IPR challenging that patent (DD Br., 4-5), the Director should consider the '290 patent because of the overlap in technology and prior art and the previous determination that all claims of the '345 patent were unpatentable in IPR2024-00530. Review would be warranted even if SitNet had developed settled expectations in this patent (it has not): where a patent owner has no settled expectations in five of six challenged patents, the PTAB is still the more efficient forum to address the validity of all six related patents. *See Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 (PTAB July 16, 2025) (where two patents were challenged early, and the third patent was part of same family, it is an efficient use of Board resources to address the related patent); *Embodify, Inc. v. LifeNet Health*, IPR2025-00248, Paper 13 at 3 (PTAB June 26, 2025) (it would be "an efficient use of Board resources" to review the older parent patent along with the child (issued in 2022)). Efficiency weighs in favor of the Director considering the merits of all six of the related challenges.

IV. SETTLED EXPECTATIONS OF THE PARTIES WEIGH AGAINST DISCRETIONARY DENIAL

Meta has settled expectations in the unpatentability of the '290 patent, given Meta's entirely successful prior challenges of four of the '290 patent's family members. This is especially true given the substantial similarity between the claims of the '290 patent and the claims found unpatentable from the '345 patent in IPR2024-00530. *See* Pet., 2-3. Moreover, despite SitNet's claim to have diligently obtained and maintained patent protection for "almost two decades," DD Br. 6, SitNet *never asserted* any patent in the family prior to SitNet's July 2023 complaint in *SitNet I*.

A. SitNet could not have settled expectations given the history of invalidity in the family.

The Board's previous FWDs in the *SitNet I* IPRs held that all challenged claims of four related patents were unpatentable, indicating that the claims of the '290 patent are "highly vulnerable to invalidation based on prior art." *POSCO Co. Ltd. v. ArcelorMittal*, IPR2025-00370, Paper 10 at 2-3 (PTAB June 25, 2025). As in *Arm Ltd. v. Deadalus Prime LLC*, where the Acting Director determined circumstances favored merits consideration, here also "the Board already has determined that 'substantially identical claims' in a related patent to the challenged patent are unpatentable based on one [or more] of the prior art references asserted in this proceeding." IPR2025-00207, Paper 14 at 3 (PTAB Aug. 6, 2025); *see also*

Nintendo Co., Ltd. v. Resonant Systems, Inc., IPR2025-00680, Paper 18 at 3

(PTAB Aug. 14, 2025) (favoring merits consideration where “in an *inter partes* review of a [related] patent ..., the Board has determined claims that are substantially similar to the challenged claims to be unpatentable”); *Mercedes-Benz Group AG v. The Phelan Group, LLC*, IPR2025-00919, Paper 8 at 2 (PTAB Sept. 12, 2025) (favoring merits consideration where “challenged patent in [earlier instituted IPR] has similar claims to those challenged in these proceedings and the [earlier IPR] petition relies on prior art similar to the prior art raised in these Petitions”).

The '290 patent claims are substantively similar to those that the Board, in the *SitNet I* IPRs, already found to be unpatentable in view of many of the same references that Meta relies upon here. For example, the '290 patent claims are substantially similar to the claims of the '345 patent, which were held unpatentable in IPR2024-00530. Compare EX1001, Claim 1, with EX1024, Claim 1; EX1003, ¶¶37-39. Claim elements [1.P]-[1.5] of the '290 patent are nearly identical to [1.P]-[1.5] of the '345 patent. EX1027, 28-39; EX1028, 22-33, 49-59. The Board already determined that Gage renders obvious all elements of claim 1 from the '345 patent. EX1027, 82-83. While not reaching Shida in the Final Written Decision, the Board said that there was a “reasonable likelihood that Petitioner would prevail in establishing that the subject matter of [the claims] would have been obvious over

Shida” when instituting IPR2024-00530. EX1029, 48-49, *see also* 41-48. Because the claims of the ’290 patent are nearly identical to those from the ’345 patent, the Board should reach the same conclusions here. Pet., 2-3.

The functionality of claim 1 is the same as that in claim 1 of the ’345 patent, and the differences between these claims are trivial. For example, claim 1 of the ’290 patent recites a “*network system*” that includes “*a network connection*” for receiving an indication of an occurrence, a “*second network connection*” for presenting a roll call query, and a “*plurality of network connections*” to receive status responses. These trivial features were also well known in the art, as explained with reference to the Gage and Shida Grounds in the Petition. Pet., 27-39, 54-66.

SitNet argues that it has settled expectations with respect to the ’290 patent because Meta “has known, or should have known, about SitNet’s patents, including the ’290 Patent for quite some time.” DD Br., 6-7. That argument makes no sense. As explained above, the claims of the ’290 patent are nearly identical to those from the ’345 patent, which the PTAB already found unpatentable in the *SitNet I* IPRs. *See* EX1027 (FWD in IPR2024-00530).³ Consequently, Meta had

³ SitNet’s citation to *Aquestive* is inapposite. DD Br., 7. In *Aquestive*, the petitioner’s prior knowledge was of the publication of the PCT patent application

every reason to expect that the claims of the '290 patent are likewise unpatentable in light of the results of the *SitNet I* IPRs.

