

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
PRELIMINARY RESPONSE**

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2003	Amended Complaint Exhibit 1, <i>SitNet LLC v. Meta Platforms, Inc.</i> , 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”)
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2010	U.S. Patent Application Publication No. 2007/0282621 (“Altman ’621”)
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I. INTRODUCTION

Institution should be denied as petitioner Meta Platforms, Inc. (“Meta” or “Petitioner”) fails to show that its asserted combinations teach the features claimed by the patent-at-issue, SitNet LLC’s (“SitNet” or “Patent Owner”) U.S. Patent No. 12,256,463 (the “’463 Patent” or “Patent”). The Petition’s lackluster attempt glosses over key limitations and does not support or explain its arguments with required specificity.

Petitioner’s first ground relies on a combination of Kraft and Altman but fails to show numerous limitations. For example, the Petition does not demonstrate that Kraft teaches an “event node” that is “discoverable ... *by browsing a data feed*,” and does not even prove that Kraft has a “data feed” to begin with. *See* §IV.A. Next, the Petition seems to ignore the claim requirement of “user devices *associated with* ... user nodes,” and provides no explanation of how this would be met. *See* §IV.B. The Petition further fails to point to any disclosure of creating a subset of user nodes “based on a determination” of “geographic proximity” to a situation, and instead simply argues that the asserted art *allows for* the limitation. *See* §IV.C. Finally, the Petition improperly maps the same teaching of Kraft creating an entity on two separate limitations— “obtaining an indication of an occurrence of a situation,” and “establishing an event node corresponding to the situation.” *See* §IV.D.

Petitioner’s second and third grounds are based primarily on Wong and Gogic, but fail for many of the same reasons as the first ground. The Petition does not show teachings of an “event node” that is “discoverable ... *by browsing a data feed*” or “user devices *associated with* ... user nodes.” See §§V.A-B. These grounds also do not show that Gogic teaches creating a subset of user nodes “based on a determination” of “geographic proximity” or that it would have been obvious to add Gogic’s teachings to Wong. See §V.C.

II. 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 ¶22.

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

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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 '325 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).

Petitioner Meta served invalidity contentions in mid-February 2026, and the Parties are preparing to exchange claim terms and constructions in March 2026.

C. The Previous IPRs And Federal Circuit Appeals

In early 2024 Meta filed IPR petitions against several patents related to the '463 Patent, including:

- U.S. Patent No. 8,332,454 (the “'454 Patent”), challenged in IPR2024-00529 (the “-529 IPR”)
- U.S. Patent No. 9,877,345 (the “'345 Patent”), challenged in IPR2024-00530 (the “-530 IPR”)

- U.S. Patent No. 8,249,932 (the “’932 Patent”), challenged in IPR2024-00612 (the “-612 IPR”)

See Pet. at 76. SitNet is appealing the final written decisions in the -529 IPR, -530 IPR, and -612 IPR (the “SitNet Appeals”). Those appeals are currently pending before the Federal Circuit.¹

III. CLAIM CONSTRUCTION

Patent Owner submits that no claim construction is necessary in order for the Director to deny institution on the merits. *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. v. Am. Sci. & Eng’g*, 200 F.3d 795, 803 (Fed. Cir. 1999))). Patent Owner reserves the right to present claim constructions if trial is instituted.

Additionally, as discussed above, the SitNet IPR Appeals are currently pending before the Federal Circuit. If those proceedings result in a decision that involves claim construction, Patent Owner reserves the right to address how those constructions impact this IPR.

¹ Meta also filed two IPRs against U.S. Patent No. 8,249,932. The decisions in those IPRs are not being appealed.

IV. PETITION’S GROUND 1 COMBINATION OF KRAFT AND ALTMAN FAILS TO SHOW A REASONABLE LIKELIHOOD OF PREVAILING

A. The Petition Fails to Demonstrate That Kraft Teaches An “Event Node” That Is Discoverable Through A “Data Feed.” (All Claims).

