UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

SITNET, LLC,
Patent Owner.

IPR2024-00612
Patent 8,249,932 B1

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

SZPONDOWSKI, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

We instituted an *inter partes* review of claims 12–21 of U.S. Patent No. 8,249,932 B1, issued on August 21, 2012 (Ex. 1001, "the '932 patent") in response to a Petition (Paper 1, "Pet.") filed by Meta Platforms, Inc. ("Petitioner"). Paper 10 ("Inst. Dec."). During trial, SitNet, LLC ("Patent Owner") filed a Response to the Petition (Paper 14, "PO Resp."), Petitioner filed a Reply (Paper 17, "Reply"), and Patent Owner filed a Sur-reply (Paper 19, "Sur-reply").

We held an oral hearing in this proceeding on June 11, 2025 and a copy of the transcript is entered into the record.[1] Paper 25 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6 (2018). This Decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the claims on which we instituted trial. Petitioner has the burden of proving unpatentability of a claim by a preponderance of the evidence. 35 U.S.C. § 316(e).

Based on the complete record, Petitioner has shown, by a preponderance of the evidence, that claims 12–21 of the '932 patent are unpatentable.

II. BACKGROUND

A. Real Parties-in-Interest

Petitioner identifies itself as the real party-in-interest. Pet. 46. Patent Owner also identifies itself as the real party-in-interest. Paper 5, 1 (Patent Owner's Mandatory Notices).

[1] The hearing was a combined oral hearing with IPR2024-00529.

B. Related Matters

The parties identify *SitNet LLC v. Meta Platforms, Inc.*, Case No. 1:23-cv-06389 (SDNY) as a related case ("related litigation"). Pet. 46–47; Paper 5, 1. Petitioner also concurrently filed petitions against three related patents in IPR2024-00529, IPR2024-00530, and IPR2024-00531, and concurrently filed IPR2024-00528 challenging additional claims in the '932 patent. Pet. 47. After instituting IPR2024-00528, the Board granted Patent Owner's request for adverse judgment and cancelled claims 1–11, 22, and 23 of the '932 patent. IPR2024-00528, Paper 23.

C. The '932 Patent (Ex. 1001)

The '932 patent is titled "Targeted Advertising in a Situational Network" and is generally directed to "[a] method of presenting targeted advertising in a situational network." Ex. 1001, codes (54), (57). The method generally describes that "[d]evices corresponding to a plurality of individuals are automatically connected to a situational network established in response to [an indication of an occurrence of a] situation." *Id.* at code (57). In addition, "a plurality of advertisements [are received] from at least one advertising entity," and "[a]t least one of the advertisements is provided to at least one of the individuals based on determining an affiliation of the individual to the situation." *Id.*

The '932 patent describes that a situational network "is created when an occurrence or expected occurrence of an event or situation . . . causes connections, also referred to as links, to be established between, within or among a set of participants." Ex. 1001, 3:46–50. "The situational network allows the participants . . . to interact and exchange information over connections to or through a computer network . . . regarding the event or

situation." *Id.* at 3:50–53. Participants in the situational network may include external entities (e.g., weather agencies or traffic agencies) and users (i.e., individuals or members). *Id.* at 3:59–4:10. Users are connected to the situational network using devices, such as cell phones or personal computers, and the devices may be connected automatically, by requesting a connection, or by receiving an invitation to connect. *Id.* at 4:11–22, 19:58–66. Users are connected into the situational network when it is determined that they are affected by the event or situation. *Id.* at 5:13–15. Examples of events or situations that can initiate the formation of a situational network include weather phenomenon, emergency situations, natural disasters, weather related activities, navigation and/or travel incidents, public health crises, and social events. *Id.* at 4:34–48, 30:46–47. For example, a situational network "may be formed when users involved in a situation or event are determined to be in relatively close geographic positions." *Id.* at 5:32–34. As another example, a situational network for an emergency event "may have multiple tiers or access levels to allow for more effective sharing and propagation of information between users." *Id.* at 25:2–5.

The '932 patent further describes that, "targeted advertisements . . . may be delivered to devices of users . . . connected through a [situational network] using profile and location information relating to the users . . . and determining an ad opportunity based on an affiliation between the user and the situation." Ex. 1001, 27:19–24. The "affiliation that a user has with the situation is used as a basis for delivering the targeted advertisements" and is "determined from one or more factors," including "proximity of the user to the situation, role of the user within the situation, affect of the situation on

the user, affect of the situation on the property of the user, and projection of the [situational network] in which the user is included." *Id.* at 27:25–32.

The '932 patent describes an embodiment where the situational network may be established using the framework of a multi-dimensional personal information network (also referred to as an N-dimensional social network (NDSN)). Ex. 1001, 7:24–27. The NDSN "captures and manages multi-dimensional relationships between persons and other entities that are users of the network" and "permits the user to discover and utilize the indirect relationships to other users that are connected to him through first-degree users." *Id.* at 14:10–27. "In this embodiment, users are connected into the situational network through the NDSN using a PIA [Personal Information Aggregator]." *Id.* at 7:28–30. The PIA associated with each user is or encompasses a node of the situational network, and the event or situation itself may also be associated with a node on the situational network, known as an event node. *Id.* at 7:30–31. The PIA "provides a user with the ability to store, organize and control personal information" and may be implemented on a handheld device, such as a mobile phone, a personal computer, or a dedicated appliance. *Id.* at 7:30–31, 7:52–54, 12:61–13:27. The stored information may reside in data structures that are implemented as tables in a relational database management system that can be accessed by the PIA's application program. *Id.* at 9:16–19. In this embodiment, the NDSN can "provide a 'projected' view of a subset of the members of the NDSN to the user based on a subset of the NDSN's multiple dimensions." *Id.* at 14:35–37; *see also id.* at 16:8–10, 29:28–42.

As discussed above, in this embodiment the event or situation becomes associated with a node of the NDSN, referred to as an event node.

Ex. 1001, 19:37–39. A user may be automatically connected to the event node, request connection to the event node, or be invited to connect to the event node corresponding to the event. *Id.* at 19:39–60. The invitation may be based on a stored user profile accessible to a situation authority server associated with the event node that crawls the network for user PIAs "that would likely be interested in the information about the event." *Id.* at 19:60–64. The user may accept or decline the invitation. *Id.* at 19:65–66.

In another embodiment, "[a] situational network can be used to efficiently deliver and propagate a message or notification from a single user related to a situation or event to an expanded group of individuals who are directly or indirectly affected by the event or situation." Ex. 1001, 29:43–47. The messages or notifications can be propagated to selected groups of users. *Id.* at 29:47–67, 30:23–45.

D. Illustrative Claim

Independent claim 12 is reproduced below, with Petitioner's identifiers in brackets.

