

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SERVICENOW, INC.,  
Petitioner,

v.

BMC SOFTWARE, INC.,  
Patent Owner.

---

Case CBM2015-00107 (Patent 7,062,683)  
Case IPR2015-01176 (Patent 5,978,594)  
Case IPR2015-01211 (Patent 7,617,073)<sup>1</sup>

Before JUSTIN T. ARBES, BRIAN P. MURPHY, JENNIFER MEYER  
CHAGNON, TIMOTHY J. GOODSON, and JOHN A. HUDALLA,  
*Administrative Patent Judges.*

HUDALLA, *Administrative Patent Judge.*

DECISION  
Petitioner's Motions for *Pro Hac Vice* Admission of  
Mark R. Weinstein  
37 C.F.R. § 42.10

---

<sup>1</sup> This Decision addresses an issue pertaining to all three cases. Therefore, we exercise our discretion to issue a single Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

CBM2015-00107 (Patent 7,062,683)  
IPR2015-01176 (Patent 5,978,594)  
IPR2015-01211 (Patent 7,617,073)

Petitioner filed motions requesting *pro hac vice* admission of Mark R. Weinstein in each of the instant proceedings, and Petitioner submitted biographic information for and declarations from Mr. Weinstein in support of the motions. *See* Case CBM2015-00107, Paper 7, Exs. 1008, 1009; Case IPR2015-01176, Paper 6, Exs. 1012, 1013; Case IPR2015-01211, Paper 7, Exs. 1008, 1009. Patent Owner did not file an opposition to any of the motions. Based on the facts set forth in the motions, biographic information, and declarations, we conclude that Petitioner has established good cause for Mr. Weinstein's *pro hac vice* admission. *See* 37 C.F.R. § 42.10(c); *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3–4 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission). Petitioner's lead counsel, Heidi L. Keefe, is a registered practitioner.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motions for *pro hac vice* admission of Mark R. Weinstein are *granted*, and Mr. Weinstein is authorized to represent Petitioner as back-up counsel in the instant proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceedings;

FURTHER ORDERED that Mr. Weinstein is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

CBM2015-00107 (Patent 7,062,683)

IPR2015-01176 (Patent 5,978,594)

IPR2015-01211 (Patent 7,617,073)

FURTHER ORDERED that Mr. Weinstein is subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

CBM2015-00107 (Patent 7,062,683)  
IPR2015-01176 (Patent 5,978,594)  
IPR2015-01211 (Patent 7,617,073)

PETITIONER:

Heidi L. Keefe  
Phillip E. Morton  
Andrew C. Mace  
COOLEY LLP  
[hkeefe@cooley.com](mailto:hkeefe@cooley.com)  
[pmorton@cooley.com](mailto:pmorton@cooley.com)  
[amace@cooley.com](mailto:amace@cooley.com)  
[zpatdcdocketing@cooley.com](mailto:zpatdcdocketing@cooley.com)

PATENT OWNER:

Robert A. Cote  
Pierre Hubert  
Robert Auchter  
Kevin Schubert  
Phillip Lee  
McKOOL SMITH, P.C.  
[rcote@mckoolsmith.com](mailto:rcote@mckoolsmith.com)  
[phubert@mckoolsmith.com](mailto:phubert@mckoolsmith.com)  
[rauchter@mckoolsmith.com](mailto:rauchter@mckoolsmith.com)  
[kschubert@mckoolsmith.com](mailto:kschubert@mckoolsmith.com)  
[plee@mckoolsmith.com](mailto:plee@mckoolsmith.com)