Each of the ’463 claims requires an “event node” that is “discoverable to each respective user device ... *by browsing a data feed* provided based on the database” Ex. 1001 at 34:35-41 (claim 1), 35:46-52 (claim 7).²

The Petition relies solely on Kraft for this limitation, contending that the claimed “data feed” is met by Kraft’s “search results Web page” that is returned in response to a “search query” for entities near a specific location. Pet. at 22-23; *see also id.* at 34 (relying on claim 1 arguments for the “substantially ... same” elements in claim 7). But Petitioner does not show that Kraft’s “search results Web page” is a “data feed” as claimed.

It is indisputable that Petitioner bore the burden of identifying in the petition both “[h]ow the challenged claim is to be construed” and “[h]ow the construed claim is unpatentable” under the asserted grounds. *See* 37 C.F.R. § 42.104(b)(3)-(4). Petitioner contends that “no claim terms” in the ’463 Patent require construction for this IPR, and that generally “[c]laims must be given their ordinary and customary meaning in light of the specification.” Pet. at 6-7. But Petitioner does not explain

² All emphasis herein is added unless otherwise noted.

how the ordinary and customary meaning of the claimed “data feed” in light of the ’463 Patent’s specification would include Kraft’s “search results Web page.”

Petitioner contends that Kraft’s search results are “consistent with the ’463 patent’s use of the term ‘data feed’” because the ’463 Patent does not limit the “form of a data feed.” Pet. at 23. But this is irrelevant to whether Kraft’s “search results Web page” is a “data feed” to begin with. Petitioner also points to the ’463 Patent’s disclosure of a personal information aggregator or “PIA” (e.g., user device) “request[ing] the data feed from the External Entity” and receiving “the requested data feed” in a “provideData message.” Ex. 1001 at 12:52-64; Pet. at 23 (citing same). But Petitioner fails to explain how the ability of Kraft’s “search results Web page” to be requested and received—which is generally true of *any* electronically stored information—makes it a “data feed.”

Finally, the Petition points to a discussion in the ’463 Patent of an embodiment where, if the user’s PIA cannot automatically be connected to the event node, the “event node may be discovered” by a user’s PIA either “searching or crawling the network for information about the situation or event.” Ex. 1001 at 20:38-51; Pet. at 23. Petitioner, however, does not explain how this disclosure of one way to “discover[.]” the “event node” (by “searching ... the network”) means that Kraft’s “search results Web page” teaches the claimed “data feed.” Indeed, the Federal Circuit has long recognized that claims “need not cover all embodiments.” *Intamin*,

Ltd. v. Magnetar Techs., Corp., 483 F.3d 1328, 1337 (Fed. Cir. 2007) (“A patentee may draft different claims to cover different embodiments.”); *see also Baran v. Med. Device Techs., Inc.*, 616 F.3d 1309, 1316 (Fed. Cir. 2010) (“It is not necessary that each claim read on every embodiment”).

Petitioner’s expert, Dr. Cooperstock, is no help either, as his declaration generally repeats Petitioner’s argument without adding any explanation of why one of skill in the art would understand Kraft’s “search results Web page” to be a “data feed,” as claimed. *Compare* Ex. 1003 ¶¶100-102 *with* Pet. at 22-23.

The Petition thus fails to demonstrate that Kraft’s “search results Web page” is a “data feed.” Accordingly, the Petition does not show that its Kraft-Altman combination teaches an “event node” that is “discoverable to each respective user device ... *by browsing a data feed* provided based on the database” as required by the claims.

