

**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	
	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	

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**PATENT OWNER'S REQUEST FOR REHEARING ON DECISION TO  
INSTITUTE *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.71**

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**EXHIBIT LIST****Previously Filed**

- MG 2001 First Amended Complaint in *Mentor Graphics Corp. v. EVE-USA, Inc. and Emulation and Verification Engineering, SA*, 6:06-CV-00341-AA (D. OR., filed March 13, 2006)
- MG 2002 Defendants' Unopposed Motion By Special Appearance For Extension Of Time To Respond To Plaintiff's First Amended Complaint in *Mentor Graphics Corp. v. EVE-USA, Inc. and Emulation and Verification Engineering, SA*, 6:06-CV-00341-AA (D. Or., filed May 23, 2006)
- MG 2003 Order of Dismissal in *Mentor Graphics Corp. v. EVE-USA, Inc. and Emulation and Verification Engineering, SA*, 6:06-CV-00341-AA (D. Or., filed November 20, 2006)
- MG 2004 Complaint for Declaratory Judgment and Injunctive Relief in *Synopsys, Inc., EVE-USA, Inc. and Emulation and Verification Engineering, S.A. v. Mentor Graphics Corp.*, 3:12-cv-05025 (N.D. Cal., filed September 27, 2012)
- MG 2005 Banner & Witcoff, Ltd.'s "Messenger Log"
- MG 2006 October 4, 2012 Synopsys Press Release "Synopsys Acquires EVE"
- MG 2007 EVE-USA's Supplemental Corporate Disclosure Statement, Docket No. 7, filed October 26, 2012 in *Synopsys, Inc. et al. v. Mentor Graphics Corp.*, 3:12-CV-05025 (N.D. Cal. filed September 27, 2012)
- MG 2008 Jansen, D., The Electronic Design Automation Handbook, Kluwer Academic Publishers, 2003, Chapter 2
- MG 2009 Bhatnagar, Advanced ASIC Chip Synthesis: Using Synopsys® Design Compiler™ and PrimeTime®, Kluwer Academic Publishers, 1999

MG 2010 Gregory et al. U.S. Patent No. 5,937,190

MG 2011 HDL Compiler™ for VHDL User Guide, Version F-2011.09-SP4, March 2012, SYNOPSYS, Section 4

**Currently Filed**

MG 2012 Plaintiffs' Opposition to Mentor Graphics Corporation's Motion to Transfer, dated January 25, 2013

MG 2013 Notice of Incomplete Petition, mailed November 30, 2012 in *CMI Corp. v. Yoshiharu, et. al.*, PTAB Case IPR 2013-00066

MG 2014 Response to Notice of Incomplete Petition Issued November 30, 2012, filed November 30, 2012 in *CMI Corp. v. Yoshiharu, et. al.*, PTAB Case IPR 2013-00066

MG 2015 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, mailed December 5, 2012 in *CMI Corp. v. Yoshiharu, et. al.*, PTAB Case IPR 2013-00066

MG 2016 Declaration of Allison Anderson

MG 2017 Notice of Filing Date Accorded to Petition and Notice for Setting the Time Period for Filing Patent Owner Preliminary Response

**PATENT OWNER'S REQUEST FOR REHEARING ON DECISION TO  
INSTITUTE *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.71**

Rehearing of the Board's Decision to institute an *inter partes* review trial over the statutory bar in 35 U.S.C. §315(b) is respectfully requested. The Patent Owner's Preliminary Response asserted that *inter partes* review based on Petitioner Synopsys' Petition was barred by 35 U.S.C. §315(b), because Synopsys is in privity with EVE<sup>1</sup> and EVE was served with a Complaint alleging infringement of the '376 patent more than one year **before** the date on which the Petition was filed. The Board disagreed, finding that Synopsys' Petition was not barred under §315(b).

**I. The Standard for Rehearing Is Met**

This request is authorized by 37 C.F.R. § 42.71(c) and (d). The standard of review is abuse of discretion, and the burden of showing that a Decision should be modified lies with the party challenging the Decision. *Id.* Here, it is respectfully submitted that the standard for rehearing on the Decision to institute a trial is met on the basis of legal error because, as demonstrated below, the Decision misapprehends the privity requirement of §315(b), including when the privity

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<sup>1</sup> EVE-USA, Inc. and Emulation and Verification Engineering, S.A., the defendants in the 2006 litigation, will be referred together as "EVE."



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