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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ANCORA TECHNOLOGIES, INC. Plaintiff, v. TCT MOBILE (US) INC., HUIZHOU TCL MOBILE COMMUNICATION CO., LTD., and SHENZHEN TCL CREATIVE CLOUD TECHNOLOGY CO., LTD., Defendants.	**Case No. 8:19-cv-02192-GW-ASx (LEAD CASE)** Consolidated Case No.: Case No. 2:20-cv-01252-GW-ASx [Hon. George H. Wu] **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT PURSUANT TO LOCAL PATENT RULE 4-3**

HTC v. Ancora

Plaintiff Ancora Technologies and defendant TCT Mobile (US) Inc., Huizhou TCL Mobile Communications Co., Ltd., and Shenzhen TCL Creative Cloud Technology Co., Ltd. submit this Joint Claim Construction and Prehearing Statement.

Attached hereto as Exhibit A is a table setting forth the claim terms/phrases for which the parties have agreed on construction.

Attached hereto as Exhibit B is a table setting forth the claim terms/phrases that are disputed and therefore request that the Court construe, along with the intrinsic and extrinsic evidence on which the parties currently intend to rely upon.

The parties have narrowed the terms in dispute to the seven terms that the parties believe will be most significant to this case, in accordance with the Court's Scheduling Order (Dkt. No. 34). Subject to further investigation by the parties, only the five terms impacting independent claim 1 have the potential to be case dispositive.

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

Neither party proposes to call any live witnesses at the Claim Construction Hearing.

Neither party requests specific factual findings from the Court outside of the Claim Construction decision.

Date: July 17, 2020

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** Pursuant to Local Rule 5-4.3.4(a)(2), the filing party attests that Defendants' counsel concurs in the content of this Joint Claim Construction and Prehearing Statement and has authorized its filing with his electronic signature.

AGREED TERMS

CLAIM TERM FOR CONSTRUCTION	AGREED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC
		ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE
Claim 1 – non-volatile memory area of the BIOS non-volatile memory of the BIOS	Memory area of BIOS whose data is maintained when the power is removed.	**Specification:** *See, e.g.* The '941 Patent – Figure 1; Abstract; Col. 1, Line 38 to Col. 2, Line 26; Col. 2, Line 62 to Col. 3, Line 41; Col. 3, Line 62 to Col. 4 Line 62; Col. 5, Lines 9-16; Col. 5, Lines 19-33; Col. 6, Lines 7-52; Column 6, Lines 53-56. **Prosecution History:** *See, e.g.,* The '941 File History - 5/21/2001 Amendment. *See, e.g.,* The '941 File History - 6/21/2001 Office Action. *See, e.g.,* The '941 File History - 2/5/2002 Amendment. *See, e.g.,* The '941 File History - 2/20/2002 Notice of Allowance. *See, e.g.*, The '941 8/3/2009 Re-examination Order and Decision Granting Re-Examination. *See, e.g.,* The '941 3/9/2010	'941 patent at 1:65–2:5, 2:10–26, 4:49–54, 5:9–16.	*Ancora v. Apple, Inc.*, 744 F.3d 732 (Fed. Cir. 2014). *Ancora Techs., Inc. v. Apple Inc.*, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012) *Ancora Techs., Inc. v. HTC Am., Inc.*, 908 F.3d 1343 (Fed. Cir. 2018) Final Claim Construction of the Court (Dkt. No. 69), *Ancora v. LG Electronics et al.*, Case No. 1:20-cv-00034; Briefings by each party regarding the '941 patent and evidence cited. Jestice Testimony Federal Circuit Opinions regarding the '941 patent and evidence cited. Prior District Court Constructions, Orders and Briefs regarding the '941 patent and evidence cited.

CLAIM TERM FOR CONSTRUCTION	AGREED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC
		ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE
		Re-examination Notice.		"**nonvolatile memory** *n.* A storage system that does not lose data when power is removed from it. Intended to refer to core memory, ROM, EPROM, flash memory[.]" The Microsoft Computer Dictionary (1998), p 246. "A memory device is said to be volatile if its contents are lost when the power is switched off and non-volatile if it retains its contents." Microelectronics: Structure and Operation of Microprocessor-based Systems (1996), p 30 "**nonvolatile memory**. A memory in which the data content is retained when power is no longer supplied to it." The New IEEE Standard Dictionary of Electrical and Electronics Terms, Fifth Edition (1993), p 860. Apple II Reference

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