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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 SYNOPSYS, INC., a Delaware corporation,
13 Plaintiff and Counter-Defendant,
14 v.
15 MAGMA DESIGN AUTOMATION, a
Delaware corporation,
16 Defendant and Counter-Claimant.
17

Case No. C-04-03923 MMC (JCS)

**SYNOPSYS, INC.'S OBJECTIONS TO
EVIDENCE IN SUPPORT OF MAGMA
DESIGN AUTOMATION'S:**

- 18 (1) **MOTION FOR SUMMARY
JUDGMENT AS TO SECOND
THROUGH SIXTH CAUSES OF
ACTION IN SYNOPSYS' SECOND
AMENDED COMPLAINT**
- 19 (2) **OPPOSITION TO SYNOPSYS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT ESTABLISHING UNFAIR
COMPETITION**

20 Date: July 29, 2005
21 Time: 9:00 a.m.
Courtroom: 7, 19th Floor
22 Before: Hon. Maxine M. Chesney

23 AND RELATED COUNTERCLAIMS.
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1 Plaintiff Synopsys, Inc. (“Synopsys”) hereby objects to the following evidence presented
2 by Defendant Magma Design Automation, Inc. (“Magma”) in support of (1) Magma’s Motion for
3 Summary Judgment as to the Second Through Sixth Cases of Action in Synopsys’ Second
4 Amended Complaint (“Motion for Summary Judgment”), and (2) Opposition to Synopsys’
5 Motion for Partial Summary Judgment Establishing Unfair Competition (“Opposition”).

6 **A. Declaration of Carl Sechen.**

7 1. Synopsys objects to the Sechen Declaration on the grounds that it is not
8 “the product of reliable principles and methods,” and Sechen Declaration does not establish that
9 he applied his “principles and methods reliably to the facts of the case.” Fed. R. Evid. 104(a),
10 702(2), (3).

11 2. Under Federal Rule of Evidence 104(a), when a party challenges the
12 admissibility of the opinions of another party’s expert, the court must make a preliminary
13 determination as to whether the necessary foundation exists for the admissibility of the expert’s
14 opinion testimony. Fed. R. Evid. 104(a); Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579, 591
15 (1993). The party seeking to use the expert’s opinion testimony must establish its admissibility
16 by a preponderance of proof. *Id.* at 592. The general test of admissibility of expert testimony is
17 whether the testimony will assist the trier of fact. Fed. R. Evid. 702; *see* United States v. Amaral,
18 488 F.2d 1148, 1152 (9th Cir. 1973).

19 3. Even if an expert is “qualified” to offer opinions generally, particular
20 opinions are inadmissible if they are not “based on sufficient facts and data,” are not “the product
21 of reliable principals and methods,” and “the witness has [not] applied the principles and methods
22 reliably to the facts of the case.” Fed. R. Evid. 702. Pursuant to the Supreme Court opinion in
23 the Daubert case, trial courts must perform a two-step analysis when evaluating potential expert
24 testimony. First, the court must determine whether the expert's testimony is reliable, that is,
25 whether it is based on a reliable methodology. Daubert, 509 U.S. at 590; *see* Cummins v. Lyle
26 Indus., 93 F.3d 362, 368 (7th Cir. 1996). Second, the court must decide “whether evidence or
27 testimony assists the trier of fact in understanding the evidence or in determining a fact in issue.”
28 Cummins, 93 F.3d at 368 (internal citations and quotations omitted); *accord* Daubert, 509 U.S. at

1 591. As noted by the Supreme Court, “nothing in either Daubert or the Federal Rules of Evidence
2 requires a district court to admit opinion evidence which is connected to existing data only by the
3 *ipse dixit* of the expert.” General Electric Co. v. Joiner, 522 U.S. 136, 146 (1997). That is to say,
4 the expert’s opinions ““ must be based on the methods and procedures of science rather than
5 subjective belief or unsupported speculation.”” Oddi v. Ford Motor Co., 234 F.3d 136, 158 (3d
6 Cir. 2000) (quoting In re Paoli Railroad Yard PCB Litig., 35 F.3d 717, 742 (3d Cir. 1994).

7 4. Sechen articulates *four core opinions* in his declaration:

8 a. “I found that all of the information disclosed in the Synopsys
9 Materials can be decomposed into the following 11 concepts and techniques” (Paragraph 13),
10 which he lists in Paragraphs 14-24.

11 b. “[E]ach of the 11 concepts in the Synopsys Materials was disclosed
12 at least once in the Magma Materials, and many concepts were disclosed multiple times.”
13 Paragraph 49.

14 c. “[E]ach of the 11 concepts in the Synopsys Materials was disclosed
15 at least once in the Public Materials, and many concepts were disclosed multiple times in the
16 Public Materials. Paragraph 50.

