IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ANCORA TECHNOLOGIES, INC., Plaintiff, v. LG ELECTRONICS INC. and LG ELECTRONICS U.S.A., INC., Defendants.	CIVIL ACTION NO. 1:20-CV-0034 JURY TRIAL DEMANDED
ANCORA TECHNOLOGIES, INC., Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC., Defendants.	CIVIL ACTION NO. 1:20-CV-0034 JURY TRIAL DEMANDED

PLAINTIFF'S REPLY CLAIM CONSTRUCTION BRIEF

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TABLE OF CONTENTS

1. "license" (Claim 1 - Preamble) / "license record" 1

2. "volatile memory" 3

3. "BIOS" 4

4. "non-volatile memory of the BIOS" 4

   i) The Court Should Reject Defendants' "Not Recognized by an Operating System as a Storage Device" and "Does Not Have a File System" Limitations 5

   ii) Defendants' "Memory That Stores the BIOS" Construction Is Wrong....7

5. "program" 7

6. "selecting a program residing in the volatile memory" 8

7. "using an agent to set up a verification structure in the erasable, non-volatile memory of the BIOS" 8

8. "set up a verification structure" 11

9. "verifying the program using at least the verification structure"....12

10. "acting on the program according to the verification"....14

11. The Order of the Claim 1 Steps 15

12. "first non-volatile memory area of the computer" 15

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TABLE OF AUTHORITIES

Page(s)

Cases

Absolute Software, Inc. v. Stealth Signal, Inc.,
659 F.3d 1121 (Fed. Cir. 2011).....13

AGIS Software Dev., LLC v. Huawei Device USA Inc.,
2018 WL 4908169 (E.D. Tex. Oct. 10, 2018) 10

Altiris, Inc. v. Symantec Corp.,
318 F.3d 1363 (Fed. Cir. 2003).....15

Am. Med. Sys., Inc. v. Biolitec, Inc.,
618 F.3d 1354 (Fed. Cir. 2010).....2

Ancora Techs., Inc. v. Apple Inc. ("*Apple I*"),
2012 WL 6738761 (N.D. Cal. Dec. 31, 2012).....3

Ancora Techs., Inc. v. Apple, Inc. ("*Apple II*"),
744 F.3d 732 (Fed. Cir. 2014)..... *passim*

Ancora Techs., Inc. v. HTC Am., Inc.,
908 F.3d 1343 (Fed. Cir. 2018).....6, 7, 14

Avid Tech., Inc. v. Harmonic, Inc.,
812 F.3d 1040 (Fed. Cir. 2016).....1, 7, 12

Bedrock Computer Techs., LLC v. Softlayer Techs., Inc.,
2011 WL 91089 (E.D. Tex. Jan. 10, 2011).....15

Digital Retail Apps, Inc. v. H-E-B, LP,
2020 WL 376664 (W.D. Tex. Jan. 23, 2020) 9, 10

Eko Brands, LLC v. Adrian Rivera Maynez Enterprises, Inc.,
946 F.3d 1367 (Fed. Cir. 2020).....8

Eon Corp. IP Holdings v. Silver Spring Networks,
815 F.3d 1314 (Fed. Cir. 2016).....2

Gemstar-TV Guide Int'l, Inc. v. Int'l Trade Comm'n,
383 F.3d 1352 (Fed. Cir. 2004).....6

Genband USA v. Metaswitch Networks,
2015 WL 4722185 (E.D. Tex. Aug. 7, 2015) 9

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Haemonetics Corp. v. Baxter Healthcare Corp.,
607 F.3d 776 (Fed. Cir. 2010).....11, 15

Indivior Inc. v. Dr. Reddy's Labs., S.A.,
930 F.3d 1325 (Fed. Cir. 2019).....5

K-2 Corp. v. Salomon S.A.,
191 F.3d 1356 (Fed. Cir. 1999).....11

Kaneka Corp. v. Xiamen Kingdomway Grp. Co.,
790 F.3d 1298 (Fed. Cir. 2015).....15

Laryngeal Mask Co. v. Ambu,
618 F.3d 1367 (Fed. Cir. 2010).....12

Mass. Inst. of Tech. v. Shire Pharm., Inc.,
839 F.3d 1111 (Fed. Cir. 2016).....7

SanDisk Corp. v. Memorex Prod., Inc.,
415 F.3d 1278 (Fed. Cir. 2005).....7

Sci. Telecommc'ns, LLC v. Adtran, Inc.,
2016 WL 6872311 (D. Del. Nov. 21, 2016).....10

SecurityProfiling, LLC v. Trend Micro Am., Inc.,
2018 WL 4585279 (N.D. Tex. Sept. 25, 2018).....10

Texas Digital Sys., Inc. v. Telegenix, Inc.,
308 F.3d 1193 (Fed. Cir. 2002).....2, 9

TomTom, Inc. v. Adolph,
790 F.3d 1315 (Fed. Cir. 2015).....1

Xerox Corp. v. Google Inc.,
801 F. Supp. 2d 293 (D. Del. 2011).....15

Zeroclick, LLC v. Apple Inc.,
891 F.3d 1003 (Fed. Cir. 2018).....9, 10

Statutes

35 U.S.C. § 112.....9, 10

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Defendants' Response (Dkt. 49) proves Ancora's point: Defendants' positions are not supported by the claims or the specification. Instead, Defendants rely on snippets from the prosecution history and other litigations as the main and often only basis for their constructions. None support Defendants' positions—much less satisfy the "high" standard required to show "patentee disclaimer." *Avid Tech., Inc. v. Harmonic, Inc.*, 812 F.3d 1040, 1045 (Fed. Cir. 2016).

Defendants thus turn to rhetoric—accusing Ancora of a variety of purported misconduct, including walking away from positions taken in prior litigations. The accusations are baseless. As Defendants know, Ancora changed a construction only when (1) a court subsequently construed a term or (2) Defendants told Ancora they understood it to be narrower than Ancora had explained.

Ancora further addresses these issues (as well as the other shortcomings in Defendants' constructions) below—again discussing the terms in the order in which they appear in the claims.

1. "license" (Claim 1 - Preamble) / "license record"

"License" Does Not Need to Be Construed: As Ancora explained in its Opening Brief at page 5 and its Response at page 20, the portion of the preamble containing the word "license" describes an intended use or purpose for the structurally complete invention described in the claim body. It thus is not limiting, and the word "license" needs no construction. *TomTom, Inc. v. Adolph*, 790 F.3d 1315, 1324 (Fed. Cir. 2015) (portion of preamble stating an intended use is non-limiting).

Notably, Defendants do not dispute that Claim 1 recites a structurally complete invention. Instead, they argue the preamble is limiting because "license" purportedly "provides required antecedent basis" for terms like "license record" and "license authentication bureau" and because a proposed construction uses the word "licensed." Defs. Resp. at 20 & n.8. Defendants are wrong.

Certainly, Defendants cite nothing to support their argument that use of a similar word in a proposed construction is enough to render a preamble limiting. Nor can they. The very case Defendants cite shows that reference to even identical words in a later claim is not enough to justify

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