

Exhibit 2103

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner

v.

LOCATIONNET SYSTEMS, LTD.

Patent Owner

Case IPR2014-00199

U.S. Patent 6,771,970

**PETITIONER'S REQUEST FOR REHEARING
PURSUANT TO 37 C.F.R. §§ 42.71(c)–(d) FOR PARTIAL
RECONSIDERATION OF THE DECISION TO INSTITUTE**

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I. Introduction

Petitioner respectfully requests rehearing of the Board’s Decision of May 9, 2014 (Paper No. 18; “Decision”), to not review claims 1–17 and 19, as anticipated or rendered obvious by U.S. Patent No. 6,321,092 to Fitch (“Fitch”) alone or in combination with other references.¹ First, the Decision overlooked or misapprehended the fact that the Petition mapped the recited “*location determination system*” to several components in “platform 114,” not just a single one of the components in platform 114. Second, with respect to claims 14, 16 and 19, the Board additionally overlooked or misapprehended the fact that those claims recite methods detached from any particular structure.

II. Standard of Review for Rehearing

Under 37 C.F.R. § 42.71(c), “[w]hen rehearing a decision on petition, a panel will review the decision for an abuse of discretion.” The Federal Circuit has held that “[a]n abuse of discretion occurs where the decision is based on an

¹ Although Petitioner believes that each of proposed grounds presents a reasonable likelihood of prevailing, Petitioner limits this request to the grounds relying on Fitch alone or in combination with Jones, Shah, or Elliot. Petitioner does not concede that the Elliot-based grounds fail to establish a reasonable likelihood of prevailing with respect to the challenged claims or are redundant.

erroneous interpretation of the law, on factual findings that are not supported by substantial evidence, or represents an unreasonable judgment in weighing relevant factors.” *Gose v. United States Postal Service*, 451 F.3d 831, 836 (Fed. Cir. 2006) (internal quotations omitted); *see also, O’Keefe v. U.S. Postal Service*, 318 F.3d 1310, 1314 (Fed. Cir. 2002) (“The Board necessarily abuses its discretion when it rests its decision on factual findings unsupported by substantial evidence.”) (internal quotations omitted).

III. The Board Misapprehended or Overlooked the Fact that the Petitioner Pled Facts Demonstrating that LFS/LM (116/214) Cooperates with Other Components of Platform 114 to Teach the “*location determination system*” of Claim 1

The Decision alleged,

Petitioner does not direct us to evidence sufficient to demonstrate that Fitch describes the LFS 116, LM 116, or LM 214, LFS 214 (Fig. 2) (i.e., *location determination system*) is arranged to perform the function of determining which of LFEs 104, 106, 108, 110, 202, 204, and 206 is appropriate for use and to cause that system to be used. Instead, Fitch describes that wireless location applications 226, 228, and 230 ... selectively prompt one or more LFEs to initiate a location determination (i.e., are arranged to perform the function of determining an appropriate one of LFEs). Ex. 1004, col. 10, ll. 59–63; Fig. 2. In other words, Fitch does not describe that LFS 116, LM 116, or LM 214, LFS 214 selectively prompt one or more LFEs. Furthermore, Petitioner does not assert that Fitch’s LFS 116, LM 116,

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