

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**

TABLE OF CONTENTS

Table of Authorities	ii
Updated List of Exhibits	iii
I. Introduction	1
II. Standard for granting <i>Inter Partes</i> review	2
III. Overview of the '941 Patent	2
IV. Claim Construction	6
V. The Hellmann and Chou combination is cumulative of art already considered by this Board.....	14
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”	14
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”	19
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	23
VII. It would not have been obvious to modify Hellman to include the recited BIOS memory	25
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	28
IX. Conclusion.....	34
Certificate of Service	36
Certificate of Compliance Pursuant to 37 C.F.R. §42.24.....	37

Table of Authorities

Cases

<i>Ancora Techs., Inc. v. Apple, Inc.</i> , 744 F.3d 732 (Fed. Cir. 2014).....	3, 5, 20
<i>Ancora Techs., Inc. v. HTC Am., Inc.</i> , 908 F.3d 1343 (Fed. Cir. 2018).....	3, 4, 6, 20, 22
<i>HTC Corp. v. Ancora Techs., Inc.</i> , 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).....	2
<i>OrthoPediatrics Corp. v. K2M, Inc.</i> , IPR2018-01548 (PTAB March 1, 2019)	14, 34

Statutes

35 U.S.C. §101	6
35 U.S.C. §103	2
35 U.S.C. §314	2
37 C.F.R. §2.108.....	2

Other Authorities

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

Updated List of Exhibits

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

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

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.