

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.,
Petitioner,

v.

HEWLETT-PACKARD COMPANY,
Patent Owner.

Case CBM2015-00077
Patent 7,925,981 B2

Before JAMES B. ARPIN, CHRISTOPHER L. CRUMBLEY, and
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

DECISION

Denying Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

I. INTRODUCTION

ServiceNow, Inc. filed a Petition seeking a covered business method patent review of claims 1, 22, and 23 of U.S. Patent No. 7,925,981 B2 (Ex. 1001, “the ’981 patent”). Paper 2, “Pet.” The owner of the ’981 patent,

Hewlett-Packard Company (“HP”), filed a Patent Owner’s Preliminary Response. Paper 11, “Prelim. Resp.” Pursuant to 35 U.S.C. § 324(a), we may not institute a covered business method review “unless the Director^[1] determines that the information presented in the petition . . . , if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.”

Upon consideration of the Petition, Preliminary Response, and the evidence of record, we decline to institute a covered business method patent review as to claims 1, 22, and 23 of the ’981 patent.

A. The ’981 Patent

1. Background

The ’981 patent, entitled “Systems and Methods for Managing Web Services Via a Framework of Interfaces,” relates to a Web service management system comprising service managed objects. Ex. 1001, 3:41–43. The specification explains that Web services are “an approach to distributed computing in which interactions are carried out through the exchange of eXtensible Markup Language (XML) messages.” *Id.* at 1:55–58. The distributed nature of Web services presents challenges, including “[t]he problem of managing disparate IT resources . . . deployed in remote locations and accessed via information networks, such as the Internet” and the fact that “Web services have been designed to be extensible at all levels.” *Id.* at 1:42–45, 3:5–7.

¹ “The Board institutes the trial on behalf of the Director.” 37 C.F.R. § 42.4(a).

According to the specification, managed objects are “management representation[s] of a resource,” that implement “managed object interfaces to provide a common set of basic management capabilities.” *Id.* at 7:25–35. Figure 1A, depicting an embodiment of a web service management system, is reproduced below:

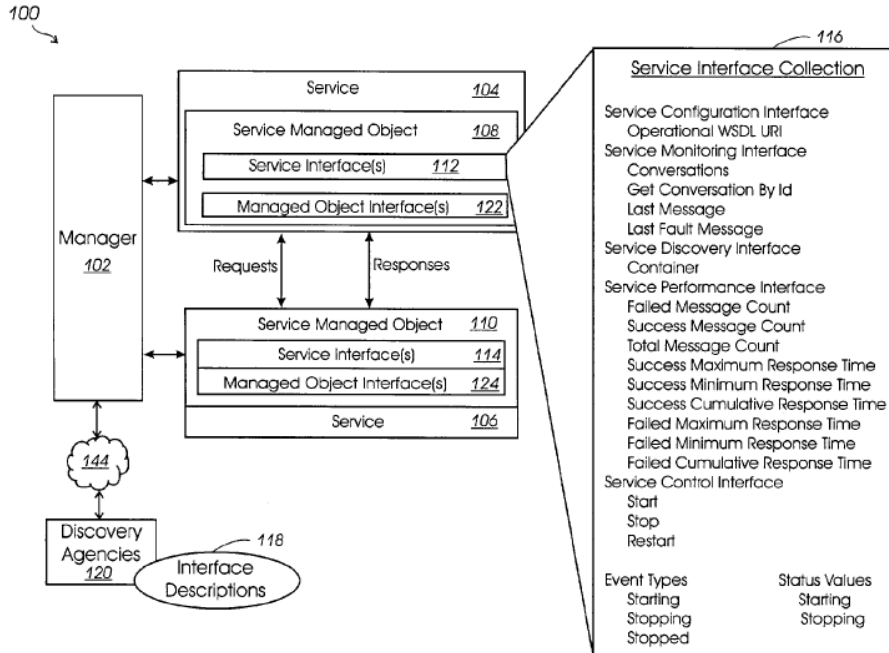


FIG. 1A

In Figure 1A, web service management system 100 has service managed objects 104, 110 that have service interfaces 112, 114 that allow manager 102 to access information regarding the state of services 104, 110. *Id.* at 4:51–60. In this embodiment, the specification describes that:

Service managed objects 108, 110 represent the management features of resource(s) that perform services 104, 106. Interfaces in one or more categories can be included in service interfaces 112, 114 for each service managed object 108, 110. Service interfaces 112, 114 can allow manager 102 to access information regarding the state of services 104, 106, as well as to control the operation of services 104, 106.