> 12. [12.P] A method of presenting targeted advertising in a situational network, the method comprising:
>
> [12.A] obtaining an indication of an occurrence of a situation;
>
> [12.B] establishing an event node for the situation in a multidimensional personal information network;
>
> [12.C] automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node, the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network and assigned an access level according to a role of the respective individual within the situational network;

> [12.D] creating two or more projections of the nodes of the multidimensional personal information network based at least in part on the access levels of the individuals corresponding information a aggregators;
>
> [12.E] aggregating information related to the situation received from the personal information aggregators connected through the situational network; and
>
> [12.F] providing the information and at least one of a plurality of advertisements to each of the information aggregators based on which of the two or more projections includes the respective personal information aggregator.

Ex. 1001, 33:49–34:7.

E. Prior Art and Asserted Challenges to Patentability

Petitioner asserts that claims 12–21 are unpatentable based on the following challenges (Pet. 6):

Claim(s) Challenged	35 U.S.C. §[2]	Basis/References
12, 14–21	103(a)	Amidon,[3] Walsh[4]
13	103(a)	Amidon, Walsh, Shahine[5]

[2] Because the earliest possible effective filing date of the ’932 patent is before March 16, 2013, patentability is governed by the version of 35 U.S.C. § 103 preceding the Leahy-Smith America Invents Act (“AIA”), Pub L. No. 112–29, 125 Stat. 284 (2011). *See* Pet. 2.

[3] Amidon et al., US 8,346,864 B1, issued Jan. 1, 2013 (Ex. 1007) (“Amidon”). Petitioner contends that Amidon is prior art under 35 U.S.C. § 102(e). Pet. 6.

[4] Walsh et al., US 9,195,996 B1, issued Nov. 24, 2015 (Ex. 1008) (“Walsh”). Petitioner contends that Walsh is prior art under 35 U.S.C. § 102(e). Pet. 6.

[5] Shahine, US 8,799,073 B2, issued Aug. 5, 2014 (Ex. 1015). Petitioner contends that Shahine is prior art under 35 U.S.C. § 102(e). Pet. 6.

Claim(s) Challenged	35 U.S.C. §[2]	Basis/References
20	103(a)	Amidon, Walsh, Shahine, Jones[6]

In support of its proposed challenges, Petitioner relies on the Declarations of Bernard J. Jansen, Ph.D. *See* Exs. 1003, 1053. In response, Patent Owner relies on the Declaration of Dr. Aviel D. Rubin. Ex. 2009. A deposition transcript has been entered into the record for Dr. Rubin. Ex. 1056.

III. ANALYSIS

A. Legal Standards

A claim is unpatentable under 35 U.S.C. § 103(a) if "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

A patent claim "is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR*, 550 U.S. at 418. An obviousness determination based on a combination of references requires finding "both 'that a skilled artisan would have been

[6] Jones, US 2006/0095320 A1, published May 4, 2006 (Ex. 1014). Petitioner contends that Jones is prior art under 35 U.S.C. § 102(e). Pet. 6.

motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.'" *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1367–68 (Fed. Cir. 2016); *see KSR*, 550 U.S. at 418. Further, an assertion of obviousness "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at 418; *In re NuVasive, Inc.*, 842 F.3d 1376, 1383 (Fed. Cir. 2016) (a finding of a motivation to combine "must be supported by a 'reasoned explanation'").

In an *inter partes* review, a petitioner bears the burden of persuasion to prove "unpatentability by a preponderance of the evidence." *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (quoting 35 U.S.C. § 316(e)). This burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware*, 800 F.3d at 1378 (citing *Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1326–1327 (Fed. Cir. 2008). Petitioner must explain with particularity how the prior art would have rendered the challenged claims unpatentable. 35 U.S.C. § 312(a)(3); 37 C.F.R. § 42.104(b)(4) (2024) ("The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon.").

B. Level of Ordinary Skill in the Art

Petitioner contends a person of ordinary skill in the art "would have had a B.S. degree in computer science, computer engineering, or an equivalent field, as well as at least 2-3 years of academic or industry

experience in computer networking and digital advertising, or comparable industry experience." Pet. 5 (citing Ex. 1003 ¶ 37).

Patent Owner does not challenge Petitioner's definition. *See generally* PO Resp.

In our Institution Decision, we adopted Petitioner's proposed definition, finding it to be reasonable and commensurate with the problems and solutions disclosed in the prior art. Inst. Dec. 8–9. We continue to do so here.

C. Claim Construction

A claim "shall be construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b)." 37 C.F.R. § 42.100(b) (2024). "In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence." *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–1317 (Fed. Cir. 2005) (en banc)). "[T]he claims themselves provide substantial guidance as to the meaning of particular claim terms," but "do not stand alone." *Phillips*, 415 F.3d at 1314–1315. They are part of " 'a fully integrated written instrument,' consisting principally of a specification that concludes with the claims," and must therefore "be read in view of the specification." *Id.* at 1315 (quoting *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 978–79 (Fed. Cir. 1995)). There is a "heavy presumption," however, that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002) . "[T]he ordinary

and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." *Phillips*, 415 F.3d at 1313.

Petitioner "believes that no claim term requires explicit construction and that all terms should be accorded their ordinary and customary meaning." Pet. 5. Patent Owner requests that we "adopt the District Court's construction of all terms in *Sitnet v. Meta*, as detailed in Ex. 2007."[7] PO Resp. 1. Additionally, although the District Court determined that "event node" did not need to be construed, Patent Owner argues that the Specification of the '932 patent provides a definition for "event node." *Id.* (citing Ex. 2007, 6).[8] Specifically, Patent Owner argues that "an event node is defined in the specification as a type of node that communicates up-to-date information in a NDSN [N-dimensional social network]." *Id.* at 2 (citing and referring to Ex. 1001, 7:29–38); *see also id.* at 1, 3 (citing and referring to Ex. 1001, 14:10–13, 14:50–54); *see also* Sur-reply 2–4. Patent Owner argues that "an event node per claim 12 is a node within an NDSN

[7] Exhibit 2007 is the claim construction order from the related litigation.
[8] We note that in the related litigation, Patent Owner proposed that an "event node" is "a node on a personal information network corresponding to an event or situation." Ex. 2007, 5. This is consistent with the Specification, which states that "[t]he situation or event itself may also be associated with a node on the SitNet, known as the event node for the SitNet." Ex. 1001, 7:31–33; *see also id.* at 19:35–39 ("an embodiment of a situational network may be formed using the framework of an NDSN. Within the framework of the NDSN, the event or situation becomes associated with a node of the NDSN, referred to as an event node"). This is also consistent with Dr. Rubin's testimony that an "event node" "is a node in a situational network that corresponds to an event." Ex. 2009 ¶ 91.

providing up-to-date information regarding an event or situation via peer-to-peer communication with other nodes." PO Resp. 3.

In Reply, Petitioner argues that that Patent Owner's proposed construction "improperly import[s] optional features from the specification, renders superfluous existing claim language, and is unsupported by Patent Owner's own expert." Reply 2. In Sur-reply, Patent Owner argues that it has construed "event node" in the context of claim 12, where it appears. Sur-reply 2–8.

