

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

SONY MOBILE COMMUNICATIONS AB, SONY MOBILE
COMMUNICATIONS, INC., SONY ELECTRONICS INC., and
SONY CORPORATION,
Petitioners

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner

Case IPR2021-00663
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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 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

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Cases

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

HTC Corp. v. Ancora Techs., Inc.,
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.,
IPR2018-01548 (PTAB March 1, 2019) 14, 34

Statutes

35 U.S.C. §101 6

35 U.S.C. §103 2

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	Date
2001	Scheduling Order, <i>Ancora Technologies, Inc. v. Sony Mobile Communications AB et al.</i> , Case No. 19-1703-CFC (Dkt. #24)	Sept. 16, 2020
2002	Sony's Invalidation Contentions, <i>Ancora Technologies, Inc. v. Sony Mobile Communications AB et al.</i> , Case No. 19-1703-CFC	Dec. 18, 2020
2003	Sony's Appendices A-E to Invalidation Contentions, <i>Ancora Technologies, Inc. v. Sony Mobile Communications AB et al.</i> , Case No. 19-1703-CFC	Dec. 18, 2020
2004	Apple Patent L.R. 3-3 Disclosures, <i>Ancora Technologies, Inc. v. Apple, Inc.</i> , Case No. 4:11-cv-06357 (Dkt. #171-3)	Aug. 25, 2015
2005	Order Setting Patent Case Schedule, <i>Ancora Technologies, Inc. v. HTC America, Inc.</i> , Case No. 2:16-cv-01919 (Dkt. #56)	Mar. 11, 2019
2006	E-mail from Canavera to trials@uspto.gov	Feb. 19, 2021
2007	Complaint, <i>Ancora Technologies, Inc. v. Sony Mobile Communications AB et al.</i> , Case No. 19-1703-CFC (Dkt. #1)	Sept. 11, 2019
2008	Judge Connolly Docket Navigator Statistic	Apr. 15, 2021
2009	Scheduling Order, <i>Ancora Technologies, Inc. v. LG Electronics, Inc. et al.</i> , Case No. 1:20-cv-00034 (WDTX) (Dkt. #129)	Jan. 28, 2021
2010	Expert Report of Suzanne Barber, <i>Ancora Technologies, Inc. v. LG Electronics, Inc. et al.</i> , Case No. 1:20-cv-00034 (WDTX)	Jan. 22, 2021
2011	Declaration of Erez Zadok, <i>Ancora Technologies, Inc. v. LG Electronics, Inc. et al.</i> , Case No. 1:20-cv-00034 (WDTX) (Dkt. #45-1)	Mar. 20, 2020

Exhibit No.	Description	Date
2012	Joint Claim Construction Chart, <i>Ancora Technologies, Inc. v. Sony Mobile Communications AB et al.</i> , Case No. 19-1703-CFC (Dkt. #34, 34-1, 34-2)	April 6, 2021
2013 NEW	Ancora's Preliminary Response to Petition, Case No. IPR2020-01609 (Dkt. 6)	Dec. 17, 2020
2014 NEW	Decision Granting Institution, Case No. IPR2020-01609 (Dkt. 7)	Feb. 16, 2021
2015 NEW	Declaration of Dr. David Martin, Ph.D.	
2016 NEW	<i>Ancora Techs., Inc. v. Apple, Inc.</i> , 744 F.3d 732 (Fed. Cir. 2014)	
2017 NEW	Phil Croucher, "The BIOS Companion," Tri-Tam Enterprises Inc. 1997	
2018 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)	Oct. 15, 2020
2019	RESERVED	
2020	RESERVED	
2021	RESERVED	
2022 NEW	US Patent 6,189,146 B1 ("Misra")	Feb. 13, 2001
2023 NEW	US Patent 5,479,639 ("Ewertz")	Dec. 26, 1995
2024 NEW	Microsoft Corporation's Request for <i>Ex Parte</i> Reexamination Image File Wrapper, Control No. 90010560	
2025 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)	Nov. 12, 2020; Nov. 19, 2020

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