

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 IPR 2015-01211  
Patent No. 7,617,073

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**PATENT OWNER'S NOTICE OF LIST  
OF PROPOSED MOTIONS**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

The undersigned, on behalf of BMC Software, Inc. (“BMC” or “Patent Owner”), hereby provides Notice to the Board that the attached list of proposed motions to be filed was served to ServiceNow, Inc. (“SNow” or “Petitioner”) pursuant to 37 C.F.R. § 42.21(a). *See also* Trial Practice Guide, 77 Fed. Reg. 48756, 48765 (Aug. 14, 2012).

Date: December 16, 2015

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**PATENT OWNER'S LIST OF PROPOSED MOTIONS**

The Patent Trial and Appeal Board ("Board") issued a decision on November 16, 2015 instituting Inter Partes Review of U.S. Patent No. 7,617,073, assigned Case IPR2015-01211. The Board scheduled an initial conference call for Friday, November 18, 2015 at 11:00 AM Eastern Time. Pursuant to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765-66 (Aug. 14, 2012), BMC Software, Inc. ("BMC" or "Patent Owner") submits the following list of proposed motions it is currently considering filing. This list is provided without prejudice to BMC's right to seek authorization to file additional motions or to decide not to file motions listed.

**I. Motion to Exclude Evidence**

Pursuant to 37 C.F.R. § 42.64(c), BMC reserves the right to file a motion to exclude evidence. While such a motion is automatically authorized, BMC identifies such a motion to preserve its right to file it.

**II. Motion for Observations on Cross-Examination**

Pursuant to 37 C.F.R. § 42.20(a), BMC reserves the right to file a motion for observations on cross-examination. BMC identifies potentially filing such a motion to preserve its right.

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