In the related litigation, the District Court rejected both parties' proposed constructions, and determined that "event node" does not need construction. Ex. 2007, 5. In the Institution Decision, we agreed with the District Court that "event node" does not need construction, and we continue to do so here. *See* Inst. Dec. 11–12. As Patent Owner acknowledges, independent claim 12 recites "establishing an event node ***for the situation in a multi-dimensional personal information network***." PO Resp. 1. Claim 12 further recites "automatically connecting personal information aggregators corresponding to a plurality of individuals ***to the event node***" and "aggregating information ***related to the situation received from the personal information aggregators*** connected through the situational network." Ex. 1001, 33:54–56, 34:1–3 (emphasis added). In other words, the claim language itself provides sufficient meaning for the term "event node" and further construction is not necessary.[9]

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[9] Patent Owner does not appear to dispute that we do not need to construe "event node," but rather attempts to provide further context as to the plain and ordinary meaning. *See* Tr. 21:8–18 (stating that "I think it is redundant

We agree with Petitioner that Patent Owner's proposal is generally repetitive of the claim language, seeks to limit the term "event node" to particular embodiments disclosed in the Specification, and improperly imports limitations into the claim. *See, e.g.*, Ex. 1001, 7:24–38 ("[i]n one embodiment," "[i]n this embodiment," "[i]n one embodiment," "[f]or example"), 14:41 ("[i]n one embodiment"); *see* Reply 2–5. Claim 12 already recites an "an event node for the situation in a multi-dimensional personal information network," and does not recite the event node providing up-to-date information regarding an event or situation, or communicating via peer-to-peer communication with other nodes. We are not persuaded that proper interpretation of "event node" requires that we read in these unclaimed features of various embodiments. Claims are not limited to specific embodiments described in the specification. *See Phillips*, 415 F.3d at 1323.

> Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not a part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.

SuperGuide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875 (Fed Cir. 2004) (citing *Electro Med. Sys. S.A. v. Cooper Life Sci., Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994)); *see also Thorner v. Sony Computer Ent. Am. LLC*,

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[to construe event node to also include multidimensional personal information network] . . . We're not asking you to reconstrue. The claims say the event node is in the network . . . I don't even think you need to construe . . . it's kind of just the phraseology of how do we interpret this claim element in light of the spec.").

669 F.3d 1362, 1366 (Fed. Cir. 2012) ("It is likewise not enough that the only embodiments, or all of the embodiments, contain a particular limitation. We do not read limitations from the specification into claims; we do not redefine words."). The mere description of a preferred embodiment is not a limiting definition for a claim term. *See E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369 (Fed. Cir. 2003); *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 908–09 (Fed. Cir. 2004).

For these reasons, we decline to import limitations into the claim, as Patent Owner urges. We further discuss "event node" below in connection with limitation 12[B]. Moreover, upon review of the parties' respective contentions, we determine that no express constructions of any other claim term is required for purposes of this Decision. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) ("The Board is required to construe 'only those terms ... that are in controversy, and only to the extent necessary to resolve the controversy.'") (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

D. Ground 1: Alleged Obviousness Over Amidon and Walsh

Petitioner contends claims 12 and 14–21 would have been obvious over the combination of Amidon and Walsh. Pet. 7–37. Patent Owner disputes Petitioner's contentions. PO Resp. 3–10.[10] In particular, Patent Owner alleges that Amidon does not teach an "event node." *Id.* Having considered the arguments and evidence before us, we find that Petitioner has

[10] Patent Owner refers to the combination of Amidon, Walsh, and Shahine in connection with this ground, however, Shahine is only asserted in Ground 2, in the challenge against claim 13. *See* Pet. 6.

established by a preponderance of the evidence that claims 12 and 14–21 would have been obvious over Amidon and Walsh.

1. Amidon (Ex. 1007)

Amidon is titled "Systems and Methods for Social Network Based Conferencing" and is generally directed to systems and methods where members of social networks "can define and participate in conferences, with the extent of the participation and messaging within such conferences based on the structure of the underlying social network(s)." Ex. 1007, codes (54), (57). The conference may be defined on the basis of various parameters, such as social network parameters, degree of separation, or geographic. *Id.* at 2:57–63, 3:40–47, 4:5–9.

Figure 2, reproduced below, is "a functional block diagram of an exemplary messaging system including social network conferencing functionality." Ex. 1007, 5:21–23.

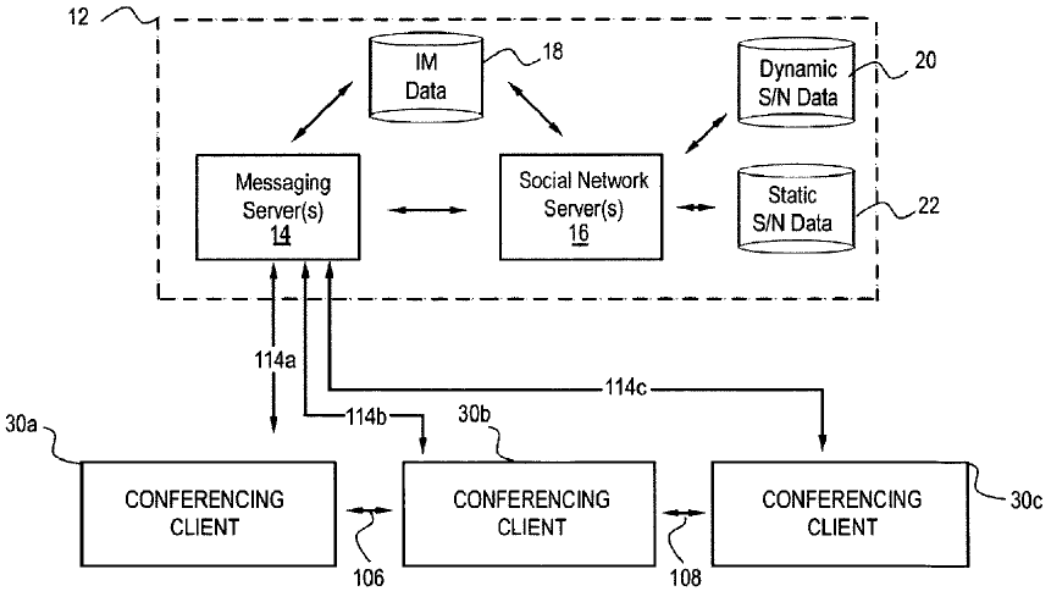

FIGURE 2

Figure 2 depicts system 12 including messaging server 14, social network server 16, and data stores 18, 20, and 22. Ex. 1007, 8:3–8. In addition, Figure 2 includes conferencing clients 30a, 30b, and 30c comprising one or more computing devices that provides messaging functionality and the ability to interact with other users. *Id.* at 8:12–18. In some embodiments, conferencing client functionality may be provided through web-based applications. *Id.* at 8:27–35. Conferencing clients 30a, 30b, and 30c interface with messaging server 14 via links 114a, 114b, and 114c. *Id.* at 8:36–40.