The similarity of the claims at issue here to those found unpatentable in prior IPRs (e.g., IPR2024-00530), in view of the same references asserted here, favors referral and institution of the Petition.

B. There is no evidence of licensing or commercialization, nor is there a history of enforcement of the patent family prior to SitNet's litigation against Meta.

Despite SitNet's identification that the '290 patent issued in 2018, SitNet does not assert or provide any evidence of any licensing. In *Alliance Laundry Sys., LLC v. PayRange LLC*, the challenged patent had been licensed, creating some settled expectations in favor of patent owner. IPR2025-00950, Paper 11 at 3 (PTAB Sept. 19, 2025). There is no assertion or evidence of any licensing here. Nor does SitNet assert or offer evidence that the '290 patent has been “commercialized, asserted, marked, licensed, or otherwise applied.”⁴ *Shenzen*,

that matured into the challenged patent. *Aquestive Therapeutics, Inc. v. Iono Pharma, LLC*, IPR2025-00874, Paper 11 at 2 (PTAB Oct. 3, 2025). Further, additional factors (not present here) favored denial, including that petitioner had sought to purchase the challenged patent three years before the IPR. *Id.*

⁴ Indeed, as SitNet notes, many patents have issued in the family since the first

IPR2025-00438, Paper 10 at 3 (quoting *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 at 2–3 (PTAB June 26, 2025)).

SitNet incorrectly claims its purported “diligence and expenditure of resources in obtaining, and maintaining, patent protection for almost two decades” gave it settled expectations in the validity of its new patents. DD Br. 6. Not so. When petitioners have challenged both recent and older related patents, *all have been referred*, confirming patent owners do not have settled expectations in more recently issued patents based solely on the existence of older patents in the family. *See, e.g., Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 at 3-4 (PTAB July 16, 2025) (informative); *Embody, Inc. v. LifeNet Health*, IPR2025-00248, Paper 13 at 3 (PTAB June 26, 2025).

Moreover, SitNet argues that Meta could have challenged the ’290 patent in February 2024 when filing the *SitNet I* Petitions. DD. Brief, 7. But SitNet’s choice to wait and not even assert the ’290 patent in the *SitNet I* proceeding created an expectation that SitNet **would not** assert the ’290 patent. SitNet’s choice to bundle

patent in the family issued on November 29, 2011. *See* DD Br., 1, 6 (citing EX2004, (45); EX2005). But neither SitNet, nor the prior assignee, Resource Consortium Limited, asserted *any* of these patents before the *SitNet I* proceeding. *See* EX1047; EX1049; EX1050.

the '290 patent together with five additional newly obtained patents to assert in *SitNet II* amounts to gamesmanship that runs contrary to the Board's determinations in *SitNet I*, finding numerous claims in the family unpatentable. Thus, despite SitNet's emphasis on the age of the '290 patent, SitNet's choice to not assert the '290 patent in *SitNet I*, along with the Board's previous decisions of unpatentability in the *SitNet I* IPRs, demonstrate that Meta's settled expectations that the claims of the '290 patent are unpatentable outweigh any of SitNet's expectations. *See* EX1027, 82-83; EX1029, 48-49, *see also* 41-48.

For these reasons, the settled expectations of the parties weigh in favor of merits consideration here.

V. REVIEW IS NEEDED TO CORRECT MATERIAL OFFICE ERROR.

Where a "Petitioner appears to show a material error by the Office, ... it is an appropriate use of Office resources to review the potential error." *Ascentcare Dental Products, Inc. v. Solmetex, LLC*, IPR2025-01104, Paper 11 at 3 (PTAB Oct. 17, 2025). Here, it was material error for the Office to issue the '290 patent over the art asserted in the *SitNet I* IPRs.⁵ The '290 patent claims are substantively

⁵ Contrary to SitNet's suggestion, DD Br., 8-9, Meta had no obligation to present examiner error arguments in the Petition. Indeed, the Office's guidance instructs otherwise. *See* Interim Process (available at

similar to the claims held unpatentable in the *SitNet I* IPRs—and especially IPR2024-00530 ('345 patent). *See* Section IV.A. Thus, the examiner erred by allowing the '290 patent in view of the prior art asserted here.

A. The Office erred in issuing the '290 patent claims in view of the *SitNet I* IPRs and the art asserted therein.

The examiner's only rejections during prosecution were nonstatutory double-patenting rejections. EX1002, 151-56, 191-98. The lack of any art-based rejections is evidence of material error. The Examiner's inability to locate references like Gage and Mitchell—which the Board found to render obvious all claims of the '345 patent—demonstrates that the Examiner materially erred. EX1027, 82-83. Moreover, despite allegedly reviewing Shida, the Examiner's failure to reject the claims in view of Shida was also material error. This is shown by the Board's Institution Decision from IPR2024-00530 indicating that there was a reasonable likelihood of demonstrating unpatentability of similar claims over Shida. EX1029, 48-49, *see also* 41-48. In view of the Board's previous decisions

<https://www.uspto.gov/patents/ptab/interim-director-discretionary-process>),

Sections I.C (“The petitioner and the patent owner should not present discretionary considerations in the petition or the Patent Owner Preliminary Response (POPR), respectively.”); III.A (“The petition should *not* address discretionary issues.”) (emphasis added).

regarding substantially similar claims, it is an appropriate use of Office resources to review this material error. *Ascentcare*, IPR2025-01104, Paper 11 at 3.

