

Petition for *Inter Partes* Review of
U.S. Patent No. 5,978,594

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ServiceNow, Inc.
Petitioner

v.

BMC Software, Inc.
Patent Owner

U.S. Patent No. 5,978,594
Filing Date: March 6, 1997
Issue Date: November 2, 1999

TITLE: SYSTEM FOR MANAGING COMPUTER RESOURCES ACROSS A DISTRIBUTED COMPUTING
ENVIRONMENT BY FIRST READING DISCOVERY INFORMATION ABOUT HOW TO
DETERMINE SYSTEM RESOURCES PRESENCE

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 5,978,594**

Inter Partes Review No. 2015-01176

Table of Contents

	Page
I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1)	1
A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).....	1
B. Related Matters under 37 C.F.R. § 42.8(b)(2).....	1
C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)	1
D. Service Information	2
E. Power of Attorney	2
II. PAYMENT OF FEES - 37 C.F.R. § 42.103	2
III. REQUIREMENTS FOR INTER PARTES REVIEW UNDER 37 C.F.R. §§ 42.104 AND 42.108	3
A. Grounds for Standing under 37 C.F.R. § 42.104(a)	3
B. Identification of Challenge under 37 C.F.R. § 42.104(b) and Statement of Precise Relief Requested	3
C. Requirements for Inter Partes Review 37 C.F.R. § 42.108(c).....	4
IV. BRIEF BACKGROUND OF THE UNDERLYING TECHNOLOGY.....	5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER	9
A. The Specification of the '594 Patent.....	9
B. Claim 1 of the '594 Patent	12
VI. CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.104(B)(3).....	13
A. “resource”	14
B. “discovery information”	15
C. “uninterpreted form”	19
VII. CLAIM 1 OF THE '594 PATENT IS UNPATENTABLE	20
A. Prior Art and Date Qualification for Ground 1.....	21
B. Brief Summary of the Prior Art Applied in Ground 1	22
C. Each Limitation of Claim 1 is Disclosed or Suggested by the Prior Art	26

Table of Contents
(continued)

	Page
1. “reading, from a storage device coupled to the computer system, discovery information about how to determine whether the resource is present on the computer system” (Claim 1(a))	30
2. “finding, on the storage device, instructions that are referred to in the discovery information, that are written in an interpretable high-level computer programming language, and that are stored on the storage device in their uninterpreted form” (Claim 1(b))	44
3. “interpreting the instructions for the purpose of collecting data for use in determining whether the resource is present on the computer system” (Claim 1(c))	49
4. “determining, responsive to the collected data, whether the resource is present on the computer system” (Claim 1(d)).....	56
VIII. CONCLUSION	59

List of Exhibits

Ex. No	Description of Document
1001	U.S. Patent No. 5,978,594 to David N. Bonnell et al.
1002	Declaration of David Klausner
1003	U.S. Patent No. 5,410,681 to Jay A. Jessen et al.
1004	Excerpts from Stephen Coffin, <i>UNIX System V, Release 4: The Complete Reference</i> (1990)
1005	Excerpts from <i>Inside Macintosh: Files</i> , Apple Computer, Inc. (1992)
1006	Ethan Winer, <i>A Quick Look at QuickBASIC</i> , PC Magazine, Vol. 6, No. 1 (January 13, 1987), at 285-93
1007	Excerpts from <i>Microsoft Press Computer Dictionary</i> (1991)
1008	RFC 1067, <i>A Simple Network Management Protocol</i> (August 1988)
1009	Amendment Under 37 C.F.R. § 1.115, September 20, 1996, from prosecution of U.S. Patent Appl. No. 08/316,034 (parent of '594)
1010	U.S. Patent Application Ser. No. 07/795,913 to Jay A. Jessen et al., filed on November 20, 1991 (parent application of Ex. 1003)
1011	Excerpts from Joint Claim Construction and Prehearing Statement filed on April 17, 2015 in <i>BMC Software, Inc. v. ServiceNow, Inc.</i> , Case No. 14-CV-903 JRG (E.D. Tex.)

Petition for *Inter Partes* Review of
U.S. Patent No. 5,978,594

ServiceNow, Inc. (“Petitioner”) submits this Petition for *Inter Partes* Review of claim 1 of U.S. Patent No. 5,978,594 [Ex. 1001] (“the ’594 patent”).

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1)

A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1)

The Petitioner, ServiceNow, Inc., is the real party-in-interest.

B. Related Matters under 37 C.F.R. § 42.8(b)(2)

The ’594 patent is the subject of one pending litigation involving the Petitioner: *BMC Software, Inc. v. ServiceNow, Inc.*, Case No. 14-CV-00903 JRG (E.D. Tex. Sept. 23, 2014), in which the patent owner contends that the Petitioner infringes the claim of the ’594 patent challenged in this Petition.

C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)

Petitioner provides the following designation of counsel.

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