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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYNOPSISYS, INC.,  
Plaintiff,  
v.  
ATOPTECH, INC.,  
Defendant.

No. C-13-2965 MMC

**ORDER DENYING PLAINTIFF’S MOTION  
TO DISMISS THIRD AMENDED  
COUNTERCLAIMS; GRANTING IN PART  
AND DENYING IN PART PLAINTIFF’S  
MOTION TO STRIKE AFFIRMATIVE  
DEFENSES AND FACTUAL  
ALLEGATIONS**

Before the Court is plaintiff Synopsys, Inc.’s (“Synopsys”) “Motion to Dismiss ATopTech’s Third Amended Counterclaims [“TACC”] and to Strike Immaterial Factual Allegations and Affirmative Defenses Nos. 11 and 15,” filed October 5, 2015. Defendant ATopTech, Inc. (“ATopTech”) has filed opposition, to which Synopsys has replied. The matter came on regularly for hearing on November 13, 2015. Patrick T. Michael, David C. Kiernan, and Amir Amiri of Jones Day appeared on behalf of Synopsys. Paul Alexander and Daniel Asimow of Arnold & Porter LLP appeared on behalf of ATopTech. Having considered the parties’ respective written submissions and the arguments of counsel, the Court hereby rules as follows.

1. For the reasons stated on the record at the hearing, and having reviewed the TACC’s allegations and considered the parties’ written and oral arguments with respect to injury to competition, the Court finds ATopTech has cured the deficiencies discussed in the

1 Court's prior order.

2 Accordingly, the motion to dismiss is hereby DENIED.

3 2. For the reasons stated on the record at the hearing, the motion to strike  
4 ATopTech's Eleventh and Fifteenth Affirmative Defenses is hereby GRANTED, with leave  
5 to amend the Fifteenth Affirmative Defense.

6 3. Synopsys's motion to strike factual allegations in the TACC is granted in part and  
7 denied in part, as follows:

8 a. For the reasons stated by Synopsys, the motion is hereby GRANTED to  
9 the extent Synopsys seeks to strike paragraphs 91 - 94 and 105 - 111 of the TACC.


10 b. Contrary to Synopsys's argument, the Court finds paragraphs 90 and 95 -  
11 101 contain allegations relevant to issues that remain in the case, and, in particular  
12 the effect of Synopsys's position in the static timing verification market on  
13 competition in the place-and-route market.

14 Accordingly, to the extent Synopsys seeks to strike paragraphs 90 and 95 -  
15 101 of the TACC, the motion is hereby DENIED.

16 4. ATopTech is DIRECTED to file, no later than November 25, 2015, its Fourth  
17 Amended Answer and Counterclaims.

18 **IT IS SO ORDERED.**

19 Dated: November 18, 2015

  
MAXINE M. CHESNEY  
United States District Judge

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