

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SERVICENOW, INC.,  
Petitioner

v.

HEWLETT-PACKARD COMPANY,  
Patent Owner

---

Case IPR2015-00523  
Patent 6,321,229

---

**PETITIONER'S LIST OF PROPOSED MOTIONS**

Pursuant to the Patent Trial and Appeal Board instituting trial on July 21, 2015, and in advance of the initial conference call scheduled for August 18, 2015, Petitioner ServiceNow, Inc. hereby discloses the following regarding proposed motions in the above-captioned IPR proceeding:

Pursuant to 37 C.F.R. § 42.123(a), Petitioner requests authorization to file a motion to submit supplemental information with respect to the Fox<sup>1</sup> and Forta<sup>2</sup> prior art references submitted with the petition for *inter partes* review. The patent owner has objected to the admissibility of these references and has suggested that the Petitioner's record evidence is insufficient to show that Fox and Forta qualify as prior art. The Petitioner believes that the patent owner's objections are without basis, but nevertheless, the Petitioner requests authorization to bring a motion to submit additional evidence that would remove any alleged evidentiary defect regarding the prior art status of these references. The supplemental information will include date-stamped copies of excerpts of Fox and Forta as received by the Library of Congress and

---

<sup>1</sup> David Fox & Troy Downing, *Web Publisher's Construction Kit with HTML 3.2* (1996) ("Fox") (Ex. 1004).

<sup>2</sup> Ben Forta et al., *The Cold Fusion Web Database Construction Kit* (1997) ("Forta") (Ex. 1005).

university libraries, and other evidence showing public accessibility of these documents, as permitted by 37 C.F.R. § 42.63(a).

The supplemental information will be relevant to a claim for which the trial has been instituted because the grounds on which the Board instituted trial include the Fox and Forta references. (Paper 13 at 2.) The request is timely because it is being made within one month of the date the trial was instituted. The Board has previously authorized (and granted) motions to submit supplemental information under 37 C.F.R. § 42.123(a) to confirm the prior art status of references that serve as the basis of a ground of unpatentability on which trial has been instituted. *See, e.g., Palo Alto Networks, Inc. v. Juniper Networks, Inc.*, IPR2013-00369, Paper 37 at 2 (PTAB Feb. 5, 2014); *Valeo N. Am., Inc. v. Magna Elecs., Inc.*, IPR2014-01204, Paper 26 at 2-3 (PTAB Apr. 10, 2015); *Goertek, Inc. v. Knowles Elecs., LLC*, IPR2013-00614, Paper 25 at 2-3 (PTAB Apr. 8, 2014).

The Petitioner is aware of no other motions that it intends to file. The Petitioner notes that the Board has authorized motions to exclude evidence, motions for observations on cross-examination and motions to compel discovery. The Petitioner reserves its right to seek permission to file these or

additional motions as appropriate, based on the evidence or other materials presented by the patent owner in this proceeding.

Respectfully submitted,

Dated: August 14, 2015

/Heidi Keefe/

Heidi Keefe

Registration No. 40,673

Counsel for Petitioner

Cooley LLP

ATTN: Patent Group

1299 Pennsylvania Ave., NW, Suite 700

Washington, DC 20004

Tel: (650) 843-5001

Fax: (650) 849-7400

### CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6, that a copy of the attached **PETITIONER'S LIST OF PROPOSED MOTIONS** is being electronically served on the 14th day of August 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 for the patent owner as follows:

David L. Cavanaugh  
David.Cavanaugh@wilmerhale.com  
WHIPDocketStaff@wilmerhale.com

Owen Allen  
Owen.Allen@wilmerhale.com  
WHIPDocketStaff@wilmerhale.com

Joseph F. Haag  
Joseph.Haag@wilmerhale.com  
WHIPDocketStaff@wilmerhale.com

Evelyn C. Mak  
Evelyn.Mak@wilmerhale.com  
WHIPDocketStaff@wilmerhale.com

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

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