

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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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		
Inventors: Alain Raynaud Luc M. Burgun	Atty. Dkt. No.	007121.00004
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  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT UNDER 37  
C.F.R. §42.70(a)**

Patent Owner Mentor Graphics Corporation hereby requests oral argument under 37 C.F.R. §42.70(a). Pursuant to the Scheduling Order (Paper No. 17) entered on February 22, 2013, oral argument is currently scheduled for November 14, 2013. The issues to be argued are specified below.

- I. The proper construction of certain claim terms under the broadest reasonable interpretation standard:
  - a. “instrumentation signal” (independent claims 1, 5 and 28);  
and
  - b. “execution status” (independent claims 1 and 28).
- II. The failure of Gregory (Ex. 1007) to anticipate any of the patent claims at issue in this trial (claims 1-9, 11, 28 and 29).
- III. The inadmissibility of the declaration testimony of Dr. Brad Hutchings (Ex. 1013)<sup>1</sup>, as lacking competence in view of Dr. Hutchings’ testimony on cross-examination, as set forth in the concurrently filed Patent Owner’s Motion to Exclude (unless decided before oral argument).

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<sup>1</sup>Relied upon by Petitioner in support of its opposition (Paper No. 35) to the Substitute Patent Owner’s Motion to Amend (Paper No. 31).

- IV. The proper construction, under the broadest reasonable interpretation standard, of proposed contingent substitute claims 34-36 and 38-43 presented in the Substitute Patent Owner's Motion to Amend (Paper No. 31) and, in particular, of the claim language "instrumentation logic to provide the instrumentation signal" and "the instrumentation logic compris[es] instrumentation logic circuitry that is additional to circuitry specified in the source code."
- V. The patentability of contingent substitute claims 34-36 and 38-43, including the novelty of these claims over Gregory, and the non-obviousness of those claims over Gregory alone and in view of Petitioner's alleged "knowledge and skill possessed by an ordinarily skilled artisan."
- VI. The substantial identity of the contingent substitute claims to their corresponding original patent claims within the meaning of 35 U.S.C. § 252, as addressed in the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48766 (part G) (Aug. 14, 2012).
- VII. Whether this IPR is barred under the doctrine of assignor estoppel.
- VIII. Whether this IPR is barred under 35 U.S.C. §315(b):
- a. Privity based §315(b) bar; and
  - b. Real party in interest based §315(b) bar.

Dated: October 15, 2013

Respectfully submitted,

/Christopher L. McKee/

By: \_\_\_\_\_

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## CERTIFICATE OF SERVICE

The undersigned certifies service on the Petitioner, pursuant to 37 C.F.R. § 42.6(e) and agreement of the parties, by email delivery of a true copy of the foregoing PATENT OWNER'S REQUEST FOR ORAL ARGUMENT UNDER 37 C.F.R. §42.70(a) to counsel of record for Petitioner as follows:

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Dated: October 15, 2013

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