

# Court accuses Aptix president of fraud

By Richard Goering, EE Times

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SAN JOSE, Calif.—In a lengthy court document that reads like a made-for-TV drama, a federal judge here accused Amr Mohsen, president and chief executive of hardware verification provider Aptix, of committing widespread fraud in a patent-infringement suit against Cadence Design Systems' Quickturn division. As a result, the suit brought by Aptix and Mentor Graphics' Meta division has been dismissed, and the patent in question ruled unenforceable. The ruling came to light Thursday (June 15) from Judge William Alsup of U.S. District Court. The case originated when Mentor's Meta division licensed the patent from Aptix for \$1 million, apparently so Mentor could sue Quickturn—a company that it's been battling in court for years—one more time. Mentor also loaned Aptix \$3 million and agreed to front all legal expenses for the suit.

But Mentor's gambit backfired, resulting in a 60-page court document that describes, in detail, how Amr Mohsen and his brother Aly allegedly fabricated entries in a 1989 engineering diary and created a fraudulent 1988 diary. The document even accuses Amr Mohsen of staging a break-in of his own car and stealing the notebooks once forensic testing revealed discrepancies.

## Seeking clarification

Ralph Zak, vice president of marketing for Aptix, said that the judge's findings were based on a "highly contested" record and that the judge disregarded testimony from Aptix's expert witnesses in drawing his conclusions. Zak said that Aptix has denied wrongdoing from the beginning, but he would not specifically deny that Mohsen had fabricated or destroyed evidence.

"We're going to sort through the ruling, and decide whether to ask the judge to revise it or take an appeal," Zak said. "Until the appeal is over it's not really over. It's a complex case."

Aptix, Quickturn, and Mentor's Meta division all provide hardware-assisted verification systems.

"This is a huge victory from our standpoint," said Smith McKeithen, senior vice president and general counsel at Cadence. While other legal activity against Mentor continues, McKeithen said, "the Aptix case has been the main event for both parties for the past eight or nine months."

According to the court documents, the Mohsens falsified the notebooks to show that the patent, granted Sept. 20, 1989, stemmed from an invention by Amr Mohsen a year earlier. The court requires establishment of an invention date when patent claims are asserted.

In the ink

Detailed forensic testing, however, told a different story. "The record shows with clarity that all of the 1988 notebook, much of the 1989 notebook, and all of the corroborating Day-Timer entries were and are counterfeit," the ruling stated. Some ink in the Day-Timer, for example, was determined to have been manufactured after 1994, according to the report. The document goes on to accuse Amr Mohsen of "a premeditated and prolonged effort to deceive the defendant and this court."

At one point, the notebooks disappeared in a purported theft. The court document suggests that Amr Mohsen, alone in the Aptix parking lot, broke his own car window in an attempt to stage the theft. Afterwards, Mohsen produced collaborating documents, which the court also found to be fraudulent.

Zak said that the police report and private investigator's report contradicted the judge's conclusion about the break-in, which he speculated was committed by a "disgruntled employee."

In a harshly-worded order, Judge Alsup dismissed the entire complaint, ruled the patent unenforceable, and ordered Aptix to pay Quickturn's court costs. Zak said that Mentor and Aptix have yet to hash out who will actually pick up the tab, since Mentor had previously agreed to cover the costs of litigation. There was no indication whether the Mohsens would now face fraud charges.

"We have disagreements with the judge," said a Mentor spokesman. "We are still studying what we plan to do with this case." The spokesman called Mohsen's conduct "pretty disturbing" and said that Mentor knew nothing about his activities.

The spokesman said that Mentor's Meta division is not making use of the Aptix patent. Asked whether the patent was licensed for the sole purpose of suing Quickturn, he responded, "I don't know." Asked whether Mentor now plans to sue Aptix, he answered, "we're looking at all our options at this point. We haven't made any decisions yet."

Mentor currently has its own separate patent infringement lawsuit underway against