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

- - -  
GSI COMMERCE SOLUTIONS, INC. :  
:  
Petitioner, :  
:  
vs. : CBM2014-00025  
:  
LAWRENCE B. LOCKWOOD, :  
:  
Patent Owner. :

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EBAY, INC. AND GSI COMMERCE SOLUTIONS, INC. :  
:  
Petitioner, :  
:  
vs. : CBM2014-00026  
:  
LAWRENCE B. LOCKWOOD, :  
:  
Patent Owner. :

- - -  
Friday, April 25, 2014  
- - -

Teleconference held on the above date, beginning  
at approximately 10:00 a.m., and reported  
stenographically by Deborah C. Furey, RPR, CLR and  
Notary Public.

- - -  
VERITEXT NATIONAL COURT REPORTING COMPANY  
MID-ATLANTIC DIVISION  
1250 Eye Street, Suite 1201  
Washington, D.C. 20005 Lockwood Exhibit 2020  
eBay Enterprise, Inc. and eBay, Inc. v. Lockwood  
IPR2014-00026



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BEFORE:

Administrative Patent Judge Medley  
Administrative Patent Judge Wood.

APPEARANCES:

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- - -

1 P R O C E E D I N G

2 JUDGE MEDLEY: Good morning. This  
3 is Judge Medley and I'm on the line with Judge  
4 Wood.

5 We will go ahead and proceed. This  
6 conference call is in regard to CBM2014-00025 and  
7 00026.

8 At this time I would like to take a  
9 roll call, beginning with the petitioner.

10 MR. DAYBELL: Thank you, your honor,  
11 this Don Daybell. The last name is D-a-y-b-e-l-l.  
12 And with me is my colleague, Jim Maune, last name  
13 M-a-u-n-e, Orrick, Herrington, counsel for  
14 petitioner.

15 JUDGE MEDLEY: Thank you. And for  
16 patent owner?

17 MR. STERNE: Good morning, Lead  
18 Judge Medley. This is Robert Sterne, from Sterne,  
19 Kessler this morning, and with me I have Jason  
20 Eisenberg, E-i-s-e-n-b-e-r-g, and Sreekar Gadde,  
21 spelled G-a-d-d-e, on for patent owner.

22 JUDGE MEDLEY: Okay. Wonderful.  
23 All right. So I did hear the court reporter asked  
24 about the transcript. The transcript should be  
25 filed with the board an as exhibit, so we'll

1 discuss that in a little bit, but you had asked  
2 how the front page -- you can list both cases on  
3 the front page, you don't need to list as two  
4 separate transcripts for each case, because I  
5 believe that the issues are germane to the two  
6 cases.

7 Okay. So we understand that the  
8 petitioner requested this conference call, so if  
9 counsel for the petitioner could please explain  
10 the nature of the conference call.

11 MR. DAYBELL: Yes, Your Honor, this  
12 bears on our authorization to file the CBM, which  
13 is a point we believe we've established in our  
14 petition but the patent owner has challenged it.

15 In our petitions we asserted that we  
16 are authorized to file the CBM because petitioner  
17 has an obligation to indemnify its customer, which  
18 was sued by the patent owner in the underlying  
19 litigation, and that gives rise to a charge of  
20 infringement under the CBM statutes.

21 The patent owner challenges this  
22 assertion in its preliminary response and at this  
23 point we're simply asking to provide a little  
24 additional clarity for the record, in the form of  
25 a brief declaration to explain the relationship

1           between the underlying litigation and petitioner's  
2           authorization to file the CBM.

3                       As we noted in our initial contact  
4           with the board, this is an issue that has been  
5           addressed in the prior board decision, in  
6           CBM2013-00055, where essentially the exact relief  
7           that we're asking for here was authorized, so we  
8           don't see that there's any harm or any prejudice  
9           to the patent owner by adapting the same relief  
10          that was adopted in that case.

11                     JUDGE MEDLEY:   Okay.   We understand,  
12          though, there's an additional wrinkle that wasn't  
13          in that case that's in this case, in that the  
14          infringement action has been dismissed with  
15          prejudice; is that correct?

16                     MR. DAYBELL:   I believe it is.   Yes,  
17          yes, that infringement action has been dismissed  
18          with prejudice, yes, Your Honor.

19                     JUDGE MEDLEY:   And I believe that  
20          the patent owner, in addition to you -- and I'll  
21          let them speak -- but as I understand it, they  
22          believe that that's an additional reason that you  
23          do not have standing.   So we may ask you to brief  
24          that issue, as well.

25                     Okay.   We'll hear from the patent

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