

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

AUTOMATED TRANSACTIONS LLC,

Plaintiff,

- v. -

NEW YORK COMMUNITY BANK and NEW YORK
COMMUNITY BANCORP, INC.,

Defendants.

Case No. 2:12-cv-03070-JS-ARL

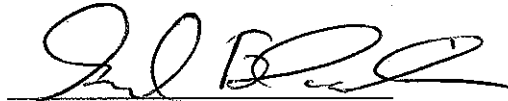
DECLARATION OF GERARD F. DIEBNER

I, Gerard F. Diebner, declare as follows:

1. I am a member of the firm of Tannenbaum Helpen Syracuse & Hirschtritt LLP and I am counsel for Plaintiff Automated Transactions LLC. I make this Declaration in support of Plaintiff's Opposition to Defendants' Motion to Dismiss the Complaint.
2. Attached hereto as Exhibit 1 is a copy of the Second Amended Complaint from *Automated Transactions, LLC v. First Niagara Financial Group, Inc.*, 10-cv-00407 (A)(M) (W.D.N.Y.), without copies of the patents attached.
3. Attached hereto as Exhibit 2 is a copy of the Second Amended Complaint from *Automated Transactions, LLC v. Astoria Financial Corp.*, Civil Action No. 09-cv-969 (SHS) (S.D.N.Y.), without copies of the patents attached.

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

Dated: August 24, 2012

A handwritten signature in black ink, appearing to read "Gerard F. Diebner", written over a horizontal line.

Gerard F. Diebner