

Declaration of Tal Lavian, Ph.D., in Support of Petition
for *Inter Partes* Review of U.S. Patent No. 8,646,093

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. 8,646,093
Filing Date: December 9, 2009
Issue Date: February 4, 2014

TITLE: METHOD AND SYSTEM FOR CONFIGURATION MANAGEMENT
DATABASE SOFTWARE LICENSE COMPLIANCE

DECLARATION OF TAL LAVIAN, PH.D.

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I, Tal Lavian, Ph.D., declare as follows:

1. I have been retained by counsel for ServiceNow, Inc. (Petitioner) in this case as an expert in the relevant art.

2. I have been asked to provide my opinions relating to claims 1, 5, 10-13, and 16 of U.S. Patent No. 8,646,093 to Myers et al. (“the ’093 patent”), which I understand is owned by BMC Software, Inc.

I. BRIEF SUMMARY OF MY OPINIONS

3. Claims 1, 5, 10-13, and 16 purport to recite a method and system for managing software license compliance. They do not describe anything new or non-obvious when the earliest application for the ’093 patent was filed in March 2009. As explained in detail in **Part VI** of this Declaration, the features described in these claims are nothing more than the combination of two known prior art technologies: (1) a system for determining compliance with software license contracts; and (2) a configuration management database (CMDB) for storing information about software assets. Each of these features is described or suggested by Meyer (Ex. 1003) and Best Practice (Ex. 1004). Because claims 1, 5, 10-13, and 16 do not recite anything inventive or non-obvious, and each limitation is disclosed or suggested by the prior art as described below, each of those claims is obvious. The bases for my opinions are set forth below.

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