

MINUTES of Proceedings: Motion Hearing Held. Synopsys Motion To Strike Portions of Mentors Experts Reply Reports 533 is GRANTED IN PART and DENIED IN PART. The motion is DENIED as to Dr. Sarrafzadehs Reply Expert Report. The motion is GRANTED as to the Reply Expert Reports of Dr. Degnan and Ms. Stuckwisch. Accordingly, paragraphs 3132 of Dr. Degnans Reply Expert Report and paragraph 93 of Ms. Stuckwischs Reply Expert Report are hereby stricken. Mentor Graphics Motion for Summary Judgment 531 is GRANTED IN PART and DENIED IN PART as follows. The motion is GRANTED as to whether CoBALT anticipates or renders obvious claims 3 and 6 of U.S. Patent No. 6,876,962. Synopsys has not presented sufficient evidence to permit an inference that the ET3 chip is an FPGA, that replacing CoBALTs emulation processors with FPGAs would be obvious, or that the partitioning step of the ET3 compilation flow generates netlists. The motion is DENIED as to whether the Jean and Burns references render the 962 Patent obvious. A jury might find that a person of skill in the art reading both references together would know that they could be adapted to construct the emulation system described in the 962 Patent. The motion is DENIED AS MOOT with respect to infringement of claims 7 and 9 of the 882 Patent based on the Courts disposition of Synopsys motion. Synopsys Motion for Summary Judgment 537 is GRANTED IN PART, DENIED IN PART, and TAKEN UNDER ADVISEMENT as follows. The motion is GRANTED with respect to invalidity of claims 7, 9, and 13 of U.S. Patent No. 6,947,882. The 882 Patents specification describes the minimum frequency relationship between the signal routing clock signal and the first and second clock signals as an exception to independent clocking. As a result, the specification does not demonstrate possession of the unqualifiedly independent clocking that the asserted claims require, and the claims do not meet the written description requirement. Synopsys motion is DENIED AS MOOT with respect to availability of prefilng damages for infringement of the 882 Patent. The motion is GRANTED as to noninfringement of claims 3, 5, and 6 of U.S. Patent No. 6,876,962. Mentor Graphics theory of infringement fails as a matter of law because the claims require the computer itself to take into account the resources allocated or not allocated to a first design when generating a netlist for a second design. Moreover, even if Mentor Graphics infringement theory were cognizable, it has presented no evidence that Synopsys or EVE ever instructed a customer to configure a second design based on the resources tied up in a first design, or that any customer ever did so. Such direct evidence of specific instances of infringement is required under ACCO Brands, Inc. v. ABA Locks Mfr. Co., Ltd., 501 F.3d 1307 (Fed. Cir. 2012), where, as here, the alleged infringer has not instructed its customers in the allegedly infringing use of its product. The direct evidence Mentor Graphics produced concerned reconfiguring a first design in order to maximize the space available for other designs, not configuring a second design taking into configuration the emulation resources allocated or not allocated to the first design. Synopsys motion is taken under advisement as to recoverability of lost profits. George Riley, Mark E. Miller and Michael Sapoznikow present as counsel for plaintiff(s). Stephen English, Indra Neel Chatterjee and Scott Lonardo present as counsel for defendant(s). (Court Reporter Bonita Shumway.) Associated Cases: 3:10-cv-00954-MO, 3:12-cv-01500-MO, 3:13-cv-00579-MO(dls) (Entered: 07/29/2014)