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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12
13 ANCORA TECHNOLOGIES, INC.

14 Plaintiff,

15 v.

16 APPLE, INC.,

17 Defendant.

18 _____
19 APPLE, INC.

20 Counter-claimant,

21 v.

22 ANCORA TECHNOLOGIES, INC.

23 Counter-defendant.
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Case No. 4:11-cv-06357-YGR

**SUPPLEMENTAL JOINT CLAIM
CONSTRUCTION AND PREHEARING
STATEMENT [N.D. CAL.4-3]**

HONORABLE YVONNE GONZALEZ
ROGERS

1 Plaintiff and counter-defendant Ancora and defendant and counter-claimant Apple submit
2 this Supplemental Joint Claim Construction and Prehearing Statement.

3 Attached hereto as Exhibit A is a table setting forth the claim terms/phrases that the
4 parties request that the Court construe, along with the intrinsic and extrinsic evidence on which
5 the parties currently intend to rely. In addition, the parties have identified one term on which
6 they have agreed on a construction (“verification structure accommodating data that includes at
7 least one license record”).

8 Attached hereto as Exhibit B is a copy of U.S. Patent No. 6,411,941.

9 The parties anticipate that the length of time necessary for the Claim Construction
10 Hearing will be three hours.

11 Dated: June 28, 2012

Respectfully submitted,

BROOKS KUSHMAN P.C.

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EXHIBIT A

EXHIBIT A
Ancora Technologies, Inc. v. Apple Inc.
Case No. 4:11-cv-06357-YGR
Joint Claim Construction Chart

AGREED TERM

Claim Term/Phrase	Agreed Construction
<p>“verification structure accommodating data that includes at least one license record” Claims 1-3, 5-17</p>	<p>data structure for verifying whether a program is licensed that includes at least one license record</p>

DISPUTED TERMS

Claim Term/Phrase	Apple’s Proposed Construction	Ancora’s Proposed Construction
<p>“volatile memory” Claims 1-3, 5-17</p>	<p>APPLE POSITION: This term is indefinite under 35 U.S.C. § 112, ¶ 2.</p> <p><u>Intrinsic Evidence</u></p> <p>‘941 Patent Specification at 1:19-2 (“Software based products have been developed to validate authorized software usage by writing a license signature onto the computer’s volatile memory (e.g. hard disk). These products may be appropriate for restricting honest software users, but they are very vulnerable to attack at the hands of skilled system’s programmers (e.g. ‘hackers’)”) (emphasis added), 3:4-17 (“An important advantage in utilizing non-volatile memory such as that residing in the BIOS is that the required level of system programming</p>	<p>PROPOSED CONSTRUCTION not maintained when the power is removed.</p> <p><u>Intrinsic Evidence</u></p> <p>Specification: See, e.g. The ‘941 Patent – Figure 1, Line 38 to Col. 2, Line 26; Col. 3, Line 41; Col. 3, Line 62 to Col. 4, Line 33; Col. 4, Lines 19-33; Column 6, Lines 53-56.</p> <p>Prosecution History: See, e.g., The ‘941 File History -</p>

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