

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.

BMC SOFTWARE, INC.,  
Patent Owner

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Case IPR2015-01176  
Patent 5,978,594

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**NOTICE OF STIPULATION TO MODIFY  
TRIAL DUE DATE 1**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board U.S.  
Patent and Trademark Office P.O.  
Box 1450  
Alexandria, VA 22313-1450

Petitioner, ServiceNow, Inc., and Patent Owner, BMC Software, Inc., have jointly agreed to modify the November 16, 2015 Scheduling Order (Paper 11) that the Board issued for the above-captioned proceeding. Prior authorization for this Stipulation was provided in the Scheduling Order. (Paper 11, p. 2.)

Specifically, Petitioner and Patent Owner have agreed to modify DUE DATE 1 as follows:

**Modified DUE DATE 1.....~~February 18, 2016~~ February 22, 2016**

Patent owner's response to the petition

~~Patent owner's motion to amend the patent~~<sup>1</sup>

This joint modification is possible without modifying Due Dates 2 - 7. So all other DUE DATES in the Scheduling Order remain the same. DUE DATE 2 - 7 remain unchanged.

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<sup>1</sup>U.S. Patent No. 5,978,594 has expired and may not be amended.

It is not believed that any other action, by the parties or by the Board, is required to put the requested schedule modification into effect. Accordingly, Patent Owner will file its response to the petition no later than **February 22, 2016**.

Date: January 26, 2016

Respectfully submitted,

/Robert A. Auchter/

Robert A. Auchter

Reg. No. 38,069

McKOOL SMITH, P.C.

Counsel for Patent Owner

/Andrew Mace/

Andrew Mace

Reg. No.

63,342

COOLEY LLP

Counsel for ServiceNow, Inc.

**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

The undersigned hereby certifies that the foregoing **NOTICE OF STIPULATION TO MODIFY TRIAL DUE DATE 1** was served electronically via e-mail on January 26, 2016 in its entirety on the following counsel of record for

Petitioner:

Heidi L. Keefe  
Phillip E. Morton  
Andrew C. Mace  
Mark R. Weinstein  
COOLEY LLP  
hkeefe@cooley.com  
pmorton@cooley.com  
amace@cooley.com  
mweinstein@cooley.com  
zpatdcdocketing@cooley.com

Respectfully submitted,  
McKOOL SMITH P.C.

/Robert A. Auchter/

Robert A. Auchter  
Registration No. 38,069  
Counsel for Patent Owner

Date: January 26, 2016

1999 K Street, N.W.,  
Suite 600 Washington, D.C.  
20006  
(202) 370-8300