

**INFRINGEMENT OF U.S. PATENT NO. 8,646,093**

Exhibit H: '093 Infringement Chart Against Software Asset Management (SAM), Software License Management (SLM) and related applications

Claim 1	ServiceNow SAM, SLM, and Related Applications
A computer-implemented method, comprising: modeling deployment of a software product and a software license contract for the software product;	<p>ServiceNow uses Software Asset Management (SAM), Software License Management (SLM) and related applications (the “Accused Products”) in modeling deployment of a software product and a software license contract for the software product (see below).<sup>1</sup></p> <p>For example, Citation 1 depicts that the Accused Products manage, evaluate and track software licenses, along with installations and usage of software in the client environment, for the purpose of determining software license compliance. Citations 2 to 7 further depict that the Accused Products use contract models to store software license contracts and model deployment of software products on hardware, such as laptops and servers. Citations 6 and 8 further show that users can add custom model categories for an asset class, including software license instances, where the base system provides a model category for each CI class in the CMDB. Citation 9 further shows that the Accused Product creates software models and verifies that particular software installations are linked back to the correct model for purposes of determining compliance with software license rights.</p>

<sup>1</sup> These infringement contentions are prepared with publically available information. BMC’s investigation is ongoing and discovery has not yet begun. BMC reserves the right to amend or supplement these contentions after further investigation and discovery. Such supplemental information may include, but is not limited to, source code, data sheets, design specifications, deposition testimony, testing information, reference designs, implementation and utilization information, and/or schematics. BMC further reserves the right to accuse different products, or find alternative literal and/or equivalent infringing elements in ServiceNow’s products, based on further investigation and discovery, the claim construction process before the Court, or other circumstances so meriting. In addition, ServiceNow has not yet advised BMC of any non-infringement arguments, as to this or any other claim limitation. If and when it does so, BMC will address such arguments, including by providing any appropriate additional discussion pertaining to the application of the doctrine of equivalents with respect to ServiceNow’s arguments concerning non-infringement.

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	<p>Citation 1:</p> <div data-bbox="590 363 1835 652" style="border: 1px solid black; padding: 10px;"><p>Software asset management (SAM) systematically tracks, evaluates, and manages software licenses and software usage. A strong SAM program can help an organization reduce software costs, improve compliance, and simplify or develop processes for employee software requests. SAM programs can also help control inventory through accurate databases, which in turn helps identify organizational software needs, identify unused software that can be deleted, as well as reduce or consolidate the number of software vendors used.</p></div> <p>Source: <a href="http://wiki.servicenow.com/index.php?title=Software_Asset_Management#Setup_Process">http://wiki.servicenow.com/index.php?title=Software Asset Management#Setup Process</a></p> <p>Citation 2:</p> <div data-bbox="569 899 1856 1281" style="border: 1px solid black; padding: 10px;"><p><b>6.2 Dublin</b></p><ul style="list-style-type: none"><li>▪ Installations of an unlicensed software version can be counted as part of a licensed version in a Software Model record by defining the unlicensed version as the <b>downgrade child</b> of the licensed version. This allows users of unlicensed versions to keep their installations, which are counted against the license of the <i>upgrade parent</i>.</li><li>▪ You can view <b>Contract model</b>, <b>Short description</b>, and <b>Vendor</b> details in the <b>Contract</b> reference lookup list on <a href="#">software counter</a> records.</li><li>▪ You can view <b>Workstation</b> and <b>User</b> details in the <b>Software Counter Details</b> related list on <a href="#">software counter summary</a> records.</li><li>▪ Two <b>Related Links</b> in the <a href="#">Software Discovery Model</a> form allow administrators to create new software models and counters. Use the same links in the <b>Actions</b> menu below the list view to create new models and counters for multiple Discovery models.</li><li>▪ SaaS contract types are supported for Software Contracts.</li></ul></div> <p>Source: <a href="http://wiki.servicenow.com/index.php?title=Software_Asset_Management#Setup_Process">http://wiki.servicenow.com/index.php?title=Software Asset Management#Setup Process</a></p>

