

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.
Petitioner

v.

BMC SOFTWARE, INC.
Patent Owner

Case IPR2015-01555
U.S. Patent 8,646,093

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 41.10(c)**

Petitioner ServiceNow, Inc. respectfully requests that the Board recognize Mark R. Weinstein, Esq., as counsel *pro hac vice* during this proceeding.

I. BACKGROUND

Petitioner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the "Order—Authorizing Motion for *Pro Hac Vice* Admission" in Case No. IPR2013-00639 (MPT) ["the Order"].

II. STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Weinstein *pro hac vice*.

Mr. Weinstein is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Mr. Weinstein's biography is attached hereto as Exhibit 1008.

Mr. Weinstein has reviewed U.S. Patent No. 8,646,093, and the petition already filed in this proceeding. Further, Mr. Weinstein is counsel of record in the co-pending litigation between the parties entitled *BMC Software, Inc. v. ServiceNow, Inc.*, before the U.S. District Court of the Eastern District of Texas, Case No. 2:14-cv-00903; and, as such, is familiar with the subject matter at issue in this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Weinstein as counsel *pro hac vice* during this proceeding.

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

Petitioner's Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mark R. Weinstein, filed as Exhibit 1009, as required by the Order.

DATED: August 19, 2015

Respectfully Submitted,

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/Heidi L. Keefe/
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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6, that a complete copy of the attached **PETITIONER'S MOTION FOR ADMISSION PRO HAC VICE (Mark R. Weinstein)** and related documents, are being served via electronic mail on the 19th day of August, 2015, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon counsel of record for the Patent Owner as follows:

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DATED: AUGUST 19, 2015

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