B. The Petition should not be denied under § 325(d).

SitNet argues that “[i]nstitution should be denied due to the Petition’s recycling of art that was before the Examiner.” DD Br., 8. But § 325(d) and the *Advanced Bionics* framework do not mandate denial where the same art or arguments are presented. Instead, *Advanced Bionics* explicitly instructs that if the same art or arguments were previously presented to the Office, then the Board considers “whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.” *Advanced Bionics LLC v. Med-El Elektromedizinische Gerate GMBH*, IPR2019-01469, Paper 6 at 8-9 (PTAB Feb. 13, 2020) (precedential).

Regarding Grounds 1-3, SitNet does not address the Gage reference at all. DD Br. 8-9. The Board previously determined, in IPR2024-00530 (’345 patent), that Gage rendered substantially similar claims obvious. EX1027, 82-83. The primary reference Gage was *not* previously presented to the Office with respect to the ’290 patent. Thus, *Advanced Bionics* part 1 is not met for Gage.

Regarding Ground 4-6, Meta agrees that *Advanced Bionics* part 1 is met for Shida which is cited on the face of the ’290 patent. But as discussed previously, it was material error under *Advanced Bionics* part 2 for the examiner to allow the

claims over Shida. *See* Sections IV.A, V.A. In particular, and as discussed above, the clearest evidence of this error is the Institution Decision from IPR2024-00530 ('345 patent) where the Board indicated a likelihood that substantially similar claims would be obvious in view of Shida. EX1029, 48-49, *see also* 41-48. Where “the record of the Office’s previous consideration of the art is not well developed or silent, then a petitioner may show the Office erred by overlooking something persuasive under [*Becton Dickinson*] factors (e) and (f).” *Advanced Bionics*, IPR2019-01469, Paper 6 at 10. As explained in the Petition, like Gage, Shida renders obvious the majority of claims (with Sinha and Marlow relied upon for four dependent claims). *See* Pet. 54-87. The examiner’s lack of fulsome consideration of these references, particularly in view of the *SitNet I* IPRs, is material error that must be corrected.

Review of the '290 patent is warranted, and necessary, in view of the examiner’s material error in allowing the claims, without explanation, over the same prior art the Board previously determined to render unpatentable similar claims issuing from the '290 patent’s priority applications—especially as determined in IPR2024-00530 ('345 patent).

VI. SITNET’S OTHER ARGUMENTS DO NOT FAVOR DENIAL.

SitNet’s remaining arguments are conclusory and do not support discretionary denial. *See* DD Br., 10-11. *First*, the Petition’s merits are strong.

Second, a change in law is not required to justify review; instead, this is just one factor that *may* support review. *See, e.g., Top Glory Trading Group Inc. v. Cole Haan LLC*, IPR2025-01395, Paper 18 (PTAB Jan. 12, 2026) (declining to discretionarily deny a patent issued in 2016 because of a change in the obviousness standard for design patents). Here, the history of unpatentability in this family favors merits consideration regardless of whether the law has changed. *See* Section IV.A. *Third*, SitNet argues that allowing a challenge to the '290 patent “would be detrimental to the nation’s public health and security interests.” DD Br., 10-11. But such generic arguments are insufficient. *See Intel Corp. v. Advanced Cluster Sys., Inc.*, IPR2025-00794, Paper 13 at 3 (PTAB Aug. 14, 2025) (denying institution where the petitioner did not “explain in sufficient detail why review of the challenged patents is in the interest of national security.”).

VII. CONCLUSION

The Director should deny SitNet’s request to discretionarily deny this IPR and should institute review of the challenged claims.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

Jonathan Tuminaro

Registration No. 61,327

Lead Attorney for Petitioner Meta Platforms, Inc.

Date: February 19, 2026

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

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

I certify that the above-captioned **PETITIONER'S OPPOSITION TO
PATENT OWNER'S DISCRETIONARY DENIAL BRIEF** and associated
Exhibits 1037-1043, 1045-1046, and 1048-1050 were served in their entireties on
February 19, 2026, upon the following parties via electronic mail:

David L. Hecht (Lead Counsel) dhecht@hechtpartners.com
Patrick G. Maloney (Back-Up Counsel) pmaloney@corkmaloney.com
hp-sitnet@hechtpartners.com
HECHT PARTNERS LLP
CORK MALONEY LLP

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

Jonathan Tuminaro
Registration No. 61,327
Lead Attorney for Petitioner Meta Platforms, Inc.

Date: February 19, 2026

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