

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.,
Petitioners

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner

Case IPR2021-00570
Patent No. 6,411,941

**PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION
FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. §42.107**

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V. The Hellmann and Chou combination is cumulative of art already considered by this Board.....14

 A. The outcome of the alleged combination of Hellman and Chou is no different from Schwartz, which this Office found “no reasonable examiner would have found... important in determining the patentability of claims 1-19”14

 B. The Hellman and Chou combination is cumulative of a prior art combination the Patent Office found did not, “singly or collectively,” disclose “licensed programs running at the OS level interacting with a program verification structure stored in the BIOS”19

VI. A POSITA would not have been motivated to combine Hellman and Chou, which disclose incompatible (and thus un-combinable) techniques for storing critical data that, if combined, could result in data loss and system instability23

VII. It would not have been obvious to modify Hellman to include the recited BIOS memory25

VIII. Hellman is a hardware device and does not disclose an OS-level software “agent” for setting up a verification structure as Claim 1 requires28

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Table of Authorities

Cases

Ancora Techs., Inc. v. Apple, Inc.,
744 F.3d 732 (Fed. Cir. 2014)..... 3, 5, 20

Ancora Techs., Inc. v. HTC Am., Inc.,
908 F.3d 1343 (Fed. Cir. 2018)..... 3, 4, 6, 20, 22

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No. CBM2017-00054, Institution Decision, Paper 7 (Dec. 1, 2017)..... 6

Kinetic Concepts, Inc. v. Smith & Nephew, Inc.,
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OrthoPediatrics Corp. v. K2M, Inc.,
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35 U.S.C. §101 6

35 U.S.C. §103 2, 21

35 U.S.C. §314 2

37 C.F.R. §2.108..... 2

Other Authorities

Office Patent Trial Practice Guide,
77 Fed. Reg. 48,756, 48,756 (Aug. 14, 2012)..... 2

Updated List of Exhibits

Exhibit No.	Description
Ex. 2001	<i>RESERVED</i>
Ex. 2002	<i>RESERVED</i>
Ex. 2003	<i>RESERVED</i>
Ex. 2004	Apple Inc.'s N.D. Cal. Patent L.R. 3-3 Disclosures (Invalidity Disclosures)
Ex. 2005	Defendants HTC America, Inc. and HTC Corporation's Preliminary Non-Infringement and Invalidity Contentions
Ex. 2006	<i>RESERVED</i>
Ex. 2007	Email requesting permission to file motion to terminate
Ex. 2008	Ancora v. Samsung Fourth Amended Scheduling Order
Ex. 2009	Expert Report of Suzanne Barber Regarding Invalidity of U.S. Patent No. 6,411,941
Ex. 2010	Ancora v. HTC Order Setting Patent Case Schedule
Ex. 2011	Samsung and LG Invalidity Contentions and Select Invalidity Charts
Ex. 2012	Ancora v. HTC Affidavit of Service
Ex. 2013	IAM Article Judge Albright Interview
Ex. 2014	VLSI v. Intel Jury Verdict Form
Ex. 2015	Ancora v. LG Rebuttal Report of David Martin
Ex. 2016 NEW	Ancora's Preliminary Response to Petition, Case No. IPR2020-01609 (Dkt. 6)
Ex. 2017 NEW	Decision Granting Institution, Case No. IPR2020-01609 (Dkt. 7)
Ex. 2018 NEW	Declaration of Dr. David Martin, Ph.D.
Ex. 2019 NEW	<i>Ancora Techs., Inc. v. Apple, Inc.</i> , 744 F.3d 732 (Fed. Cir. 2014)
Ex. 2020 NEW	Telephonic Markman Hearing Tentative Ruling, <i>Ancora Technologies, Inc. v. TCT Mobile (US), Inc. et al.</i> , Case No. 8:19-cv-02192 (CDCA) (Dkt. #60)
Ex. 2021 NEW	US Patent 6,189,146 B1 ("Misra")
Ex. 2022 NEW	US Patent 5,479,639 ("Ewertz")

Exhibit No.	Description
Ex. 2023 NEW	Microsoft Corporation's Request for <i>Ex Parte</i> Reexamination Image File Wrapper, Control No. 90010560
Ex. 2024 NEW	Final Rulings on Claim Construction, <i>Ancora Technologies, Inc. v. TCT Mobile (US), Inc. et al.</i> , Case No. 8:19-cv-02192 (CDCA) (Dkt. #66, #69)
Ex. 2025 NEW	Phil Croucher, "The BIOS Companion," Tri-Tam Enterprises Inc. 1997

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