

EXHIBIT

By the subject application, Path Intelligence, Ltd. ("Path"), requests an experimental Special Temporary Authority ("Experimental STA") as set forth below. Path desires to demonstrate use of its equipment at a trade show to be held at the O'Reilly Conferences in Burlingame, California from May 12-14. The equipment here at issue consists of receivers that observe (but do not transmit in) the GSM control channel, in the 850 MHz (cellular) and 1900 MHz (PCS) bands, for unique identifiers of mobile phones in close proximity, which identifiers are sent out whenever the phone requests a radio resource. As the mobile phone is moved about, the equipment receives multiple "hits", given that the equipment will employ multiple receivers so that the equipment may locate the position of the phone and ultimately establish the path that the user has taken.

Path is well versed in the restrictions in code and statute associated with surveillance of one type or another. Simply put, neither Path nor the equipment that Path will utilize are in any way associated with surveillance or scanning – the types of activity that has been (and Path submits should be) restricted. Towards this end, 15 C.F.R. § 121, which generally limits use of certain receiving devices, expressly exempts from such restrictions entities described in 18 U.S.C. § 2512(2). That provision of the code explains that in establishing certain limitations on equipment production and distribution, it was the Congress' interest to "leave untouched" that which was designed and used for non-surreptitious use. The equipment and use as contemplated by Path does not fall within those parameters and thus is not within the interest of the prohibition.

The program of research contemplated hereby is designed to assess the effectiveness of the equipment in complying with its tracking goals. Those goals bear no relationship to learning anything about identical users. Rather, they are intended to detect patterns of movement behavior.

Path submits that its course of experiment will enhance the act of improving traffic flow. Only after actual traffic patterns are known can traffic flow be properly appreciated, and managed.