IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,

Petitioner,

v.

SITNET, LLC

Patent Owner

IPR2026-00112

U.S. Patent No. 12,256,463

PATENT OWNER SITNET LLC'S DISCRETIONARY DENIAL BRIEF

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FACTUAL BACKGROUND 1

A. Brief Overview of SitNet's Technology 1

B. The Parallel Litigation 3

III. ARGUMENT 4

A. The Petition's Use Of Art That Was Before The Examiner Warrants Denial Under 325(d). 4

B. Patent Owner Has Strong Settled Expectations 8

C. The Petition's Weak Grounds Favor Discretionary Denial 10

D. No Change In The Law That Would Affect Patentability 11

E. Public Health and National Security Interests Favor Discretionary Denial. 11

IV. CONCLUSION 12

TABLE OF AUTHORITIES

STATUTES

35 U.S.C. § 325(d) 4

AGENCY DECISIONS

Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH,
IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020) (precedential) 4

All. Laundry Sys., LLC v. PayRange LLC,
IPR2025-00950, Paper 11 (Director Sept. 19, 2025) 9

Aquestive Therapeutics, Inc. f/k/a MonoSol Rx, LLC v. Iono Pharma, LLC,
IPR2025-00874, Paper 11 (Director Oct. 3, 2025) 10

Dabico Airport Sols. Inc. v. AXA Power ApS,
IPR2025-00408, Paper 21 (Director June 18, 2025) 8

Ecto World, LLC v. RAI Strategic Holdings, Inc.,
IPR2024-01280, Paper 13 (Director May 19, 2025) (precedential) 5

Intel Corp. v. InterDigital, Inc.,
IPR2024-01441, Paper 13 (PTAB Apr. 1, 2025) 8

iRhythm Techs., Inc. v. Welch Allyn, Inc.,
IPR2025-00363, Paper 10 (Director June 6, 2025) 8

Ivantis, Inc. et al. v. Sight Sciences, Inc.,
IPR2022-01533, Paper 14 (PTAB Mar. 27, 2023) 6

EXHIBIT LIST	
2001	Complaint, *SitNet LLC v. Meta Platforms, Inc*., No. 1:25-cv-06389-6185-JAV, (July 28, 2025).
2002	Amended Complaint, *SitNet LLC v. Meta Platforms, Inc*., No. 1:25-cv-06389-6185-JAV, (Nov. 7, 2025).
2003	Amended Complaint Exhibit 1, *SitNet LLC v. Meta Platforms, Inc*., No. 1:25-cv-06389-6185-JAV, (Nov. 7, 2025).
2004	U.S. Patent No. 8,069,202 ("Cona")
2005	Patent Center Continuity Data for Provisional Patent Application No. 60/887,843 (accessed on December 8, 2025)
2006	U.S. Patent No. 9,412,136 ("Gertzfield")
2007	U.S. Patent No. 8,045,455 ("Agronow")
2008	U.S. Patent No. 12,336,052 ("Cona")
2009	Meta Platforms, Inc. v. SitNet LLC, IPR2026-00113, Ex. 1002 ("Prosecution History of U.S. Patent No. 12,336,052")
2010	U.S. Patent Application Publication No. 2007/0282621 ("Altman '621")

I. INTRODUCTION

Institution should be denied as the Petition relies entirely on art that was previously presented to the Office. Three of the Petition's five references, Wong, Gogic, and Gage, were cited in an IDS and considered by the Examiner during the prosecution of the patent-at-issue—U.S. Patent No. 12,256,463 (the "'463 Patent"). The fourth reference, Altman, is substantially similar to another "Altman" reference that was considered during prosecution. The Petition's fifth and final reference, Kraft, was cited and considered during the prosecution of a related patent. Yet despite the clear recycling of prosecution art, the Petition does not even allege, much less demonstrate, any error by the Examiner.

Other factors further support discretionary denial. For example, Patent Owner has developed strong settled expectations due to the age of and heavy investment in the '463 Patent's family—a large patent portfolio dating back roughly 19 years. Additionally, the Petition's weak grounds, the lack of an intervening change in the law, and public health and national security interests all favor denying institution.

II. FACTUAL BACKGROUND

A. Brief Overview of SitNet's Technology

Nearly two decades ago, the inventors, including several affiliated with The Weather Channel in Atlanta, Georgia, began using networking and telecommunications equipment to address issues relating to weather and safety. In

particular, mobile applications were developed to enable devices capable of determining a user's location to receive highly pertinent information related to situations and events that could impact them (positively or negatively). Ex. 2001 ¶22.

