

Filed: May 26, 2017

Filed on behalf of HTC Corporation and HTC America, Inc.

By: Irfan A. Lateef
Brian C. Claassen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
Telephone: 949-760-0404
Facsimile: 949-760-9502
Email: BoxHTC57@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.,
Petitioners,

v.

ANCORA TECHNOLOGIES INC.,
Patent Owner.

Case No. CBM2017-00054
U.S. Patent No. 6,411,941

PETITION FOR COVERED BUSINESS METHOD REVIEW

TABLE OF CONTENTS

	Page No.
I. INTRODUCTION	1
II. OVERVIEW	1
III. MANDATORY NOTICES PURSUANT TO C.F.R. § 42.8(A)(1)	1
A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))	1
B. Related Matters (37 C.F.R. § 42.8(b)(2)).....	1
C. Lead and Backup Counsel (37 C.F.R. § 42.8(b)(3))	2
D. Service Information (37 C.F.R. § 42.8(b)(4))	3
IV. PAYMENT OF FEES.....	3
V. SUMMARY OF THE '941 PATENT	4
A. Specification.....	4
B. Prosecution History of the '941 patent.....	6
1. Original Application Prosecution	6
2. <i>Ex Parte</i> Reexamination Prosecution	8
VI. REQUIREMENTS FOR CBM REVIEW UNDER 37 C.F.R. § 42.304.....	8
A. Grounds for Standing (37 C.F.R. § 42.304(a))	8
1. Eligibility Requirements of 37 C.F.R. § 42.302	9
2. Timing Requirements of 37 C.F.R. § 42.303.....	9
B. The '941 Patent Is Directed to a Covered Business Method	9
1. Claims of the '941 Patent Are Financial in Nature.....	10
2. The '941 Patent Does Not Include a Technological Invention	14

TABLE OF CONTENTS
(*cont'd.*)

	Page No.
a. The '941 Patent Does Not Solve a Technical Problem Using a Technical Solution.....	14
b. Claims 1, 2, and 10 Do Not Recite a Novel and Non-Obvious Technological Invention.....	16
C. Supporting Evidence (37 C.F.R. § 42.304(b)(5))	20
D. Person Of Ordinary Skill In The Art.....	21
VII. CLAIM CONSTRUCTION.....	21
A. "License Record"	22
B. Indefinite Limitations	23
VIII. THERE IS MORE THAN A REASONABLE LIKELIHOOD THAT THE CHALLENGED '941 PATENT CLAIMS ARE UNPATENTABLE.....	24
A. Ground 1: The '941 Patent Is Unpatentable Under 35 U.S.C. § 101	26
1. <i>Alice</i> Step One: The Claims Cover the Abstract Idea of Controlling Software Access Based On Data Stored in a Particular Location.....	27
a. Data Storage and Manipulation Claims Have Been Found to Constitute Abstract Ideas	29
b. The Claims Do Not Provide A Specific Technical Solution To A Technical Problem.....	31
c. Any Novelty In Implementing The Abstract Idea Is Considered Only In <i>Alice</i> Step Two.....	32
2. <i>Alice</i> Step Two: The Claims Do Not Provide An "Inventive Concept".....	34

TABLE OF CONTENTS
(cont'd.)

Page No.

a.	Setting Up a Verification Structure in BIOS Does Not Transform the Abstract Idea	34
b.	The Other Claim Limitations Also Recite Well-Known, Conventional Computer Technology.....	37
c.	The Ordered Combination of Limitations Provides No Inventive Concept.....	40
B.	Ground 2: Claims 1-18 Are Indefinite Under 35 U.S.C. § 112, ¶ 2	42
1.	“An Agent To Set Up a Verification Structure . . . ” Renders Claims 1-19 Indefinite	42
a.	“Agent” Is a Means-Plus-Function Limitation.....	44
b.	“Agent” Lacks Corresponding Structure in the Specification and Thus Is Indefinite.....	46
2.	Other Indefiniteness Issues with Respect to Dependent Claims 5, 8, 16, and 17.....	49
a.	Claim 5—“The Unique Key” Is Indefinite.....	50
b.	Claim 8 Is Indefinite	51
c.	Claim 16—“Second Non-Volatile Memory” Is Indefinite.....	52
d.	Claim 17—“The License Record” Is Indefinite	52
C.	Ground 3: Claims 1-19 Are Unpatentable Under 35 U.S.C. § 112, ¶ 1 for Lack of Written Description	53
D.	Ground 4: Hasebe in View of DMI Specification Renders Obvious Claims 1-3, 5-14, and 16-17	57

TABLE OF CONTENTS
(cont'd.)

	Page No.
1. Claim 1	60
2. Claim 2	69
3. Claim 3	69
4. Claim 5	72
5. Claim 6	72
6. Claim 7	73
7. Claim 8	75
8. Claim 9	77
9. Claim 10	78
10. Claim 11	78
11. Claim 12	79
12. Claim 13	79
13. Claim 14	80
14. Claim 16	81
15. Claim 17	82
E. Ground 5: Hasebe in View of the DMI Specification and Chang Renders Obvious Claims 1-3, 5-14, and 16-17	82
F. Ground 6: Hasebe in View of the DMI Specification and Arbaugh Renders Obvious Claims 1-3, 5-14, and 16-17	86
G. Ground 7: Hasebe in View of the DMI Specification and Isikoff Renders Obvious Claims 1-3, 5-14, an 16-17	88

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.