

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNOPSISYS, INC.
Petitioner

v.

MENTOR GRAPHICS CORPORATION
Patent Owner

Case IPR2012-00042
Patent 6,240,376 B1

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

MEDLEY, *Administrative Patent Judge*.

DECISION
Request to Change Hearing Date
37 C.F.R. § 42.70

This *inter partes* review was instituted on February 22, 2013. Paper 16. A scheduling order setting the oral argument date for November 14, 2013 was made the same day. Paper 17. Patent Owner requests that the scheduled November 14, 2013 hearing be changed to November 13, 2013. For the following reasons, the request is *denied*.

The hearing date for this proceeding was scheduled nearly eight months ago. Paper 17. On October 15, 2013, both parties filed requests for oral argument scheduled for November 14, 2013. Papers 43 and 45.¹ Nevertheless, on October 24, 2013, just three weeks from the scheduled hearing date, Patent Owner seeks to have the hearing moved to November 13, 2013. Specifically, Patent Owner informed Board personnel that Mark Miller, whom Patent Owner wants to present oral argument on behalf of the Patent Owner, is unavailable November 14, 2013. Petitioner does not oppose the request.

Lead counsel for Patent Owner is Mr. Christopher McKee and back-up counsel is Mr. Michael CuvIELlo. Paper 11. The Office expects that lead counsel will, and back-up counsel may, participate in all hearings and conference calls with the Board. *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48767 (Aug. 14, 2012). Moreover, Mr. Miller has not been identified as back-up counsel for Patent Owner. *See* 37 C.F.R. §§ 42.8 and 42.10. As the Board understands it, he has not been given power of attorney to represent Patent Owner and has not previously participated in this proceeding in any manner. In any event, even if Patent Owner were to file the appropriate papers to add Mr. Miller as back-up counsel, Patent Owner's request to change the scheduled hearing date is not persuasive. Patent Owner has a lead and back-up counsel who are expected to attend and Patent Owner has not informed the Board that either of them are unable to attend or present oral argument. More importantly, Patent Owner has had nearly eight months to request a different hearing date. At this late juncture, and based on the availability of Board resources, the Board will not grant such a late

¹ A decision on the requests for oral argument will be made in due course.

Case IPR2012-00042
Patent 6,240,376 B1

request. Accordingly, Patent Owner's request to change the scheduled November 14, 2013 hearing date is *denied*.

PETITIONER:

William H. Wright
Travis Jensen
Orrick, Herrington & Sutcliffe, LLP
Email: wwright@orrick.com
Email: tjensen@orrick.com

PATENT OWNER:

Christopher L. McKee
Michael S. Cuvillo
Banner & Witcoff, Ltd.
Email: mentoripr@bannerwitcoff.com