

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC. and VIZIO, INC.,
Petitioners,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2021-01406
U.S. Patent No. 6,411,941

**PETITIONERS' REPLY TO
PATENT OWNER'S RESPONSE**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I. HELLMAN DISCLOSES THE “AGENT” LIMITATION (ALL CHALLENGED CLAIMS).....1

A. The Prosecution History Does Not Limit “Agent” to “OS-Level Software.”3

B. Hellman Discloses an “Agent” Under the Correct Construction.....8

C. Hellman Renders Obvious an “Agent” Even Under Patent Owner’s (Incorrect) Construction.8

1. A Skilled Artisan Would Have Implemented Hellman As Software.9

2. A Skilled Artisan Would Have Implemented Hellman As OS-Level Software.12

II. THE COMBINATION OF HELLMAN AND CHOU DISCLOSES THE “VERIFICATION STRUCTURE” LIMITATION (ALL CHALLENGED CLAIMS).....14

III. PETITIONERS HAVE SHOWN A MOTIVATION TO COMBINE HELLMAN WITH CHOU AND SCHNECK (ALL CHALLENGED CLAIMS).....16

A. Petitioners’ Motivations to Combine Are Neither “Logically Flawed” Nor Incomplete (All Challenged Claims).16

1. Patent Owner’s Arguments Are Based on an Incorrect Characterization of Petitioners’ Proposed Combination.16

2. The Petition Provides Motivation for Storing Hellman’s Value “M” in Hellman-Chou’s modified BIOS EEPROM.....19

B. Storing Hellman’s “Authorization A” in “Non-Volatile Memory 37” Would Not Render Hellman Inoperable for its Intended Purpose (Claims 3, 8-9, 14).....21

IV. PATENT OWNER’S “SECONDARY INDICIA” ARGUMENTS LACK MERIT.....22

A. The AMI-Based Evidence Is Not Probative of Nonobviousness.....23

1. The AMI Press Release Is Self-Serving Marketing.....23

2. [REDACTED]24

B. The Patent Licenses Likewise Lack Probative Value of Nonobviousness.....25

V. CONCLUSION.....26

PETITIONERS' UPDATED EXHIBIT LIST

| Exhibit No. | Description |
|--------------------|---|
| 1001 | U.S. Patent No. 6,411,941 to Mullor et al. (“’941 Patent”) |
| 1002 | Image File Wrapper of U.S. Patent No. 6,411,941 (“’941 Patent File History”) |
| 1003 | Declaration of Andrew Wolfe, Ph.D. (“Wolfe Decl.”) |
| 1004 | U.S. Patent No. 4,658,093 (“Hellman”) |
| 1005 | U.S. Patent No. 5,892,906 (“Chou”) |
| 1006 | U.S. Patent No. 5,933,498 (“Schneck”) |
| 1007 | Scheduling Order, <i>Ancora Techs., Inc. v. TCT Mobile (US), Inc.</i> , No. 8:19-cv-2192 (C.D. Cal. Mar. 17, 2020) (ECF No. 34) |
| 1008 | In re: Coronavirus Public Emergency, Order Concerning Phased Reopening of the Court, General Order No. 20-09, United States District Court for the Central District of California, Aug. 6, 2020 |
| 1009 | Civil Docket, <i>Ancora Techs., Inc. v. Sony Mobile Commc’ns AB</i> , No. 1:19-cv-01703 (D. Del.) |
| 1010 | Civil Docket, <i>Ancora Techs., Inc. v. Lenovo Grp. Ltd.</i> , No. 1:19-cv-01712 (D. Del.) |
| 1011 | Claim Construction Order, <i>Ancora Techs., Inc. v. Apple Inc.</i> , No. 4:11-cv-06357 (N.D. Cal. Dec. 31, 2012) (ECF No. 107) |
| 1012 | Final Claim Constructions of the Court, <i>Ancora Techs., Inc. v. LG Elecs., Inc.</i> , No. 1:20-cv-00034 (W.D. Tex. June 2, 2020) (ECF No. 69) |
| 1013 | Supplemental Claim Construction Order, <i>Ancora Techs., Inc. v. LG Elecs., Inc.</i> , No. 1:20-cv-00034 (W.D. Tex. Aug. 19, 2020) (ECF No. 93) |
| 1014 | Joint Claim Construction and Prehearing Statement, <i>Ancora Techs., Inc. v. TCT Mobile (US), Inc.</i> , No. 8:19-cv-2192 (C.D. Cal. July 17, 2020) (ECF No. 49) |
| 1015 | European Patent Application No. EP 0766165A2 (“’165 Application”) |
| 1016 | U.S. Patent No. 5,724,425 (“’425 Patent”) |
| 1017 | U.S. Patent No. 6,138,236 (“’236 Patent”) |
| 1018 | U.S. Patent No. 5,802,592 (“’592 Patent”) |
| 1019 | U.S. Patent No. 5,835,594 (“’594 Patent”) |