According to Amidon, conferencing clients 30 "support transmitting metadata to social network conferencing system 12 to define one or more social network conferences and to specify the extent to which a message should be transmitted in a social network conference." Ex. 1007, 9:57–61. A user "may specify any number or combination of rules, preferences, and parameters in defining the extent of the conference participation, distribution of messages, and distribution of replies to messages." *Id.* at 12:37–40. For example, "[b]ased on user location data, conference participation can be determined based on geographical parameters, such as users within a certain distance, users from a particular location, and so on." *Id.* at 12:59–65. Users may also define parameters that control conference participation, such as providing users with different access levels which allow users to moderate and participate fully in the conference, or allow users to participate but not moderate or only participate to a limited extent. *Id.* at 13:8–21. Messaging server may send an invitation to users to join in the conference via messaging connections and messaging client applications. *Id.* at 21:5–8.

Social network conference data may be stored by conferencing system 12 in any suitable fashion. Ex. 1007, 15:6–8. For example, data may be defined using a plurality of data structures and "[c]onferences may be defined by a database record including a conference ID and list of users by user ID." *Id.* at 15:7–12; Fig. 3.

Figure 4, reproduced below, "illustrates an exemplary user interface which may be rendered by a client device to provide for user interaction in social network based conferencing systems." Ex. 1007, 5:27–29.

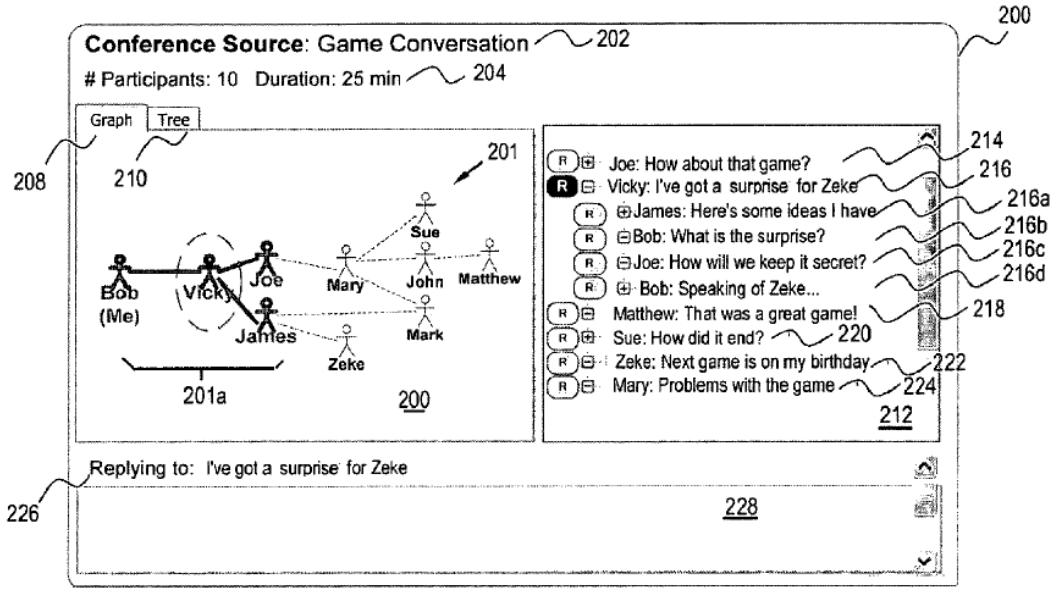

FIGURE 4

Figure 4 depicts window 200 of conferencing client 30, which includes several different areas and data indicators, such as title bar 202 ("Game Conversation"), conference metadata 204 (number of participants and duration), social network conference group 201, and conference thread display area 212, which shows a plurality of threads each comprising data (messages, content) exchanged among the members of the conference. Ex. 1007, 16:65–17:26.

Figure 5, reproduced below, "illustrates another exemplary user interface which may be rendered by a client device to provide for user interaction in social network based conferencing systems." Ex. 1007, 5:30–32.

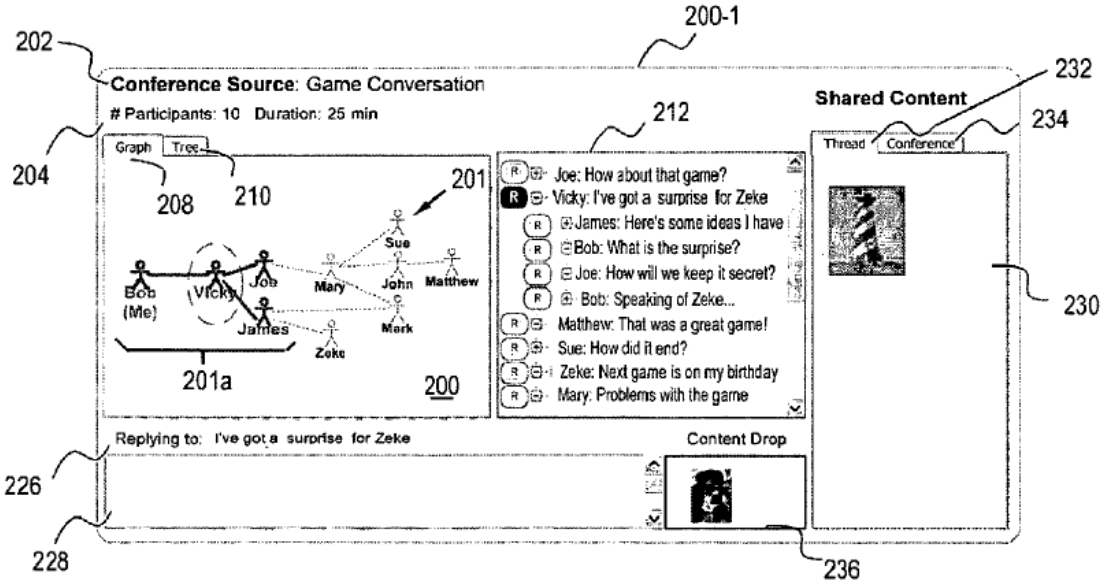

FIGURE 5

Figure 5 depicts an alternate window 200-1, which includes the same features as window 200 in Figure 4, but additionally displays information related to content sharing functionality in shared content area 230. Ex. 1007, 18:51–55. "[S]hared content area 230 includes icons or other indicators of content that is presently being shared amongst content participants." *Id.* at 18:56–58.

2. Walsh (Ex. 1008)

Walsh is titled "System and Method for Classification of Communication Sessions in a Social Network" and is generally directed to

"automatic classification of communication sessions (e.g., a messaging conference) of social network users based on data describing parameters such as participating users, conversation messages and shared content items within a communication session." Ex. 1008, code (54), 1:7–12. Walsh lists the same inventors as Amidon, although in a different order. *Id.* at code (75); Ex. 1007 (code 75).

Figure 1, reproduced below is "an exemplary user interface that may be viewed by users in a social network, wherein certain display portions may be customized based on one or more computed session profiles relative to each given user." Ex. 1008, 3:31–34.