B. The Petition Does Not Show That Kraft Teaches “User Devices Associated With ... User Nodes.” (All Claims).

The claims require “a plurality of user nodes” and “a plurality of user devices *associated with* the plurality of user nodes.” Ex. 1001 at 34:26-38 (claim 1); *id.* at 35:37-49 (claim 7). This association between user nodes and user devices allows the ’463 Patent’s system to determine which user nodes should be connected to the situational network and receive information about the situation—e.g., the user nodes whose *associated* user devices that are in geographic proximity to the situation. *See*

e.g., Ex. 1001 at 21:38-64 (describing embodiments managing connections based on “geographic location” of the user, which may be “monitored using a geographic positioning device” in the user’s “PIA” device); Ex. 1001 at 34:44-45 (“creating a first subset of ... user nodes based on ... geographic proximity to the situation” of devices “associated” with those nodes). In other words, by associating user nodes with particular devices, the system is able to tell which users are close to a situation, such as an earthquake or fire, and then provide helpful information about the situation to those users.

The Petition relies solely on Kraft for this limitation, arguing that Kraft teaches “Person entity models” corresponding to the claimed “user nodes,” and “client systems” that meet the claimed “user devices.” Pet. at 21-22; *see also id.* at 34 (relying on claim 1 arguments for claim 7). But the Petition does not show that Kraft’s Person entity models are ever “associated with” particular client systems as required by the ’463 claims. *Id.*

Petitioner contends that the ’463’s “user devices” are met by Kraft’s “client system[s] 120.” Pet. at 21. Petitioner argues that Kraft’s client system 120 could be a range of devices (“includ[ing] a **desktop personal computer, workstation, laptop, personal digital assistant (PDA), cell phone, or any WAP-enabled device or any other computing device**”) and runs a “client application 125” for communicating with Kraft’s servers. *Id.* at 21-22 (emphasis in original). Petitioner

also argues that a “world model participant” in Kraft can create “one or more ‘**Person entity models**’ (*user nodes*) via client application 125 ‘to represent himself or herself in the world model.’” *Id.* (emphasis in original) (citing Ex. 1005 at 14:1-17, 15:23-28).

But the Petition does not explain—or even clearly allege—that Kraft’s Person entity models are “associated with” particular client systems. Pet. at 21-22. Indeed, while Kraft’s participants may use a client application running on a client system to create their Person entity model, Petitioner does not point to any disclosure in Kraft of an association between a Person entity model and a particular client system after the entity model has been created and “committed ... to world model data store 162.” Pet. at 21-22; Ex. 1005 at 16:52-59; *see also id.* (noting some embodiments where new entity models are “stored on client system 120 during process 600” for creating an entity “and communicated to world server 160 at step 616”).

Dr. Cooperstock’s declaration does not fill this gap, as he again simply repeats Petitioner’s argument without adding anything of substance. *Compare* Ex. 1003 ¶¶ 98-99 *with* Pet. at 21-22.

The Petition thus fails to demonstrate that Kraft teaches “a plurality of user devices *associated with* the plurality of user nodes.”

C. The Petition’s Ground 1 Does Not Show A Teaching Of “Creating A First Subset ... Of User Nodes ... Associated With Devices That Are In Geographic Proximity To The Situation.” (All Claims).

The claims require:

creating a first subset of the plurality of user nodes based on a determination that the first subset of the plurality of user nodes is associated with devices that are in geographic proximity to the situation.

Ex. 1001 at 34:42-45 (claim 1); *id.* at 35:53-55 (claim 7). In other words, the claims require creating a subset of user nodes based on the geographic proximity to a situation of the user devices associated with those nodes.

The Petition does not argue that Kraft teaches this limitation. Pet. at 24-26. Instead, the Petition relies on Altman but fails to show that Altman creates a subset of nodes based on geographic proximity to a situation. *Id.*

Petitioner contends that Altman can “determine[] the geographic location of a mobile communications device” and “push” information to the device “if the user goes near a particular [point of interest]” or “enters a particular area.” Pet. at 24-25 (emphasis omitted) (citing Ex. 1006 ¶¶8, 55, 61); *see also id.* at 34 (relying on claim 1 arguments for claim 7). But this does not show creating any “subset” of “user nodes,” much less creating a subset “based on” “geographic proximity to [a] situation” as claimed. At most, it teaches determining whether a particular user goes into a particular area.