17 d. “It would be inconceivable to me that Synopsys would not have
18 known [Magma was] using logical effort plus constant delay synthesis.” Paragraph 55.

19 None of these opinions meets the standards for admissibility under *Daubert* and Rule 702,
20 and the Court should exclude them in their entirety.

21 5. In Paragraph 13 of his Declaration, Sechen defines as the “Synopsys
22 Materials” the two Synopsys draft patent applications (Exhibits TT and UU) and the “Driving on
23 the Left-Hand Side of the Performance Speedway” paper (Exhibit U). He opines that “the
24 information disclosed in the Synopsys Materials can be decomposed into the following 11
25 concepts and techniques.” He then goes on to define each concept in a cursory fashion in
26 Paragraphs 14-24.

27 6. Sechen provides no explanation for his decomposition of these “11
28 concepts and techniques,” leaving this Court with nothing upon which to conclude that Sechen’s

1 testimony is based on a reliable methodology, or that he has applied that methodology in a
2 reliable way to the facts of this case. As Magma has failed to meet its burden of establishing the
3 reliability of Sechen's analysis concerning the 11 concepts, the Court should find that this opinion
4 cannot assist the trier of fact and must be excluded. Once Sechen's first opinion falls, the other
5 three follow in short order.

6 7. Sechen goes on in his Declaration to compare the 11 concepts with
7 information in eight documents he calls "the Magma Materials" (Exhibits A-G and K). *See*
8 Sechen Decl. ¶¶ 25-36. He then compares the 11 concepts with information documents he calls
9 "the Public Materials" (Exhibit N, P-T and VV). *Id.* at 37-48.

10 8. Although Sechen includes lengthy charts identifying quotations and
11 information from the various documents, he does not provide any explanation of his
12 "comparisons" of the materials or how these "comparisons" support his ultimate conclusions that
13 "each of the 11 concepts in the Synopsys Materials was disclosed at least once in the Magma
14 Materials," that each of the concepts "was disclosed at least once in the Public Materials," and
15 that "[i]t would be inconceivable . . . that Synopsys would not have known they were using
16 logical effort plus constant delay synthesis."

17 9. The basis for Sechen's analysis and conclusions certainly cannot be
18 derived from the charts themselves. For instance, the chart in Paragraph 26 identifies four
19 disclosures in the Synopsys Materials of the concept of "holding the delay associated with each
20 gate constant during logic synthesis and physical design," and eight such disclosures in the
21 Magma Materials. Nowhere, however, does Sechen describe or opine on how – *or even whether*
22 – the Magma Materials disclose all of the detail found in the Synopsys Materials. His comparison
23 in Paragraph 38 of this concept as disclosed in the Synopsys Materials with the Public Materials
24 fares no better as it suffers from the same deficiency. Accordingly, even had Sechen articulated a
25 reliable foundation for his opinion that there are 11 concepts, he has not provided any support in
26 Paragraphs 25-48 for his ultimate opinions as set forth in Paragraphs 49, 50 and 55.

27 10. In addition, Sechen's second and third opinions both fail as the underlying
28 comparisons for each include documents – Exhibits VV and F – that are inadmissible on the

1 grounds of relevance under Rules 401 and 402, and have no bearing on the categories he has
2 identified as Magma Materials and Public Materials.

3 a. With respect to Lukas van Ginneken's article entitled *Size*
4 *Independent Synthesis* (Exhibit VV), there is a lack of evidence in the record that Magma
5 disclosed to Synopsys that it would be using the information in this article to develop its own
6 technology. Likewise, Synopsys' evidence shows that this article was never published. Hence,
7 the document has no relevance to Sechen's opinions with respect to either the Magma Materials
8 or the Public Materials.

9 b. With respect to the slide presentation of Patrick Groeneveld at the
10 June 2000 DAC conference (Exhibit F), there is a lack of evidence that anyone from Synopsys
11 attended the presentation. Therefore, this document has no relevance to Sechen's opinions.
12 As a result, Sechen's comparisons in Paragraphs 26-36 and 38-48 of his declarations are
13 inherently unreliable as they improperly include Exhibits VV and F. This renders Sechen's
14 resulting second and third opinions themselves substantively unreliable.

15 11. As a result of these fundamental problems with Sechen's second and third
16 opinions, this Court should exclude them in their entirety. Without the foundation of his first
17 three opinions, Sechen's final opinion that it is "[i]t would be inconceivable . . . that Synopsys
18 would not have known they were using logical effort plus constant delay synthesis" must also be
19 excluded.

20 12. Sechen's Declaration contains precisely the sort of unreliable, result-
21 oriented methodology that is unacceptable under Daubert and Rule 702. Sechen has not
22 articulated a reliable (and testable) methodology to explain how he arrived at his conclusions.
23 Likewise, it is impossible for the Court to determine that he applied his methodology "reliably to
24 the facts of the case." Fed. R. Evid. 702. As a result, his opinions cannot assist the trier of fact
25 and the Court should exclude them under Rule 702.