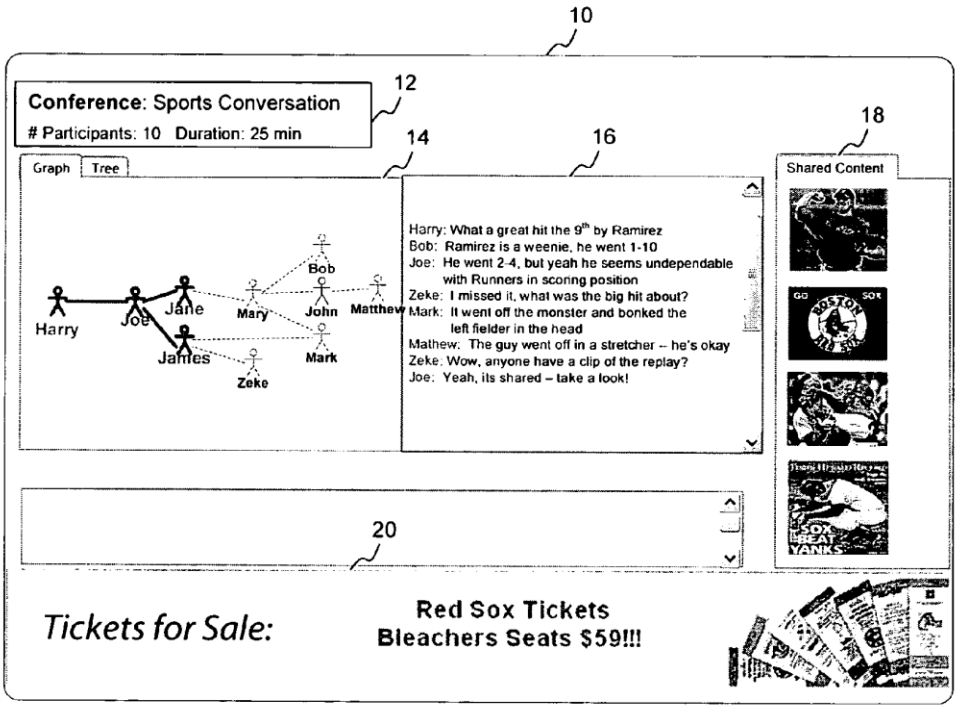

Fig. 1

Figure 1 depicts user interface 10, which includes information about a communication session, such as general conference identifier(s) 12

("Conference: Sports Conversation," number of participants, duration), graphical social network representation 14 of participating users, conversation message display 16, representation 18 of content items shared among the participating social network users, and advertisement display 20. Ex. 1008, 5:1–8. Advertisement display 20 is customized to provide ads that are selected for each user participating in the social network communication. *Id.* at 6:10–20. In Figure 1, advertisement display 20 shows an advertisement for Red Sox Tickets Bleacher Seats for $59. *Id.* at Fig. 1.

3. Analysis of Independent Claim 12

a) Preamble

The preamble recites "[a] method of presenting targeted advertising in a situational network." Ex. 1001, 33:49–50. Petitioner contends that the combination of Amidon and Walsh teaches the preamble. Pet. 11. According to Petitioner, Amidon's architecture provides a "situational network" because it allows users to specify the nature and extent of a conference among members of the network, and users can direct messages to desired users in the conference. *Id.* at 11–13 (citing Ex. 1007, 2:54–63, 3:4–5, 6:11–12, Figs. 1, 2). Petitioner further argues that both Amidon and Walsh disclose that "each conference relates to a situation . . . such as a particular game, sporting event, or request to 'talk about vacation.'" *Id.* at 12–13 (citing Ex. 1007, 21:35–38, Fig. 4; Ex. 1008, Fig. 1; Ex. 1003 ¶¶ 72–73).

Petitioner further contends that Walsh teaches "[a] method of presenting targeted advertising" within Amidon's "situational network." Pet. 13 (citing Ex. 1003 ¶ 74). Specifically, Petitioner contends that Walsh discloses "computing a session profile" which may be used in order to select

advertisements to be provided to a user in the advertisement display portion of a user interface. *Id.* (citing Ex. 1008, 2:16–20, 6:21–25, 13:30–33, Fig. 1; Ex. 1003 ¶ 74). Petitioner further contends that these advertisements are individually targeted to each user. *Id.* at 14 (Ex. 1008, 6:15–20; Ex. 1003 ¶¶ 75–76).

Petitioner contends that it would have been obvious to a person of ordinary skill in the art to combine Amidon and Walsh because a person of ordinary skill in the art would have recognized the well-known benefits to providing targeted advertisements as disclosed in Walsh, such as generating ad revenue. Pet. 10 (citing Ex. 1003 ¶¶ 39–47, 68). Petitioner contends that a person of ordinary skill in the art would have had a reasonable expectation of success in incorporating Walsh's targeted advertising into Amidon's conference system because it "would amount to nothing more than incorporating well-known techniques (selecting an[d] displaying relevant advertisements to a user) into Amidon's known conferencing system." *Id.* (citing Ex. 1003 ¶ 69). Petitioner states that Walsh itself discloses how to make the combination, by illustrating Amidon's conference interface with an incorporated advertisement display. *Id.* (citing Ex. 1008, Fig. 1; Ex. 1003 ¶ 69).

Patent Owner does not present arguments regarding the preamble. *See generally* PO Resp. We determine that, on the record before us, Petitioner's cited evidence sufficiently supports its contentions regarding the preamble. [11]

[11] Because we are persuaded that Petitioner has shown that the combination of Amidon and Walsh teaches the subject matter recited in the preamble, we

b) Limitation [12.A]

Limitation [12.A] recites "obtaining an indication of an occurrence of a situation." Ex. 1001, 33:51.

Petitioner contends that the combination of Amidon and Walsh teaches this limitation. Pet. 14. Petitioner argues that Amidon's metadata transmitted to the social network conferencing system, for example, as used for formation of the conference, teaches this claim limitation. *Id.* at 14–15 (citing Ex. 1007, 9:57–61, 10:25–23, 13:66–14.3; Ex. 1003 ¶ 77). For example, Amidon discloses automatically forming a conference including "users currently listening to the same song," which Petitioner contends teaches "an indication of an occurrence of a situation." *Id.* at 15 (citing Ex. 1007, 9:57–61, 13:66–14:3; Ex. 1003 ¶ 77).

Patent Owner does not present arguments specific to this limitation. *See generally* PO Resp.

We have reviewed Petitioner's arguments and evidence on the teachings of limitation 12[A]. We determine that, on the complete record before us, Petitioner's cited evidence supports its contentions regarding this limitation.

c) Limitation [12.B]

Limitation [12.B] recites "establishing an event node for the situation in a multidimensional personal information network." Ex. 1001, 33:52–53.

