

William E. Thomson, Jr. (SBN 47195)
BROOKS KUSHMAN P.C.
601 S. Figueroa Street, Suite 2080
Los Angeles, California 90017-5780
Tel: (213) 622-3003
wthomson@brookskushman.com

Marc Lorelli (Admitted *pro hac vice*)
mlorelli@brookskushman.com
John P. Rondini (Admitted *pro hac vice*)
jrondini@brookskushman.com
Mark A. Cantor (Admitted *pro hac vice*)
mcantor@brookskushman.com
John S. LeRoy (Admitted *pro hac vice*)
jleroy@brookskushman.com
BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Tel: (248) 358-4400

Attorneys for Plaintiff
Ancora Technologies, Inc.

John P. Schnurer, Bar No. 185725
JSchnurer@perkinscoie.com
Yun (Louise) Lu, Bar No. 253114
LLu@perkinscoie.com
Kyle R. Canavera, Bar No. 314664
KCanavera@perkinscoie.com
PERKINS COIE LLP
11452 El Camino Real, Suite 300
San Diego, CA 92130-2080
Telephone: 858.720.5700
Facsimile: 858.720.5799

Attorneys for Defendants
TCT Mobile (US) Inc., Huizhou TCL
Mobile Communication Co., Ltd., and
Shenzhen TCL Creative Cloud
Technology Co., Ltd.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANCORA TECHNOLOGIES,
INC.

Plaintiff,

v.

TCT MOBILE (US) INC.,
HUIZHOU TCL MOBILE
COMMUNICATION CO.,
LTD., and SHENZHEN TCL
CREATIVE CLOUD
TECHNOLOGY CO., LTD.,

Defendants.

Case No. 8:19-cv-02192-GW-ASx
(LEAD CASE)

Consolidated Case No.:
Case No. 2:20-cv-01252-GW-ASx

[Hon. George H. Wu]

JOINT CLAIM CONSTRUCTION
AND PREHEARING STATEMENT
PURSUANT TO LOCAL PATENT
RULE 4-3

Plaintiff Ancora Technologies and defendant TCT Mobile (US) Inc., Huizhou TCL Mobile Communications Co., Ltd., and Shenzhen TCL Creative Cloud Technology Co., Ltd. submit this Joint Claim Construction and Prehearing Statement.

Attached hereto as Exhibit A is a table setting forth the claim terms/phrases for which the parties have agreed on construction.

Attached hereto as Exhibit B is a table setting forth the claim terms/phrases that are disputed and therefore request that the Court construe, along with the intrinsic and extrinsic evidence on which the parties currently intend to rely upon.

The parties have narrowed the terms in dispute to the seven terms that the parties believe will be most significant to this case, in accordance with the Court's Scheduling Order (Dkt. No. 34). Subject to further investigation by the parties, only the five terms impacting independent claim 1 have the potential to be case dispositive.

The parties anticipate that the length of time necessary for the Claim Construction Hearing will be two hours.

Neither party proposes to call any live witnesses at the Claim Construction Hearing.

Neither party requests specific factual findings from the Court outside of the Claim Construction decision.

BROOKS KUSHMAN P.C.

Date: July 17, 2020

/s/ Marc Lorelli
Marc Lorelli (Admitted *pro hac vice*)
mlorelli@brookskushman.com
John P. Rondini (Admitted *pro hac vice*)

jroncini@brookskushman.com
Mark A. Cantor (Admitted *pro hac vice*)
mcantor@brookskushman.com
John S. LeRoy (Admitted *pro hac vice*)
jleroy@brookskushman.com
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: (248) 358-4400

William E. Thomson, Jr. (SBN 47195)
601 S. Figueroa Street, Suite 2080
Los Angeles, California 90017-5780
Phone: (213) 622-3003
wthomson@brookskushman.com

*Attorneys for Plaintiff
Ancora Technologies, Inc.*

PERKINS COIE LLP

*/s/ Kyle R. Canavera **

John P. Schnurer, Bar No. 185725
JSchnurer@perkinscoie.com
Yun (Louise) Lu, Bar No. 253114
LLu@perkinscoie.com
Kyle R. Canavera, Bar No. 314664
KCanavera@perkinscoie.com
11452 El Camino Real, Suite 300
San Diego, CA 92130-2080
Tel.: 858.720.5700
Fax.: 858.720.5799

*Attorneys for Defendants
TCT Mobile (US) Inc., Huizhou TCL
Mobile Communication Co., Ltd., and
Shenzhen TCL Creative Cloud Technology
Co., Ltd.*

** Pursuant to Local Rule 5-4.3.4(a)(2), the filing party attests that Defendants' counsel concurs in the content of this Joint Claim Construction and Prehearing Statement and has authorized its filing with his electronic signature.

AGREED TERMS

CLAIM TERM FOR CONSTRUCTION	AGREED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE
		ANCORA EVIDENCE	ICL EVIDENCE	
Claim 1 – non-volatile memory area of the BIOS non-volatile memory of the BIOS	Memory area of BIOS whose data is maintained when the power is removed.	<p>ANCORA EVIDENCE</p> <p>Specification:</p> <p>See, e.g. The ‘941 Patent – Figure 1; Abstract; Col. 1, Line 38 to Col. 2, Line 26; Col. 2, Line 62 to Col. 3, Line 41; Col. 3, Line 62 to Col. 4 Line 62; Col. 5, Lines 9-16; Col. 5, Lines 19-33; Col. 6, Lines 7-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p>See, e.g., The ‘941 File History - 5/21/2001 Amendment.</p> <p>See, e.g., The ‘941 File History - 6/21/2001 Office Action.</p> <p>See, e.g., The ‘941 File History - 2/5/2002 Amendment.</p> <p>See, e.g., The ‘941 File History - 2/20/2002 Notice of Allowance.</p> <p>See, e.g., The ‘941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p>See, e.g., The ‘941 3/9/2010</p>	<p>ICL EVIDENCE</p> <p>‘941 patent at 1:65–2:5, 2:10–26, 4:49–54, 5:9–16.</p>	<p>ANCORA EVIDENCE</p> <p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the ‘941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the ‘941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the ‘941 patent and evidence cited.</p>

CLAIM TERM FOR CONSTRUCTION	AGREED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE
		ANCORA EVIDENCE	TCL EVIDENCE	
		Re-examination Notice.		<p>“nonvolatile memory n. A storage system that does not lose data when power is removed from it. Intended to refer to core memory, ROM, EPROM, flash memory[.]” The Microsoft Computer Dictionary (1998), p 246.</p> <p>“A memory device is said to be volatile if its contents are lost when the power is switched off and non-volatile if it retains its contents.” Microelectronics: Structure and Operation of Microprocessor-based Systems (1996), p 30</p> <p>“nonvolatile memory. A memory in which the data content is retained when power is no longer supplied to it.” The New IEEE Standard Dictionary of Electrical and Electronics Terms, Fifth Edition (1993), p 860.</p> <p>Apple II Reference</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.