

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCT MOBILE (US) INC.,
HUIZHOU TCL MOBILE COMMUNICATION CO. LTD., and
SHENZHEN TCL CREATIVE CLOUD TECHNOLOGY CO., LTD.,
Petitioner,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

IPR2020-01609
Patent 6,411,941 B1

Before THU A. DANG, JONI Y. CHANG, and KEVIN W. CHERRY,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

TCT Mobile (US) Inc., Huizhou TCL Mobile Communication Co., Ltd., and Shenzhen TCL Creative Cloud Technology Co., Ltd. (collectively, “Petitioners”) filed a Petition requesting an *inter partes* review (“IPR”) of claims 1–3, 6–14, and 16 (“the challenged claims”) of U.S. Patent No. 6,411,941 B1 (Ex. 1001, “the ’941 patent”). Paper 1 (“Pet.”), 1. Ancora Technologies, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 7, “Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons stated below, we determine that Petitioner has established a reasonable likelihood that it would prevail with respect to at least one claim. We hereby institute an *inter partes* review as to all of the challenged claims of the ’941 patent and all of the asserted grounds of unpatentability.

A. Related Matters

The parties indicate that the ’941 patent is involved in the following proceedings: *Ancora Technologies, Inc. v. TCT Mobile (US) Inc.*, 2:20-cv-01252 (C.D. Cal.); *Ancora Technologies, Inc. v. Lenovo Group Limited*, No. 1:19-cv-01712 (D. Del.); *Ancora Technologies, Inc. v. Sony Corp.*, No. 1:19-cv-01703 (D. Del.); *Ancora Technologies, Inc. v. LG Electronics, Inc.*, No. 1:20-cv-00034 (W.D. Tex.); *Ancora Technologies, Inc. v. Samsung Electronics Co., Ltd.*, No. 6:19-cv-00385 (W.D. Tex.); *Ancora Technologies,*

Inc. v. HTC America, Inc., No. 2:16-cv-01919 (W.D. Wash.); and *Samsung Electronics Co., Ltd. v. Ancora Technologies, Inc.*, IPR2020-01184 (PTAB). Pet. 1; Paper 5, 1–2. The '941 patent also was involved in *ex parte* Reexamination No. 90/010,560. Ex. 1001, 8–9 (*Ex Parte* Reexamination Certificate issued on June 1, 2010, confirming the patentability of claims 1–19 and indicating that no amendments have been made to the patent).

B. The '941 patent

The '941 patent discloses a method of restricting software operation within a license limitation that is applicable for a computer having a first non-volatile memory area, a second non-volatile memory area, and a volatile memory area. Ex. 1001, code (57). According to the '941 patent, the method includes the steps of selecting a program residing in the volatile memory, setting up a verification structure in the non-volatile memories, verifying the program using the structure, and acting on the program according to the verification. *Id.*

Figure 1 of the '941 patent is reproduced below.

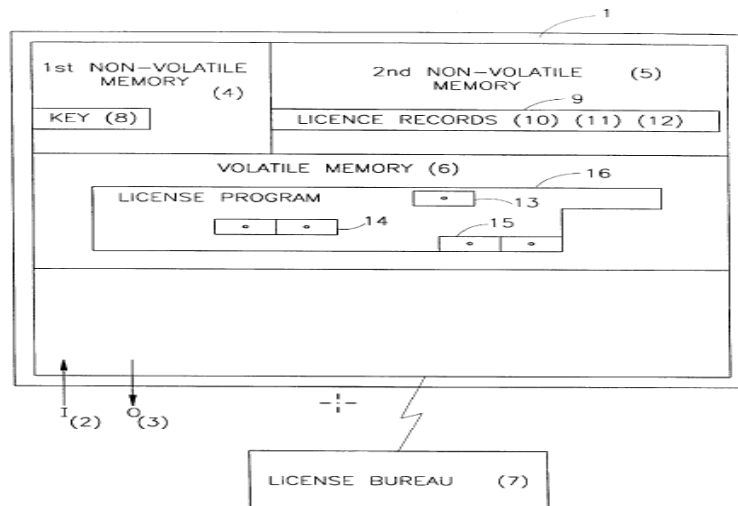


Figure 1 above shows a schematic diagram of computer processor 1 and license bureau 7. *Id.* at 5:9–19. Computer processor 1 is associated with input operations 2 and output operations 3. *Id.* Computer processor 1 contains first non-volatile memory area 4 (e.g., the ROM section of the Basic Input / Output System (“BIOS”)), second non-volatile memory area 5 (e.g., the E²PROM section of the BIOS), and volatile memory area 6 (e.g., the internal RAM memory of the computer). *Id.*

C. Illustrative Claim

Of the challenged claims, only claim 1 is independent. Claims 2, 3, 6–14, and 16 directly or indirectly depend from claim 1. Claim 1 is illustrative:

1. A method of restricting software operation within a license for use with a computer including an erasable, non-volatile memory area of a BIOS of the computer, and a volatile memory area; the method comprising the steps of:

selecting a program residing in the volatile memory,

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,*

verifying the program using at least the verification structure from the erasable non-volatile memory of the BIOS, and

acting on the program according to the verification.

Ex. 1001, 6:59:67–7:4 (emphasis added).

1. Prior Art Relied Upon

Petitioner relies upon the references listed below (Pet. 5):

Reference	Date	Exhibit No.
Hellman	Apr. 14, 1987	Ex. 1004
Chou	Apr. 6, 1999	Ex. 1005
Schneck	Aug. 3, 1999	Ex. 1006

2. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 6):

Claims Challenged	35 U.S.C. §	References
1, 2, 11, 13	103(a)	Hellman, Chou
1–3, 6–14, 16	103(a)	Hellman, Chou, Schneck

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, we construe a patent claim “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b).” 37 C.F.R. § 42.100(b) (2019). Under this standard, the words of a claim are generally given their “ordinary and customary meaning,” which is the meaning the term would have to a person of ordinary skill at the time of the invention, in the context of the

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.