

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY INC. AND GSI COMMERCE SOLUTIONS, INC.
Petitioner

v.

LANDMARK TECHNOLOGIES LLC
Patent Owner

Case CBM2014-00026
U.S. Patent No. 5,576,951

DECLARATION OF JASON D. EISENBERG

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Landmark Exhibit 2018
eBay and GSI v. Landmark
CBM2014-00026

1. I, Jason D. Eisenberg, resident of Potomac, Maryland, hereby declare as follows:

2. On information and belief, the Exhibits submitted with the Patent Owner's Preliminary Response for the above-referenced Covered Business Methods review as Exhibits 2001 to 2017 are true and correct copies of the original documents, as shown the Table below:

| Exhibit | DESCRIPTION |
|----------------|--|
| 2001 | Declaration of Steve Smoot under 37 C.F.R. §1.132 submitted as part of <i>In re Ex Parte</i> Reexamination of U.S. Patent No. 7,010,508 to Lockwood (Control No. 90/012,671) on May 15, 2013 (“Smoot ’508 Declaration”) |
| 2002 | Declaration of Lawrence B. Lockwood under 37 C.F.R. §1.131(b) submitted as part of Ex Parte Reexamination of U.S. Patent No. 5,576,951 to Lockwood (Control No. 90/006,625) on June 22, 2004 (“Lockwood ’951 Declaration”) |
| 2003 | Nov. 28, 1994, Non-Final Office Action regarding U.S. Patent Application No. 08/210,301 (issued as U.S. Patent No. 5,576,951) |
| 2004 | Feb. 10, 1995, Response to the Nov. 28, 1994, Non-Final Office Action regarding U.S. Patent Application No. 08/210,301 |
| 2005 | Affidavit Evidence submitted in support of the Feb. 10, 1995, Response to the Nov. 28, 1994, Non-Final Office Action regarding U.S. Patent Application No. 08/210,301 |
| 2006 | Sept. 29, 1995, Final Office Action regarding U.S. Patent Application No. 08/210,301 |
| 2007 | April 1, 1996, Restriction Requirement regarding U.S. Patent Application No. 08/210,301 |
| 2008 | April 30, 1996, Response to the April 1, 1996 Restriction Requirement regarding U.S. Patent Application No. 08/210,301 |

| Exhibit | DESCRIPTION |
|----------------|--|
| 2009 | July 19, 1996, Notice of Allowance regarding U.S. Patent Application No. 08/210,301 |
| 2010 | “The Technological Origins of Radical Inventions,” Wilfred Schoenmakers and Geert Duysters |
| 2011 | “Improving Citation-Based Patent Value Measures,” Dirk Czarnitzki, Katrin Hussinger, and Bart Leten |
| 2012 | Declaration of Lawrence B. Lockwood under 37 C.F.R. §1.131 submitted as part of Ex Parte Reexamination of U.S. Patent No. 7,010,508 to Lockwood (Control No. 90/012,671) on May 17, 2013 (“Lockwood ’508 Declaration”) |
| 2013 | April 23, 2013, Notice of Intent to Issue Ex Partes Reexamination Certificate for U.S. Patent No. 5,576,951 to Lockwood (Control No. 90/012,685) |
| 2014 | May 26, 2005, Non-Final Office Action regarding Ex Parte Reexamination of U.S. Patent 5,576,951 to Lockwood (Control No. 90/006,625) |
| 2015 | http://www.merriam-webster.com/dictionary/pioneer , (Last visited 2/16/2014.) |
| 2016 | September 15, 2012 Request for <i>Ex Parte</i> Reexamination of U.S. Patent No. 5,576,951 |
| 2017 | Search results from USPTO Patent Full-Text and Image Database regarding patents that cite U.S. Patent No. 5,576,951 |

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 believe 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).

Date: February 18, 2014

Respectfully submitted,

/Jason D. Eisenberg/
Jason D. Eisenberg (Reg. No. 43,447)
Attorney for Patent Owner