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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IV.	Claim Construction		
V.	The Hellmann and Chou combination is cumulative of art already considered by this Board		
	 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" 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". 		
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 instability		
VII.	It would not have been obvious to modify Hellman to include the recited BIOS memory		
VIII.	. Hellman is a hardware device and does not disclose an OS-level software "agent" for setting up a verification structure as Claim 1 requires		
IX.	Conclusion		
Certificate of Service			
Certificate of Compliance Pursuant to 37 C.F.R. §42.24			

Table of Authorities

Cases

Ancora Techs., Inc. v. Apple, Inc., 744 F.3d 732 (Fed. Cir. 2014)
Ancora Techs., Inc. v. HTC Am., Inc., 908 F.3d 1343 (Fed. Cir. 2018)
HTC Corp. v. Ancora Techs., Inc., No. CBM2017-00054, Institution Decision, Paper 7 (Dec. 1, 2017)6
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.,</i> 688 F.3d 1342 (Fed. Cir. 2012)
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35 U.S.C. §101	6
35 U.S.C. §103	2
35 U.S.C. §314	
37 C.F.R. §2.108	

Other Authorities

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

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Updated List of Exhibits

Exhibit		
No.	Description	Date
2001	Scheduling Order, Ancora Technologies, Inc. v.	Sept. 16, 2020
	Sony Mobile Communications AB et al., Case	
2002	No. 19-1703-CFC (Dkt. #24)	Dec 19 2020
2002	Sony's Invalidity Contentions, Ancora	Dec. 18, 2020
	<i>Technologies, Inc. v. Sony Mobile</i> <i>Communications AB et al.</i> , Case No. 19-1703-	
	CFC	
2003	Sony's Appendices A-E to Invalidity	Dec. 18, 2020
	Contentions, Ancora Technologies, Inc. v. Sony	
	Mobile Communications AB et al., Case No. 19-	
	1703-CFC	
2004	Apple Patent L.R. 3-3 Disclosures, Ancora	Aug. 25, 2015
	Technologies, Inc. v. Apple, Inc., Case No. 4:11-	
2005	cv-06357 (Dkt. #171-3)	M 11 2010
2005	Order Setting Patent Case Schedule, Ancora	Mar. 11, 2019
	<i>Technologies, Inc. v. HTC America, Inc.</i> , Case No. 2:16-cv-01919 (Dkt. #56)	
2006	E-mail from Canavera to trials@uspto.gov	Feb. 19, 2021
2000	Complaint, Ancora Technologies, Inc. v. Sony	Sept. 11, 2019
2007	Mobile Communications AB et al., Case No. 19-	5•p. 11, 2013
	1703-CFC (Dkt. #1)	
2008	Judge Connolly Docket Navigator Statistic	Apr. 15, 2021
2009	Scheduling Order, Ancora Technologies, Inc. v.	Jan. 28, 2021
	LG Electronics, Inc. et al., Case No. 1:20-cv-	
	00034 (WDTX) (Dkt. #129)	
2010	Expert Report of Suzanne Barber, Ancora	Jan. 22, 2021
	Technologies, Inc. v. LG Electronics, Inc. et al.,	
0011	Case No. 1:20-cv-00034 (WDTX)	
2011	Declaration of Erez Zadok, Ancora	Mar. 20, 2020
	Technologies, Inc. v. LG Electronics, Inc. et al.,	
	Case No. 1:20-cv-00034 (WDTX) (Dkt. #45-1)	

Exhibit		
No.	Description	Date
2012	Joint Claim Construction Chart, Ancora	April 6, 2021
	Technologies, Inc. v. Sony Mobile	
	Communications AB et al., Case No. 19-1703-	
	CFC (Dkt. #34, 34-1, 34-2)	
2013 NEW	Ancora's Preliminary Response to Petition,	Dec. 17, 2020
	Case No. IPR2020-01609 (Dkt. 6)	
2014 NEW	Decision Granting Institution, Case No.	Feb. 16, 2021
	IPR2020-01609 (Dkt. 7)	
2015 NEW	Declaration of Dr. David Martin, Ph.D.	
2016 NEW	Ancora Techs., Inc. v. Apple, Inc., 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,	Oct. 15, 2020
	Ancora Technologies, Inc. v. TCT Mobile (US),	
	Inc. et al., Case No. 8:19-cv-02192 (CDCA)	
	(Dkt. #60)	
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 Ex Parte	
	Reexamination Image File Wrapper, Control	
	No. 90010560	
2025 NEW	Final Rulings on Claim Construction, Ancora	Nov. 12, 2020;
	Technologies, Inc. v. TCT Mobile (US), Inc. et	Nov. 19, 2020
	<i>al.</i> , Case No. 8:19-cv-02192 (CDCA) (Dkt. #66,	
	#69)	

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