

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SERVICENOW, INC.,  
Petitioner,

v.

HEWLETT-PACKARD CO.,  
Patent Owner.

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Case IPR2015-00707  
Patent 7,925,981 B2

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Before RAMA G. ELLURU, JAMES B. ARPIN, and  
CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judges*.

Opinion for the Board filed by ARPIN, *Administrative Patent Judge*.

Opinion Dissenting filed by CRUMBLEY, *Administrative Patent Judge*.

ARPIN, *Administrative Patent Judge*.

DECISION  
Denying Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

### A. Background

ServiceNow, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1, 22, and 23 (the “challenged claims”) of Patent No. US 7,925,981 B2 to Pourheidari *et al.* (Ex. 1001, “the ’981 patent”), pursuant to 35 U.S.C. §§ 311–319. Pet. 1. Hewlett-Packard Company (“Patent Owner”) filed a Preliminary Response (Paper 11, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314,<sup>1</sup> which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Petitioner relies upon the following references, declaration, and affidavit in support of its ground for challenging claims 1, 22, and 23 of the ’981 patent:

Exhibit	Description
1002	Declaration of Tal Lavian Ph.D.
1004	BEA Systems, Inc., Introducing BEA WebLogic Collaborate (dated July 2001) (“Introducing Collaborate”)
1005	BEA Systems, Inc., Administering BEA WebLogic Collaborate (dated July 2001) (“Administering Collaborate”)
1006	BEA Systems, Inc., Programming BEA WebLogic Collaborate Management Applications (dated July 2001) (“Programming Collaborate”)
1008	David Fox <i>et al.</i> , Web Publisher’s Construction Kit with HTML 3.2 (1996) (“Fox”)
1009	Kenn Scribner <i>et al.</i> , Applied SOAP: Implementing .NET XML Web Services (2001) (“Scribner”)

<sup>1</sup> See Section 6(a) of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 116 Stat. 284, 300 (2011).

Exhibit	Description
1011	BEA Unveils Comprehensive Web Services Strategy and Support For Widest Range of Web Services Standards in the Industry, PR Newswire, Feb. 26, 2001
1013	BEA and Gauss Interprise Announce Strategic Relationship, Canadian Corporate Newswire, Aug. 27, 2001
1014	Affidavit of Christopher Butler, dated January 15, 2015 (including Exhibit A (BEA WebLogic Screen Shots)) (“the Butler Affidavit”)

Exhibits 1004–1006 are referred to collectively as the “Collaborate References.” Pet. 20.

Petitioner asserts that the challenged claims are unpatentable on the following ground (Pet. 4, 21–60):

Claims	Ground	References
1, 22, and 23	35 U.S.C. § 103(a)	Collaborate References and Fox

For the reasons set forth below, we determine that, on this record, Petitioner fails to demonstrate a reasonable likelihood of prevailing in showing the unpatentability of any of the challenged claims. Accordingly, we *deny* institution of *inter partes* review as to any of the challenged claims of the ’981 patent.

#### *B. Related Proceedings*

Petitioner was sued for infringement of the ’981 patent by Patent Owner: *Hewlett-Packard Co. v. ServiceNow, Inc.*, Case No. 14-CV-00570BLF (N.D. Cal. filed Feb. 6, 2014). Pet. 1. Petitioner has filed a petition seeking covered business method review of the ’981 patent (CBM2015-00077) and petitions to review several of Patent Owner’s other patents – Patent Nos. US 6,321,229 B1 (IPR2015-00523); US 7,392,300 B2

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(IPR2015-00631); US 7,610,512 B2 (IPR2015-00699); US 7,890,802 B2 (IPR2015-00702); and US 7,945,860 B2 (IPR2015-00716).<sup>2</sup>

*C. The '981 Patent*

The '981 patent, entitled “Systems and Methods for Managing Web Services Via a Framework of Interfaces,” relates to a web service management system comprising service managed objects. Ex. 1001, col. 3, ll. 41–43. The Specification discloses that managed objects are “management representations of a resource,” that implement “managed object interfaces 130 to provide a common set of basic management capabilities.” *Id.* at col. 7, ll. 25–35. Figure 1A, depicting an embodiment of a web service management system, is reproduced below:

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<sup>2</sup> As with the '981 patent, Patent No. US 7,945,860 B2 (Ex. 1003, “the '860 patent”) was filed on May 14, 2003. Petitioner relies upon the Collaborate References and Fox in its challenges to claims of the '860 patent in IPR2015-00716.

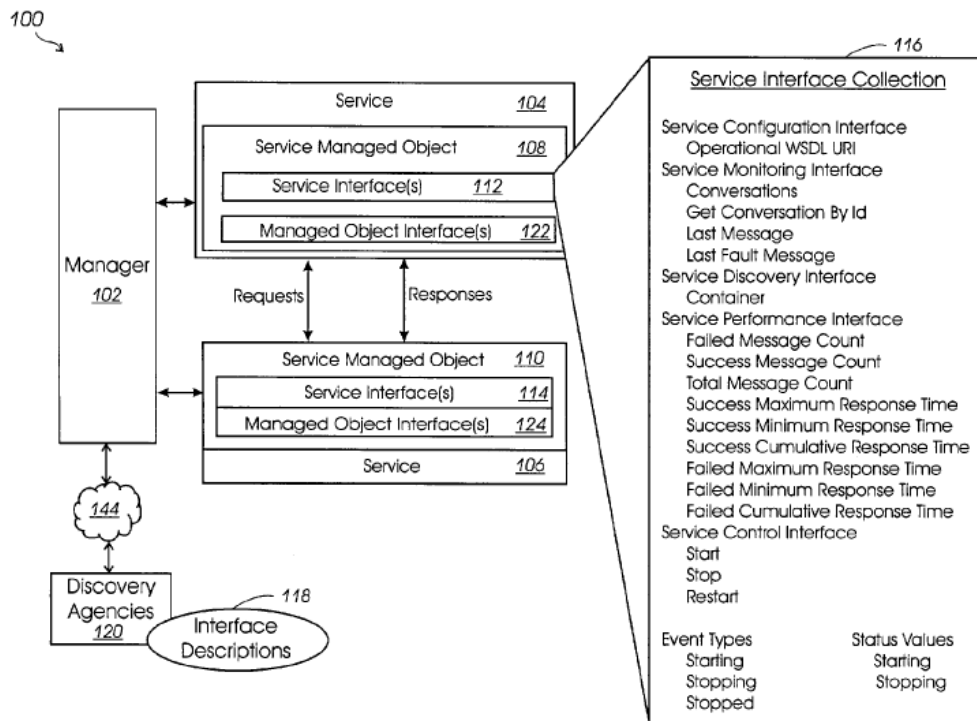


FIG. 1A

*Id.* at Fig. 1A.

In Figure 1A, web service management system 100 has service managed objects 104, 110 that have service interfaces 112, 114 that allow manager 102 to access information regarding the state of services 104, 110.

*Id.* at col. 4, ll. 51–60. In this embodiment, the Specification describes that:

*Service managed objects 108, 110 represent the management features of resource(s) that perform services 104, 106. Interfaces in one or more categories can be included in service interfaces 112, 114 for each service managed object 108, 110. Service interfaces 112, 114 can allow manager 102 to access information regarding the state of services 104, 106, as well as to control the operation of services 104, 106.*

*Id.* at col. 4, ll. 51–60 (emphases added).

Service managed objects “can be considered managed objects 128.”

*Id.* at col. 7, ll. 28–29. The Specification explains that a “[m]anaged object

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