UNITED STATES PATENT AND TRADEMARK OFFICI
BEFORE THE PATENT TRIAL AND APPEAL BOARD

ServiceNow, Inc. Petitioner

V.

BMC Software, Inc.
Patent Owner

U.S. Patent No. 8,646,093 Filing Date: December 9, 2009 Issue Date: February 4, 2014

TITLE: METHOD AND SYSTEM FOR CONFIGURATION MANAGEMENT DATABASE SOFTWARE LICENSE COMPLIANCE

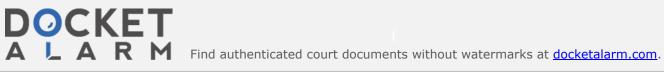
PETITION FOR COVERED BUSINESS METHOD (CBM) PATENT REVIEW OF U.S. PATENT NO. 8,646,093



## **Table of Contents**

Page

I.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1)						
	A.	Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1)					
	B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)					
	C.	Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)					
	D.	Service Information					
	E.	Power of Attorney					
II.	PAYMENT OF FEES - 37 C.F.R. § 42.203						
III.	REQUIREMENTS FOR CBM PATENT REVIEW						
	A.	Grounds for Standing Under 37 C.F.R. § 42.304(a)					
		1.	The Petitioner Has Been Sued For Alleged Infringement of the '093 Patent In Pending Litigation and Is Not Estopped	nt			
		2.	The '093 Patent Qualifies for CBM Review				
			a. "Covered Business Method Patent" Prong				
			b. "Technological Invention" Prong				
	B.	Identification of Challenge under 37 C.F.R. § 42.304(b) and Statement of Precise Relief Requested					
	C.	Claim Construction Under 37 C.F.R. § 42.304(b)(3)					
IV.	BRII	EF BA	CKGROUND OF THE STATE OF THE ART	19			
V.	SUMMARY OF THE CLAIMED SUBJECT MATTER						
	A.						
	B.	The Claims of the '093 Patent.					
VI.	CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.304(B)(3)						
	A.	"license certificate"					
	B.	"mo	odel" and "modeling"	33			
VII.	CLAIMS 1, 5, 10-13, AND 16 ARE UNPATENTABLE UNDER 35 U.S.C. § 101						
	A.	The	Challenged Claims Are Directed to an Abstract Idea	35			



## **Table of Contents**

(continued)

				1 age
		1.	Claim 1 (Independent)	35
		2.	Claim 5	41
		3.	Claim 10	41
		4.	Claims 11-13 ("License Type" Claims)	42
		5.	Claim 16 (Independent)	43
	B.	The	Challenged Claims Do Not Recite Meaningful Limitations	44
		1.	Claim 1 (Independent)	45
		2.	Dependent Claims 5, and 10-13	51
		3.	Claim 16 (Independent)	52
VIII	CON	ICLUS	SION	53

## **List of Exhibits**

Ex. No	Description of Document		
1001	U.S. Patent No. 8,646,093 to Anthony George Myers et al.		
1002	Declaration of Tal Lavian, Ph.D.		
1003	Best Practice for Software Asset Management, published by the IT Infrastructure Library, 2003		
1004	Introduction to ITIL, published by the IT Infrastructure Library, 2005		
1005	A Guide to Software Asset Management, published by Microsoft Corporation, 2004		
1006	Excerpts from Microsoft Computer Dictionary (5th ed. 2002)		
1007	Provisional Application No. 61/165,505 (incorporated by reference into the '093 patent).		
1008	Complaint for Patent Infringement in Case No. 14-CV-00903 JRG (E.D. Tex. filed September 23, 2014)		
1009	Affidavit of Christopher Butler, Office Manager of the Internet Archive, dated August 4, 2015		

Petition for Covered Business Method (CBM) Review of U.S. Patent No. 8,646,093

Petitioner ServiceNow, Inc. ("Petitioner") respectfully submits this Petition for Covered Business Method (CBM) Review of claims 1, 5, 10-13, and 16 of U.S. Patent No. 8,646,093 [Ex. 1001] ("'093 patent").

## I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1)

## A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1)

The Petitioner, ServiceNow, Inc., is the real party-in-interest.

## B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

The Petitioner was sued for alleged infringement of the '093 patent in <u>BMC</u> <u>Software, Inc.</u> v. <u>ServiceNow, Inc.</u>, Case No. 14-CV-00903 JRG (E.D. Tex. filed Sept. 23, 2014). A copy of the Complaint filed in that action is attached as **Exhibit 1008**. The Petitioner has denied infringement and contends that the patent is invalid. That action remains pending. On July 3, 2015, the Petitioner filed a petition for *inter partes* review (IPR) of the '093 patent (Case No. IPR2015-01555). That IPR also remains pending.

## C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)

Petitioner provides the following designation of counsel.

Lead Counsel	Back-Up Counsel
Heidi L. Keefe (Reg. No. 40,673)	Phillip E. Morton (Reg. No. 57,835)
hkeefe@cooley.com	pmorton@cooley.com
zpatdcdocketing@cooley.com	zpatdcdocketing@cooley.com
COOLEY LLP	COOLEY LLP
ATTN: Patent Group	ATTN: Patent Group
1299 Pennsylvania Ave., NW, Suite 700	1299 Pennsylvania Ave., NW, Suite 700



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