

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SERVICENOW, INC.  
Petitioner

v.

BMC SOFTWARE, INC.  
Patent Owner

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Case CBM2015-00170  
U.S. Patent 8,646,093

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**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION  
UNDER 37 C.F.R. § 41.10(c)**

Petitioner ServiceNow, Inc. respectfully requests that the Board recognize Mark R. Weinstein, Esq., as counsel *pro hac vice* during this proceeding.

**I. BACKGROUND**

Petitioner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the "Order—Authorizing Motion for *Pro Hac Vice* Admission" in Case No. IPR2013-00639 (MPT) ["the Order"].

**II. STATEMENT OF FACTS**

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Weinstein *pro hac vice*.

Mr. Weinstein is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Mr. Weinstein's biography is attached hereto as Exhibit 1010.

Mr. Weinstein has reviewed U.S. Patent No. 8,646,093, and the petition already filed in this proceeding. Further, Mr. Weinstein is counsel of record in the co-pending litigation between the parties entitled *BMC Software, Inc. v. ServiceNow, Inc.*, before the U.S. District Court of the Eastern District of Texas, Case No. 2:14-cv-00903; and, as such, is familiar with the subject matter at issue in this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Weinstein as counsel *pro hac vice* during this proceeding.

**III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

Petitioner's Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mark R. Weinstein, filed as Exhibit 1011, as required by the Order.

DATED: October 5, 2015

Respectfully Submitted,

COOLEY LLP  
ATTN: Patent Docketing  
1299 Pennsylvania Ave. NW Suite 700  
Washington D.C. 20004  
T: 650-843-5001  
F: 650-849-7400

/Heidi L. Keefe/  
Heidi L. Keefe  
Reg. No. 40,673

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## CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6, that a complete copy of the attached **PETITIONER'S MOTION FOR PRO HAC VICE ADMISSION (Mark R. Weinstein), Exhibits 1010 and 1011** and related documents, are being served via electronic mail on the 5th day of October 2015, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon counsel of record for the Patent Owner as follows:

Robert A. Cote  
rcote@mckoolsmith.com  
Pierre Hubert  
phubert@mckoolsmith.com  
Robert Auchter  
rauchter@mckoolsmith.com  
Kevin Schubert  
kschubert@mckoolsmith.com  
02184-00002\_CBM093@mckoolsmith.com

DATED: OCTOBER 5, 2015

COOLEY LLP  
ATTN: Heidi L. Keefe  
Patent Docketing  
1299 Pennsylvania Ave. NW, Ste. 700  
Washington, D.C. 20004  
Tel: (650) 843-5001  
Fax: (650) 849-7400

/ Heidi L. Keefe /  
Heidi L. Keefe  
Reg. No. 40,673