

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY ENTERPRISE, INC. AND EBAY, INC.
Petitioner

v.

LAWRENCE B. LOCKWOOD
Patent Owner

Cases CBM2014-00025 (Patent 7,010,508)
CBM 2014-00026 (Patent 5,576,951)

DECLARATION OF HOWARD I. SHERMAN

**EBAY 1014
EBAY v LOCKWOOD
CBM2014-00026**

I, Howard I. Sherman am patent counsel for the Petitioner, GSI Commerce Solutions, Inc. an eBay Inc. company. I am admitted to the practice of law in the commonwealth of Pennsylvania, the state of New York, and before the United States Patent and Trademark Office. This declaration is provided in support of the petition for Post Grant Review (Transitional Program for Covered Business Method Patents) proceedings CBM2014-00025 of U.S. Patent No. 7,010,508 and CBM2014-00026 of U.S. Patent 5,576,951.

- 1) GSI Commerce Solutions, Inc. is a wholly-owned subsidiary of GSI Commerce, Inc., d/b/a eBay Enterprise, which is a wholly-owned subsidiary of eBay, Inc.
- 2) iRobot Corporation is a customer of GSI Commerce Solutions, Inc.
- 3) At the time the petitions in CBM2014-00025 and CBM2014-00026 were filed, a patent infringement lawsuit brought by Landmark Technology, LLC against iRobot Corporation was asserting U.S. Patent No. 7,010,508 and U.S. Patent 5,576,951 was pending in the U.S. District Court for the Eastern District of Texas.
- 4) GSI Commerce Solutions, Inc. provides the functionality accused by Landmark Technology, LLC of infringing U.S. Patent No. 7,010,508 and U.S. Patent 5,576,951 to iRobot Corporation.
- 5) iRobot Corporation has requested that GSI Commerce Solutions, Inc. indemnify and defend it against Landmark Technology, LLC's allegations of patent infringement. GSI Commerce Solutions, Inc. is contractually obligated to indemnify iRobot Corporation relating to use of GSI's products.
- 6) Pursuant to iRobot's request and GSI Commerce Solutions, Inc.'s indemnity obligations, GSI Commerce Solutions, Inc. has defended iRobot Corporation in the above-described lawsuit.
- 7) I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

8) I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2014



Howard I. Sherman
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