

**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

Kevin Schubert

Exhibit B: '898 Joint Claim Construction Chart [U.S. Patent No. 6,816,898, P.R. 4-5(d)]

Claim	Disputed Terms	BMC's Constructions	ServiceNow's Constructions	Comments
<p>1. A method comprising: collecting performance management data having accompanying meta data, the meta data including information defining the performance management data and information indicating operations to be performed on the performance management data; and generating output data for display using the collected performance management data according to the information indicating the operations to be performed on the performance management data.</p>	<p>"meta data" (Asserted Claim 1)</p>			<p>[AC] "da</p>
<p>2. The method defined in claim 1 further comprising: a performance management system receiving at least one script-based program;</p>	<p>"script" (Asserted Claims 2, 3, 6, 8)</p>	<p>"set of instructions, procedures, and/or functions and related data adapted for implementation in a suitable computer language"</p>	<p>It is unnecessary to construe "script" separately from "script-based program." To the extent "script" is construed alone, ServiceNow contends it</p>	

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