

Filed on behalf of Hewlett-Packard Company

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.
Petitioner

v.

HEWLETT-PACKARD COMPANY
Patent Owner

Case No. IPR2015-00523
Patent 6,321,229
Filed: January 5, 2015

**PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Patent Owner Hewlett-Packard Company (“HP”) hereby provides notice to the Board that the objections made on the record herewith in order to preserve these objections were served on Petitioner ServiceNow, Inc. pursuant to 37 C.F.R. § 42.64.

Respectfully Submitted,

Date: August 4, 2015

/Owen K. Allen/

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Case No. IPR2015-00523
Patent No. 6,321,229
Docket No.: 1361550.00478US1

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE PURSUANT TO
37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64, Patent Owner Hewlett-Packard Company (“HP”) objects to the admissibility of the documents identified below that were submitted by Petitioner during the preliminary proceedings, for the following reasons:

1. Petitioner’s Exhibits 1004 and 1005 are objected to because they have not been properly authenticated as required by Federal Rule of Evidence (FRE) 901. These documents are not self-authenticating.

2. Petitioner’s Exhibits 1004 and 1005 are objected to because there is no admissible evidence establishing that these exhibits were sufficiently publicly accessible prior to February 26, 1999, and therefore there is no evidence that these documents qualify as prior art as printed publications. Petitioner has failed to establish that the excerpts of Exhibits 1004 and 1005 accurately depict any publications that were allegedly made prior to February 26, 1999. Exhibits 1004 and 1005 are also objected to as being hearsay, in that Petitioner apparently relies on a date on each exhibit as proof of a publication date.

3. Patent Owner HP also objects to the statements regarding Exhibits 1004 and 1005 in the Petition and Exhibit 1002 (Declaration of David Klausner). For example, in Exhibit 1002 Mr. Klausner provides no testimony from personal knowledge regarding whether Exhibits 1004 and 1005 are authentic or whether

these documents qualify as printed publications, and these documents have not been established as printed publications and have not been authenticated as required by FRE 901. Thus, all statements in the Petition and testimony by Mr. Klausner concerning these exhibits lack foundation, assume facts not in evidence, and are improper testimony.

These objections have been made within ten business days from the July 21, 2015 institution of trial.

Respectfully Submitted,

Date: August 4, 2015

/Owen K. Allen/

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