

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BMC SOFTWARE, INC.,

Plaintiff,

v.

SERVICENOW, INC.,

Defendant.

CIVIL ACTION NO. 2:14-CV-903-JRG  
Jury Trial Demanded

**JOINT CLAIM CONSTRUCTION CHART**

In accordance with Patent Rule 4-5(d) and the Court's Docket Control Order of February 10, 2015 (Dkt. 46), the parties hereby submit this Joint Claim Construction Chart. The parties have met and conferred on a list of approximately a dozen terms that the parties propose to be argued at the *Markman* Hearing, with the remainder of the terms to be decided on the briefing. The parties expect to submit the list of terms to the Court early next week.

Attached as Exhibit A is a claim construction chart for U.S. Patent No. 5,978,594.

Attached as Exhibit B is a claim construction chart for U.S. Patent No. 6,816,898.

Attached as Exhibit C is a claim construction chart for U.S. Patent No. 6,895,586.

Attached as Exhibit D is a claim construction chart for U.S. Patent No. 7,062,683.

Attached as Exhibit E is a claim construction chart for U.S. Patent No. 7,617,073.

Attached as Exhibit F is a claim construction chart for U.S. Patent No. 8,646,093.

Attached as Exhibit G is a claim construction chart for U.S. Patent No. 8,674,992.

Dated: June 26, 2015

Respectfully submitted,

/s/ Sam Baxter

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**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Plaintiff and counsel for Defendant have conferred regarding the forgoing Joint Claim Construction and Prehearing Statement.

*/s/ Kevin Schubert*

\_\_\_\_\_  
Kevin Schubert

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing document were served via electronic mail and were thereby made available to all counsel of record.

*/s/ Kevin Schubert*

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Kevin Schubert

Exhibit F: '093 Joint Claim Construction Chart [U.S. Patent No. 8,646,093, P.R. 4-5(d]

Claim	Disputed Terms	BMC's Constructions	ServiceNow's Constructions	Comments
1. A computer-implemented method, comprising:				
modeling deployment of a software product and a software license contract for the software product;				
storing a first model of the modeled deployment of the software product in a configuration management database (CMDB) by storing information related to the software product as a first configuration item in the CMDB and by storing information related to the software license contract as a second configuration item in the CMDB;				
storing a second model of the modeled software license contract for the software product in a license database by generating a <b>license certificate</b> corresponding to the software license contract and storing the	"license certificate" (Asserted Claim 1)	"an indication of the right to deploy software in the environment managed by the CMDB"	"an indication of the right to deploy software"	

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