

Filed on behalf of Wavemarket, Inc. d/b/a Location Labs

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Wavemarket, Inc. d/b/a Location Labs

Petitioner,

v.

Patent Owner of

U.S. Patent 6,771,970 to Dan

Case IPR TBD

**DECLARATION OF SCOTT HOTES Ph.D. FOR INTER PARTES
REVIEW OF U.S. PATENT NO. 6,771,970
PURSUANT TO 35 U.S.C. §§ 311-312 AND 37 C.F.R. §§ 42.100-106, 108**

I, Scott Hotes, do hereby declare:

1. I am making this declaration at the request of Wavemarket, Inc. d/b/a Location Labs in the matter of Petition for *Inter Partes* Review of U.S. Patent No. 6,771,970 (the "'970 Patent") to Dan Meir.

2. In the preparation of this declaration, I have studied:

- (a) U.S. Patent No. 6,771,970 (**Exhibit 1001**)
- (b) File History for U.S. Patent No. 6,771,970 (**Exhibit 1012**), and the prior art cited against the claims by the USPTO
- (c) U.S. Provisional Application No. 60/157,643 (**Exhibit 1002**)
- (d) U.S. Patent No. 6,243,039 ("Elliot") (**Exhibit 1003**)
- (e) U.S. Patent No. 6,321,092 ("Fitch") (**Exhibit 1004**)
- (f) U.S. Patent No. 6,741,927 ("Jones") (**Exhibit 1005**)
- (g) U.S. Patent No. 5,758,313 ("Shah") (**Exhibit 1006**)
- (h) A Comparison of IVHS Progress in the United States, Europe and Japan, R.L. French and Associates, February 18, 1984 (**Exhibit 1009**)
- (i) FAA Historical Chronology, 1926-1996 (**Exhibit 1008**)
- (j) Advanced Public Transportation Systems: The State of the Art Update '92, U.S. Department of Transportation Federal Transit Administration (**Exhibit 1011**)

- (k) The evolving Roles of Vehicular Navigation, Robert L. French, R.L. French and Associates, Fort Worth, Texas (1987) (**Exhibit 1010**)
- (l) Advanced Public Transportation Systems: The State of the Art Update '92, Labell et al., (April 1992); and
- (m) Petition for Inter Partes Review of U. S. Patent No. 6,771,970 Pursuant to 35 U.S.C. §§ 311-312 and 37 C.F.R. §§ 42.100-106, 108.

3. In forming the opinions expressed below, I have considered:

- (a) The documents listed above
- (b) The relevant legal standards, including the standard for anticipation and obviousness and any additional authoritative documents as cited in the body of this declaration, and
- (c) My knowledge and experience based upon my work in this area as described below.

Qualifications and Professional Experience

4. I received a bachelor's in science in mathematical physics from Case Western University in 1987 and a Ph.D. in particle physics from the University of California in 1992.

5. In 1995 I joined Silicon Graphics, an American manufacturer of high performance computing solutions, where I worked as a lead architect spearheading numerous enhancements to the SGI Irix operating system, based on the UNIX operating system, which included developing high speed networking systems and protocols, data security and cryptography for computing systems used in 3D graphics generation.

6. In 1999, I joined the Defense Department where I oversaw software development teams at Ft. Meade, MD and at the Army Research Lab at Austin, TX. I was also a lead architect implementing data mining and machine learning algorithms in Internet security and traffic modeling applications. Although my work at the defense department is classified, at a high level I developed and implemented technologies involving location detection technologies such as cellular networks, GPS (Global Positioning System), GIS (Geographic Information Systems) and data translation, security and encryption.

7. In 2001 I joined Location Labs where I am currently serving as the Chief Technology Officer and Senior Vice President of Engineering. Location Labs was formerly known as WaveMarket, Inc. and changed its name in June 21, 2010. The company was founded in 2000 and is headquartered in Emeryville, California. Since the inception of the company, I have been instrumentally involved in

developing Location Labs core products and technologies related to location-based services for mobile OEMs and handset manufacturers, phone developers, retailers, media brands/agencies, telematics, workforce management, and social media markets. I have developed technologies related to a number of location based products including family safety platform that allows parents to locate their family members from their PC or cell phone; safe driving, a service for smart phones that automatically detects when a user is driving and sets the phone into a 'driving mode' disabling texting and calling features to the handset while the car is in motion; and Sparkle, a platform that facilitates developers access to services, such as location, security, and user level controls to manage voice, data, and applications on the handset. I have also led teams in developing Geofencing, a client SDK with background processing that enables creation of a geofence, a virtual perimeter around a location of interest, and triggers an alert when an application user enters or exits this perimeter; Spatial Storage, a product that solves the problems, which developers confront while building location-aware applications; and Universal Location Service, a cross-carrier location platform with coverage across various U.S. carriers enabling developers to remotely access the location of various mobile phones.

8. I have also published in a wide range of disciplines, from discrete mathematics and elementary particle theory, to analytical chemistry and geo-

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