In fact, the Petition does not appear to argue that these teachings in Altman *disclose* the claimed limitation. Instead, Petitioner contends that:

a POSA would have understood that Altman’s techniques *allow for* identification of users within a particular geographic proximity to an event and provide information to that subset of users.

Pet. at 25. Essentially, Petitioner is arguing that Altman’s system would *allow for* the claimed “creating a first subset” step to be performed—not that Altman *teaches* the claimed step being performed. But that is not enough to satisfy Petitioner’s burden. The Office has made clear that it will “no longer waive the requirement ... that a petition for inter partes review ... ‘must specify where each element of the claim is found in the prior art patents or printed publications relied upon.’” Ex. 2011 at 1 (quoting 37 C.F.R. § 42.104(b)(4)). Petitioner has not satisfied this requirement because it has not shown where in Altman this claim element is found.

Petitioner’s argument also fails to prove that Altman’s “techniques” even “allow for” the claimed step to be performed. Indeed, the Petition’s only cited support is Dr. Cooperstock, who merely parrots the Petition’s conclusory argument verbatim. *Compare* Pet. at 25 *with* Ex. 1003 ¶106. The Board often rejects such conclusory testimony. *See, e.g., Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9, 15 (PTAB Aug. 24, 2022) (precedential) (denying institution when expert’s “cited declaration testimony is conclusory and unsupported, adds little to the

conclusory assertion for which it is offered to support, and is entitled to little weight.”); 37 C.F.R. § 42.65.

The Petition finally argues that “a POSA would have been motivated to employ Altman’s geolocation-based, user-identification techniques in Kraft’s system to identify and connect users to events in close proximity, i.e.,” the creating a first subset limitation. Pet. at 25. But as explained, Altman does not teach this limitation to begin with. Petitioner’s attempt to modify Kraft with something that Altman does not teach is the epitome of hindsight bias. *Grain Processing Corp. v. Am. Maize-Products Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988) (“Care must be taken to avoid hindsight reconstruction by using the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit.”) (internal quotation marks omitted).

The Petition therefore fails to show that its Ground 1 teaches “creating a first subset ... of user nodes ... associated with devices that are in geographic proximity to the situation.”

D. The Petition Improperly Relies On The Same Disclosure In Kraft For Two Different Limitations. (All Claims).

Method claims 1-6 require:

- [1.B] “obtaining an indication of an occurrence of a situation,” and
- [1.C.1] “establishing an event node corresponding to the situation.”

Ex. 1001 at 34:31-36 (independent claim 1).³ Systems claims 7-12 similarly require “one or more central processing units ... configured to”:

- [7.A.2] “obtain an indication of an occurrence of a situation,” and
- [7.A.4] “establish[] an event node corresponding to the situation.”

Id. at 35:41-46.

For the “establishing an event node” limitation, Petitioner relies on Kraft’s teaching of a “participant” creating an “event entity model” (alleged “event node”). Pet. at 19-20. In particular, Petitioner contends that the limitation is taught because in Kraft:

“[A]fter all information has been entered, **the participant commits the new entity model to world model data store 162**”—i.e., “*establishing an event node corresponding to the situation*”—and “it becomes accessible to other users via various search and navigation interfaces and tools.”

Pet. at 20 (citing Ex. 1005, 16:52-57) (emphasis and italics in original); *see also id.* at 34 (relying on claim 1 arguments for claim 7).

For the claimed “obtaining an indication of an occurrence of a situation,” however, Petitioner relies on the same teaching in Kraft of a “participant” creating an “event model.” The Petition argues that:

³ This Preliminary Response uses Petitioner’s limitation numbering for consistency.

