IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

In re U.S. Patent No. 6,240,376		Trial No.:	IPR 2012-00042
Application No.:	09/127,587		
Filed:	July 31, 1998		
Issued:	May 29, 2001	Atty. Dkt. No.	007121.00004
Inventors:	Alain Raynaud Luc M. Burgun		
Patent Owner:	Mentor Graphics Corporation		
For:	METHOD AND APPARATUS FOR GATE-LEVEL SIMULATION OF SYNTHESIZED REGISTER TRANSFER LEVEL DESIGNS WITH SOURCE-LEVEL DEBUGGING		

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Patent Trial and Appeal Board
United States Patent and Trademark Office
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PATENT OWNER'S REQUEST FOR REHEARING ON DECISION TO INSTITUTE *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.71

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EXHIBIT LIST

Previously Filed

MG 2001	First Amended Complaint in *Mentor Graphics Corp. v. EVE-USA, Inc. and Emulation and Verification Engineering*, SA, 6:06-CV-00341-AA (D. OR., filed March 13, 2006)
MG 2002	Defendants' Unopposed Motion By Special Appearance For Extension Of Time To Respond To Plaintiff's First Amended Complaint in *Mentor Graphics Corp. v. EVE-USA, Inc. and Emulation and Verification Engineering*, SA, 6:06-CV-00341-AA (D. Or., filed May 23, 2006)
MG 2003	Order of Dismissal in *Mentor Graphics Corp. v. EVE-USA, Inc. and Emulation and Verification Engineering*, SA, 6:06-CV-00341-AA (D. Or., filed November 20, 2006)
MG 2004	Complaint for Declaratory Judgment and Injunctive Relief in *Synopsys, Inc., EVE-USA, Inc. and Emulation and Verification Engineering, S.A. v. Mentor Graphics Corp*., 3:12-cv-05025 (N.D. Cal., filed September 27, 2012)
MG 2005	Banner & Witcoff, Ltd.'s "Messenger Log"
MG 2006	October 4, 2012 Synopsys Press Release "Synopsys Acquires EVE"
MG 2007	EVE-USA's Supplemental Corporate Disclosure Statement, Docket No. 7, filed October 26, 2012 in *Synopsys, Inc. et al. v. Mentor Graphics Corp.*, 3:12-CV-05025 (N.D. Cal. filed September 27, 2012)
MG 2008	Jansen, D., The Electronic Design Automation Handbook, Kluwer Academic Publishers, 2003, Chapter 2
MG 2009	Bhatnagar, Advanced ASIC Chip Synthesis: Using Synopsys® Design Compiler™ and PrimeTime®, Kluwer Academic Publishers, 1999

MG 2010	Gregory et al. U.S. Patent No. 5,937,190
MG 2011	HDL Compiler™ for VHDL User Guide, Version F-2011.09-SP4, March 2012, SYNOPSYS, Section 4

Currently Filed

MG 2012	Plaintiffs' Opposition to Mentor Graphics Corporation's Motion to Transfer, dated January 25, 2013
MG 2013	Notice of Incomplete Petition, mailed November 30, 2012 in *CMI Corp. v. Yoshiharu, et. al.*, PTAB Case IPR 2013-00066
MG 2014	Response to Notice of Incomplete Petition Issued November 30, 2012, filed November 30, 2012 in *CMI Corp. v. Yoshiharu, et. al.*, PTAB Case IPR 2013-00066
MG 2015	Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, mailed December 5, 2012 in *CMI Corp. v. Yoshiharu, et. al.*, PTAB Case IPR 2013-00066
MG 2016	Declaration of Allison Anderson
MG 2017	Notice of Filing Date Accorded to Petition and Notice for Setting the Time Period for Filing Patent Owner Preliminary Response

PATENT OWNER'S REQUEST FOR REHEARING ON DECISION TO INSTITUTE *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.71

Rehearing of the Board's Decision to institute an *inter partes* review trial over the statutory bar in 35 U.S.C. §315(b) is respectfully requested. The Patent Owner's Preliminary Response asserted that *inter partes* review based on Petitioner Synopsys' Petition was barred by 35 U.S.C. §315(b), because Synopsys is in privity with EVE[1] and EVE was served with a Complaint alleging infringement of the '376 patent more than one year **before** the date on which the Petition was filed. The Board disagreed, finding that Synopsys' Petition was not barred under §315(b).

I. The Standard for Rehearing Is Met

This request is authorized by 37 C.F.R. § 42.71(c) and (d). The standard of review is abuse of discretion, and the burden of showing that a Decision should be modified lies with the party challenging the Decision. *Id*. Here, it is respectfully submitted that the standard for rehearing on the Decision to institute a trial is met on the basis of legal error because, as demonstrated below, the Decision misapprehends the privity requirement of §315(b), including when the privity

[1] EVE-USA, Inc. and Emulation and Verification Engineering, S.A., the defendants in the 2006 litigation, will be referred together as "EVE."

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