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13

14   UNITED STATES DISTRICT COURT

15   NORTHERN DISTRICT OF CALIFORNIA   NC

16 SYNOPSYS, INC.,   CV 13-02965

17   Plaintiff,   Case No. _____

18   v.   **COMPLAINT FOR COPYRIGHT
                                     INFRINGEMENT, PATENT
19 ATOPTECH, INC.,   INFRINGEMENT, TRADE SECRET
                                     MISAPPROPRIATION, VIOLATION
20   Defendants.   OF THE COMPUTER FRAUD AND
                                     ABUSE ACT, VIOLATION OF THE
21   CALIFORNIA COMPUTER DATA
                                     ACCESS AND FRAUD ACT, UNFAIR
22   COMPETITION, COMMON LAW
                                     MISAPPROPRIATION, BREACH OF
23   CONTRACT AND BREACH OF
                                     IMPLIED COVENANT OF GOOD
24   FAITH AND FAIR DEALING**

25   **DEMAND FOR JURY TRIAL**

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6   2.   Synopsys is a leader in the electronic design automation ("EDA") and

7 semiconductor intellectual property industry. It develops, manufactures, sells and licenses

8 products and services that enable designers to create, model and verify complex integrated ci

9 designs from concept to silicon. Since 1986, engineers around the world have used Synopsys

10 technology to design and create billions of integrated circuits and systems.

11   3.   ATopTech describes itself as an EDA company that develops tools for the phy

12 design of integrated circuits at 65 nanometers and below including its Aprisa "place and route

13 tool and Apogee "floor planning" tool. ATopTech claims to have offices in the United States

14 India, Japan and Taiwan.

15   4.   Synopsys and a company Synopsys acquired—Extreme DA Corporation

16 ("Extreme DA")—licensed certain technology to ATopTech under two royalty-free license

17 agreements: (i) a Connections Program License Agreement ("CPLA") and (ii) a license

18 agreement relating to a method for parametric on chip variation ("POCV License"). ATopTe

19 agreed to maintain the confidentiality of Synopsys' and Extreme DA's proprietary informatic

20 and also agreed, among other things, not to reverse engineer or copy any software or other

21 materials provided under the license agreements. Under the POCV License, ATopTech furth

22 agreed to certain communications and marketing obligations, and agreed to keep records of a

23 its customers that receive ATopTech's products in which the licensed POCV method is avail

24 and to provide Synopsys and Extreme DA with the names of such customers.

25   5.   In November 2012, based on concerns that ATopTech was not in compliance

26 these license agreements and had improperly copied Synopsys proprietary information, Syno

27 exercised its right to verify ATopTech's compliance with the license agreements.

28   6.   Synopsys spent several months attempting to work with ATopTech on a volu

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6   systematic effort to frustrate and obstruct Synopsys' attempt to verify ATopTech's contractual

7   compliance and ensure that Synopsys' intellectual property rights were not being infringed.

8   Synopsys has also discovered that ATopTech improperly accessed and downloaded certain

9   proprietary materials from Synopsys' secure customer support website, SolvNet.

10   8.   As a result, Synopsys has no alternative but to seek judicial relief. ATopTech's

11   EDA products Aprisa and Apogee infringe Synopsys' patents and copyrights, misappropriate

12   Synopsys' trade secrets and unfairly compete with and trade on Synopsys' industry leading E

13   tools. Moreover, ATopTech improperly accessed, downloaded and used proprietary material

14   from Synopsys' secure customer support website to unfairly compete with Synopsys.

15   Accordingly, Synopsys brings this suit for federal copyright infringement, federal patent

16   infringement, trade secret misappropriation, violations of the federal Computer Fraud and Ab

17   Act ("CFAA") and California Computer Data Access and Fraud Act ("CDAFA"), unfair

18   competition, misappropriation, breach of contract and breach of the implied covenant of good

19   faith and fair dealing.

