

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.

Petitioner,

v.

HEWLETT-PACKARD COMPANY

Patent Owner

Case No. IPR2015-00631

Patent 7,392,300

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Description of the Invention	2
III. Claim Construction.....	4
A. The claim term “network representation” should be construed to mean “computer data that represents objects in a network and the relationships between them.”	5
B. The claim term “network model” should be construed to mean “computer-based representation of a network comprising the objects in the network and the relationships between them.”	8
C. The claim term “network event” should be construed to mean “an action or occurrence within the network that is detected or received by the system.”	10
1. The intrinsic and extrinsic evidence supports HP’s construction.....	10
2. Petitioner’s unsupported construction departs from the plain meaning and the specification.....	14
IV. The Petition should be denied because the cited references fail to disclose or suggest every claim limitation.....	18
A. Neither Matheny alone nor Matheny combined with <i>XML in a Nutshell</i> discloses or suggests “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.”	19
1. Overview of Matheny	20
2. The “discovery document” of Matheny is not a “network model” as properly construed.	21

- B. Neither Matheny nor Hamner discloses or suggests “processing a network event using the network model.”23
 - 1. Matheny does not disclose or suggest “processing a network event using the network model.”24
 - 2. Hamner does not disclose or suggest “processing a network event” under the proper construction of “network event.”26
- V. CONCLUSION.....30

TABLE OF AUTHORITIES

Page(s)

FEDERAL CASES

CCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359 (Fed. Cir. 2002)4

Helmsderfer v. Bobrick Washroom Equip., Inc., 527 F.3d 1379 (Fed. Cir. 2008)..14

BOARD DECISIONS

Microsoft Corp. v. Proxyconn, Inc., Case IPR2012-00026, Paper No. 17 (P.T.A.B.
Dec. 21, 2012).....18

FEDERAL STATUTES

35 U.S.C. § 314.....2

OTHER AUTHORITIES

37 C.F.R. § 42.100(b)4

37 C.F.R. § 42.104(b)(4).....18

37 C.F.R. § 42.1082

I. Introduction

Petitioner seeks to invalidate claims 1, 7, 8, 10, 21, and 22 of U.S. Patent No. 7,392,300 (“the ’300 patent”) assigned to Patent Owner Hewlett-Packard Company (“HP”). Petitioner asserts two grounds in the Petition, both of which rely on a combination of *four* prior art references, with three of the four references being used in both grounds. Both grounds suffer from the same fatal flaws.

Most importantly, the Petition relies on unreasonably broad claim constructions for three key terms—“network representation,” “network model,” and “network event”—that are at the heart of the invention. Petitioner’s proposed constructions are wholly divorced from the patent specification, and if accepted, would render the terms essentially meaningless. These three terms are key to understanding the patent and its teachings of the creation of a system that allows a computer network administrator to monitor and troubleshoot issues within a network.

Petitioner proposes its overly broad constructions because the cited prior art references (*four* in each asserted combination) fail to disclose the construed terms under their proper, plain meaning constructions. Once the terms are properly construed, it is readily apparent that the cited references fail to disclose the claimed invention of the challenged claims.

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