

Daily Journal

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TOP VERDICTS OF 2024

Synopsys, Inc. v. Real Intent, Inc.

In April 2021, Reid Mullen and Ryan Wong were awaiting a U.S. Supreme Court opinion on a copyright case with their client Google, who was being sued by Oracle, knowing the decision would impact another case they were working on.

Luckily, the Supreme Court opinion landed in their favor, claiming Google's use of Oracle's lines of code had fallen within the four requirements of fair use, and they were able to get to work on a similar case with this precedent in their proverbial back pocket.

This case saw Mullen and Wong's law firm Kecker, Van Nest & Peters, defend client Real Intent Inc., a software company, from being sued by Synopsys Inc., a leading semiconductor software company. *Synopsys, Inc. v. Real Intent, Inc.* 5:20-cv-02819 (N.D. Cal filed April 23, 2024).

The lawsuit claimed that Real Intent copied commands of the licensed software dating back to 2015. Synopsys sued Real Intent



ROBERT VAN NEST



REID MULLEN



RYAN WONG

in 2020 for infringement and contract breach, accusing its competitor of licensing its software "for the sole purposes of developing, testing, supporting, and maintaining an interface between certain Synopsys products and certain Real Intent products."

A San Jose federal jury awarded \$550,000 in contract damages to Synopsys, finding that Real Intent, its former licensee and compe-

titor, was unjustly enriched. But Real Intent's defense team lauded the verdict as a "sweeping victory" and called the damages award "nominal" considering the "tens of millions of dollars in alleged copyright damages" the plaintiffs originally sought.

After four rounds of briefings, the court ruled on a summary judgment motion in favor of the defendants, finding that Real Intent's



CODY GRAY

use was fair as a matter of law, wiping out the copyright claims from the case.

"The court found that each of the four statutory fair use factors weighed in favor of fair use and relied pretty heavily on the Oracle

CASE DETAILS

CASE NAME	Synopsys, Inc. v. Real Intent, Inc.
TYPE OF CASE	Copyright; Breach of Contract
COURT	U.S. Northern District
JUDGE(S)	Edward J. Davila
DEFENSE LAWYERS	Kecker, Van Nest & Peters, Robert A. Van Nest, Reid P. Mullen, Ryan Wong, Cody Gray, Kristin E. Hucek, Bilal A. Malik, Victor T. Chiu, Catherine C. Porto, Elizabeth A. Heckmann, Theresa M. Dawson
PLAINTIFFS LAWYERS	Willkie Farr & Gallagher, Krista S. Schwartz

v. Google case," Mullen said. "Which is obviously a seminal case on fair use, particularly in the context of computer copyright software type of claims. So that was a very significant ruling for our client."

But it did not resolve the case entirely, it then proceeded to trial on a breach of contract claim which was addressed at trial and ruled in the plaintiff's favor.

The defense's victory was not only significant in copyright law but also "interoperability" between designers in the world of software and technology. Real Intent sells specialized software that chip

designers use, but they have to use it with a lot of other software that other companies make and all that software needs to work together, Mullen said.

The idea is that fair use of copyright law allows these companies to use each others codes, designs, software and more to allow for innovation in the sector. The core issue in this case were "commands" - short one, two or three word snippets of words that chip designers use to instruct software used to design a chip, Mullen said.

Wong added: "In order for our client's software to work effec-

tively and efficiently with all the other companies out there in the world that are doing aspects of the chip design process, our client's product needs to be able to work with those - that's interoperability. It's good for the industry. It's important for the industry."

Mullen and Wong said Synopsys' claims were all part of an effort to hinder interoperability, which is "terrible for innovation and undermines fair competition."

Lead attorney for Synopsys, Krista Schwartz of Willkie Farr & Gallagher, said: "After the court found

that Real Intent breached its contracts with Synopsys, the jury determined that Real Intent had harmed Synopsys as a result of its breach.

"Synopsys is vigorously pursuing all remedies against Real Intent for its breach of contract, including injunctive relief and attorney fees. Synopsys' motion for a permanent injunction, as well as its motion for a limited new trial, are currently pending before the court.

Schwartz added: "Synopsys presently intends to file an appeal of at least the court's copyright summary judgment ruling."