

Declaration of Arthur T. Brody, Ph.D. in Support of
Petition for Covered Business Method Review of
U.S. Patent No. 7,062,683

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ServiceNow, Inc.
Petitioner

v.

BMC Software, Inc.
Patent Owner

U.S. Patent No. 7,062,683
Filing Date: April 22, 2003
Issue Date: June 13, 2006

TITLE: TWO-PHASE ROOT CAUSE ANALYSIS

DECLARATION OF ARTHUR T. BRODY, PH.D.

Covered Business Method Review No. 2015-__

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I, Arthur T. Brody, Ph.D., declare as follows:

1. I have personal knowledge of the facts stated in this Declaration, and could and would testify to these facts under oath if called upon to do so.

2. I have been retained by counsel for ServiceNow, Inc. (Petitioner) in this case as an expert in the relevant art.

3. I have been asked to provide my opinions relating to claims 1, 2, 3, 12, 14, 21, 22, 24, 25, 26, 35, 37, 44, 45, 56, 57, 58, 67, 69, 76, 77, 79, 80, 83, 85, 88, 89, and 90 of U.S. Patent No. 7,062,683 to Michael R. Warpenburg, et al. (“the ‘683 patent”), which I understand is owned by BMC Software, Inc. (“Patent Owner” or “BMC”).

I. BRIEF SUMMARY OF MY OPINIONS

4. Claims 1, 2, 3, 12, 14, 21, 22, 24, 25, 26, 35, 37, 44, 45, 56, 57, 58, 67, 69, 76, 77, 79, 80, 83, 85, 88, 89, and 90 of the ‘683 patent purport to disclose a method of root cause analysis. They do not describe anything that was new or non-obvious by the time the application for the ‘683 patent was filed in April 2003. As explained in detail in **Part VI**, claims 1, 2, 3, 12, 14, 21, 22, 24, 25, 26, 35, 37, 44, 45, 56, 57, 58, 67, 69, 76, 77, 79, 80, 83, 85, 88, 89, and 90 of the ‘683 patent are directed to an abstract idea and fail to provide meaningful additional

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elements that transform them into something more than the abstract idea itself.

II. INTRODUCTION AND QUALIFICATIONS

A. Qualifications and Experience

5. I possess the knowledge, skills, experience, training and the education to form an expert opinion and testimony in this case.

6. I have more than thirty (30) years of experience in the networking and telecommunications industries. This experience includes network engineering, operations support systems, call center systems, workflow automation and other engineering and technical functions. Additional details of my background are set forth in my curriculum vitae, attached as **Exhibit A** to this Declaration, which provides a more complete description of my educational background and work experience. Starting at Bell Laboratories, continuing at Technicom Systems and in my consulting practice at A. T. Brody & Associates, Inc., I have worked on workflow automation projects. These projects included automation of sectionalization and isolation of problems on special service circuits, automation of trouble ticket processing and problem analysis on customer loops, workflow automation within service provider call centers with respect to provisioning and repair including the scheduling of dispatch (*i.e.*, truck

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