

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNOPSISYS, INC.
Petitioner

v.

MENTOR GRAPHICS CORPORATION
Patent Owner

Case IPR2012-00041
Patent 6,947,882 B1

Before SALLY C. MEDLEY, HOWARD B. BLANKENSHIP, and
JENNIFER S. BISK, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

DECISION
Request for Rehearing
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Petitioner Synopsys, Inc. requests rehearing (Paper 20, “Rehearing Req.”) of the Decision mailed February 22, 2013 (Paper 16, “Decision”) denying Petitioner’s request for *inter partes* review of claims 1-14 and 17-20 of U.S. Patent 6,947,882 (the “’882 patent”) (Ex. 1001). The request for rehearing is denied.

II. BACKGROUND

Petitioner sought *inter partes* review of claims 1-14 and 17-20 of the ’882 patent on September 26, 2012. Paper 1 (“Pet.”). The ’882 patent is directed to a regionally time multiplexed system for emulating a circuit design. For a fuller description of the technology of the ’882 patent, *see* Decision 3-4. The Petitioner challenged the enumerated claims as anticipated or obvious over several references, alone and in combination. *See* Pet. 4-5. In its Decision, the Board determined that Petitioner had failed to establish a reasonable likelihood of prevailing over any of the proposed grounds, and therefore denied the petition. Decision 18. Petitioner now seeks reconsideration of that denial on the ground that claims 1-14 and 17-20 are anticipated by U.S. Patent 5,960,191 (the “’191 patent”) (Ex. 1002).

III. ANALYSIS

A. Claim Construction

Petitioner’s main argument is that in construing the claim term “independent,” the Board failed to apply the “broadest reasonable interpretation.” Rehearing Req. 2-8. We do not agree.

Before moving on to the merits of this argument, we point out that Petitioner did not set forth an explicit proposed interpretation for the claim term “independent” (or any other claim term) in the petition and therefore cannot

identify where this matter was addressed in the petition. We could not have misapprehended or overlooked something not adequately explained in the initial petition. A request for rehearing is not an opportunity to supplement the initial petition. Regardless, we are not persuaded that our Decision was incorrect.

In our Decision, we construed the claim terms “wherein clocking of the second time multiplexed interconnection is independent of clocking of the first time multiplexed interconnection” as required by independent claim 1 and “wherein the signal routing clock signal is independent of the first clock signal and the second clock signal” as required by independent claim 5 (collectively, “the independent clock signal limitation”). Decision 5-7. Petitioner implicitly proposed that the interpretation of this term includes signals that are described as “asynchronous.” *See* Discussion in Decision 5-7; Pet. 17, 25. We disagreed, finding that the plain and ordinary meaning of “independent” is not synonymous with “asynchronous.” Decision 6.

In its motion for rehearing, Petitioner appears to propose that in the context of the ’882 patent, the independent clock signal limitation should be construed to mean that “there is no required relationship between [the] two clock signals.” *See* Rehearing Req. 6. However, there are many types of relationships between signals other than being synchronous. Thus, a description of two signals as asynchronous does not mean that the signals have no relationship. Because Petitioner’s proposed definition is not synonymous with asynchronous clock signals, we are not persuaded that, even if we adopted this construction, the outcome of our Decision would be different.

B. Anticipation

Petitioner’s “Detailed Explanation” of the asserted grounds for anticipation of the challenged claims by the ’191 patent consisted solely of a claim chart. Pet.

14. Thus, the Board had no analysis or explanation to accompany the quoted language from the '191 patent with which to determine whether Petitioner had met the threshold burden required by 35 U.S.C. § 314(a)—“that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Decision 10. In the Decision, we explained that because Petitioner did not specify that any element of the claims is included inherently in the '191 patent, we must assume that the '191 patent explicitly discloses each and every limitation of all the challenged claims arranged as in the claim. *Id.*

The only language of the '191 patent relied on by Petitioner, and thus the only basis on which to determine whether Petitioner would prevail with respect to the independent clock signal limitation, are two paragraphs in the '191 patent and one sentence in Chen (Ex. 1003). Decision 10-12; Pet. 17, 25. None of this language, however, explicitly satisfies all the requirements of the limitation even if we use Petitioner's newly proposed definition—“no required relationship between the signals.” Two of the sections merely disclose that the signals “need not be synchronized between any two chips” or “are assumed asynchronous.” Pet. 17, 25 (citing '191 patent, col. 11, ll. 40-50; Chen, col 8, ll. 18-19). As explained above, two signals being asynchronous does not preclude another type of relationship between the same two signals. Therefore, these passages do not even satisfy Petitioner's proposed interpretation of the independent clock signal limitation.

The last passage of the '191 patent relied on by Petitioner discloses using “different pairs of emulation boards **200** to have different clocks.” Pet 17, 25. And, while we explained that this may indeed disclose independent clocking, it does not disclose explicitly that the independent clocks are for the first and second “time multiplexed interconnection” as required by claim 1, or that the two signals

are “at least one of the first input/output circuitry and the second input/output circuitry” as required by claim 5. Decision 11-12. Thus, no matter what interpretation of the independent clock signal limitation we adopt, the passages relied upon by Petitioner do not disclose explicitly each of the elements arranged as in the claim as required to prove anticipation. We are not persuaded by Petitioner’s arguments to the contrary. Rehearing Req. 9-12. We also note that these arguments refer to and explain many sections of the ’191 patent not mentioned in the petition. *See, e.g.*, Rehearing Req. 10-11 (citing ’191 patent col. 11, l. 22-col. 14, l. 5, Figs. 8-10). Again, we could not have misapprehended or overlooked something not adequately explained initially. Moreover, a request for rehearing is not an opportunity to supplement a petition.

Finally, we are not persuaded by Petitioner’s argument that the conclusion of our Decision was flawed because “if the disclosure of the ’191 patent is viewed in the same light as the ’882 patent, it likewise clearly discloses separate sources for [its] clock signals” and therefore the ’191 patent anticipates the independent clock signal limitation. Rehearing Req. 15. First, as explained above, we are not persuaded that the cited language discloses the elements arranged as in the claims even if the independent clock signal limitation were satisfied. Second, Petitioner’s extensive comparison of the specifications of the ’882 and the ’191 patents is irrelevant. *See* Rehearing Req. 12-15. The only proper comparison in this anticipation challenge is between the language of the ’191 patent relied upon by the Petitioner and the subject matter of the challenged claims. *In re Morsa*, 2013 WL 1352514, at *5 (Fed. Cir. Apr. 5, 2013) (“[T]he anticipation exercise must assess the . . . prior art reference in light of the proposed claims.”).

As explained in our Decision, and discussed above, after such comparison, we conclude that Petitioner has not shown that there is a reasonable likelihood that

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