WAVEMARKET, INC. D/B/A/ LOCATION LABS

Petitioner,

v.

CALLWAVE COMMUNICATIONS, LLC

Patent Owner.

Case IPR2014-TBD

Patent 6,771,970

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

6,771,970 (the "'970 Patent") to Meir Dan.

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

(a) U.S. Patent No. 6,771,970 ("the '970 Patent") (Exhibit 1101)

(b) File History for U.S. Patent No. 6,771,970 (Exhibit 1111), and the prior art cited against the claims by the USPTO

(c) U.S. Provisional Application No. 60/157,643 (Exhibit 1102)

(d) U.S. Patent No. 6,243,039 ("Elliot") (Exhibit 1110)

(e) U.S. Patent No. 6,321,092 ("Fitch") (Exhibit 1105)

(f) U.S. Patent No. 6,002,936 ("Roel-Ng et al.") (Exhibit 1107)

(g) U.S. Patent No. 6,741,927 ("Jones") (Exhibit 1108)

(h) U.S. Patent No. 5,758,313 ("Shah") (Exhibit 1109)

(i) Decision - Institution of Inter Partes Review - 37 C.F.R. §42.108 dated May 9, 2014 ("Decision"; Exhibit 1104)

(l) The Evolving Roles of Vehicular Navigation, Robert L. French, R.L. French and Associates, Fort Worth, Texas (1987) (Exhibit 1114)

(m) Ericsson Review, No. 4, 1999 - The Telecommunications Technology Journal -- "Ericsson's Mobile Location Solution" ("Ericsson Publication") (Exhibit 1115)

(n) 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 (to be filed with this Declaration).

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.

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.

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

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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