

**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		

DECLARATION OF WILLIAM D. DAVIS

I, WILLIAM D. DAVIS, declare as follows:

1. I am a member of the Bar of the State of Texas, and I am attorney with the law firm of Davis and Associates located in Dripping Springs, Texas. I am registered to practice before the U.S. Patent and Trademark Office in patent cases, and my registration number is 38,428.

Mentor Graphics Corp. 2033

2. I have personal knowledge of the facts set forth in this declaration, and, if called to testify as a witness, could and would do so competently.

3. I was previously employed as an associate with the law firm of Blakely Sokoloff Taylor Zafman, LLP (“BSTZ”). During my employment at BSTZ, I was responsible for drafting and filing U.S. patent application no. 09/122,493 (which issued as U.S. patent no. 6,336,087, hereinafter the “ ‘087 patent” or “ ‘087 patent application” as context requires) and U.S. patent application no. 09/127,584 (which issued as U.S. patent no. 6,240,376, hereinafter the “ ‘376 patent” or “ ‘376 patent application” as context requires) in the role of outside counsel for Mentor Graphics Corporation. The ‘376 patent application was filed July 31, 1998. The ‘087 patent application was filed on July 24, 1998. The detailed disclosures of these two applications are substantially the same.

4. I submit this declaration to provide evidence of: (1) the conception of the invention(s) disclosed and invention claimed in the ‘376 patent by the inventors Alain Raynaud and Luc M. Burgun (hereinafter the “inventors”); and (2) reasonable diligence by the inventors and myself in reducing the invention claimed in the ‘376 patent to practice from prior to June 16, 1998 to the filing of the ‘087 patent application. At the time of drafting and filing the applications, I understood the inventors were employed by Meta Systems, a division of Mentor Graphics Corporation.

5. I have maintained in my possession, since the dates of original receipt/creation to the present day, attorney-client privileged material and attorney work product material related to the drafting and filing of the '087 patent application (hereinafter the "Archived Material"). I know this material to be related to the '087 patent application, because I have maintained the material on a "ZIP" floppy disk within a directory titled "002282.P030," which was the BSTZ attorney docket number for the '087 patent application.

6. The Archived Material includes an electronic copy of a document having the file name "BILL.DOC" with a "date modified" timestamp of **January 5, 1998**. A printed copy of the document is attached hereto as **Exhibit A**. The BILL.DOC document includes unformatted text that substantively matches a printed article also in my possession entitled "Gate Level Simulation of Synthesized RTL Designs with Source Level Debugging," which identifies Alain Raynaud and Luc Burgun as the authors (hereinafter the "Burgun Article"). A printed copy of the Burgun Article is attached hereto as **Exhibit B**. I recognize this Burgun Article as the inventors' disclosure of the invention originally provided to me by Mentor Graphics, which I used as a basis for drafting the '087 patent application.

7. The Archived Material includes an electronic copy of an email drafted by me to Brian Dalio, the Mentor Graphics and Meta Systems contact

person for the '087 patent application. The electronic copy of the email has the file name "dalio.doc" with a "date modified" timestamp of January 9, 1998. A printed copy of the email content is attached hereto as **Exhibit C** with privileged portions redacted. As indicated in the redacted copy, I acknowledged to Mr. Dalio the receipt of the Burgun Article, which occurred at least by **January 8, 1998**, the date I last modified the dalio.doc file.

8. Several draft iterations the specification for '087 patent application are further included in the Archived Material. The draft iterations of the specification were authored solely by me based on the Burgun Article, with edits provided by the inventors and me over a time period spanning prior to June 16, 1998 to the filing of the final specification on July 24, 1998. The edits are marked with underscores to indicate added text and strikethrough to indicate deleted text. Using the "tracked changes" function of Microsoft WORD, each edit is labeled with the author of the edit and a timestamp of when the edit was made. Edits made by the inventors are identified as being authored by "Meta Systems" and edits made by me are identified as being authored by "BSTZ." The files containing each iteration further include a "date modified" timestamp indicating the date and time I last modified the file by editing the draft specification (with or without tracking changes) or incorporating previous edits made as regular text, i.e., removing the tracking information.

9. The timestamps in the draft iterations of the specification indicate that the inventors and I worked in **1998** to complete the draft specification at least on **May 28 (Thu.), June 12 (Fri.), June 18 (Thu.), June 23 (Tue.), June 25 (Thu.), June 26 (Fri.), June 29 (Mon.), June 30 (Tue.), June 31 (Wed.), July 1 (Thu.), July 2 (Fri.), July 6 (Mon.), July 20 (Mon.), and July 21 (Tues.)**. Specific draft iterations of the specification including these time stamps are as follows:

a. An electronic copy of a draft specification of the '087 patent application having a file name "P030rev9.doc" (hereinafter the "rev 9 specification"). The rev 9 specification included previous draft iterations of the specification having edits by the inventors and myself that I incorporated as regular text, i.e., no tracked changes). The rev 9 specification was last modified by me on **May 27, 1998**, as indicated by "date modified" timestamp of the file.

b. An electronic copy of a draft specification of the '087 patent application having a file name "P030rev9.1.doc" (hereinafter the "rev 9.1 specification"). The rev 9.1 specification, an amended version of the rev 9 specification, includes edits received from the inventors, which are time stamped **May 28, 1998** and **June 12, 1998**. The rev 9.1 specification was last modified by me on **June 18, 1998**, as indicated by the "date modified" timestamp of the file.

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