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

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# 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

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



Case No.: IPR2021-00663 Atty. Dkt. No.: ANCC0121IPR

Patent No.: 6,411,941

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V.	The Hellmann and Chou combination is cumulative of art already considered by this Board	14		
	<ul> <li>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"</li> <li>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"</li> </ul>			
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			
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Certificate of Service				
Certif	Certificate of Compliance Pursuant to 37 C.F.R. §42.24			



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### **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)
Kinetic Concepts, Inc. v. Smith & Nephew, Inc., 688 F.3d 1342 (Fed. Cir. 2012)
OrthoPediatrics Corp. v. K2M, Inc., IPR2018-01548 (PTAB March 1, 2019)14, 34
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35 U.S.C. §101
Other Authorities
Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,756 (Aug. 14, 2012)



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### **Updated List of Exhibits**

Description	Date
•	Sept. 16, 2020
_	5 <b>5 7</b> 10, <b>2</b> 0 <b>2</b> 0
No. 19-1703-CFC (Dkt. #24)	
Sony's Invalidity Contentions, Ancora	Dec. 18, 2020
Technologies, Inc. v. Sony Mobile	
Communications AB et al., Case No. 19-1703-	
• • • • • • • • • • • • • • • • • • •	Dec. 18, 2020
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<u> </u>	
	Ave 25 2015
	Aug. 25, 2015
	Mar. 11, 2019
,	1, 2019
E-mail from Canavera to trials@uspto.gov	Feb. 19, 2021
Complaint, Ancora Technologies, Inc. v. Sony	Sept. 11, 2019
Mobile Communications AB et al., Case No. 19-	
1703-CFC (Dkt. #1)	
	Apr. 15, 2021
	Jan. 28, 2021
	T 00 0001
	Jan. 22, 2021
` /	Mar. 20, 2020
·	14161. 20, 2020
	Sony's Invalidity Contentions, Ancora Technologies, Inc. v. Sony Mobile Communications AB et al., Case No. 19-1703- CFC Sony's Appendices A-E to Invalidity Contentions, Ancora Technologies, Inc. v. Sony Mobile Communications AB et al., Case No. 19- 1703-CFC Apple Patent L.R. 3-3 Disclosures, Ancora Technologies, Inc. v. Apple, Inc., Case No. 4:11- cv-06357 (Dkt. #171-3) Order Setting Patent Case Schedule, Ancora Technologies, Inc. v. HTC America, Inc., Case No. 2:16-cv-01919 (Dkt. #56) E-mail from Canavera to trials@uspto.gov Complaint, Ancora Technologies, Inc. v. Sony Mobile Communications AB et al., Case No. 19-



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Exhibit		
No.	Description	Date
2012	Joint Claim Construction Chart, Ancora	April 6, 2021
2012	Technologies, Inc. v. Sony Mobile	71pm 0, 2021
	Communications AB et al., Case No. 19-1703-	
	CFC (Dkt. #34, 34-1, 34-2)	
2013 <b>NEW</b>	Ancora's Preliminary Response to Petition,	Dec. 17, 2020
	Case No. IPR2020-01609 (Dkt. 6)	ŕ
2014 <b>NEW</b>	Decision Granting Institution, Case No.	Feb. 16, 2021
	IPR2020-01609 (Dkt. 7)	
2015 <b>NEW</b>	Declaration of Dr. David Martin, Ph.D.	
2016 <b>NEW</b>	Ancora Techs., Inc. v. Apple, Inc., 744 F.3d 732	
	(Fed. Cir. 2014)	
2017 <b>NEW</b>	Phil Croucher, "The BIOS Companion," Tri-	
	Tam Enterprises Inc. 1997	
2018 <b>NEW</b>	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 <b>NEW</b>	US Patent 6,189,146 B1 ("Misra")	Feb. 13, 2001
2023 <b>NEW</b>	US Patent 5,479,639 ("Ewertz")	Dec. 26, 1995
2024 <b>NEW</b>	Microsoft Corporation's Request for Ex Parte	
	Reexamination Image File Wrapper, Control	
	No. 90010560	
2025 <b>NEW</b>	Final Rulings on Claim Construction, Ancora	Nov. 12, 2020;
	Technologies, Inc. v. TCT Mobile (US), Inc. et	Nov. 19, 2020
	al., Case No. 8:19-cv-02192 (CDCA) (Dkt. #66,	
	#69)	



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