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9 Attorneys for Plaintiff  
10 HEWLETT-PACKARD COMPANY

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14  
15 **HEWLETT-PACKARD COMPANY, a**  
**Delaware corporation,**

16  
17 **Plaintiff,**

18 **v.**

19 **SERVICENOW, INC., a Delaware**  
**Corporation,**

20 **Defendant.**  
21  
22

**Case No.**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Hewlett-Packard Company (“HP”) complains and alleges as follows against  
2 Defendant ServiceNow, Inc. (“ServiceNow”).

3 **THE PARTIES**

4 1. Plaintiff HP is a Delaware corporation having a principal place of business at  
5 3000 Hanover Street, Palo Alto, California 94304.

6 2. Founded in 1939 in a Palo Alto garage by college friends William Hewlett and  
7 David Packard, HP is today among the largest and most innovative technology companies in the  
8 world, serving customers in more than 170 countries with products ranging from software,  
9 personal computing, printing and imaging to IT infrastructure and digital entertainment. In the  
10 last decade alone, HP has invested more than 20 billion dollars in research and development, and  
11 has been awarded thousands of patents for its innovations by the U.S. Patent and Trademark  
12 Office.

13 3. One of the fields in which HP has been a pioneer and industry leader is  
14 Information Technology Service Management, or ITSM. The proliferation of sophisticated and  
15 expensive IT networks of computers, software, and associated devices and services has made  
16 effective management of IT resources a mission-critical need for businesses and organizations of  
17 virtually any size. ITSM software provides the tools necessary to do just that. Demonstrating  
18 HP’s long-time leadership in ITSM, and ITSM software in particular, HP has led the  
19 development of the recognized industry framework of best practices for ITSM promulgated by  
20 the Information Technology Infrastructure Library (ITIL), including by authoring significant  
21 portions of past and current versions of ITIL. As a result of its innovations in ITSM, HP and the  
22 companies it has acquired collectively have been awarded numerous patents relating to managing  
23 and operating an IT infrastructure, including ITSM-specific patents.

24 4. Defendant ServiceNow is a Delaware corporation having a principal place of  
25 business at 3260 Jay Street, Santa Clara, California 95054. ServiceNow maintains numerous  
26 offices around the world and is doing business in this judicial district.  
27  
28

1 **JURISDICTION**

2 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

3 6. This Court has personal jurisdiction over ServiceNow because ServiceNow  
4 regularly does business in this judicial district and/or has infringed or caused infringement in  
5 California and in this district. Upon information and belief, ServiceNow derives significant  
6 revenue from the sale of infringing products within this district, and knows its actions will have  
7 consequences within this district.

8 **VENUE**

9 7. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) because  
10 ServiceNow transacts business in this district, acts of infringement have been committed in this  
11 district, and ServiceNow is subject to personal jurisdiction in this district. In addition, venue is  
12 proper because HP's principal place of business is in this district, and HP has suffered harm in  
13 this district.

14 **INTRADISTRICT ASSIGNMENT**

15 8. This Complaint includes an Intellectual Property Action for Patent Infringement,  
16 which is an excepted category under Civil Local Rule 3-2(c). Consequently, this action is  
17 assigned on a district-wide basis.

18 **BACKGROUND**

19 **HP's History of Innovation**

20 9. HP is a pioneer in ITSM software and is a leading supplier of hardware and  
21 software information technology management solutions for businesses throughout the United  
22 States and the world. HP's software offerings include a suite of software solutions for IT  
23 management, including application lifecycle management, automation and orchestration of IT  
24 operations, ITSM, security intelligence and risk management, hardware asset management and  
25 software asset management.

26 10. HP introduced its first IT software products, known as the OpenView products, in  
27 the early 1990s and added service management capabilities to its OpenView products in 1996.  
28 HP has continually improved the technology through both its own research and development and

1 acquisitions of some of the most innovative companies in the field. HP's continued innovation  
2 in the field has allowed it to introduce new ITSM solutions for its customers and has resulted in  
3 HP being awarded patents on a continual basis that recognize that innovation.

