

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

GEOTAB INC., AND
TV MANAGEMENT INC., D/B/A GPS NORTH AMERICA
Petitioners,

v.

PERDIEM CO., LLC.

Patent Owner

DECLARATION OF MICHAEL FEMAL, ESQ

1. My name is Michael Femal. I am a principal in the law firm Much Shelist P.C. I am over the age of 21 and competent to testify in this matter. The statements set forth herein are based on my personal knowledge.

2. When PerDiem instituted litigation against TV Management Inc., d/b/a GPS North America (“GPSNA”), I was contacted by William Steckel, on behalf of Telular Corporation, who asked my firm Much Shelist P.C. and I to defend TV Management. Neither Telular nor SkyBitz, Inc. have ever requested that I provide any legal services on behalf of SkyBitz.

3. SkyBitz, Inc. is not a defendant in any litigation with PerDiem (see Ex. 2006, p.2, stating “PerDiem cannot agree to grant any rights to SkyBitz or Telular because neither party is part of the lawsuit” [underline emphasis added]), nor has PerDiem ever asserted that any technology of SkyBitz infringes any of its patents.

4. Telular entered into a joint defense agreement (“JDA”) with Teletrac-Navman and Geotab in connection with the defense of this case. SkyBitz did not enter into the JDA. I attach a copy of the Joint Defense Agreement executed by Telular as Exhibit A. SkyBitz has never entered into the JDA.

5. Pursuant to the JDA, Hill, Kertscher & Wharton, LLP proposed to file the IPR petitions directed to U.S. Patents 8,223,012, 8,493,207, 8,717,166, 9,003,499, and 9,071,931. I confirmed with Telular that it wished to participate in the IPR proposal and that it was willing to pay for a one-third share of the

petitions' costs and fees and I communicated this to IPR counsel for the Petitioners pursuant to the JDA. Hill, Kertscher & Wharton, LLP filed the IPR petitions directed to U.S. Patents 8,223,012, 8,493,207, 8,717,166, 9,003,499, and 9,071,931.

6. My understanding is that the IPRs were paid for by Hill, Kertscher & Wharton with funds advanced by Telular, Teletrac-Navman and Geotab. Telular paid a one-third share of the aggregate filing fees and attorney fees of the IPRs in question. My understanding is that the remaining portion of the IPR aggregate filing fees and attorney fees were paid by Teletrac-Navman and Geotab.

7. Exhibit B shows that Telular has paid a one-third share of the aggregate filing fees and legal fees associated with the five filed IPR petitions directed to the PerDiem patents.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001).

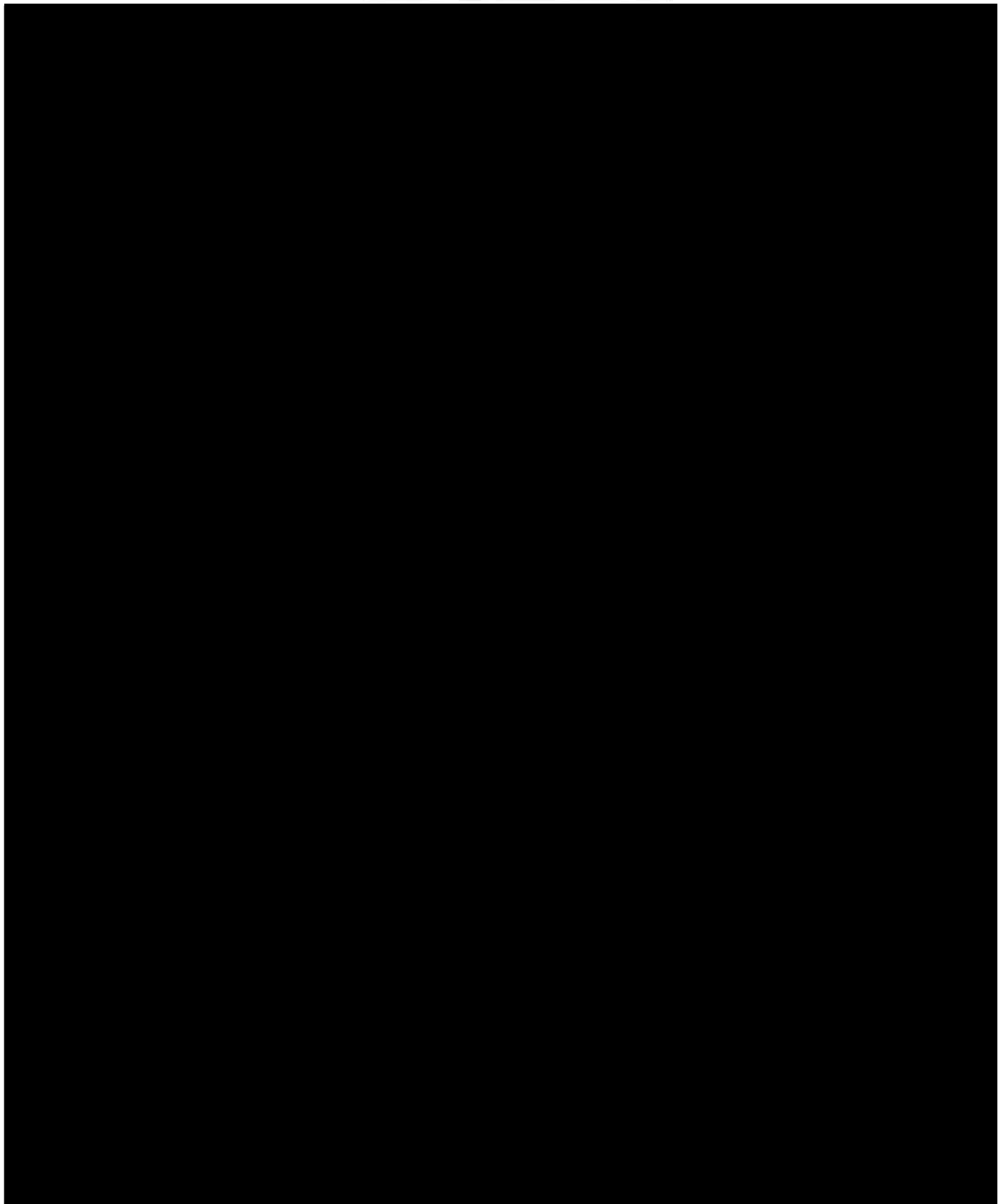
Executed on October 31, 2016



Michael Femal

Exhibit A

Joint Defense Agreement



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