20   **THE PARTIES**

21   9.   Synopsys is a corporation organized under Delaware law with its principal pla

22   business in Santa Clara County at 700 East Middlefield Road, Mountain View, California 94

23   10.   On information and belief, ATopTech is a corporation organized under Delaw

24   law with its principal place of business in Santa Clara County at 2111 Tasman Drive, Santa C

25   California 95054. ATopTech also claims to have offices in India, Japan and Taiwan.

26   **JURISDICTION AND VENUE**

27   11.   This action arises in part under the United States Copyright Act, 17 U.S.C. § 1

28   *et seq.*, the patent laws of the United States, 35 U.S.C. § 100, *et seq.* and the Computer Fraud

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6 | common nucleus of operative fact.

7 | 13. This Court has personal jurisdiction over ATopTech because its principle plac

8 | business is within the State of California and this judicial district, and because it has conducte

9 | and does conduct business within the State of California and this judicial district.

10 | 14. Venue in this district is appropriate under 28 U.S.C. §§ 1391 and 1400 becaus

11 | events giving rise to the dispute occurred in this district.

12 | **INTRADISTRICT ASSIGNMENT**

13 | 15. This is an intellectual property action and is assigned on a district-wide basis u

14 | Civil L.R. 3-2(c) and General Order No. 44.

15 | **FACTUAL BACKGROUND**

16 | **Synopsys' PrimeTime and GoldTime Products and Associated Intellectual Property**

17 | 16. As a world leader in EDA, Synopsys is helping the electronics market accelera

18 | innovation in all aspects of semiconductor design. Synopsys provides a complete front-to-ba

19 | design and test environment, software-level to silicon-level verification, design reuse technol

20 | field-programmable gate array solutions and professional services to help its customers get th

21 | silicon working quickly and accurately. These technology-leading solutions help give Synops

22 | customers a competitive edge in quickly bringing the best products to market while reducing

23 | costs and schedule risk. Since 1986, engineers around the world have used Synopsys technol

24 | to design and create billions of integrated circuits and systems.

25 | 17. To address the important issue of timing in integrated circuit design, Synopsys

26 | spent years investing in and developing PrimeTime, its proprietary static timing analysis tool

27 | computes the expected timing of a digital circuit without requiring simulation. PrimeTime is

28 | successful product and is widely used in industry for gate-level static timing analysis.

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6   software developers expended significant creativity, time and effort in developing the individ

7   input formats and output formats, as well as the compilation of input formats and output form

8   19.   PrimeTime also supports a set of open source commands (referred to as "Sync

9   Design Constraints" or "SDC") that is distinct from the compilation of Synopsys-proprietary

10   input formats. These open source commands provide a standard interface and can be used by

11   developers to create products that interoperate with PrimeTime or other SDC-compliant EDA

12   tools. Synopsys makes SDC available under a free, open source license.

13   20.   In addition to developing PrimeTime, Synopsys also invested substantial time

14   effort and money to protect its intellectual property and add technology and engineering taler

15   advance Synopsys' timing analysis solutions. In June of 2011, Synopsys filed suit in the Dis

16   of Delaware against Extreme DA for improperly copying portions of the PrimeTime software

17   Extreme DA's static timing analysis tool, GoldTime. In October 2011, Synopsys acquired

18   Extreme DA, including GoldTime, and confirmed that a significant portion of the PrimeTime

19   software had been copied into GoldTime.

20   21.   Synopsys' proprietary information, including its trade secrets at issue in this c

21   which has been copied and misappropriated by ATopTech, relates to Synopsys' PrimeTime,

22   GoldTime and IC Compiler products. Such information includes Synopsys' proprietary inpu

23   output formats, scripts and technical product documentation, which generally are not publicl

24   known, and derive value from being secret. Synopsys takes substantial steps to protect and

25   maintain the confidentiality of its proprietary and confidential information, and such informa

26   is only disclosed to Synopsys customers, business partners or others pursuant to strict

27   confidentiality obligations. For example, user manuals and other documentation contain

28   proprietary rights notices, *e.g.* stating that the provided software and documentation contain

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