#### 4 ServiceNow

5 11. ServiceNow is a direct competitor of HP in the ITSM software market.  
6 ServiceNow's products infringe numerous HP patents stemming from its technology  
7 investments, including at least those identified herein. As a result of ServiceNow's infringement  
8 of HP's patents, HP has suffered and continues to suffer irreparable harm, as well as damages in  
9 the form of lost profits and a reasonable royalty for ServiceNow's infringement of those patents.  
10 Consequently, HP seeks a permanent injunction prohibiting the continued infringement of HP's  
11 patents by ServiceNow's products, as well as compensatory damages.

#### 12 The Patents-In-Suit

13 12. HP is the owner by assignment of all right, title, and interest in and to United  
14 States Patent No. 7,925,981 ("the '981 Patent"), entitled "Systems and Methods for Managing  
15 Web Services Via a Framework of Interfaces." The '981 Patent was issued on April 12, 2011,  
16 from U.S. Patent Application No. 10/438,716, filed May 14, 2003. A true and correct copy of  
17 the '981 Patent is attached as Exhibit 1.

18 13. HP is the owner by assignment of all right, title, and interest in and to United  
19 States Patent No. 7,945,860 ("the '860 Patent"), entitled "Systems and Methods for Managing  
20 Conversations Between Information Technology Resources." The '860 Patent was issued on  
21 May 17, 2011, from U.S. Patent Application No. 10/438,576, filed May 14, 2003. A true and  
22 correct copy of the '860 Patent is attached as Exhibit 2.

23 14. HP is the owner by assignment of all right, title, and interest in and to United  
24 States Patent No. 7,890,802 ("the '802 Patent"), entitled "Systems and Method for Automated  
25 and Assisted Resolution of IT Incidents." The '802 Patent was issued on February 15, 2011,  
26 from U.S. Patent Application No. 12/543,387, filed August 18, 2009. A true and correct copy of  
27 the '802 Patent is attached as Exhibit 3.

1           15.     HP is the owner by assignment of all right, title, and interest in and to United  
2 States Patent No. 7,610,512 (“the ’512 Patent”), entitled “Systems and Method for Automated  
3 and Assisted Resolution of IT Incidents.” The ’512 Patent was issued on October 27, 2009, from  
4 U.S. Patent Application No. 11/327,745, filed January 6, 2006. A true and correct copy of the  
5 ’512 Patent is attached as Exhibit 4.

6           16.     HP is the owner by assignment of all right, title, and interest in and to United  
7 States Patent No. 8,224,683 (“the ’683 Patent”), entitled “Information Technology Service  
8 Request Level of Service Monitor.” The ’683 Patent was issued on July 17, 2012, from U.S.  
9 Patent Application No. 10/615,054, filed July 8, 2003. A true and correct copy of the ’683  
10 Patent is attached as Exhibit 5.

11           17.     HP is the owner by assignment of all right, title, and interest in and to United  
12 States Patent No. 6,321,229 (“the ’229 Patent”), entitled “Method and Apparatus for Using an  
13 Information Model to Organize an Information Repository into a Hierarchy of Information.”  
14 The ’229 Patent was issued on November 20, 2001, from U.S. Patent Application No.  
15 09/258,576, filed February 26, 1999. A true and correct copy of the ’229 Patent is attached as  
16 Exhibit 6.

17           18.     HP is the owner by assignment of all right, title, and interest in and to United  
18 States Patent No. 7,392,300 (“the ’300 Patent”), entitled “Method and System for Modelling a  
19 Communications Network.” The ’300 Patent was issued on June 24, 2008, from U.S. Patent  
20 Application No. 10/753,841, filed January 8, 2004. A true and correct copy of the ’300 Patent is  
21 attached as Exhibit 7.

22           19.     HP is the owner by assignment of all right, title, and interest in and to United  
23 States Patent No. 7,027,411 (“the ’411 Patent”), entitled “Method and System for Identifying and  
24 Processing Changes to a Network Topology.” The ’411 Patent was issued on April 11, 2006,  
25 from U.S. Patent Application No. 09/703,942, filed October 31, 2000. A true and correct copy  
26 of the ’411 Patent is attached as Exhibit 8.

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