

Corrected Petition for Covered Business Method (CBM)  
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

---

**CORRECTED PETITION FOR COVERED BUSINESS METHOD (CBM) PATENT  
REVIEW OF U.S. PATENT NO. 7,062,683**

CBM Review No. 2015-00107

## Table of Contents

	Page
I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1) .....	1
A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).....	1
B. Related Matters under 37 C.F.R. § 42.8(b)(2).....	1
C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3) .....	1
D. Service Information .....	2
E. Power of Attorney .....	2
II. PAYMENT OF FEES - 37 C.F.R. § 42.203 .....	2
III. REQUIREMENTS FOR COVERED BUSINESS METHOD REVIEW 37 C.F.R. §§ 42.304 .....	3
A. Grounds for Standing Under 37 C.F.R. § 42.304(a).....	3
1. The Petitioner Has Been Sued For Alleged Infringement of the '683 Patent In Pending Litigation and Is Not Estopped.....	3
2. The '683 Patent Qualifies for CBM Review.....	4
a. The '683 Patent is a “Covered Business Method Patent” .....	4
b. The '683 Patent is Not a “Technological Invention” .....	18
B. Identification of Challenge under 37 C.F.R. § 42.304(b) and Statement of Precise Relief Requested .....	23
C. Claim Construction Under 37 C.F.R. § 42.304(b)(3).....	23
IV. BRIEF BACKGROUND OF THE STATE OF THE ART.....	24
A. Cause-and-Effect Relationships and Problem Solving .....	24
B. Root Cause Analysis Using Cause-and-Effect Models.....	25
C. “Upstream Analysis” and “Downstream Analysis” .....	27
V. SUMMARY OF THE CLAIMED SUBJECT MATTER .....	34
A. The Specification of the '683 Patent.....	34
B. The Claims of the '683 Patent.....	41

**Table of Contents**  
(continued)

	<b>Page</b>
VI. CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.304(B)(3).....	42
A. “fault model” .....	43
B. “node” .....	44
C. “up-stream analysis” .....	44
D. “down-stream analysis” .....	45
E. “status value” .....	46
F. “impact value” .....	47
G. “inference policy” and “inference policies” .....	48
H. “impact policy” .....	48
I. “Impact Graph” .....	49
J. “enterprise” .....	49
VII. THE CHALLENGED CLAIMS ARE UNPATENTABLE UNDER 35 U.S.C. § 101 .....	52
A. The Challenged Claims Are Directed to an Abstract Idea .....	53
1. Claim 1.....	53
2. Claim 2.....	61
3. Claim 3.....	62
4. Claim 12.....	63
5. Claim 14.....	63
6. Claim 21.....	64
7. Claim 22.....	65
8. Claims 24-26, 35, 37, 44, and 45.....	65
9. Claims 56-58, 67, 69, 76, and 77.....	72
10. Claims 79, 80, 83, 85, 88-89 .....	73
11. Claim 90.....	74

**Table of Contents**  
(continued)

	<b>Page</b>
B. The Challenged Claims Lack Any Meaningful Limitations.....	74
VIII. CONCLUSION .....	78

Corrected Petition for Covered Business Method (CBM)

Review of U.S. Patent No. 7,062,683

**List of Exhibits**

<b>Ex. No</b>	<b>Description of Document</b>
<b>1001</b>	U.S. Patent No. 7,062,683 to Michael R. Warpenberg et al.
<b>1002</b>	Declaration of Arthur T. Brody, Ph.D.
<b>1003</b>	Excerpts from Dean L. Gano, <i>Apollo Root Cause Analysis</i> (1999)
<b>1004</b>	Jane T. Malin et al., <i>Making Intelligent Systems Team Players: Additional Case Studies</i> , NASA Technical Memo. 104786 (1993)
<b>1005</b>	Ginger L. Pack, <i>Failure Environment Analysis Tool Applications</i> (1992)
<b>1006</b>	Excerpts from Paula Martin et al., <i>Getting Started in Project Management</i> (2001)
<b>1007</b>	Complaint for Patent Infringement in Case No. 14-CV-00903 JRG (E.D. Tex. filed September 23, 2014)

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.