Petitioner contends that the combination of Amidon and Walsh teaches this limitation. Pet. 15. Petitioner argues that Amidon teaches a

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need not decide whether the preamble is limiting for purposes of this Decision. Neither party has presented arguments that the preamble is limiting.

"multi-dimensional personal information" network because it teaches a social network server that stores data defining one or more social networks, including "characteristics for each user (profile information, etc.)" and "relationships between each user," which "span multiple dimensions, 'such as grouping members by common interest, age or other demographic information, etc.'" *Id.* at 15–16 (citing Ex. 1007, 9:23–30, 9:32–38; Ex. 1003 ¶ 78).

Petitioner further argues that "Amidon teaches 'establishing an event node for the situation in a multi-dimensional personal information network' in the form of a 'social network conference' to which users may connect." Pet. 16 (citing Ex. 1007, 10:37–44, 2:60–63; Ex. 1003 ¶ 79) (emphasis omitted). Petitioner argues that data defining social network conferences may be stored in one or more databases, and conferences may be defined by a database record including a conference ID and a list of users by user ID. *Id.* (citing Ex. 1007, 10:40–44, 15:6–15; Ex. 1003 ¶¶ 79–80). Petitioner reiterates that "each conference relates to a 'situation.'" *Id.* (citing Ex. 1007, 2:57–63 ("the nature . . . of a conference")) (emphasis omitted).

Patent Owner argues that Amidon's social network conference fails to teach an "event node" because "a conference cannot be a node, let alone an event node." PO Resp. 4 (citing Ex. 2009 ¶¶ 90–105). Relying on a dictionary definition, Patent Owner argues that "a conference is a group of individuals communicating with one another," and Amidon defines its social networking conference consistent with this meaning. *Id.* at 4–6 (citing Ex. 2009 ¶ 93; Ex. 1007, 3:4–21, Figs. 4, 5). That is, Patent Owner argues that Amidon's social network conference is nothing more than "an online meeting of individual users" who are communicating with one another (i.e.,

a social network), and a "group of individuals cannot be a node, let alone an event node." *Id.* at 6–7 (citing Ex. 1007, 17:21–26); *see also* Sur-reply 9–15. Patent Owner argues that because an event node is communicating information in a peer-to-peer fashion, an event node would be an element within a conference, but not the conference itself. PO Resp. 7 (citing Ex. 1007, 14:50–51, 7:35–37; Ex. 2009 ¶ 94).

Patent Owner also argues that Amidon's social network conference does not include an "event" because it does not include as a participant the situation or event underlying the conference. PO Resp. 7 (citing Ex. 1007, 17:7–10, Figs. 4–5). Patent Owner argues that Amidon's Figure 3, which depicts the architecture of a relational database, does not support that the situational network conference is an "event node." *Id.* at 8–10; *see also* Sur-reply 12–14.

Petitioner has sufficiently established that Amidon teaches the recited "event node." Petitioner contends that Amidon's architecture provides a social network (the recited "situational network") and the social network conference within the social network ***is*** the event node. *See* Pet. 11–16; Reply 8. We agree with Petitioner that Amidon separately teaches a social network and a social network conference. *See, e.g.*, Ex. 1007, Fig. 2 (Amidon's architecture, including "social network server"); 9:32–35 ("Social network data may be used, for instance, to determine the extent of social network groups (such as grouping members by common interest, age, or other demographic information"); 9:57–10:1 (describing that "interested users" of the social network "may provide one or more social network parameters to system 12 defining participation in one or more social network conferences"); 10:11–24 (describing "users A, B, and C of social network

10," and "User A wishes to initiate a discussion within the social network, but only amongst users that user A considers to be close friends"). Therefore, Patent Owner's argument that the social network conference is the social network (*see* Sur-reply 9–11), rather than the event node, does not persuasively address Petitioner's contentions.[12]

Patent Owner's argument that Amidon's social network conference merely comprises a group of individuals communicating with each other so it cannot be an event node does not take into account that Amidon's social network conference is also defined by a data structure, such as the data structure shown in Figure 3. *See* PO Resp. 4–7; Pet. 16; Reply 7–8. The parties do not dispute that Amidon's social network conference is defined by a data structure. PO Resp. 8–10 (e.g., "Fig. 3 shows a database entry for a conference."); Reply 13. We find persuasive Petitioner's argument that the social network conference "is an element created in Amidon's network that facilitates communication between a group of individuals, defined by data." Reply 8–9; *see also id.* at 13–14.

Figure 3 of Amidon is reproduced below.

[12] Portions of Dr. Rubin's testimony also rely on this misinterpretation of Petitioner's position, and we, therefore, do not find it persuasive. *See, e.g.*, Ex. 2009 ¶ 92 ("the event node is a node within the NDSN and cannot constitute a social network"), ¶ 94 ("In contradiction to what the petitioner claims, an event node cannot act as the social network as it exists within the NDSN").

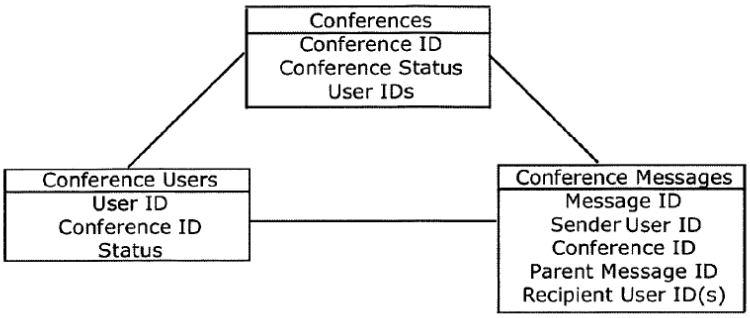

Figure 3 shows data structures used to store social network conferences. Ex. 1007, 15:6–10. In particular, Figure 3 shows a data structure with three tables, including table "Conferences" with columns "Conference ID," "Conference Status," and User IDs", table "Conference Users" with columns "User ID," "Conference ID," and "Status," and table "Conference Messages" with columns "Message ID," "Sender User ID," "Conference ID," "Parent Message ID," and "Recipient User ID(s)." In other words, the data defining the social network conference can include, for example, a Conference ID, the users, and the messages. *See* Reply 7; Pet. 16.

Dr. Rubin testifies that a "node within a social network is an object that has attributes defining the node." Ex. 2009 ¶ 92; *id.* ¶ 34. Dr. Rubin further testifies that "[a] node can be various objects," and provides examples from Petitioner's Graph API documentation that states:

> A node is an individual object with a unique ID. For example, there are many User node objects, each with a unique ID representing a person on Facebook. Pages, Groups, Posts, Photos, and Comments are just some of the nodes of the Facebook Social Graph.

Id. ¶ 92; *see also id.* ¶ 34. With regard to the "event node," Dr. Rubin further testifies that "the event node corresponds to an event and as such,

would have the unique properties that define the event." Ex. 2009 ¶ 92. We agree with Petitioner that this understanding is consistent with the disclosure in Amidon – that the social network conference is an object in the network with a unique ID (i.e., Conference ID) and other attributes defining it (i.e., users, messages). *See* Reply 7. Moreover, Patent Owner does not explain why Petitioner's Groups, which have a unique ID, are nodes, but Amidon's social network conferences, which also have a unique ID, are not nodes.

