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**PRESS RELEASE**

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**GPS INDUSTRIES (OTCB: GPSN) PATENT '093 IN RE-EXAM**  
*The Outcome Will Determine the Future of the Golf GPS Industry*

**SAN DIEGO, January 28, 2009** – The United States Patent and Trademark Office (USPTO) has granted a re-examination of U.S. Patent No. 5,364,093 ('093), as of November 21, 2008. According to an order by the Trademark Trial and Appeal Board, the re-exam presents "a substantial new question of patentability affecting claims 1 and 8-18 of United States Patent Number 5,364,093 to Huston et al. (Huston) is raised by the request for ex parte re-examination." The '093 patent was initially granted in 1994, and was filed by GPS Industries.

The USPTO has 12-24 months to review the patent as the entire golf GPS industry anxiously awaits the outcome. According to the USPTO, statistics indicate that in requests for re-exam by third party companies, such as L1 Technologies, 72 percent are either canceled or have their claims significantly changed. If statistics hold true, GPS Industries will most likely see their patent at least modified, if not invalidated completely.

**Patent Problems: The Golf GPS Industry Perspective**

L1 Technologies (L1), the parent company of iGolf, as well as other industry leading golf GPS companies, have joined forces to assert that patent '093 never should have been issued as it raises significant questions of validity. They uniformly state that GPS is a government provided technology, funded by U.S. taxpayers, which has always been used for finding the distance from the user to some other point (often called a waypoint), whether the point is a golf green, a sailboat path, a hiking destination or any "point" that one wants to measure a distance to or from. Therefore, companies should not be able to patent this GPS technology.

**GPS Industries VS. The GPS Golf Industry**

GPS Industries has claimed infringement of the '093 patent in a Dallas federal court lawsuit pending since May 11, 2007. The case claims that the ten golfing companies infringe on the '093 patent labeled "Golf Distance Measuring System and Method," which outlines a method for determining the approximate distance of a golf ball to a golf cup using a global positioning satellite system. L1 and its co-defendants confidently maintain that their GPS devices do not violate the '093 patent.

L1 and all of the companies feel that the outcome of the re-exam will shape and mold the future of the GPS industry. Providing that the patent is modified or invalidated, GPS Industries (OTCB:GPSN), a company with consistent operating losses and considerable amounts of debt, will have to rethink the way in which they position a path to financial profit for their stakeholders and investors.

In fact, L1 and its co-defendants believe that this is a way for GPS Industries, a company who routinely loses money, to attempt to salvage funds for its stakeholders and investors. With the

patent in re-exam the defendants have asked the Texas court to stay the case. It has yet to be decided whether or not the Texas court will proceed with this lawsuit until a judgment by the USPTO is made on whether or not the patent is legitimate.

### **About iGolf**

Pioneering the consumer golf GPS market, iGolf, operated by L1 Technologies, has become a brand uniquely focused on providing technological advances in software, hardware and GPS content for the golfing sector. With a strong global presence, iGolf continually strives to offer innovative and affordable mobile and web-based solutions for golfers around the world with products and services being used in over 20 countries.

As host to the world's largest GPS enabled golf course database, iGolf.com is the backbone supporting both "iGolf" and "Powered by iGolf" partner products. Additional features such as the iGolf Handicap Tracker, the latest golf headlines, equipment, travel, gadget and course reviews make iGolf.com the chosen destination site for golfers of all interests. iGolf.com provides the golfing community many of these valuable services at no cost while maintaining some paid premium services.

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*\* Source: Re-exam filing document*