Kraft's system "*obtain[s] an indication of an occurrence of a situation*" by receiving the data pertaining to the new entity: "[A]fter all information has been entered, **the participant commits the new entity model to world model data store 162,**" and "it becomes accessible to other users via various search and navigation interfaces and tools"

Pet. at 18 (citing Ex. 1005, 16:52-57) (emphasis and italics in original); *id.* at 34.

But the Petition fails to explain how the same disclosure in Kraft of a "participant commit[ting] the new entity model to world model data store 162" teaches both the claimed "obtaining an indication of an occurrence of a situation," and "establishing an event node corresponding to the situation." *Amgen Inc. v. Sandoz Inc.*, 923 F.3d 1023, 1028-29 (Fed. Cir. 2019) (claim requiring separate "eluting" and "washing" steps not infringed by process that "only uses one step and one solution.")). Indeed, if "obtaining an indication of a situation" was met simply by a user "establishing an event node corresponding to the situation," it would render the "obtaining" step meaningless. *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 801, 810 (Fed. Cir. 2021) ("It is highly disfavored to construe terms in a way that renders them void, meaningless, or superfluous.") (quoting *Wasica Fin. GmbH v. Continental Automotive Sys., Inc.*, 853 F.3d 1272, 1288 n.10 (Fed. Cir. 2017)).

The Petition also contends that Altman discloses the "obtaining" limitation by creating "events." Pet. at 18-19. But the Petition does not expressly argue that it would have been obvious to add this teaching to Kraft, much less explain how or

why one of skill in the art would do so. *Id.*; *In re Stepan Co.*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017) (obviousness requires “a motivation to make the combination and a reasonable expectation that such a combination would be successful”). Nor does Petitioner explain how Altman’s inclusion would be any different from Kraft allegedly teaching both limitations with the same disclosure—by creating “events” or “new entity models.”

Because the Petition improperly relies on the same alleged disclosure for two separate limitations, it fails to show that its Ground 1 teaches the claimed “obtaining an indication of an occurrence of a situation” and “establishing an event node corresponding to the situation.”

V. PETITION’S GROUNDS 2-3 BASED PRIMARILY ON WONG AND GOGIC FAIL TO SHOW A REASONABLE LIKELIHOOD OF SUCCESS

A. The Petition Fails to Demonstrate That Wong Teaches An “Event Node” That Is Discoverable Through A “Data Feed.” (All Claims).

The ’463 claims require an “event node” that is “discoverable to each respective user device ... *by browsing a data feed* provided based on the database” Ex. 1001 at 34:36-41 (claim 1), 35:46-52 (claim 7).

Similar to Ground 1, the Petition relies solely on its primary reference—Wong—for this limitation. Pet. at 58-59; *id.* at 67-68 (relying on claim 1 arguments for matching elements in claim 7); *id.* at 74-75 (not separately arguing limitation in Ground 3). Just like in Ground 1, the Petition contends that the claimed “data feed”

is met by search results. *Id.* And just like in Ground 1, the Petition does not explain why a POSITA would understand the alleged search results to be a “data feed.”

Here, the Petition argues that Wong allows users to search for “existing nodes” and that nodes can be viewed “graphically” or as a “list.” Pet. at 58-59 (citing Ex. 1007 ¶¶22, 28, 35). Petitioner then asserts that when a user searches for a node, “Wong’s system allows ‘*each respective user device*’ to ‘*brows[e] a data feed*’ by presenting a list or graphical display of nodes matching the search query.” Pet. at 59 (italics and quotation edit in original). But Petitioner does not even attempt to explain why one of skill would understand Wong’s “list or graphical display” search results to be a “data feed,” as claimed. *Id.*