26 **B. Declaration of Lukas van Ginneken.**

27 1. Synopsys objects to paragraph 2 on the grounds that it constitutes
28 inadmissible secondary evidence. Fed. R. Evid. 1001 *et seq.* Synopsys further objects to

1 paragraphs 2 and 3, as well as Exhibit A, which is referenced therein, on the grounds that they are
2 irrelevant and immaterial. Fed. R. Evid. 401, 402. The van Ginneken Declaration does not lay
3 any foundation for the authenticity of Exhibit A with respect to its use by van Ginneken or
4 Magma in the course of any meeting or communication with Synopsys, or that Synopsys
5 otherwise saw or received it. Fed. R. Evid. 901. Likewise, Synopsys objects to the second
6 sentence in Paragraph 3 on the grounds that there is no foundation for the assertion that Exhibit A
7 is “substantially identical to the set of slides that [van Ginneken] presented to Synopsys,” the
8 assertion is speculative, and the term “substantially identical” is vague and ambiguous. Fed. R.
9 Evid. 602, 611. Synopsys further objects to Exhibit A as inadmissible hearsay. Fed. R. Evid.
10 801-804.

11 2. Synopsys objects to paragraph 4, and to Exhibit B referenced therein, on
12 the grounds that they are irrelevant and immaterial. Fed. R. Evid. 401, 402. The van Ginneken
13 Declaration does not lay any foundation for the authenticity of Exhibit B with respect to its use by
14 van Ginneken in any public presentation. Fed. R. Evid. 901. Likewise, Synopsys objects to the
15 second sentence in Paragraph 4 on the grounds that there is no foundation for the assertion that
16 Exhibit B consists of “slides which are substantially identical to those I presented publicly at the
17 panel,” the assertion is speculative, and the term “substantially identical” is vague and
18 ambiguous. Fed. R. Evid. 602, 611. Synopsys further objects to Exhibit B as inadmissible
19 hearsay. Fed. R. Evid. 801-804.

20 **C. Declaration of Olivier Coudert.**

21 1. Synopsys objects to the statements in paragraph 3 that “Otten’s
22 presentation was open to anyone attending the conference and there were no confidentiality
23 restrictions on the presentation” on the grounds that there is no foundation for the declarant’s
24 personal knowledge, rendering the statements speculative. Fed. R. Evid. 602. Synopsys also
25 objects to the last sentence, and to Exhibit R referenced therein, on the grounds that the purported

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1 authentication of this document is speculative and insufficient, and the contents are inadmissible
2 hearsay. Fed. R. Evid. 602, 901, 801-804.¹

3 2. Synopsys objects to the statement in Paragraph 4 that “a representative of
4 Synopsys” was on the ASP-DAC panel on the grounds that it is speculative, vague and
5 ambiguous. Fed. R. Evid. 602, 611. Synopsys further objects to Exhibit H, referenced in
6 paragraph 4, on the grounds that it is irrelevant and immaterial. Fed. R. Evid. 401-402. Synopsys
7 further objects to the last sentence concerning Exhibit D on the grounds that it is speculative and
8 does not authenticate the document. Fed. R. Evid. 602, 901.

9 3. Synopsys objects to the first sentence in paragraph 5 on the grounds that
10 the referenced “concepts” are vague and ambiguous. Fed. R. Evid. 611. Synopsys objects to the
11 second sentence that an unidentified “Synopsys representative participated in these discussions”
12 on the grounds that it lacks foundation for the declarant’s personal knowledge, and is
13 speculative, vague and ambiguous, and inadmissible hearsay. Fed. R. Evid. 602, 611, 801-804.
14 Synopsys objects to the third and fourth sentences on the grounds that they are speculative, lack
15 foundation for the declarant’s personal knowledge, and are inadmissible lay opinion. Fed. R.
16 Evid. 602, 701, 702.

17 4. Synopsys objects to Paragraph 6, and Exhibit I referenced therein, on the
18 grounds that they are irrelevant and immaterial. Fed. R. Evid. 401-402. Synopsys further objects
19 to the last sentence concerning Exhibit C on the grounds that it is speculative and does not
20 authenticate the document. Fed. R. Evid. 602, 901.

21 5. Synopsys objects to the first two sentences in paragraph 7 on the grounds
22 that there is no foundation for the declarant’s personal knowledge and the statements are
23 speculative. Fed. R. Evid. 602. Synopsys objects to the last sentence on the grounds that it is
24 speculative, lacks foundation for personal knowledge, and is inadmissible lay opinion. Fed. R.
25 Evid. 602, 701, 702.

