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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ANCORA TECHNOLOGIES, INC.,)
)
 Plaintiff,) No. 2:16-cv-01919-RAJ
)
 vs.) Seattle, WA
)
 HTC AMERICA, INC., a)
 Washington corporation, HTC)
 CORPORATION, a Taiwanese)
 corporation,)
) Markman Hearing
 Defendants.) March 5, 2021
) 9:00 a.m.

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE RICHARD A. JONES
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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<p><i>HTC v. Ancora</i> IPR2021-00570 HTC Exhibit 1020</p>

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Reported by stenotype, transcribed by computer

Ancora v. HTC, 3/5/21

1 THE COURT: Good morning, Ms. Ericksen. Please call
2 the case.

3 THE CLERK: Good morning, Your Honor. We are here in
4 the matter of Ancora Technologies, Inc. vs. HTC America, Inc.,
5 et al., Cause Number C16-1919, assigned to this Court.

6 If counsel, first for the plaintiff, could make your
7 appearance for the record.

8 MR. LORELLI: Good morning. Mark Lorelli, from
9 Brooks Kushman, on behalf of plaintiff Ancora Technologies,
10 Inc.

11 THE COURT: Good morning.

12 THE CLERK: And counsel for defendants, please.

13 MR. LATEEF: Good morning, Your Honor. Irfan Lateef,
14 of Knobbe Martens, for defendants, and with me is my partner,
15 Brian Claassen.

16 THE COURT: Good morning.

17 THE CLERK: Your Honor, we're also joined by our
18 court reporter, Andrea Ramirez, today.

19 THE COURT: Good morning. We are here for the
20 Markman hearing. And, Counsel, the Court has set aside the
21 next two hours. And we will take a break, after the first
22 hour, to accommodate the needs for convenience breaks and so
23 that we stay attentive. I know it's difficult to stay in these
24 Zoom proceedings and the longevity that some of them have been
25 taking. But, nonetheless, you'll have full opportunity to be

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1 able to present your case. The Court's understanding is that
2 you've agreed on some claim construction, but that you have
3 disputes regarding six, and that you'll be addressing those six
4 this morning.

5 Now, one of the things I want to make sure that you
6 address during your presentation to the Court is, we have two
7 different courts, two different judges, who have already made
8 claim construction determinations in two different cases. And
9 I hope that you can point to the distinctions and differences
10 as to why this Court shouldn't follow those claim
11 constructions, because that would be most beneficial to the
12 Court. It's not my practice just to choose the easiest pathway
13 and say what did some other judge do, but this Court also looks
14 to precedent to see if there's value in what has already been
15 previously decided by another court. It's also the Court's
16 understanding that a significant amount of work went into those
17 decisions by those two judges, so I don't take that lightly, as
18 well.

19 I'll give you a heads-up that there appears to be, of the
20 six disputed claims, two areas of significant dispute. So you
21 may wish to spend, and I expect that you will be spending, your
22 time on those two areas. And that would begin with the one of
23 using an agent to set up a verification structure in the
24 erasable, nonvolatile memory area of the BIOS. And the second
25 one that appears to be hotly contested between the two parties

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1 is a license authentication bureau, which does not have prior
2 input from the two noted judges.

3 Now, regarding the using an agent, et cetera, issue, I'll
4 note that HTC filed two notices of supplemental authority. And
5 I'm not going to read those into the record, because the
6 parties should have the benefit of those, and I want to
7 maximize the time that you have; and, again, addressing similar
8 or same type issues. So it would be helpful, in your
9 presentations, to address those cases.

10 I will interrupt, if I need to interrupt, to ask a
11 question of clarification, but I also prefer to give you the
12 opportunity to be able to free-flow in your presentation. It
13 looks as though each of you have PowerPoint presentations that
14 you wish to use for purposes of your statements to the Court.
15 It would have been my earlier preference, before I saw those,
16 to go claim by claim, so that we can finish a claim and then go
17 to the next one, with both sides. But if it's easier to make
18 your presentation by taking the ball and running with it, the
19 Court has no objection to that as well.

20 Again, the time will be split evenly, as soon as I stop
21 speaking this morning, and my in-court deputy will be keeping
22 the time. And, again, we've set aside two hours. And it may
23 go past one 11:00, 11:00 Pacific time, so don't worry about
24 that. But I need to keep a balance of opportunity for both
25 sides to present their case.

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