The inventors describe a system in which an event or "situation" serves as the basis for dynamically creating a situational network that interconnects users and entities for the purpose of distributing situation-specific information and coordinating responses. As described in the specification, such situations include weather-related emergencies, such as hurricanes and associated evacuation scenarios, in which targeted notifications, preparedness information, and resource availability may be communicated to different affected parties. The disclosure further contemplates that the same situational-network framework may be applied to other emergent events requiring rapid, controlled information sharing, including security-related incidents, such as airplane crashes, or public health crises. Ex. 1001 at 5:10–25. This situational network system identifies and interconnects parties that are potentially impacted by an event or situation, allowing them to acknowledge their safety, communicate with one another, and receive information items related to the event or situation. Ex. 2001 ¶23.

The situational network forms a subset network within a larger network, allowing for increased efficiency and faster response times when interconnecting the

parties within the subset network when compared to conventional network architectures. At the time of its invention, the situational network represented an unconventional architecture, implementing a dynamic connection between users which improved upon then-conventional network architectures that were only capable of maintaining static connections of users. Ex. 2001 ¶24.

To further this pioneering work, the inventors filed provisional patent application number 60/887,843 on February 2, 2007. Ex. 1001 at (60). Since then, numerous patent applications have been filed based on that original provisional application, resulting in a considerable portfolio of patents that includes the ’463 Patent. *See* Ex. 2005; Ex. 2001 ¶25.

B. The Parallel Litigation

On July 28, 2025, Patent Owner filed a complaint for patent infringement against Petitioner in the Southern District of New York (the “Parallel Litigation”), including the ’463 Patent and other patents belonging to Patent Owner. Ex. 2001 ¶1.

On November 7, 2025, to streamline the Parallel Litigation, Patent Owner filed an amended complaint removing U.S. Patent No. 10,117,290 (the “’290 Patent”) from the Parallel Litigation. Ex. 2002 ¶1; Ex. 2003 ¶1 (showing redlined edits from original complaint).

III. ARGUMENT

The Patent Office's March 26, 2025 memorandum detailed numerous considerations relevant to discretionary denial. *See* Interim Processes for PTAB Workload Management Memorandum ("Memorandum"). These considerations warrant discretionary denial in this case.

A. The Petition's Use Of Art That Was Before The Examiner Warrants Denial Under 325(d).

Institution should be denied due to the Petition's recycling of art that was before the Examiner. 35 U.S.C. § 325(d).

The two-part *Advanced Bionics* test is clearly met here. *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 8-10 (PTAB Feb. 13, 2020) (precedential) ("*Advanced Bionics*").

The first part of *Advanced Bionics* considers "whether the same or substantially the same art previously was presented to the Office." *Advanced Bionics* at 8. The Petition's three grounds rely on a total of five references—all of which are the same, or substantially the same, art that was previously presented to the Office.

Ground	35 U.S.C.	Claims	References
1	§ 103(a)	1-12	Kraft-Altman
2	§ 103(a)	1-12	Wong-Gogic-Gage
3	§ 103(a)	1-12	Wong-Gogic-Gage-Kraft

Pet. at 3.

Wong (Ex. 1007), Gogic (Ex. 1008), and Gage (Ex. 1009) were identified in an IDS initialed by the Examiner and appear on the face of the '463 Patent. Ex. 1002 at 177-185 (IDS listing Wong U.S. Patent App. Pub. No. 2008/0103784, Gogic U.S. Patent No. 8,103,300, and Gage U.S. Patent App. Pub. No. 2008/0139165), 213-221 (Examiner certifying he considered Wong, Gogic, and Gage); Ex. 1001 at (56). "Challenging the claims using the same prior art that was previously presented on an IDS is sufficient to satisfy the first part of the *Advanced Bionics* framework." *Ecto World, LLC v. RAI Strategic Holdings, Inc*., IPR2024-01280, Paper 13 at 4 (Director May 19, 2025) (precedential) ("*Ecto World*").

The Petition's Altman reference, U.S. Patent Publication No. 2007/0281690 (Ex. 1006), is substantially similar to another reference that was considered during prosecution—U.S. Patent Publication No. 2007/0282621 to Altman ("Altman '621"). Ex. 1002 at 185 (IDS listing Altman '621), 221 (Examiner certifying he considered Altman '621); Ex. 1001 at (56). Altman and Altman '621 have the same inventors (Samuel H. Altman and Nicholas T. Sivo), were assigned to the same company (Flipt, Inc.) and were filed and published on the same days (June 1, 2006 and Dec. 6, 2007, respectively). *Compare* Ex. 1006 at pg. 1 *with* Ex. 2010 at pg. 1. The two Altman references cross-reference and claim a relation to one another. Ex. 1006 ¶1 ("current application is related to U.S. patent application entitled … 'Mobile Dating System Incorporating User Location Information' filed on Jun. 1, 2006"); Ex.