26 ¹ The Declarations of Patrick Groeneveld and Christopher D. Catalano also purport to
27 authenticate Exhibit R. Synopsys has objected below to Exhibit R in connection with these
28 other Declarations and hereby generally objects to Exhibit R on the grounds that it has not
been properly authenticated by any declaration or deposition testimony submitted by Magma
in connection with its Motion for Summary Judgment or Opposition.

1 **D. Declaration of Patrick Groeneveld.**

2 1. Synopsis objects to the statements in paragraph 3 that “Otten’s
3 presentation was open to anyone attending the conference and there were no confidentiality
4 restrictions on the presentation” on the grounds that there is no foundation for the declarant’s
5 personal knowledge, rendering the statements speculative. Fed. R. Evid. 602. Synopsis also
6 objects to the last sentence, and to Exhibit R referenced therein, on the grounds that the purported
7 authentication of this document is speculative and insufficient, and the contents are inadmissible
8 hearsay. Fed. R. Evid. 602, 901, 801-804.

9 2. Synopsis objects to the last sentence of paragraph 4, and to Exhibit B
10 referenced therein, on the grounds that the authentication of this document is speculative and the
11 declarant’s statement that it is “a true and correct copy” of van Ginneken’s slides from the April
12 1999 panel presentation is inconsistent with the author’s sworn statement that he could attest only
13 that Exhibit B contains “substantially identical” slides to those he presented. Fed. R. Evid. 602;
14 Declaration of Lukas van Ginneken ¶ 4.² Synopsis further objects to Exhibit B as inadmissible
15 hearsay. Fed. R. Evid. 801-804.

16 3. Synopsis objects to the second sentence in paragraph 5 on the grounds that
17 there is no foundation for the declarant’s personal knowledge regarding the Magma website. Fed.
18 R. Evid. 602. Synopsis objects to the last sentence on the grounds that it is speculative, lacks
19 foundation for personal knowledge, and is inadmissible lay opinion. Fed. R. Evid. 602, 701, 702.

20 4. Synopsis objects to the reference in the second paragraph of Paragraph 6
21 to an unidentified “Synopsis representative” on the grounds that it is speculative, lacks
22 foundation for the declarant’s personal knowledge, and is vague and ambiguous. Fed. R. Evid.
23 602, 611. Synopsis objects to the fourth and fifth sentences in paragraph 6 on the grounds that
24 they are vague and ambiguous as to the description of technology. Fed. R. Evid. 611. Synopsis

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26 ² The Declaration of Lukas van Ginneken also purports to authenticate Exhibit B. Synopsis
27 has objected below to Exhibit B in connection with the van Ginneken Declaration and hereby
28 generally objects to Exhibit B on the grounds that it has not been properly authenticated as a
relevant document by any declaration or deposition testimony submitted by Magma in
connection with its Motion for Summary Judgment or Opposition and is inadmissible hearsay.
Fed. R. Evid. 901, 801-804.

1 further objects to the fifth and sixth sentences on the grounds that constitute inadmissible hearsay.
2 Fed. R. Evid. 801-804. Synopsys also objects to the testimony in the sixth sentence regarding an
3 unidentified “representative of Synopsys” on the grounds that there is no foundation for the
4 declarant’s personal knowledge, it is speculative, and vague and ambiguous. Fed. R. Evid. 602,
5 611.

6 5. Synopsys objects to the third sentence in paragraph 7 on the grounds that it
7 is vague and ambiguous as to the term “publicly” and the phrase “technology being developed by
8 Magma.” Fed. R. Evid. 611. Synopsys further objects to the fourth sentence that an unidentified
9 “representative from Synopsys attended the workshop and my presentation” on the grounds that
10 there is no foundation for the declarant’s personal knowledge, it is speculative, and vague and
11 ambiguous. Fed. R. Evid. 602, 611.

12 6. Synopsys objects to the second sentence in Paragraph 8 on the grounds that
13 it is speculative. Fed. R. Evid. 602. Synopsys objects to the fourth sentence on the grounds that
14 it is vague and ambiguous as to the phrase “technology being developed by Magma.” Fed. R.
15 Evid. 611. Synopsys further objects to the fifth sentence on the grounds that the term “publicly”
16 is vague and ambiguous, that there is no foundation for the declarant’s personal knowledge
17 concerning the accessibility or contents of any web site, and there is no foundation for the
18 declarant’s personal knowledge regarding Jason Cong’s web site. Fed. R. Evid. 602. Synopsys
19 objects to Exhibit F, referenced in this paragraph, on the grounds that it is irrelevant in light of the
20 lack of evidence that Synopsys ever attended the June 2000 presentation. Fed. R. Evid. 401-402;
21 Declarations of Dr. Narendra Shenoy and Dr. Robert Damiano in Support of Synopsys’
22 Opposition to Magma’s Motions for Summary Judgment. Synopsys objects to the last sentence
23 on the grounds that it is speculative, lacks foundation for personal knowledge, and is inadmissible
24 lay opinion. Fed. R. Evid. 602, 701, 702.