Instead, the Petition simply cites two paragraphs of Dr. Cooperstock’s declaration without explanation. Pet. at 59 (citing Ex. 1003 ¶¶201-202). The first of these paragraphs (¶201) simply repeats Petitioner’s conclusory argument that Wong’s search results are a “data feed.” *Compare* Pet. at 59 *with* Ex. 1003 ¶201; *Xerox*, IPR2022-00624, Paper 9 at 15) (conclusory and unsupported expert testimony “is entitled to little weight”); 37 C.F.R. § 42.65. The second paragraph (¶202) contains almost a full page of argument that is not discussed in the Petition’s Ground 2 argument whatsoever and is thus improperly incorporated by reference. *See Cisco Systems, Inc. v. C-Cation Techs., LLC*, IPR2014-00454, Paper 12 at 8 (PTAB Aug. 29, 2014) (informative) (“using footnotes to cite large portions of

another document, without sufficient explanation of those portions, amounts to incorporation by reference.”); 37 C.F.R. § 42.6(a)(3) (“Arguments must not be incorporated by reference from one document into another document.”)

Even if this improperly incorporated portion of Dr. Cooperstock’s declaration is considered, it fails to show that one of skill would understand Wong’s search results to be a “data feed.” In fact, Dr. Cooperstock simply raises the same flawed argument from Ground 1, that the ’463 Patent does not “limit the form of a data feed,” the ’463’s “data feed” and Wong’s search results can both be requested by a user, and the ’463 includes an embodiment where the event node may be discovered by searching the network. Ex. 1003 ¶202. But as explained above, not limiting the type of data feed required says nothing about whether search results (such as Wong’s) are data feeds to begin with. *See* §IV.A. Similarly, the ability of Wong’s search results to be requested does not make them a “data feed.” And finally, an embodiment where an event node is discovered by “searching or crawling the network” does not mean that Wong’s search results satisfy the claimed “data feed.” *Id.*

The Petition thus fails to demonstrate that Wong’s “list or graphic display” search results meet the claimed “data feed.” Accordingly, the Petition does not show that its Ground 2-3 combinations teach an “event node” that is “discoverable to each

respective user device ... *by browsing a data feed* provided based on the database” as required by the claims.

B. The Petition Does Not Show That Wong Teaches “User Devices Associated With ... User Nodes.” (All Claims).

The claims require “a plurality of user nodes” and “a plurality of user devices *associated with* the plurality of user nodes.” Ex. 1001 at 34:26-38 (claim 1); *id.* at 35:37-49 (claim 7). As explained above, this association between user nodes and user devices allows the claimed invention to determine which user nodes should receive information about the situation—i.e., the user nodes whose *associated* user devices “are in geographic proximity to the situation.” *See* §IV.B.

The Petition relies on Wong for this limitation, but just like Ground 1, the Petition fails to show that Wong’s alleged user devices are “associated with” user nodes. Pet. at 57-58; *id.* at 67-68 (relying on claim 1 arguments for matching elements in claim 7); *id.* at 74-75 (not separately arguing limitation in Ground 3).

Petitioner contends that Wong’s users have “computer terminals 14” (alleged user devices) that can communicate over a network. Pet. at 57 (citing Ex. 1007 ¶17). Petitioner then argues that when a user registers in Wong’s system, the system creates a “‘node’ 30 ... for the user.” *Id.* at 58 (citing Ex. 1007 ¶18). But the Petition does not expressly argue that Wong’s “node 30” is ever *associated with* any particular “computer terminal 14.” *Id.* at 57-58. Instead, the Petition simply glosses over that part of the limitation and moves on. *Id.*

Dr. Cooperstock's declaration does not save the Petition as he simply repeats Petitioner's argument without adding anything of substance. *Compare* Ex. 1003 ¶¶ 198-199 *with* Pet. at 57-58.

The Petition thus fails to demonstrate that Wong teaches “a plurality of user devices *associated with* the plurality of user nodes” as required by the claims.

C. The Petition Fails To Show That Wong and Gogic Render Obvious “Creating A First Subset ... Of User Nodes Based On A Determination That The ... User Nodes [Are] Associated With Devices ... In Geographic Proximity To The Situation.” (All Claims).

