

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SERVICENOW, INC

Petitioner

v.

HEWLETT-PACKARD COMPANY

Patent Owner

---

Case No. IPR2015-00717

Patent 7,027,411

---

**PATENT OWNER'S RESPONSE  
UNDER 37 C.F.R. § 42.120**

## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION .....	1
II. THE '411 PATENT .....	3
A. Block Diagram of the System of the '411 Patent.....	8
B. First List (List of Existing Tuples from an Existing Topology) and Second List (New List of a Plurality of Tuples for a Topology of the Network at a Current Time) .....	10
C. The Connection Calculator Creates the Third List (New Tuples List that represent new nodal connections) .....	12
1. The First Weeding Phase .....	15
2. The Infrastructure Building Phase .....	17
3. The Second Weeding Phase.....	19
4. The Noise Reduction Phase .....	20
5. The “Look For” Phase .....	21
6. The Consolidation Phase.....	23
D. Receiving the Third List and Comparing the First List (List of Existing Tuples from an Existing Topology) and the Third List (New Tuples List that Represent New Nodal Connections) to Identify Changes to Topology .....	23
III. CHALLENGED CLAIMS 1 AND 3 .....	27
IV. FILE HISTORY OF '411 PATENT.....	31
V. OVERVIEW OF THE CITED PRIOR ART REFERENCES .....	36
A. Jones .....	37
B. Tonelli.....	39

VI. THE CHALLENGED '411 PATENT CLAIMS ARE NON-OBVIOUS BECAUSE MULTIPLE CLAIM LIMITATIONS ARE NOT TAUGHT OR SUGGESTED BY THE PRIOR ART .....41

A. Jones does not Render Claims 1 and 3 Obvious .....42

1. Jones Does Not Disclose or Render Obvious “Receiving New Tuples List that Represent New Nodal Connections,” as Recited in Independent Claim 1 .....42

a. Petitioner’s Expert has a Fundamental Misunderstanding of Claim 1 that Caused an Erroneous Application of Jones.....42

b. Jones Does Not Disclose the “New Tuples List” Required by the Claims .....46

2. Jones Does Not Disclose or Render Obvious “Comparing the List of Existing Tuples with the New Tuples List to Identify Changes to the Topology,” as Recited in Independent Claim 147

3. The Petition Characterizes Jones Incorrectly.....48

4. Jones Does Not Disclose or Render Obvious “Each Of The Tuples Comprises A Host Identifier, Interface Information, And A Port Specification,” as Recited in Independent Claim 1 .....50

B. Tonelli does not Render Claims 1 and 3 Obvious .....52

1. Tonelli Does Not Disclose or Render Obvious “Receiving New Tuples List that Represent New Nodal Connections,” as Recited in Independent Claim 1 .....52

a. Petitioner’s Expert has a Fundamental Misunderstanding of Claim 1 that Caused an Erroneous application of Tonelli .....52

b. Tonelli Does Not Disclose the “New Tuples List” Required by the Claims .....54

2. Tonelli Does Not Disclose or Render Obvious “Comparing the List of Existing Tuples with the New Tuples List to Identify Changes to The Topology,” as Recited in Independent Claim 155

3. Tonelli Does Not Disclose or Render Obvious “Each Of The Tuples Comprises A Host Identifier, Interface Information, And A Port Specification,” as Recited in Independent Claim 1.....56

VII. CONCLUSION.....57

**TABLE OF AUTHORITIES**

**Page(s)**

**Federal Cases**

*Atlas IP, LLC v. Medtronic, Inc.*,  
U.S. App. LEXIS 18819 (Fed. Cir. 2015).....43

**Federal Statutes**

35 U.S.C. § 103(a) ..... 1  
35 U.S.C. § 316(e) ..... 1

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.