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Attorneys for Defendant  
 MENTOR GRAPHICS CORPORATION

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

SYNOPSIS, INC., a Delaware Corporation

Plaintiff,

v.

MENTOR GRAPHICS CORPORATION, an  
 Oregon Corporation,

Defendant.

Case No. 3:12-cv-06467-MMC

**STIPULATED MOTION AND  
 [PROPOSED] ORDER FOR ENTRY  
 OF FINAL JUDGMENT AS TO  
 COUNTS 1-3 OF THE COMPLAINT  
 AND STAY OF ACTION AS TO  
 COUNT 4**

STIPULATION AND [PROPOSED] ORDER FOR ENTRY OF FINAL  
 JUDGMENT AS TO COUNTS 1-3 OF THE COMPLAINT AND STAY OF  
 ACTION AS TO COUNT 4  
 CASE NO. 3:12-CV-06467-MMC

1 Plaintiff Synopsys, Inc. (“Synopsys”) and Defendant Mentor Graphics Corporation  
2 (“Mentor”) jointly submit this stipulated motion seeking the following relief from the Court,  
3 accompanied by a proposed order:

4 1. Entry of a final judgment under Federal Rule of Civil Procedure 54(b), as to Counts  
5 1-3 of the Complaint, adjudicating the eight asserted claims of United States Patent Nos. 5,530,841,  
6 5,680,318, and 5,748,488 (collectively, the “Gregory Patents”) invalid under Section 101 of the  
7 Patent Act, reserving Synopsys’ right to appeal from such judgment; and

8 2. An order further staying the action as to Count 4 (United States Patent No.  
9 6,836,420) pending the resolution of the *inter partes* review of the ’420 patent, *see* Dkt. No. 215,  
10 including any appeal therefrom, and of any appeal of the Order on Motions for Summary Judgment,  
11 Dkt. No. 442 (“Section 101 Order”).

12 Synopsys and Mentor respectfully submit that the requested relief is properly based on the  
13 following:

14 1. Synopsys’ Complaint in this action includes four counts. Dkt. No. 1. Counts 1-3  
15 relate to Synopsys’ infringement allegations for the Gregory Patents. *Id.* at 3-7. Count 4 relates to  
16 Synopsys’ infringement allegations for the ’420 patent. *Id.* at 7-8. Mentor has not asserted any  
17 counterclaims in this action. Dkt. No. 43.

18 2. The Court granted summary judgment finding all asserted claims of the Gregory  
19 Patents invalid under 35 U.S.C. § 101. Section 101 Order at 11. As a result, there is currently  
20 nothing left to be determined on Counts 1-3 of the Complaint. Synopsys intends to appeal the  
21 Section 101 Order.

22 3. The Court previously, on August 1, 2014, stayed all proceedings regarding Count 4  
23 pending *inter partes* review of the ’420 patent. Dkt. No. 215.

24 4. Because the proceedings for the only remaining claim in this action are stayed, all  
25 deadlines have been vacated (except for a periodic joint status report regarding the stay). Dkt. No.  
26 444.

27 5. The three Gregory Patents that are the subject of Counts 1-3 share the same

1 inventors, specification, and priority date. Two of the Gregory Patents have already expired, and  
2 the remaining patent will expire within the next month.

3 6. The '420 patent, on the other hand, has different inventors, a different specification,  
4 and a different priority date than the Gregory Patents. The '420 patent and the Gregory Patents  
5 have no overlapping construed claimed terms. *See* Dkt. No. 100. Further, the '420 patent was  
6 acquired by Synopsys when it acquired Synplicity, Inc., whereas Synopsys was the original  
7 assignee of the Gregory Patents. The '420 patent is also currently subject to an *inter partes* review  
8 before the Patent Trial and Appeal Board. The Board has not yet issued a final written decision  
9 regarding the '420 patent. Once the Board issues a final written decision, either party may appeal  
10 that decision to the Federal Circuit. 35 U.S.C. § 141(c).