Dr. Rubin also testifies that the "event node" is a data structure:

> Q. And an event node would be an object with attributes that defines the event; is that fair?
> A. Yes.
> Q. Those objects are simply data structures, right?
> A. That's what they are.

Ex. 1056, 33:2–7. This further supports that Amidon's social network conferences teaches the recited "event node."

We are also not persuaded that the situation or event underlying the conference must be a *participant* to the conference to qualify as an "event node." PO Resp. 7–8. As discussed above, we are persuaded by Petitioner's arguments that Amidon's social network conference itself teaches the claimed "event node." Moreover, Amidon teaches that conferences may be formed based on any number of parameters, including, for example, user identity, membership in a group, interests, demographic characteristics, user activity, geographic parameters, etc. Ex. 1007, 12:44–65; *see* Pet. 12, 15–16. As shown in Figures 4 and 5 of Amidon, the social network conference corresponds to "Game Conversation," which is the situation or underlying event. We are also not persuaded by Patent Owner's argument that Amidon's "architecture fails to include a database record for the situation

underlying the conference." PO Resp. 10 (citing Ex. 2009 ¶ 97). As Petitioner explains, the "conference ID" identifies the conference (e.g., "Game Conversation"), which indicates that this information is stored in the database. Reply 12.

Patent Owner also argues that "the architecture of the relational database is not the claimed 'event node' which communicates information regarding a situation in a peer-to-peer fashion with other nodes." PO Resp. 10. As discussed above in Section III.C., we decline to import these limitations into the claim, so this argument is not persuasive. Moreover, as Petitioner points out, the '932 patent describes embodiments where the event node connects users to facilitate communication about the event or situation. Reply 9 (citing Ex. 1053 ¶ 17). For example, a school district superintendent creates a node in the situational network to inform a group of users that school will be closed tomorrow, and propagates a message to users in selected groups (e.g., teachers, staff, parents, snow removal). Ex. 1001, 30:23–45, Fig. 25; Ex. 1053 ¶ 17. As Dr. Jansen testifies, "[t]he node in this embodiment simply connects users to facilitate messaging." Ex. 1053 ¶ 17. Similarly, in Amidon, a user can define a conference, "specify[ing] the nature and extent of a conference amongst members of a social network based on various parameters. Ex. 1007, code (57), 2:57–60. As shown in Amidon's Figures 4 and 5, Amidon's social network conference connects users to facilitate messaging about a situation, i.e., a "Game Conversation." Ex. 1053 ¶ 17; Ex. 1007, Figs. 4, 5; Reply 9–10.

We, therefore, determine that, on the record before us, Petitioner's cited evidence sufficiently supports its contentions regarding this limitation.

d) Limitation [12.C]

Limitation [12.C] recites "automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node, the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network and assigned an access level according to a role of the respective individual within the situational network." Ex. 1001, 33:54–60. Petitioner contends that the combination of Amidon and Walsh teaches this limitation. Pet. 17.

Petitioner contends that Amidon's conferencing client 30 teaches the recited "personal information aggregator" that "correspond[s] to a different node in the multi-dimensional personal information network." Pet. 17–18 (citing Ex. 1003 ¶¶ 81–82; Ex. 1007, 8:14–19, 16:16–22, Fig. 2) (emphasis omitted). According to Petitioner, conferencing client 30, which may include cellular telephones, are "personal information aggregators" because they "provide[] a user with the ability to store, organize and control personal information." *Id.* at 18–19 (citing Ex. 1007, 9:9–22, 16:16–22; Ex. 1001, 7:52–54; Ex. 1003 ¶ 83).

Petitioner further contends that Amidon teaches "automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node" by connecting participants to a conference (the "event node"), such that users may communicate with each other. Pet. 19 (citing Ex. 1007, 2:60–63, 8:14–19, 19:54–61, Fig. 6B; Ex. 1003 ¶¶ 84). Petitioner contends that Amidon teaches that "the personal information aggregators each [are] . . . assigned an access level according to a role of the respective individual within the situational network" because Amidon

discloses that users may have different access levels. *Id.* at 19–20 (citing Ex. 1003 ¶ 85; Ex. 1007, 13:8–29) (emphasis omitted).

Patent Owner does not present arguments specific to this limitation. *See generally* PO Resp.

We have reviewed Petitioner's arguments and evidence on the teachings of limitation 12[C]. We determine that, on the complete record before us, Petitioner's cited evidence supports its contentions regarding this limitation.

e) Limitation [12.D]

Limitation [12.D] recites "creating two or more projections of the nodes of the multidimensional personal information network based at least in part on the access levels of the individuals corresponding information a aggregators." Ex. 1001, 33:61–64. Petitioner contends that the combination of Amidon and Walsh teaches this limitation. Pet. 20.

According to Petitioner, a "'projection' simply refers to a subset of users or devices within a network." Pet. 20 (citing Ex. 1003 ¶ 86); *Id.* at 20–21 (citing Ex. 1001, 16:8–9 (referring to a "'projected' view, i.e., subset of the nodes"); 14:35–37 (referring to a "'projected' view of a subset of the members . . .")) (emphasis omitted). Petitioner contends Amidon teaches this limitation because it allows users to define access levels, for example, allowing a subset of users with two degrees of separation to "fully participate" while a subset of users with four degrees of separation "may be allowed to view the conference but not participate." *Id.* at 20–21 (citing Ex. 1003 ¶ 87). Petitioner further contends that Amidon teaches that conference participation can be determined by geographic parameters, so a person of ordinary skill in the art would have understood that Amidon teaches defining

participation access levels based on location, i.e., creating "projections" of users based on the locations of user devices. *Id.* at 21–22 (citing Ex. 1003 ¶ 88; Ex. 1007, 12:58–65, 13:23–29).

Patent Owner does not present arguments specific to this limitation. *See generally* PO Resp.

We have reviewed Petitioner's arguments and evidence on the teachings of limitation 12[D]. We determine that, on the complete record before us, Petitioner's cited evidence supports its contentions regarding this limitation.

f) Limitation [12.E]

Limitation [12.E] recites "aggregating information related to the situation received from the personal information aggregators connected through the situational network." Ex. 1001, 34:1–3. Petitioner contends that the combination of Amidon and Walsh teaches this limitation. Pet. 22. Specifically, Petitioner contends that users participating in the conference can share messages and content for display within a conference window. *Id.* at 22–23 (citing Ex. 1007, 2:57–63, 17:22–26, 18:66–19:1, Fig. 5; Ex. 1003 ¶¶ 89–91).

Patent Owner does not present arguments specific to this limitation. *See generally* PO Resp.