INFRINGEMENT OF U.S. PATENT NO. 8,646,093

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	<p>Citation 3:</p> <div data-bbox="600 363 1829 597" style="border: 1px solid black; padding: 5px;"><p>A software contract is a binding agreement between the owner of a software product and a buyer. The contract enables the buyer to use the software legally. In ServiceNow, manage and track software contracts with the <b>Contract Management</b> application. When creating a new software contract, you can specify that the contract is an enterprise or subscription license.</p></div> <p>Source: <a href="http://wiki.servicenow.com/index.php?title=Software_Contracts">http://wiki.servicenow.com/index.php?title=Software_Contracts</a></p> <p>Citation 4:</p> <div data-bbox="779 842 1646 1192" style="border: 1px solid black; padding: 5px;"><p>Model categories associate <b>CI classes</b> with <b>asset classes</b>. The model category configuration determines if ServiceNow should create an asset from a CI and if so, what class of asset. Asset classes in the base system are <b>Hardware</b>, <b>Software License</b>, and <b>Consumable</b>. You can associate a model category to many models and a model to many model categories. For example, a specific model of a computer can be a Computer and a Server.</p></div> <p>Source: <a href="http://wiki.servicenow.com/index.php?title=Model_Categories">http://wiki.servicenow.com/index.php?title=Model_Categories</a></p> <p>Citation 5:</p>

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	<div data-bbox="506 253 1919 441" style="border: 1px solid black; padding: 5px;"><h3 data-bbox="514 272 909 311">3 Editing Model Categories</h3><hr data-bbox="514 321 1906 324"/><p data-bbox="514 354 1906 425">All default model categories can be edited, except the <b>Contract</b> model category. Any custom model categories you create can be edited at any time.</p></div> <p data-bbox="417 467 1331 500"><b>Source:</b> <a href="http://wiki.servicenow.com/index.php?title=Model_Categories">http://wiki.servicenow.com/index.php?title=Model_Categories</a></p> <p data-bbox="417 574 554 607">Citation 6:</p> <div data-bbox="527 630 1892 1065" style="border: 1px solid black; padding: 5px;"><h3 data-bbox="535 643 942 675">4 Creating Model Categories</h3><hr data-bbox="535 685 1881 688"/><p data-bbox="535 708 1644 730">You can add custom model categories for your instance. When creating model categories, keep the following in mind:</p><ul data-bbox="550 753 1877 1052" style="list-style-type: none"><li data-bbox="550 753 1877 812">▪ The base system provides a model category for each CI class in the CMDB. As you create new cmdb_ci classes, create a corresponding row in the model category table for the model table to be used.</li><li data-bbox="550 824 1877 915">▪ If you select an <b>Asset class</b> on any existing model category, the system automatically creates assets for all configuration items associated with the model category, if configured to do so. If an asset is not created automatically, you can <a href="#">create the asset manually</a>. After an asset class is selected for a model category, the asset class cannot be changed.</li><li data-bbox="550 928 1877 987">▪ The <b>Allow pre-allocated</b>, <b>Allow in bundle</b>, and <b>Allow as master</b> options are only available if an asset class is specified for the model category.</li><li data-bbox="550 1000 1877 1052">▪ If you select <b>Consumable</b> or <b>Software License</b> for the asset class, the <b>Allow in bundle</b> option is available, but not <b>Allow pre-allocation</b> or <b>Allow as master</b>.</li></ul></div> <p data-bbox="417 1091 1331 1123"><b>Source:</b> <a href="http://wiki.servicenow.com/index.php?title=Model_Categories">http://wiki.servicenow.com/index.php?title=Model_Categories</a></p> <p data-bbox="417 1198 554 1230">Citation 7:</p>

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Source: [http://wiki.servicenow.com/index.php?title=Model\\_Categories](http://wiki.servicenow.com/index.php?title=Model_Categories)

Citation 8:

Field	Description
Name	A descriptive name for this category.
CI class	If a CI class is needed, it must be specified when you create the model category. The CI class cannot be added to the model category later.
Asset class	Default options and any <a href="#">new asset classes</a> you have created. Setting the asset class triggers the creation of assets depending on the model category selected. An asset class can be added to the model category at a later time, but cannot be changed after it is added. If you select <b>Consumable</b> or <b>Software License</b> , the <b>CI class</b> field becomes read-only because consumables and software licenses do not create CIs. If you specify a CI class and then select <b>Consumable</b> or <b>Software License</b> , the <b>CI class</b> field is changed to <b>None</b> automatically. <ul style="list-style-type: none"> <li>▪ <b>Asset:</b> An item that should be tracked individually.</li> <li>▪ <b>Consumable:</b> An asset not tracked individually, such as keyboards.</li> <li>▪ <b>Hardware:</b> A physical piece of computer equipment, such as a laptop or server.</li> <li>▪ <b>Software License:</b> A legal statement defining the uses of software, such as the number of installations allowed or the terms of distribution.</li> </ul>

Source: [http://wiki.servicenow.com/index.php?title=Model\\_Categories](http://wiki.servicenow.com/index.php?title=Model_Categories)

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