25 7. Synopsys objects to the third sentence in paragraph 9 on the grounds that it
26 is vague and ambiguous as to the description of technology. Fed. R. Evid. 611.

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1 **E. Declaration of Joe Hutt.**

2 1. Synopsys objects to the fifth sentence in paragraph 3 and Exhibit A
3 referenced therein, on the grounds that the authentication of this document is speculative, and on
4 the grounds that the declarant's statement that it is "a true and correct copy" of van Ginneken's
5 slides from the 1998 meeting is inconsistent with the author's sworn statement that he could attest
6 only that Exhibit A is "one version" of slides he used in 1998 and contains "substantially
7 identical" slides to those he presented. Fed. R. Evid. 602, 901; *see* Declaration of Lukas van
8 Ginneken ¶¶ 2-3.³ Synopsys further objects to Exhibit A as inadmissible hearsay. Fed. R. Evid.
9 801-804. Synopsys also objects to the statement in the sixth sentence that "Synopsys did not sign
10 a non-disclosure agreement" on the grounds that there is no foundation for the declarant's
11 personal knowledge and it constitutes an inadmissible legal conclusion. Fed. R. Evid 602, 701,
12 702. Synopsys also objects to the last sentence on the grounds that the phrase "patents related to
13 the technology discussed" is vague and ambiguous. Fed. R. Evid. 611.

14 2. Synopsys objects to paragraph 4 on the grounds that there is no foundation
15 for the declarant's personal knowledge and the statements constitute hearsay. Fed. R. Evid. 602,
16 801-804.

17 3. Synopsys objects to the last sentence in paragraph 5 on the grounds that
18 there is no foundation for the declarant's personal knowledge and the term "supervised" is vague
19 and ambiguous. Fed. R. Evid. 602, 611.

20 4. Synopsys objects to paragraph 6 on the grounds that there is no foundation
21 for the declarant's personal knowledge. Fed. R. Evid. 602.

22 5. Synopsys objects to paragraph 7 on the grounds that there is no foundation
23 for the declarant's personal knowledge. Fed. R. Evid. 602. Synopsys further objects to the third
24 sentence on the grounds that it is inadmissible lay opinion. Fed. R. Evid. 701, 702.

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26 ³ The Declarations of Lukas van Ginneken and Rajeev Madhavan also purports to authenticate
27 Exhibit A. Synopsys has objected below to Exhibit A in connection with these other
28 declarations and hereby generally objects to Exhibit A on the grounds that it has not been
properly authenticated as a relevant document by any declaration or deposition testimony
submitted by Magma in connection with its Motion for Summary Judgment or Opposition and
is inadmissible hearsay. Fed. R. Evid. 901, 801-804.

1 6. Synopsis objects to paragraph 8 on the basis that there is no foundation for
2 the declarant’s personal knowledge. Fed. R. Evid. 602. Synopsis specifically objects to the
3 attempt to authenticate Exhibit C in the second sentence as it is speculative. *Id.* Synopsis further
4 objects to the third and fourth sentences on the grounds that they contain inadmissible lay
5 opinion. Fed. R. Evid. 701, 702.

6 7. Synopsis objects to the last sentence of paragraph 9 on the grounds that
7 there is no foundation for the declarant’s personal knowledge regarding the statement that the
8 “Tutorial was open to anyone who registered,” and the estimate of attendance is speculative. Fed.
9 R. Evid. 602. Synopsis objects to the attempt to authenticate Exhibit F in the second sentence on
10 the grounds that it is speculative. Fed. R. Evid. 602. Synopsis further objects to Exhibit F,
11 referenced in this paragraph, on the grounds that it is irrelevant in light of the lack of evidence
12 that Synopsis ever attended the June 2000 presentation. Fed. R. Evid. 401-402; Declarations of
13 Dr. Narendra Shenoy and Dr. Robert Damiano in Support of Synopsis’ Opposition to Magma’s
14 Motions for Summary Judgment.

15 8. Synopsis objects to the attempt in the second sentence of Paragraph 10 to
16 authenticate Exhibit G on the grounds that it is speculative. Fed. R. Evid. 602.

17 **F. Declaration of Rajeev Madhavan.**

18 1. Synopsis objects to paragraph 7 on the grounds that there is no foundation
19 for the declarant’s personal knowledge. Fed. R. Evid. 602.

20 2. Synopsis objects to paragraph 9 on the grounds that there is no foundation
21 for the declarant’s personal knowledge and the statements therein are inadmissible lay opinion.
22 Fed. R. Evid. 602, 701, 702.

