

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

HTC v. Ancora

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.

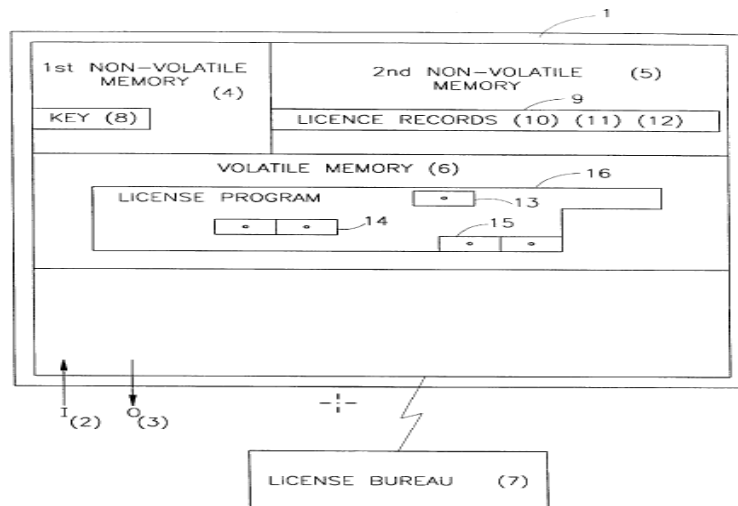


Figure 1 above shows a schematic diagram of computer processor 1 and license bureau 7. *Id.* at 5:9–19. Computer processor 1 is associated with input operations 2 and output operations 3. *Id.* Computer processor 1 contains first non-volatile memory area 4 (e.g., the ROM section of the Basic Input /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

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