

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.
Petitioner,

v.

BMC SOFTWARE, INC.
Patent Owner.

Case CBM2015-00107
Patent 7,062,683 B2

Mailed: April 9, 2015

Before MICHAEL D. PIERCE, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for “**covered business method patent** review” in the proceeding has been accorded the filing date of March 31, 2015.

A review of the petition identified the following defects:

1. The Petitioner's claim chart reflecting asserted claim interpretations on page 18 is improperly single-spaced in violation of Rule 42.6(a)(2)(iii) should be double spaced.
2. . The Petitioner's claim charts at pages 63–66 also appear to be improperly single-spaced. Claim charts should be spaced at 1.5 lines according to Rule 42.6(a)(2)(iii).

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R.

Case CBM2015-00107
Patent 7,062,683 B2

§ 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>.

If there are any questions pertaining to this notice, please contact Michael D. Pierce at 571-272-5906 or the Patent Trial and Appeal Board at 571-272-7822.

PETITIONER:

Heidi Keefe
Andrew Mace
Phillip Morton
hkeefe@cooley.com
amace@cooley.com
pmorton@cooley.com

PATENT OWNER:

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI L.L.P.
20333 SH 249
6th Floor
Houston, TX 77070

Samuel Baxter
McKOOL SMITH, P.C.
104 East Houston, Suite 300
Marshall, Texas 75670

Case CBM2015-00107
Patent 7,062,683 B2