11 7. The parties have agreed to the following:

- 12 a. Neither party will raise any argument or issue regarding the '420 patent in  
13 any appeal of the Section 101 Order;
- 14 b. The stay regarding the '420 patent should continue until both the appeal of  
15 the Section 101 Order and any appeal of the *inter partes* review of the '420  
16 patent are resolved; and
- 17 c. Until any appeal of the Section 101 Order is complete and the Federal Circuit  
18 issues its mandate, Synopsys shall not bring any new action or allegation that  
19 any Mentor's actions, products, or software, or any use of Mentor's products  
20 or software, infringe, directly or indirectly, the '420 patent.

21 8. Under Federal Rule of Civil Procedure 54(b), "the court may direct entry of a final  
22 judgment as to one or more, but fewer than all, claims . . . if the court expressly determines that  
23 there is no just reason for delay." In patent cases, Federal Circuit law applies to Rule 54(b)  
24 certification issues. *Storage Tech. Corp. v. Cisco Sys., Inc.*, 329 F.3d 823, 829 (Fed. Cir. 2003).  
25 Rule 54(b) certification is proper where there is: (1) a final judgment, and (2) the district court  
26 determines that there is no just reason for delay of entry. *Curtiss-Wright Corp. v. General Elec.*  
27 *Co.*, 446 U.S. 1, 7-8 (1980); *see also W.L. Gore Assocs., Inc. v. Int'l Med. Prosthetics Research*

1 *Assocs., Inc.*, 975 F.2d 858, 861-62 (Fed. Cir. 1992). A final judgment is “a decision upon a  
2 cognizable claim for relief” and that is “an ultimate disposition of an individual claim entered in  
3 the course of a multiple claims action.” *Curtiss-Wright*, 446 U.S. at 7 (citing *Sears, Roebuck & Co.*  
4 *v. Mackey*, 351 U.S. 427, 436 (1956)).

5 9. The parties agree that the judgment with respect to the Gregory Patents is final and  
6 disposes of the claims asserting the Gregory Patents. The parties further agree that there is no just  
7 reason for delay of entry of a final judgment of invalidity with regard to the Gregory Patents.

8 10. The Section 101 Order left nothing to be determined on Synopsys’ claims of  
9 infringement of the Gregory Patents under Counts 1-3. All proceedings on Count 4 regarding the  
10 ’420 patent are stayed. In light of these facts, the differences between the Gregory Patents and the  
11 ’420 patent, and the parties’ agreements, there is no just reason for delay in any appeal of the Section  
12 101 Order. These circumstances justify immediate appeal of the Section 101 Order, and “departure  
13 from the general rule that all issues decided by the district court should be resolved in a single  
14 appeal of a final judgment.” *See iLOR, LLC v. Google, Inc.*, 550 F.3d 1067, 1072-73 (Fed. Cir.  
15 2008).

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17  
18 IT IS SO STIPULATED.

19  
20 Dated: April 17, 2015

By: *s/M. Patricia Thayer*  
M. Patricia Thayer

Attorneys for Plaintiff  
SYNOPSYS, INC.

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24 Dated: April 17, 2015

By: *s/John D. Vandenberg*  
John D. Vandenberg

Attorneys for Defendant  
MENTOR GRAPHICS CORPORATION

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Pursuant to Civil Local Rule 5-1(i)(3), counsel for Mentor Graphics has obtained the concurrence of Plaintiff's counsel in the filing of this stipulated request.

Dated: April 17, 2015

By: s/John D. Vandenberg


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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

1. Final judgment is hereby entered under Federal Rule of Civil Procedure 54(b), as to Counts 1-3 of the Complaint, adjudicating the eight asserted claims of United States Patent Nos. 5,530,841, 5,680,318, and 5,748,488 (collectively, the “Gregory Patents”) invalid under Section 101 of the Patent Act, reserving Synopsys’ right to appeal from such judgment. For the reasons set forth in the parties’ stipulated motion, there is no just reason for delay in any appeal on these counts.

2. Furthermore, the action as to Count 4 (United States Patent No. 6,836,420) is further stayed pending the resolution of the *inter partes* review of the ’420 patent, including any appeal therefrom, and of any appeal of the Section 101 Order on Counts 1-3.

DATED: April 20, 2015

  
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Honorable Maxine M. Chesney  
United States District Judge