

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**

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| 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 |
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Cases

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| <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

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| 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

| | |
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| 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 |

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