The claims require:

creating a first subset of the plurality of user nodes based on a determination that the first subset of the plurality of user nodes is associated with devices that are in geographic proximity to the situation.

Ex. 1001 at 34:43-45 (claim 1); *id.* at 35:53-55 (claim 7). In other words, the claims require a “determination” of which user nodes' associated devices are in “geographic proximity to the situation,” and creating a subset of nodes based on that determination.

The Petition does not contend that Wong (or Kraft in Ground 3) teach the claimed “determination.” Pet. at 59-60, 67-68, 74-75. Instead, it relies on Gogic, arguing that Gogic's system transmits “invitations” for users to join a “communication group,” and joins users “within geographic proximity to the event

upon acceptance of the invitation.” *Id.* at 59 (citing Ex. 1008, 4:30-39, 10:18-50, 10:62-11:9, Abstract). The Petition then contends that:

Gogic expressly teaches “*determin[ing] that the first subset of the plurality of user nodes is associated with devices that are in geographic proximity to the situation*” by evaluating “group membership location criteria” prior to joining user to the group.

Pet. at 59-60 (citing Ex. 1008, 10:26-11:9) (italics and quotation edit in original). But Gogic’s system does not perform an evaluation or determination of a group of users prior to adding them to a group. Instead, it teaches sending a broad, indiscriminate invitation to all users, after which the individual user’s device evaluates whether its own location meets the criteria. *See* §V.C.1. Additionally, the Petition fails to show how Gogic’s alleged teachings could be implemented in Wong to meet the limitation. *See* §V.C.2.

The Petition also makes a cursory allegation—in a footnote—that Gage teaches this limitation. But the Petition fails to explain its contention and further fails to show that it would have been obvious to add any such teaching to Wong. *See* §V.C.3.

1. Gogic’s Indiscriminate Invitations Do Not Disclose Determining That A Subset Of Nodes Are “Associated With Devices That Are In Geographic Proximity To The Situation.”

The Petition contends that Gogic “expressly teaches” the claimed determination that a “*first subset of the plurality of user nodes is associated with*

devices that are in geographic proximity to the situation,’ by evaluating ‘group membership location criteria” prior to joining users to the group.” Pet. at 59-60.

But Gogic teaches that when an emergency is detected:

[Communications Manager] 404 transmits 420 **a broad or indiscrimina[te] or generalized invitation** to join a group **to all recipient [Communication Devices]** with their invitation acceptance being conditional upon the [Communication Device] qualifying according to the location criteria also transmitted in the broad indiscrimina[te] invitation.

Ex. 1008 at 10:45-50. Indeed, the Petition relies on Gogic broadcasting this indiscriminate invitation for the ’463 Patent’s subsequent limitation (presenting the information pertinent to the situation to devices associated with the first subset of the plurality of user nodes). Pet. at 60-61.

Unlike the claimed invention, Gogic does not make a determination that a subset of nodes are associated with devices that are near a situation. Instead, Gogic simply sends invitations to every user device, and then lets the individual devices themselves check whether they meet the location criteria and can be added to the group. Ex. 1008 at 10:62-66 (each communication device calculates and evaluates its “location against the group membership location and “determine[s] qualification for acceptance of the invitation”). Once a communication device confirms it meets

that criteria and accepts the invitation, Gogic’s system (specifically the dispatcher) simply adds the device to the group list without question. *Id.* at 10:66-11:7.

Thus, Gogic does not teach “a determination that the ... user nodes [are] associated with devices ... in geographic proximity to the situation,” as claimed.

2. No Showing Of How Wong Could Be Modified To Meet The Limitation.

Even if Gogic did teach “a determination that the ... user nodes [are] associated with devices ... in geographic proximity to the situation”—and it clearly does not—the Petition would still fail to show how that could be implemented in Wong’s system.