We have reviewed Petitioner's arguments and evidence on the teachings of limitation 12[E]. We determine that, on the complete record before us, Petitioner's cited evidence supports its contentions regarding this limitation.

g) Limitation [12.F]

Limitation [12.F] recites "providing the information and at least one of a plurality of advertisements to each of the information aggregators based on which of the two or more projections includes the respective personal information aggregator." Ex. 1001, 34:4–7. Petitioner contends the combination of Amidon and Walsh teaches this limitation. Pet. 23.

Specifically, Petitioner contends that Amidon discloses that the participation policy (e.g., users who are moderators or users who are participants but not moderators) may specify participation and visibility of messages at the thread/discussion level or message by message basis, which teaches providing the information to user devices based on which projection includes the user. Pet. 24 (citing Ex. 1007, 13:14–21, 13:30–33; Ex. 1003 ¶ 93). Further, Petitioner contends that a person of ordinary skill in the art would have understood that Amidon teaches providing information to users based on any desired projection because Amidon teaches that visibility of information can be controlled at any desired degree of granularity. *Id.* at 25 (citing Ex. 1003 ¶ 94; Ex. 1007, 13:8–33).

Petitioner further contends that Walsh teaches providing advertisements that have been selected for each user in the advertisement display portion of the user interface. Pet. 25 (citing Ex. 1008, 13:30–33, 6:17–20; Ex. 1003 ¶ 95). Petitioner argues that Walsh also discloses that the advertisements are "based on which of the two or more projections includes the respective personal information aggregator" because Walsh discloses providing advertisements based on location. *Id.* at 25–26 (citing Ex. 1003 ¶ 95; Ex. 1008, Fig. 1).

Petitioner contends that it would have been obvious to a person of ordinary skill in the art to combine Amidon and Walsh because a person of ordinary skill in the art would have recognized the well-known benefits to providing targeted advertisements as disclosed in Walsh, such as generating ad revenue. Pet. 10 (citing Ex. 1003 ¶¶ 39–47, 68). Petitioner contends that a person of ordinary skill in the art would have had a reasonable expectation of success in incorporating Walsh's targeted advertising into Amidon's conference system because it "would amount to nothing more than incorporating well-known techniques (selecting an[d] displaying relevant advertisements to a user) into Amidon's known conferencing system." *Id.* (citing Ex. 1003 ¶ 69). Petitioner states that Walsh itself discloses how to make the combination, by illustrating Amidon's conference interface with an incorporated advertisement display. *Id.* (citing Ex. 1008, Fig. 1; Ex. 1003 ¶ 69).

Patent Owner does not present arguments specific to this limitation. *See generally* PO Resp.

We have reviewed Petitioner's arguments and evidence on the teachings of limitation 12[F]. We determine that, on the complete record before us, Petitioner's cited evidence supports its contentions regarding this limitation.

h) Conclusion for Independent Claim 1

Weighing the record as a whole in view of the findings and analysis above, we conclude that Petitioner has met its burden to show, by a preponderance of the evidence, that claim 1 is unpatentable under 35 U.S.C. § 103(a) over Amidon and Walsh.

4. Claims 14–19 and 21

Petitioner contends that the combination of Amidon and Walsh renders obvious dependent claims 14–19 and 21. Pet. 26–37. In support, Petitioner identifies certain passages and figures in the references and explains their significance with respect to the corresponding claim limitation. *Id.* Patent Owner does not separately challenge Petitioner's contentions as to claims 14–19 and 21. *See generally* PO Resp. We have reviewed the argument and evidence provided and conclude that Petitioner has met its burden to show, by a preponderance of the evidence, that claims 14–19 and 21 would have been obvious over Amidon and Walsh.

E. Ground 2: Alleged Obviousness Over Amidon, Walsh, and Shahine

Petitioner contends that claim 13 would have been obvious over the combination of Amidon, Walsh, and Shahine. Pet. 37–42. Claim 13 depends from claim 12 and further recites "wherein the plurality of advertisements are received from at least one advertising agency." Ex. 1001, 34:8–9. Petitioner relies on Shahine to teach this limitation, to the extent that it is not taught by the combination of Amidon and Walsh. Pet. 39–42. Specifically, Shahine discloses that a "service provider system 100" that "include[s] an advertiser server 150 for receiving advertising content and targeting data from advertisers via a computing device." Ex. 1015, 5:32–34. Petitioner also contends, with supporting testimony from Dr. Jansen, that it would have been obvious to combine Amidon, Walsh, and Shahine to allow Walsh's "comparison of available ads to the session profile" to be performed. Pet. 42 (citing, e.g., Ex. 1003 ¶¶ 132–135). Dr. Jansen also testifies that, "at the time of the '932 patent, advertising services such as Walsh's typically employed ad servers that received and stored

advertisements from various advertising entities for distribution to users." *Id.* (citing Ex. 1003 ¶¶ 48–50, 132–134). Patent Owner does not separately dispute Petitioner's contentions as to these challenges. PO Resp. 10–11.

We have reviewed the argument and evidence provided and conclude that Petitioner has met its burden to show, by a preponderance of the evidence, that claim 13 would have been obvious over Amidon, Walsh, and Shahine.

F. Ground 3: Alleged Obviousness Over Amidon, Walsh, and Jones

Petitioner contends that claim 20 would have been obvious over the combination of Amidon, Walsh, Shahine, and Jones. Pet. 42–43. Claim 20 depends from claim 12 and recites "wherein the situation is a weather phenomenon." Ex. 1001, 34:30–31. Petitioner relies on Jones to teach this limitation. Pet. 42–43. Specifically, Petitioner argues that Jones teaches connecting users via an Internet chat-room in response to "a weather phenomenon." *Id.* Petitioner contends that a person of ordinary skill in the art would have found it obvious to use Amidon's conferencing system to host conferences relating to weather events because, among other things, it is already equipped to support such conferences. *Id.* at 43 (citing, e.g., Ex. 1003 ¶ 139). Patent Owner does not separately dispute Petitioner's contentions as to these challenges. PO Resp. 11.

We have reviewed the argument and evidence provided and conclude that Petitioner has met its burden to show, by a preponderance of the evidence, that claim 20 would have been obvious over Amidon, Walsh, Shahine, and Jones.

IV. CONCLUSION

For the foregoing reasons, we are persuaded that Petitioner has established by a preponderance of the evidence that claims 12–21 of the ’932 patent are unpatentable.

Claims	35 U.S.C. §	References/Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
12, 14–21[13]	103(a)	Amidon, Walsh	12, 14–19, 21	
13	103(a)	Amidon, Walsh, Shahine	13	
20	103(a)	Amidon, Walsh, Shanine, Jones	20	
Overall Outcome			12–21	

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 12–21 of the ’932 patent have been shown to be unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to this proceeding seeking judicial review of our Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

[13] Because we determine that Petitioner has shown that the combination of Amidon, Walsh, Shahine, and Jones renders obvious dependent claim 20, we do not reach Petitioner’s contentions that the combination of Amidon and Walsh renders obvious claim 20.

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Patent 8,249,932 B1

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