UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC Petitioner

v.

ANCORA Patent Owner

Patent No. 6,411,941

DECLARATION OF JON B. WEISSMAN

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XII.	Clain	ns 1-3,	5-14, and 16	-17 of the '941 Patent Are Obvious
	A.			the DMI Specification Renders Obvious and 16-17
		1.	operation w including ar BIOS of the	Claim 1 – A method of restricting software ithin a license for use with a computer a erasable, non-volatile memory area of a computer, and a volatile memory area; the aprising the steps of:
			(i)	Step 1[a] – selecting a program residing in the volatile memory
			(ii)	Step 1[b] – using an agent to set up a verification structure in the erasable, non- volatile memory of the BIOS, the verification structure accommodating data that includes at least one license record
			(iii)	Step 1[c] – verifying the program using at least the verification structure from the erasable non-volatile memory of the BIOS40
			(iv)	Step 1[d] – acting on the program according to the verification

2.	'941 Patent, Claim 2 – A method according to claim 1, further comprising the steps of: establishing a license authentication bureau
3.	'941 Patent, Claim 3 – A method according to claim 2, wherein setting up a verification structure further comprising the steps of: establishing, between the computer and the bureau, a two-way data- communications linkage; transferring, from the computer to the bureau, a request-for-license including an identification of the computer and the license-record's contents from the selected program; forming an encrypted license-record at the bureau by encrypting parts of the request-for-license using part of the identification as an encryption key; transferring, from the bureau to the computer, the encrypted license-record; and storing the encrypted license record in the erasable non- volatile memory area of the BIOS41
4.	'941 Patent, Claim 5 - A method according to claim 3 wherein the identification of the computer includes the unique key42
5.	'941 Patent, Claim 6 – A method according to claim 1 wherein selecting a program includes the steps of: establishing a licensed-software-program in the volatile memory of the computer wherein said licensed-software- program includes contents used to form the license- record
6.	'941 Patent, Claim 7 – A method according to claim 6 wherein using an agent to set up the verification structure includes the steps of: establishing or certifying the existence of a pseudo-unique key in a first non-volatile memory area of the computer; and establishing at least one license-record location in the first nonvolatile memory area or in the erasable, non-volatile memory area of the BIOS

7.	'941 Patent, Claim 8– A method according to claim 6 wherein establishing a license-record includes the steps of: forming a license-record by encrypting of the contents used to form a license-record with other predetermined data contents, using the key; and establishing the encrypted license-record in one of the at least one established license-record locations
8.	'941 Patent, Claim 9– A method according to claim 7 wherein verifying the program includes the steps of: encrypting the licensed-software-program's license- record contents from the volatile memory area or decrypting the license-record in the erasable, non-volatile memory area of the BIOS, using the pseudo-unique key; and comparing the encrypted licenses-software-program's license-record contents with the encrypted license-record in the erasable, non-volatile memory area of the BIOS, or comparing the license-software-program's license-record contents with the decrypted license-record in erasable non-volatile memory area of the BIOS
9.	'941 Patent, Claim 10– A method according to claim 9 wherein acting on the program includes the step: restricting the program's operation with predetermined limitations if the comparing yields non-unity or insufficiency
10.	'941 Patent, Claim 11– A method according to claim 1 wherein the volatile memory is a RAM46
11.	'941 Patent, Claim 12– The method of claim 1, wherein a pseudo-unique key is stored in the non-volatile memory of the BIOS
12.	'941 Patent, Claim 13 – The method of claim 1, wherein a unique key is stored in a first non-volatile memory area of the computer
13.	'941 Patent, Claim 14 – The method according claim 13, wherein the step of using the agent to set up the verification record, including the license record, includes

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