Exhibit 2104

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WAVEMARKET INC. d/b/a LOCATION LABS,
Petitioner,

v.

LOCATIONET SYSTEMS LTD,
Patent Owner.

_____

Case IPR2014-00199
Patent 6,771,970 B1

Before KRISTEN L. DROESCH, GLENN J. PERRY, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges.*

DROESCH, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Wavemarket, Inc. d/b/a Location Labs (collectively "Petitioner") filed a Request for Rehearing of our Decision of May 9, 2014 (Paper 18, "Decision"). Paper 20 ("Req. Reh'g"). Our Decision instituted trial only as to claim 18. Petitioner requests rehearing of our Decision not to review claims 1–17 and 19 of U.S. Patent No. 6,771,970 B1 ("the '970 Patent") as

anticipated by Fitch (Ex. 1004), or rendered obvious over Fitch in view of
Jones (Ex. 1005), Shah (Ex. 1006), or Elliot (Ex. 1003). Req. Reh'g 1.
Patent Owner filed, following authorization (Paper 22), an Opposition to
Petitioner's Request for Rehearing. Paper 23 ("Opp. Req. Reh'g").

II. STANDARD OF REVIEW

In its request for rehearing, the dissatisfied party must specifically
identify all matters the party believes the Board misapprehended or
overlooked, and the place where each matter was previously addressed. 37
C.F.R. § 42.71(d). Upon a request for rehearing, the decision on a petition
will be reviewed for an abuse of discretion. 37 C.F.R. § 42.71(c).

III. DISCUSSION

Petitioner contends that we misapprehended or overlooked the
following matters:

(a) the Petition asserted that Fitch teaches a "location determination
system" as platform 114, which includes location finding system/
location manager (LFS/LM) (116/214), which works together with
wireless location applications (118 and 226–230) and wireless
location interface (WLI) (224) (Req. Reh'g 2–8); and

(b) method claims 14, 16, and 19 do not recite any particular structure
that determines "for each mobile platform one of the remote tracking
systems that is capable of locating said mobile platform," (Req. Reh'g
8–11).

A. *Location Determination System Recited in Claim 1 Corresponds to Fitch's Platform 114, which Includes LFS/LM 116/214 and Wireless Location Applications 118/226–230*

Petitioner asserts that the Decision "misapprehended or overlooked . . . that the Petition did . . . assert that Fitch teaches "*a location determination system*" as platform 114, which includes *inter alia*, LFS/LM (116/214) and wireless location applications (118 and 226–230)." Req. Reh'g 3. Petitioner reproduces a portion of the claim chart from the Petition with added bolding, italics and underlining, and asserts that the claim chart from the Petition demonstrates how platform 114, and each of its components, teaches a "location determination system." Req. Reh'g 3–5. Petitioner further asserts

> "[t]he Petition expressly mapped the "*location determination system*" to several system components "resident on" the platform 114:
> 1) "Location Finding System (LFS)" (116/214)
> 2) "wireless location[] applications" (118 and 226–230)
> 3) "wireless location interface (WLI)" 224[.]

Req. Reh'g 6 (citing Pet. 36–39); *see id.* at 6–8 (citing Ex. 1004, col. 10, ll. 58–66; Pet. 38, 44, 47 and 54). Petitioner further asserts, "as pointed out in the Petition, [] LFS/LM (116/214) *works together with* wireless location[] applications (118 and 226–230) and WLI (224) (as part of platform 114) to selectively prompt LFEs." *Id.* at 6.

Patent Owner argues that the Petition "did not . . . include any assertion that the 'location determination system' of claim 1 is 'platform 114, which includes *inter alia*, LFS/LM (116/214) and wireless location applications (118 and 226–230)."" Opp. Req. Reh'g 3. Patent Owner contends that although the Petition asserted that the

LFS (116) is "resident on the platform 114," the Petition never identified network platform 114 as the location determination system of claim 1. *Id.* Patent Owner further contends that the Petition did not include any argument, theory, or explanation of how LFS/LM (116/214) "works together with" or "cooperates with" the wireless location applications (118 and 226–230) and WLI 224, as part of platform 114, to describe the claimed location determination system. *Id.* at 3–4.

We agree with the Patent Owner that the Petition provides the following quotation from Fitch: "[a] Location Finding System (LFS)(116) in accordance with the present invention is resident on the platform (114)." Opp. Req. Reh'g 3; Pet. 36 (quoting Ex. 1004, Abs.) We further agree that the Petition did not include the following assertions: (1) platform 114, which includes LFS/LM (116/214) and wireless location applications (118 and 226–230), describes the claimed location determination system; and (2) LFS/LM (116/214) "works together with" or "cooperates with" wireless location applications (118 and 226–230) and WLI 224, as part of platform 114. Opp. Req. Reh'g at 3–4. In its Request for Rehearing, Petitioner does not point to where each matter now argued was previously addressed in the Petition, particularly where Petitioner asserted or "made clear" that wireless location applications (118 and 226–230) and wireless location interface (224) are resident on platform 114, or are part of platform 114. *See* Req. Reh'g 3–8. We cannot misapprehend or overlook assertions in the Petition that were not presented.

Nonetheless, Petitioner's newly presented assertions are not supported by Fitch. In particular, Petitioner's assertion that wireless location

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