23 3. Synopsis objects to paragraph 11 on the grounds that there is no
24 foundation for the declarant’s personal knowledge, and the statements therein are inadmissible
25 legal conclusions and lay opinion. Fed. R. Evid. 602, 701, 702.

26 4. Synopsis objects to paragraph 12 on the grounds that there is no
27 foundation for the declarant’s personal knowledge and the statements therein are inadmissible lay
28 opinion. Fed. R. Evid. 602, 701, 702.

1 5. Synopsis objects to paragraph 13 on the grounds that there is no
2 foundation for the declarant's personal knowledge and the statements therein are inadmissible lay
3 opinion. Fed. R. Evid. 602, 701, 702.

4 6. Synopsis objects to paragraph 14 on the grounds that there is no
5 foundation for the declarant's personal knowledge concerning the meaning of Magma's August
6 18, 1997 letter or what Magma intended or considered to be its meaning. Fed. R. Evid. 602.

7 7. Synopsis objects to paragraph 15 on the grounds that there is no
8 foundation for the declarant's personal knowledge concerning Paul Lippe's understanding of the
9 Magma letter or Synopsis' alleged unwillingness "to cooperate with Magma at that time." Fed.
10 R. Evid. 602. Synopsis further objects to the term "cooperate" in the seventh sentence and to the
11 characterization of the "[t]echnical discussions" in the eighth sentence as vague and ambiguous.
12 Fed. R. Evid. 611.

13 8. Synopsis objects to the third and fourth sentences in Paragraph 16 on the
14 grounds that there is no foundation for the declarant's personal knowledge. Fed. R. Evid. 602.
15 Synopsis objects to the sixth sentence, and Exhibit A referenced therein, on the grounds that the
16 authentication of this document is speculative, and on the grounds that the declarant's statement
17 that it is "a true and correct copy" of van Ginneken's slides from the 1998 meeting is inconsistent
18 with the author's sworn statement that he could attest only that Exhibit A is "one version" of
19 slides he used in 1998 and contains "substantially identical" slides to those he presented. Fed. R.
20 Evid. 602, 901; *see* Declaration of Lukas van Ginneken ¶¶ 2-3. Synopsis further objects to
21 Exhibit A as inadmissible hearsay. Fed. R. Evid. 801-804. Synopsis also objects to the seventh
22 sentence on the grounds that "patents pending that related to the technology that was presented" is
23 vague and ambiguous. Fed. R. Evid. 611.

24 9. Synopsis objects to the last sentence in Paragraph 17 on the grounds that
25 "technical content similar in scope and substance to what is in Exhibit A" is vague and
26 ambiguous, and constitutes inadmissible lay opinion. Fed. R. Evid. 611, 701, 702.

27 10. Synopsis objects to the fourth sentence in Paragraph 19 on the grounds
28 that "concepts relating to gain based synthesis and constant delay synthesis" is vague and

1 ambiguous. Fed. R. Evid. 611. Synopsys further objects that the term “concepts” in the sixth
2 sentence are vague and ambiguous. *Id.* Synopsys further objects to the final sentence on the
3 grounds that “concepts of constant delay synthesis” and “flawed” are vague and ambiguous. *Id.*

4 11. Synopsys objects to Paragraph 20 on the grounds that “detailed
5 descriptions of constant delay and gain based synthesis concepts” and “how Magma was using
6 them” are vague and ambiguous. Fed. R. Evid. 611.

7 12. Synopsys objects to Paragraph 21 on the grounds that “detailed
8 descriptions of constant delay and gain based synthesis concepts,” “constant delay synthesis,” and
9 “it didn’t work” are vague and ambiguous. Fed. R. Evid. 611.

10 **G. Declaration of Robert P. Smith.**

11 1. Synopsys objects to the last sentence in Paragraph 3 on the grounds there is
12 no foundation for the declarant’s personal knowledge and the statement constitutes inadmissible
13 lay opinion. Fed. R. Evid. 602, 701, 702.

14 2. Synopsys objects to the second sentence in Paragraph 4 on the grounds that
15 there it is no foundation for the declarant’s personal knowledge, it is speculative and it fails to
16 authenticate Exhibit Q. Fed. R. Evid. 602, 901.

17 3. Synopsys objects to Paragraph 5 on the grounds that the terms “concepts
18 relating to constant delay and gain-based design,” “relationship of these concepts to products
19 under development by Magma,” “constant delay and gain-based concepts,” “these concepts,” “the
20 concepts did not work,” “these concepts had no technical value for the development or
21 implementation of potential [EDA] products,” and “successful product based on these concepts”
22 are vague and ambiguous. Fed. R. Evid. 611.