Id. at 4:51–60.

The specification also provides examples of applications of the claimed invention, for example in Figure 2, reproduced below:

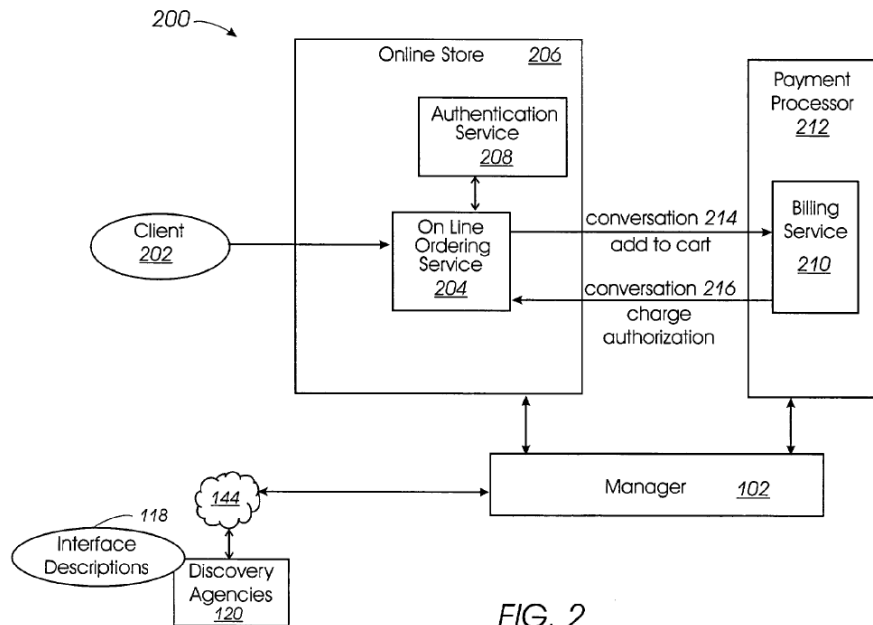


FIG. 2

Figure 2 depicts a “Service Management Example,” comprising online shopping service system 200 in which client 202 accesses online ordering service 204 at online store 206, for example over the Internet. *Id.* at 14:27–33. A third party implements payment processor 212 with billing service 210, and information regarding transactions (for example, credit card authorizations) can be exchanged via conversations 214, 216. *Id.* at 14:37–41. Manager 102 may be configured to manage one or more of services 204, 208, 210 and conversations 214, 216. *Id.* at 14:48–49.

The ’981 patent provides an additional embodiment using managed objects to manage Web services, entitled “Distributed Business Process Example,” pertaining to an online auction manager. *Id.* at 16:44–52. The specification notes, however, that the described embodiments are illustrative and not limiting on the scope of the invention. *Id.* at 19:15–18.

2. Illustrative Claim

Petitioner challenges claims 1, 22, and 23 of the '981 patent. Claims 1 and 22 are independent; claim 23 depends from claim 22. Claim 1 is directed to a system for managing a web service; claim 22 is directed to a computer program product tangibly embodied in a computer storage readable medium, comprising a service interface and a managed object interface. Claim 1 is illustrative of the claimed subject matter and reads as follows:

1. A system for managing a Web service, comprising:
 - a computer processor; and
 - a service managed object executable on the computer processor, wherein:
 - the service managed object is associated with the Web service and includes at least one interface configured to allow a manager to access management features for the Web service; and
 - the at least one interface is configured to provide a list of conversations associated with the Web service.

Ex. 1001, 19:34–43 (claim 1).

A. The Asserted Grounds

ServiceNow presents the following grounds of unpatentability:

1. Whether claims 1, 22, and 23 are unpatentable under 35 U.S.C. § 101 as directed to patent-ineligible subject matter; and

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