As explained above, the Petition does not point to any disclosure in Wong of user nodes being “associated with” particular devices, much less tracking the location of those devices. *See* §IV.B, *supra*; Pet. at 57-58. Petitioner does not explain how Wong could possibly create a subset of nodes based on a determination that the user nodes’ associated devices are “in geographic proximity to the situation,” without both knowing what devices are associated with what user nodes and having the ability to determine the locations of those devices. *Id.* at 59-60.

The Petition does not contend that it would have been obvious to modify Wong to associate each user with specific devices and keep track of the location of all users’ devices, much less explain how this would be done. Pet. at 59-60, 44-48; *Innoscence (Zhuhai) Technology Company, Ltd. et al. v. Efficient Power Conversion*

Corporation, IPR2023-01383, Paper 39 at 36 (PTAB Mar. 18, 2025) (“Petitioner fails [to] sufficiently explain why or how a POSITA would have modified Yoshida’s process to incorporate Beach’s single mask, self-aligned gate process to form Yoshida’s device using the method recited in claim 1”); *see also Reed Semiconductor Corp. v. Monolithic Power Sys., Inc.*, IPR2024-00871, Paper 6 at 32 (PTAB Nov. 26, 2024) (denying institution where “Petition does not explain adequately how or why Galinski would have been modified so as to arrive at the claimed invention”). Nor does the Petition even attempt to explain why Wong’s users would agree to let Wong constantly track where they are and what devices they are using. *Id.*

For this additional reason, the Petition fails to show that its Ground 2-3 combinations meets the claimed “determination that the ... user nodes [are] associated with devices ... in geographic proximity to the situation.”

3. Petitioner’s One-Sentence Footnote On Gage Fails To Fill This Missing Limitation.

As explained above, the Petition fails to show that Gagic teaches “a determination that the ... user nodes [are] associated with devices ... in geographic proximity to the situation.” The Petition also includes a footnote asserting that:

Gage similarly teaches this element by determining a subset of users “affected by the disaster” based on “location information from mobile devices.”

Pet. at 60 n. 1 (citing Ex. 1009 ¶36). But Petitioner cannot realistically expect to meet its burden to demonstrate “with particularity” how this missing limitation is met by Gage, with a single sentence tucked away in a footnote. *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (“In an IPR, the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable” (citing 35 U.S.C. § 312(a)(3)); 37 C.F.R. § 42.104(b)(4) (petition for IPR “must specify where each element of the claim is found in the prior art patents or printed publications relied upon.”)). Indeed, the Petition does not identify any alleged teaching of “user nodes” that are “associated with devices,” much less “creating a first subset” of user nodes “based on a determination that the first subset ... of user nodes is associated with devices that are in geographic proximity to the situation.” Pet. at 60 n. 1.

Moreover, the Petition does not even allege that it would have been obvious to add any such teaching from Gage to the Wong-Gogic combination. Pet. at 59-60. Nor does the Petition demonstrate that a POSITA would have been motivated to, or have a reasonable expectation of success, in making such a combination. *Id.* Instead, the Petition states that Gage’s inclusion in the asserted combination is for its alleged teaching of the ’463 Patent’s claimed “providing supplemental information” through Gage’s “subscriber status reporting” techniques. Pet. at 51.

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Accordingly, Gage does not remedy Petitioner's failure to show "a determination that the ... user nodes [are] associated with devices ... in geographic proximity to the situation."

VI. CONCLUSION

For the foregoing reasons, Patent Owner requests that the Director deny institution of the Petition.

Dated: February 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

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Patent Owner Preliminary Response (the “POPR”) consists of 5,785 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The POPR complies with the type-volume limitation of 14,000 words as mandated in 37 C.F.R. § 42.24. in preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

Date: February 20, 2026

Respectfully submitted,

/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 PRELIMINARY RESPONSE
EXHIBIT 2011**

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: February 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