

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.,

Petitioners,

v.

Ancora Technologies, Inc.,
Patent Owner.

PTAB Case No. IPR2020-01034
Patent No. 6,411,941 B1

**DECLARATION OF ANDREW WOLFE IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 6,411,941**

HTC v. Ancora
Review of U.S. Patent 6 411 941

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	Qualifications	2
1.	Education	2
2.	Work Experience.....	2
3.	Curriculum Vitae.....	7
B.	Materials Reviewed.....	7
C.	Level of Ordinary Skill in the Art	8
D.	Summary of Opinions	9
II.	OVERVIEW OF THE TECHNOLOGY.....	10
A.	Priority Date of the Claims.....	10
B.	Overview of Relevant Technology When the '941 Patent Was Filed.....	11
1.	Software Licenses	11
2.	Computer BIOS.....	13
C.	The '941 Patent	15
D.	Claim Construction.....	22
III.	OVERVIEW OF THE PRIOR ART	22
A.	Hellman	22
B.	Chou	33
C.	Schneck.....	37
IV.	UNPATENTABILITY OF THE '941 PATENT CLAIMS	44
A.	Standards for Invalidity	44
B.	Claim 1	45
1.	Preamble: “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:”	45

2.	Element 1.a: “selecting a program residing in the volatile memory”	55
3.	Element 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”	60
4.	Element 1.c: “verifying the program using at least the verification structure from the erasable non-volatile memory of the BIOS, and”	68
5.	Element 1.d: “acting on the program according to the verification.”	69
C.	Claim 2: “A method according to claim 1, further comprising the steps of: establishing a license authentication bureau.”	70
D.	Claim 3	71
1.	Preamble: “A method according to claim 2, wherein setting up a verification structure further comprising the steps of:”	71
2.	Element 3.a: “establishing, between the computer and the bureau, a two-way data-communications linkage;”	71
3.	Element 3.b: “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;”	72
4.	Element 3.c: “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;”	76
5.	Element 3.d: “transferring, from the bureau to the computer, the encrypted license-record; and”	77
6.	Element 3.e: “storing the encrypted license record in the erasable non-volatile memory area of the BIOS.”	78
E.	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.”	79

F.	Claim 7	80
1.	Preamble: “A method according to claim 6 wherein using an agent to set up the verification structure includes the steps of:”	80
2.	Element 7.a: “establishing or certifying the existence of a pseudo-unique key in a first non-volatile memory area of the computer; and”	80
3.	Element 7.b: “establishing at least one license-record location in the first nonvolatile memory area or in the erasable, non-volatile memory area of the BIOS.”	82
G.	Claim 8	83
1.	Preamble: “A method according to claim 6 wherein establishing a license-record includes the steps of:”	83
2.	Element 8.a: “forming a license-record by encrypting of the contents used to form a license-record with other predetermined data contents, using the key; and”	83
3.	Element 8.b: “establishing the encrypted license-record in one of the at least one established license-record locations.”	84
H.	Claim 9	85
1.	Preamble: “A method according to claim 7 wherein verifying the program includes the steps of:”	85
2.	Element 9.a: “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”	85
3.	Element 9.b: “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.”	86

I.	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.”.....	88
J.	Claim 11: “A method according to claim 1 wherein the volatile memory is a RAM.”	89
K.	Claim 12: “The method of claim 1, wherein a pseudo-unique key is stored in the non-volatile memory of the BIOS.”.....	89
L.	Claim 13: “The method of claim 1, wherein a unique key is stored in a first non-volatile memory area of the computer.”	92
M.	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 encrypting a license record data in the program using at least the unique key.”	93
N.	Claim 16: “The method according to claim 13, wherein the step of verifying the program includes a decrypting the license record data accommodated in the erasable second non-volatile memory area of the BIOS using at least the unique key.”	94

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.