

PATENT

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

MENTOR GRAPHICS CORP.,

Plaintiff,

vs.

EVE-USA, Inc. and Emulation and  
Verification Engineering, SA,

Defendants.

Civil Action No. 6: 06-CV-341-AA

FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT

DEMAND FOR TRIAL BY JURY

Mentor Graphics Corporation, by and through its undersigned counsel, respectfully makes the following allegations for its First Amended Complaint against Emulation and Verification Engineering, SA, of France, and EVE-USA, Inc., a Delaware corporation based in California. These allegations are made upon knowledge with respect to Plaintiff and its own acts, and upon information and belief as to all other matters.

**INTRODUCTION**

1. This is a simple case of patent infringement. Plaintiff Mentor Graphics Corp. ("Mentor Graphics") is a technology leader in electronic design automation, including the use of hardware emulation for verification and debugging of circuit designs. Numerous Mentor Graphics innovations in this area are patented, and Defendants have infringed at least three of these patents, including by their commercial activities in this District.

### **THE PARTIES**

2. Mentor Graphics is a corporation organized and existing under the laws of the State of Oregon, with a principal place of business at 8005 SW Boeckman Road, Wilsonville, OR 97070.

3. EVE-USA, Inc. is a corporation organized and existing under the laws of Delaware, with a principal office in San Jose, California. Emulation and Verification Engineering, SA is a French corporation headquartered in Palaiseau, France. EVE-USA, Inc. and Emulation and Verification Engineering, SA operate jointly to develop, market and support EVE's "ZeBu" verification system, and are hereinafter sometimes referred to collectively as "EVE."

### **JURISDICTION**

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *inter alia*. This Court has jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1338(a).

5. EVE-USA, Inc. has committed acts of patent infringement in this District.

6. EVE-USA, Inc.'s contacts with this District are sufficient to subject it to personal jurisdiction here..

7. Emulation and Verification Engineering, SA has committed acts of patent infringement in this District.

8. Emulation and Verification Engineering, SA's contacts with this District are sufficient to subject it to personal jurisdiction here.

9. EVE's contacts with this District include visits by officers, employees and/or agents of both EVE-USA, Inc. and Emulation and Verification Engineering, SA.

10. Luc M. Burgun ("Burgun") is a cofounder, the Chief Executive Officer, and president of Emulation and Verification Engineering, SA. Burgun has conducted business in this District on behalf of both EVE-USA, Inc. and Emulation and Verification Engineering, SA.

11. Burgun visited Intel Corporation in Oregon in October of 2005 on behalf of both EVE-USA and Emulation and Verification Engineering, SA, to offer to license and/or sell products accused of infringement in this case – namely, EVE's "ZeBu" verification system.

12. EVE offered to sell ZeBu verification system hardware to Intel in Oregon in 2005.

13. EVE has offered to sell ZeBu verification system hardware to Intel in Oregon in 2006.

14. EVE has offered product support for ZeBu verification systems in this District.

15. Emulation and Verification Engineering, SA and EVE-USA, Inc. jointly operate a website at [www.eve-team.com](http://www.eve-team.com) ("the EVE website"). EVE has advertised the EVE website within this District as part of its promotion of the use of methods which infringe one or more claims of the asserted patents.

### **GENERAL ALLEGATIONS**

16. Mentor Graphics is an industry leader in functional design and verification. From its Oregon headquarters, Mentor Graphics has provided the world's leading circuit design companies with mission-critical design and verification tools for over two decades.

As an industry leader, Mentor Graphics has introduced numerous innovations in the design and verification field, including but not limited to those covered by United States Patents No.

6,009,531, No. 5,649,176, and No. 6,240,376.

17. United States Patent No. 6,009,531 (the '531 patent) is titled "Transition Analysis and Circuit Resynthesis Method and Device for Digital Circuit Modeling," and issued on or about December 28, 1999. A copy of the '531 patent is attached as Exhibit A to this Complaint.

18. United States Patent No. 5,649,176 (the '176 patent) is also titled "Transition Analysis and Circuit Resynthesis Method and Device for Digital Circuit Modeling," and issued on or about July 15, 1997. A copy of the '176 patent is attached as Exhibit B to this Complaint.

19. United States Patent No. 6,240,376 (the '376 patent) is titled "Method and Apparatus For Gate-Level Simulation Of Synthesized Register Transfer Level Designs With Source-Level Debugging," and issued on or about May 29, 2001. A copy of the '376 patent is attached as Exhibit C to this Complaint.

20. Mentor Graphics owns all right, title and interest in the '531, '176 and '376 patents.

21. EVE has been aware of the '531, '176 and '376 patents since at least 2004.

22. Burgun has been aware of the '376 patent since 2001.

23. Mentor Graphics gave EVE written notice of the '531, '176 and '376 patents at least as early as April 2004.

24. The '531, '176 and '376 patents are sometimes referred to collectively herein as "the Patents in Suit."

**COUNT I - PATENT INFRINGEMENT**

25. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs, with the same force and effect as if repeated in full here.

26. Defendants have infringed the Patents in Suit by, inter alia, using, selling and supporting EVE's "ZeBu" verification system in the United States.

27. Defendants have infringed and continue to infringe the Patents in Suit by making, using, selling, offering for sale, and/or importing infringing products, without authority or license from Plaintiff, in violation of 35 U.S.C. § 271(a).

28. Defendants have induced others to infringe one or more claims of the Patents in Suit in violation of 35 U.S.C. § 271(b).

29. Defendants have contributorily infringed one or more claims of the Patents in Suit in violation of 35 U.S.C. § 271(c).

30. Defendants' infringement has been and continues to be willful.

31. Defendants' acts of infringement, unless enjoined by this Court, will continue to cause Plaintiff to sustain irreparable damage, loss and injury, for which Plaintiff has no adequate remedy at law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Mentor Graphics respectfully prays for judgment as follows:

1. That Defendants and their affiliates, officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of these entities who receive actual notice or knowledge of this injunction by personal service or otherwise, be

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.