23 4. Synopsys objects to the second sentence in Paragraph 7 on the grounds that
24 “detailed product descriptions” and “detailed descriptions” are vague and ambiguous. Fed. R.
25 Evid. 611. Synopsys further objects to this sentence on the grounds that there is no foundation for
26 the declarant’s personal knowledge. Fed. R. Evid. 602. Synopsys objects to the last sentence,
27 and to Exhibit L referenced therein, on the grounds that there is no foundation for the declarant’s

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1 personal knowledge of the document or Magma’s web site, and the document has not been
2 properly authenticated. Fed. R. Evid. 602, 901.

3 5. Synopsys objects to Paragraph 8 on the grounds that there is no foundation
4 for the declarant’s personal knowledge. Fed. R. Evid. 602.

5 6. Synopsys objects to Paragraph 9 on the grounds that it is speculative, there
6 is no foundation for the declarant’s personal knowledge and it is inadmissible lay opinion. Fed.
7 R. Evid. 602, 701, 702.

8 **H. Declaration of Koen van Eijk.**

9 1. Synopsys objects to Paragraph 3 on the grounds that there is no foundation
10 for the declarant’s personal knowledge and it is inadmissible lay opinion. Fed. R. Evid. 602, 701,
11 702.

12 2. Synopsys objects to Paragraph 5 on the grounds that the term “significant
13 involvement” is vague and ambiguous. Fed. R. Evid. 602.

14 **I. Declaration of Peter Obstler.**

15 1. The caption for the Obstler Declaration indicates that Magma is offering it
16 only in support of its Motion for Summary Judgment, and not in support of its Opposition.
17 Accordingly, Synopsys objects to the Obstler Declaration to the extent there are citations to
18 evidence in the Opposition that are found only in this declaration (van Ginneken depo. at 87-89).

19 2. Synopsys objects to Paragraph 6 on the grounds that there is no foundation
20 for the declarant’s personal knowledge and it fails to authenticate Exhibit Q. Fed. R. Evid. 602,
21 901.

22 3. Synopsys objects to Paragraph 9 on the grounds that there is no foundation
23 for the declarant’s personal knowledge and it fails to authenticate Exhibit WW. Fed. R. Evid.
24 602, 901.

25 4. Synopsys objects to Exhibit HH (referenced in Paragraph 15), excerpts
26 from the April 26-27, 2005 deposition of Lukas van Ginneken, as follows:

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<u>CITATION</u>	<u>OBJECTIONS</u>
40:22-41:16	Inadmissible legal conclusions and lay opinion. Fed. R. Evid. 701, 702. Speculation. Fed. R. Evid. 602; Premature as requires claims construction on the '466 patent.
56:4-16	Inadmissible legal conclusions and lay opinion. Fed. R. Evid. 701, 702. Speculation. Fed. R. Evid. 602. Premature as requires claims construction on '466 patent.
60:2-12	Assumes facts not in evidence. Fed. R. Evid. 611. Fails to authenticate Exhibit R (deposition exhibit 9). Fed. R. Evid. 901.
76:21-77:8	Depo. page 77 is cited on page 4 of the brief in support of the Motion for Summary Judgment, but is not contained in Exhibit HH. Even were this deposition excerpt properly before the Court, Synopsys objects as follows: Vague & ambiguous regarding work of which he gained knowledge. Fed. R. Evid. 602.
86:12-87:9	Depo. page 86 is cited on pages 4 and 12 of the brief in support of the Motion for Summary Judgment, but is not contained in Exhibit HH.
87:1-9	Referenced on pages 3 and 4 of the Opposition, but contained only in Exhibit HH, which Magma has not offered in support of the Opposition.
88:23-25	Referenced on page 6 of the Opposition, but contained only in Exhibit HH, which Magma has not offered in support of the Opposition.
89:19-90:9	Depo. pages 89-90 are referenced on pages 6 and 14 of the Opposition, but page 89 is contained only in Exhibit HH, which Magma has not offered in support of the Opposition. Page 90 is not included in Exhibit HH or elsewhere
92:3-15	Lack of foundation for personal knowledge of the results of any joint IBM-Synopsys project. Fed. R. Evid. 602.
210:6-217:11	Depo. pages 212-214 are cited on page 11 of the brief in support of the Motion for Summary Judgment, but are not contained in Exhibit HH. Even were this deposition excerpt properly before the Court, Synopsys objects as follows: 213:20-24 – Vague and ambiguous. Fed. R. Evid. 611. 214:9-17 – Vague and ambiguous, and compound. <i>Id.</i>

<u>CITATION</u>	<u>OBJECTIONS</u>
	217:5-8 – Lack of foundation for personal knowledge and speculative. Fed. R. Evid. 602.
Exh. 24	Referenced on page 3 of the brief in support of the Summary Judgment Motion, but not contained in Exhibit HH.

