

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,
Petitioner,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

IPR2021-00663
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

Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

Sony Mobile Communications AB, Sony Mobile Communications, Inc., Sony Electronics Inc., and Sony Corporation (collectively, “Petitioner Sony”) 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.”). Petitioner Sony also filed a Motion for Joinder (Paper 4, “Mot.”), seeking to join as a party to *TCT Mobile (US) Inc. v. Ancora Technologies, Inc.* IPR2020-01609 (the “TCT IPR”), and a Reply (Paper 14, “Reply”). Ancora Technologies, Inc. (“Patent Owner”) filed an Opposition to Petitioner Sony’s Motion for Joinder (Paper 10, “Opp.”), a Preliminary Response (Paper 13, “Prelim. Resp.”), and a Sur-reply (Paper 16, “Sur-reply”).

For reasons discussed below, we institute an *inter partes* review of the challenged claims and grant Petitioner Sony’s Motion for Joinder.

A. Related Matters

The parties indicate that the ’941 patent is involved in the following district court proceedings: *Ancora Technologies, Inc. v. TCT Mobile (US) Inc.*, No. 8:19-cv-02192 (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.) (the “Sony case”); *Ancora Technologies, Inc. v. LG Electronics, Inc.*, No. 1:20-cv-00034 (W.D. Tex.) (the “LG case”); *Ancora Technologies, Inc. v. Samsung Electronics Co.*, No. 6:19-cv-00385 (W.D. Tex.); and *Ancora Technologies, Inc. v. HTC America, Inc.*, No. 2:16-cv-01919 (W.D. Wash.). Pet. 3–4; Paper 9, 1–2.

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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).

In addition, the '941 patent was involved in the following proceedings: *Apple Inc. v. Ancora Technologies, Inc.*, CBM2016-00023 (Institution Denied); *HTC America, Inc. v. Ancora Technologies, Inc.*, CBM2017-00054 (Institution Denied); and *Samsung Electronics Co., Ltd. v. Ancora Technologies, Inc.*, IPR2020-01184 (Institution Denied).

The '941 patent is currently involved in the following: *TCT Mobile (US) Inc. v. Ancora Technologies, Inc.*, IPR2020-01609; *HTC Corporation v. Ancora Technologies, Inc.*, IPR2021-00570; *LG Electronics, Inc. v. Ancora Technologies, Inc.*, IPR2021-00581; and *Samsung Electronics Co. v. Ancora Technologies, Inc.*, IPR2021-00583.

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, (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.

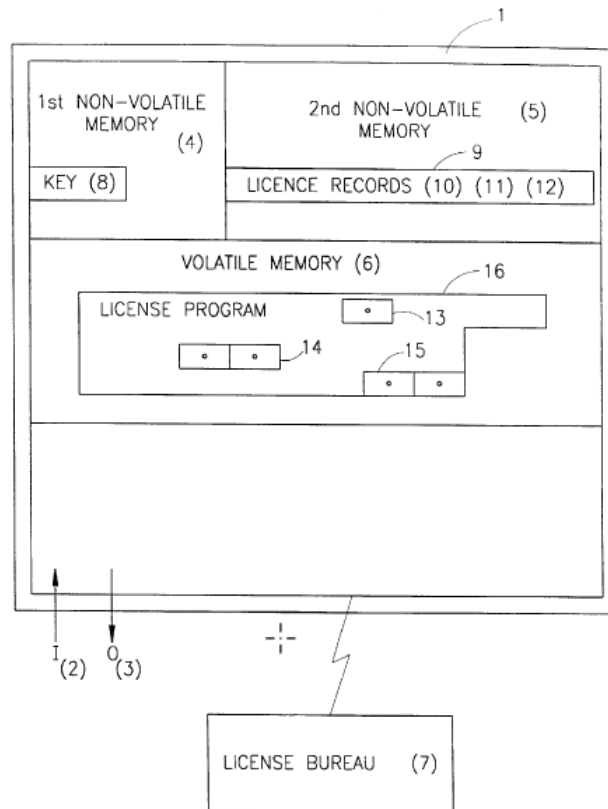


Figure 1 above shows a schematic diagram of computer processor 1 and license bureau 7. *Id.* at 5:9–19. Computer processor 1 is associated with input operations 2 and output operations 3. *Id.* Computer processor 1 contains first non-volatile memory area 4 (e.g., the ROM section of the Basic Input /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

D. Prior Art and Other Evidence Relied Upon

Petitioner Sony relies upon the references listed below (Pet. 5):

| Reference | Date | Exhibit No. |
|------------------------------------|---------------|-------------|
| Hellman, U.S. Patent No. 4,658,093 | Apr. 14, 1987 | Ex. 1004 |
| Chou, U.S. Patent No. 5,892,906 | Apr. 6, 1999 | Ex. 1005 |
| Schneck, U.S. Patent No. 5,933,498 | Aug. 3, 1999 | Ex. 1006 |

Petitioner Sony also relies upon the Declaration of Erez Zadok, Ph.D. Ex. 1015. Dr. Zadok testifies that he agrees with the facts, analysis, and conclusions in the Declaration of Andrew Wolfe, Ph.D. (Ex. 1003), and he adopts the testimony in sections I.C–IV of Dr. Wolfe’s Declaration as his own for purposes of this proceeding. Ex. 1015 ¶ 33.

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