2010 ¶1 ("current application is related to U.S. patent application entitled … 'Displaying and Tagging Places of Interest on Location-Aware Mobile Communication Devices in a Local Area Network' filed on Jun. 1, 2006.'"). Altman '621 also has the same figures as Altman and a substantially overlapping specification. *Compare, e.g.,* Ex. 2010 at Figs. 1-13, ¶¶32-84 *with* Ex. 1006 at Figs. 1-13, ¶¶30-84; *Ivantis, Inc. et al. v. Sight Sciences, Inc.*, IPR2022-01533, Paper 14 at 12 (PTAB Mar. 27, 2023) (finding patent application publications "substantially similar" where they were related, list the "same inventors" and "largely overlapping" specifications). Accordingly, art that is "substantially similar" to Altman was considered during prosecution.

The Petition's Kraft reference, U.S. Patent No. 7,747,648 (Ex. 1005) was considered by the same Examiner during the prosecution of a related patent. Shortly after Petitioner submitted Kraft as an exhibit in a previous round of IPRs, SitNet submitted this reference for review in a pending continuation of the '463 Patent's parent, which issued as U.S. Patent No. 12,336,052 ("Related '052 Patent"). Ex. 2008 at (56) ("EX1030-U.S. Pat. No. 7,747,648 (Kraft)"); Ex. 2009 at 212 (IDS listing Kraft). The same examiner who had just allowed the '463 Patent, considered Kraft and then allowed the Related '052 Patent just a few months later. Ex. 2009 at 377 (Examiner Dustin Nguyen certifying he considered Kraft); Ex. 1001 at pg. 1 (Primary Examiner "Dustin Nguyen").

Therefore, as illustrated below, the same or substantially similar art that the Petition relies on was considered by the Examiner.

Altman '621
Considered by Examiner

Considered by
Examiner

Ground	35 U.S.C.	Claims	References
1	§ 103(a)	1-12	Kraft-Altman
2	§ 103(a)	1-12	Wong-Gogic-Gage
3	§ 103(a)	1-12	Wong-Gogic-Gage-Kraft

Considered by Examiner
in Related '052 Patent

Accordingly, the first part of the *Advanced Bionics* test is satisfied.

The second part of *Advanced Bionics* considers "whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims." *Advanced Bionics* at 8. The Director and Board have consistently recognized that it is "Petitioner's burden to demonstrate material error." *Ecto World* at 6 n.2; *see also id*. at 5 ("a petitioner must explain … how the Examiner erred in overlooking the prior art"); *Advanced Bionics* at 8-9 (If the first part of the *Advanced Bionics* framework is satisfied, "the Director generally will exercise discretion not to institute *inter partes* review" if "the petitioner fails to make a showing of material error."); *Intel Corp. v. InterDigital, Inc.*, IPR2024-01441, Paper

13 at 17 (PTAB Apr. 1, 2025) ("Petitioner bears the burden of demonstrating material error"). Yet even though the references the Petition relies on were plainly considered by the Examiner, Petitioner does not even allege that the Examiner made any "error," much less a "material" one as required by *Advanced Bionics*. *See generally* Pet. Petitioner cannot meet its burden with silence.

Thus, the Director should exercise his discretion under § 325(d) to deny institution.

B. Patent Owner Has Strong Settled Expectations

A patent with strong settled expectations weighs heavily in favor of discretionary denial, even when copending litigation is at an early stage. *See, e.g., iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 at 2-3 (Director June 6, 2025) (finding "settled expectations favor denial of institution" even though there was "little investment" in the district court proceeding, a "high likelihood of a stay," and a trial date 7 months after the expected final written decision date). The Office has explained that while settled expectations generally increase the longer a patent has been in force, "there is no bright-line rule on when expectations become settled." *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025). Indeed, the Office has found recently issued patents can have settled expectations warranting denial of institution under the right circumstances. *See, e.g.*, *All. Laundry Sys., LLC v. PayRange LLC*, IPR2025-00950,

Paper 11 at 3 (Director Sept. 19, 2025) (finding 2021 patent that had been licensed had "some settled expectations favoring Patent Owner").

Although the '463 Patent issued in March 2025, it has strong settled expectations due to the age of, and significant investment in, the '463's patent family, as well as Meta's longstanding knowledge of SitNet's patents.

The '463's patent family dates back roughly 19 years to a provisional application filed Feb. 2, 2007. Ex. 1001 at (60). This patent family includes over 30 patent applications which have resulted, so far, in over two dozen issued patents—many of which have been in force for over 14 years. *See, e.g.,* Ex. 2004 at (45); Ex. 2005. The diligence and expenditure of resources in obtaining, and maintaining, patent protection for almost two decades, including faithfully reporting any prior art surfaced during the enforcement of the patent family to the Patent Office, represents a substantial investment in SitNet's technology, warranting discretionary denial. Indeed, Patent Owner filed the application that become the '463 Patent in 2024, knowing full well that the entire patent family would expire very soon. Patent Owner did this with the expectation, based on the long prosecution history of the family, that any resulting patent allowed by the Examiner would still be a valuable and valid asset, even with a short term.

