

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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.

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IPR2020-01609  
Patent 6,411,941 B1

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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.

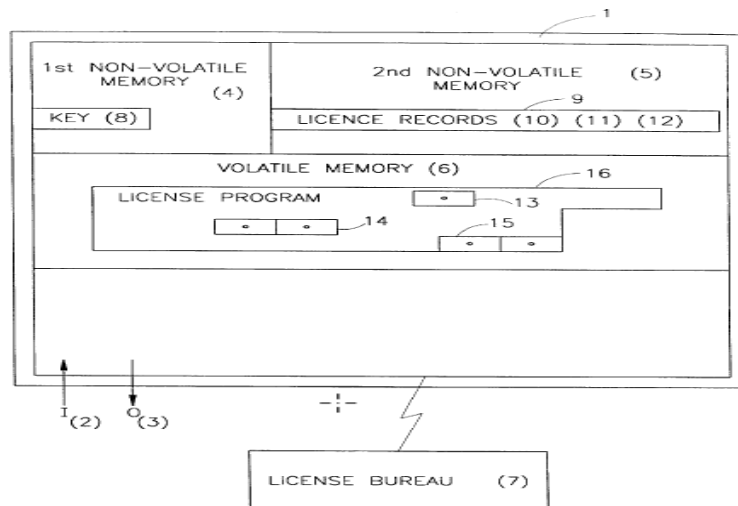


Figure 1 above shows a schematic diagram of computer processor 1 and license bureau 7. *Id.* at 5:9–19. Computer processor 1 is associated with input operations 2 and output operations 3. *Id.* Computer processor 1 contains first non-volatile memory area 4 (e.g., the ROM section of the Basic Input /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