J. Declaration of Christopher P. Catalano.

1. The caption for the Catalano Declaration indicates that Magma is offering this declaration only in support of its Opposition, and not in support of its Motion for Summary Judgment. The Notice of Motion for the Motion for Summary Judgment likewise does not include the Catalano Declaration. Accordingly, Synopsys objects to the Catalano Declaration to the extent there are citations to evidence in the Motion for Summary Judgment that are found only in this declaration (van Ginneken deposition at 77, 86, 212-14).

2. Synopsys objects to Exhibit M (referenced in Paragraph 2), excerpts from the April 26-27, 2005 deposition of Lukas van Ginneken, as follows:

<u>CITATION</u>	<u>OBJECTIONS</u>
26:17-29:15	26:17-27:24 – Vague and compound. Fed. R. Evid. 611. 28:12-29:15 – Vague and compound. <i>Id.</i>
30:2-15	Vague. Fed. R. Evid. 611. Improper lay opinion. Fed. R. Evid. 701, 702.
56:4-16	Inadmissible legal conclusions and lay opinion. Fed. R. Evid. 701, 702. Speculation. Fed. R. Evid. 602. Premature as requires claims construction on '466 patent.
58:22-59:2	Vague. Fed. R. Evid. 611.
60:2-12	Assumes facts not in evidence. Fed. R. Evid. 611. Fails to authenticate Exhibit R (deposition exhibit 9). Fed. R. Evid. 901.
62:20-73:17	Vague. Fed. R. Evid. 611. Inadmissible lay opinion. Fed. R. Evid. 701, 702. Lack of foundation of personal knowledge regarding the comparison with his work. Fed. R. Evid. 602.

<u>CITATION</u>	<u>OBJECTIONS</u>
74:11-25	Speculation and lack of foundation regarding confidentiality issues. Fed. R. Evid. 602. Legal conclusions and inadmissible lay opinion. Fed. R. Evid. 701, 702.
75:4-17	Lack of foundation regarding personal knowledge, speculation. Fed. R. Evid. 602.
76:4-17	Lack of foundation regarding personal knowledge, speculation. Fed. R. Evid. 602.
76:21-77:8	Vague & ambiguous regarding the work that gave him the knowledge. Fed. R. Evid. 611.
78:11-15	Lack of foundation regarding personal knowledge, speculation. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 801-804.
82:18-85:17	82:24-83:5 – Vague. Fed. R. Evid. 602. Inadmissible lay opinion. Fed. R. Evid. 701, 702. 84:8-85:1 – Lack of foundation regarding personal knowledge. Fed. R. Evid. 602. Vague. Fed. R. Evid. 611. Inadmissible lay opinion. Fed. R. Evid. 701, 702. 85:11-17 – Vague. Fed. R. Evid. 611.
87:1-9	Page 87 is cited on pages 3 and 4 of the Opposition, but is not contained in Exhibit M. Even were this deposition excerpt properly before the Court, Synopsys objects as follows: Speculation. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 801-804. Attempt to prove content of document with secondary evidence. Fed. R. Evid. 1001-1002, 1004, 1007.
88:23-25	Page 88 is cited on page 6 of the Opposition, but is not contained in Exhibit M.
89:19-90:9	Page 90 is cited on pages 6 and 14 of the Opposition, but is not contained in Exhibit M.
92:3-15	Lack of foundation regarding personal knowledge of the results of any joint IBM-Synopsys project. Fed. R. Evid. 602.
179:7-10	Lack of foundation regarding personal knowledge, speculative. Fed. R. Evid. 602.
204:21-205:4	Lack of foundation regarding personal knowledge. Fed. R. Evid. 602.

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<u>CITATION</u>	<u>OBJECTIONS</u>
205:5-18	Irrelevant. Fed. R. Evid. 401-402. Vague and ambiguous regarding “work from Synopsys that you later used.” Fed. R. Evid. 602.
207:11-25	Lack of foundation regarding personal knowledge, speculation Fed. R. Evid. 602.
208:22-210:5	Lack of foundation regarding personal knowledge, speculation Fed. R. Evid. 602.
215:18-217:11	217:5-8 – Lack of foundation regarding personal knowledge, speculation Fed. R. Evid. 602.

3. Synopsys objects to Paragraph 7, and to Exhibit R referenced therein, on the grounds that there is no foundation for the declarant’s personal knowledge regarding this document, the authentication is inadequate, and the contents of the document inadmissible hearsay. Fed. R. Evid. 602, 901, 801-804.

Dated: June 29, 2005

DECHERT LLP

By: /s/ Michael N. Edelman _____
 Chris Scott Graham
 Michael N. Edelman
 Attorneys for Plaintiff and Counter-Defendant,
 SYNOPSIS, INC.