Declaration of Tal Lavian, Ph.D. in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 7,392,300

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ServiceNow, Inc.
Petitioner

v.

Hewlett-Packard Company
Patent Owner

U.S. Patent No. 7,392,300
Filing Date: January 8, 2004
Issue Date: June 24, 2008

TITLE: METHOD AND SYSTEM FOR MODELLING A COMMUNICATIONS NETWORK

DECLARATION OF TAL LAVIAN, Ph.D.

Inter Partes Review No. 2015-__

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1. Each Limitation of Claim 1 is Disclosed by Matheny, XML in a Nutshell, Hamner and Arrouye 34

(a) "generating a network representation using computer-readable code, the computer-readable code representing structured information" 34

(b) "parsing the network representation" 38

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(c) "generating a network model using the parsed network representation, the network model including a plurality of network objects and relationships between the plurality of network objects" 43

(d) "storing the network model in memory" 46

(e) "processing a network event using the network model, wherein the processing includes identifying one or more network objects of the plurality of network objects…" 47

(f) "…and the processing further includes determining an order of operation on the one or more network objects" 57

2. Each Limitation of Claim 7 is Disclosed by Matheny, XML in a Nutshell, Hamner and Arrouye 64

3. Each Limitation of Claim 8 is Disclosed by Matheny, XML in a Nutshell, Hamner and Arrouye 64

4. Each Limitation of Claim 10 is Disclosed by Matheny, XML in a Nutshell, Hamner and Arrouye 66

5. Each Limitation of Claim 21 is Disclosed by Matheny, XML in a Nutshell, Hamner and Arrouye 67

6. Each Limitation of Claim 22 is Disclosed by Matheny, XML in a Nutshell, Hamner and Arrouye 70

B. Claims 1, 7, 8, 10, 21 and 22 Are Obvious Over Matheny in view of XML in a Nutshell, Hamner and Pitt 71

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I, Tal Lavian, Ph.D., declare as follows:

1. I have personal knowledge of the facts stated in this declaration, and could and would testify to these facts under oath if called upon to do so.

2. I have been retained by counsel for ServiceNow, Inc. (Petitioner) in this case as an expert in the relevant art. I have been asked to provide my opinions relating to claims 1, 7, 8, 10, 21 and 22 of U.S. Patent No. 7,392,300 by Raghu Ananthrangachar et al. ("'300 patent"), which I understand is assigned to Hewlett-Packard Company.

I. BRIEF SUMMARY OF MY OPINIONS

3. Claims 1, 7, 8, 10, 21 and 22 purport to disclose a method, system and computer program for modelling a computer network. The alleged invention of these claims is, at a high level, straightforward and easy to understand. The claims require generation of a "network representation" that describes the devices in a network. This "network representation" must comprise eXtensible Markup Language (XML) or some other form of "structured information." This network representation, once generated, is parsed and then used to generate a "network model," which in turn is used to process network events.

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4. Claims 1, 7, 8, 10, 21 and 22 do not describe anything that was new or non-obvious by the time the application for the '300 patent was filed in January 2004. The generation and use of a "network representation" in XML – the feature to which the majority of the specification is devoted – was disclosed by Matheny. Matheny not only discloses the claimed "network representation," but does so using language remarkably similar to the challenged claims. The remaining limitations in the challenged claims, including the creation of a "network model" and using it to process network events, recite basic functionality found of network management systems that predate the patent by nearly a decade, as shown by the prior art references below including Hamner.

5. Because each element of the challenged claims is disclosed or suggested by the prior art I describe in my Declaration, and a person of ordinary skill in the art would have had ample motivation to combine, each challenged claim is obvious. The bases for my opinions are set forth in detail below.

II. INTRODUCTION AND QUALIFICATIONS

A. Qualifications and Experience

6. I possess the knowledge, skills, experience, training and the education to form an expert opinion and testimony in this case. A detailed record

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