| Exhibit No. | Description |
|-------------|---|
| 1020 | Telephonic Markman Hearing, <i>Ancora Techs., Inc. v. TCT Mobile (US), Inc., et al.</i> , No. 8:19-cv-2192 (C.D. Cal. Oct. 15, 2020) (ECF No. 60) |
| 1021 | Telephonic Markman Hearing, <i>Ancora Techs., Inc. v. TCT Mobile (US), Inc., et al.</i> , No. 8:19-cv-2192 (C.D. Cal. Oct. 15, 2020) (ECF No. 69) |
| 1022 | Complaint, <i>Ancora Techs., Inc. v. TCL Corp., et al.</i> , No. 4:19-cv-00624 (E.D. Tex. Aug. 27, 2019) (ECF No. 1) |
| 1023 | U.S. Patent No. 5,734,819 (“Lewis”) |
| 1024 | File Wrapper of <i>Ex Parte</i> Reexamination of U.S. Patent No. 6,411,941, Control No. 90/010,560 (“560 Reexam File Wrapper”) |
| 1025 | Order Re: Joint Stipulation Re Stay Pending <i>Inter Partes</i> Review, <i>Ancora Techs., Inc. v. Vizio, Inc.</i> , No. 2:21-cv-08534 (C.D. Cal.) (ECF No. 78) |
| 1026 | Order Granting Joint Motion to Stay Pending <i>Inter Partes</i> Review, <i>Ancora Techs., Inc. v. Roku, Inc.</i> , No. 6:21-cv-00737 (W.D. Tex.) (ECF No. 33) |
| 1027 | Order Granting Joint Motion to Stay Pending <i>Inter Partes</i> Review, <i>Ancora Techs., Inc. v. Nintendo Co., Ltd., et al.</i> , No. 6:21-cv-00738 (W.D. Tex.) (ECF No. 46) |
| 1028 | Board Email Authorizing Motion For Additional Discovery, May 27, 2022 |
| 1029 | Plaintiff’s Responsive Claim Construction Brief, <i>Ancora Techs., Inc., et al. v. LG Electronics, et al.</i> , Case No. 1:20-cv-00034-ADA (W.D. Tex., April 10, 2020) (ECF No. 50) |
| 1030-1032 | <i>Intentionally Left Blank</i> |
| 1033 | Declaration of Andrew Wolfe, Ph.D., in Support of Petitioners’ Reply to Patent Owner’s Response |
| 1034 | Transcript of the Deposition of Miki Mullor, July, 12, 2022 (Confidential) |
| 1035 | Transcript of the Deposition of David Martin, Ph.D., July 14, 2022 |
| 1036 | Plaintiff’s Opening Claim Construction Brief, <i>Ancora Techs., Inc., et al. v. LG Electronics, et al.</i> , Case No. 1:20-cv-00034-ADA (W.D. Tex., March 20, 2020) (ECF No. 44) |
| 1037 | Denon DP-35F/DP-45F Instruction Manual, Nippon Columbia Co., Ltd. |
| 1038 | Excerpt from <i>Dictionary of Computing</i> , 4 th ed., Oxford University Press, 1996 |
| 1039 | U.S. Patent No. 5,568,552 to Davis |
| 1040 | Guttman, B., et al., <i>Computer Security</i> , National Institute of Standards and Technology, 1995) |

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.