Petitioner has known, or should have known, about SitNet's patents, including the '463 Patent for quite some time. On July 9, 2012, Petitioner Meta (operating as

"Facebook, Inc.") filed a patent application that resulted in U.S. Patent No. 9,412,136, entitled Creation of Real-time Conversations Based on Social Location Information, which issued on August 9, 2016. Ex. 2006 at pg. 1. During the prosecution of Meta's patent, the examiner cited SitNet's U.S. Patent No. 8,045,455, which shares the same priority application and substantially identical figures and specification with the '463 Patent. Ex. 2006 at (56) (citing U.S. Patent No. 8,045,455 to Agronow); *compare* Ex. 2007 at Figs. 1-45, 1:29-32:67 *with* Ex. 1001 at Figs. 1-45, 2:6-34:22. Petitioner's longstanding knowledge of the '463's patent family further warrants discretionary denial. *See Aquestive Therapeutics, Inc. f/k/a MonoSol Rx, LLC v. Iono Pharma, LLC*, IPR2025-00874, Paper 11 at 2 (Director Oct. 3, 2025) (petitioner's knowledge of 2016 provisional application and 2018 PCT publication that eventually resulted in 2021 patent-at-issue favored discretionary denial).

Therefore, SitNet has developed strong settled expectations in the '463 Patent warranting discretionary denial.

C. The Petition's Weak Grounds Favor Discretionary Denial

The Petition's grounds are fatally flawed and do not establish a reasonable likelihood of invalidating any of the claims, as will be explained in Patent Owner's forthcoming preliminary response. Memorandum at 2 (noting relevant

considerations for discretionary denial include "[t]he strength of the unpatentability challenge."). This provides yet another reason to discretionarily deny the Petition.

D. No Change In The Law That Would Affect Patentability

Patent Owner is not aware of any change in the law that would affect the patentability of the claims. Memorandum at 2 (noting relevant considerations for discretionary denial include "[w]hether the PTAB or another forum has already adjudicated the validity or patentability of the challenged patent claims."). Nor has Petitioner identified any such legal authority. *See generally* Pet.

E. Public Health and National Security Interests Favor Discretionary Denial.

The inventors of the '463 Patent, and its related patents, created a system to help Americans in times of crisis, such as natural disasters, airplane crashes, public health crises, and other emergency situations. Ex. 1001 at 5:10-5:25; Ex. 2001 ¶¶21-22. They filed for patent protection as part of their development effort to bring this life-saving technology to the real world, and committed considerable resources into developing their patent portfolio. Allowing anyone, much less one of the ten largest companies in the world, to challenge these issued patents nearly two decades after the inventors started the patent process would only dissuade others from investing their time and resources to innovate in the areas of public health and national security.

Such a loss of innovation would be detrimental to the nation's public health and security interests, further supporting discretionary denial of this Petition. Memorandum at 2 (listing "[c]ompelling economic, public health, or national security interests" as a relevant consideration).

IV. CONCLUSION

For the foregoing reasons, Patent Owner requests that the Director exercise his discretion to deny institution of the Petition.

Dated: January 20, 2026

Respectfully submitted by,

/s/ David L. Hecht
David L. Hecht (Lead Counsel)
(Reg. No. 61,618)
dhecht@hechtpartners.com
HECHT PARTNERS LLP
125 Park Avenue, 25th Floor
New York, NY 10017
P: (212) 851-6821

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service on the date signed below:

PATENT OWNER SITNET LLC'S DISCRETIONARY DENIAL BRIEF

EXHIBITS 2001-2010

The names and addresses of the parties being served are as follows:

Jonathan Tuminaro - jtuminar-PTAB@sternekessler.com
Michael D. Specht - mspecht-PTAB@sternekessler.com
Jennifer Meyer Chagnon - jchagnon-PTAB@sternekessler.com
Steven M. Pappas - spappas-PTAB@sternekessler.com
Timothy L. Tang - ttang-PTAB@sternekessler.com
PTAB@sternekessler.com

Dated: January 20, 2026

Respectfully submitted by,

/s/ David L. Hecht
David L. Hecht (Lead Counsel)
(Reg. No. 61,618)
dhecht@hechtpartners.com
HECHT PARTNERS LLP
125 Park Avenue, 25th Floor
New York, NY 10017
P: (212) 851-6821