

# Exhibit 26

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<p>ANCORA TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>LG ELECTRONICS INC. and LG ELECTRONICS U.S.A., INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>CIVIL ACTION NO. 1:20-CV-0034</p> <p>JURY TRIAL DEMANDED</p>
<p>ANCORA TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>CIVIL ACTION NO. 1:20-CV-0034</p> <p>JURY TRIAL DEMANDED</p>

**PLAINTIFF ANCORA TECHNOLOGIES, INC.’S  
DISCLOSURE OF EXTRINSIC EVIDENCE**

Pursuant to the Court’s Scheduling Order (Dkt. 32), Plaintiff Ancora Technologies, Inc. (“Ancora”) discloses the following extrinsic evidence by Bates number that Ancora may rely on with respect to claim construction or indefiniteness:

DOCUMENT	BEGINNING BATES NO.
Opinion, <i>Ancora Technologies, Inc. v. Apple, Inc.</i> , No. 2013-1378, -1414 (Fed. Cir. 2014)	ANCORA_00003015
Opinion, <i>Ancora Technologies, Inc. v. HTC America, Inc. et al.</i> , No. 2018-1404 (Fed. Cir. 2018)	ANCORA_00003030

DOCUMENT	BEGINNING BATES NO.
Markman Order, <i>Ancora Technologies, Inc. v. Apple, Inc.</i> , No 11-cv-6357 (N.D. Cal. Dec. 31, 2012)	ANCORA_00003043
Decision Denying Institution of CBM Review, <i>HTC Corporation et al. v. Ancora Technologies Inc.</i> , CBM2017-00054 (P.T.A.B. Dec. 1, 2017)	ANCORA_00003064
Inter Partes Reexamination File History, No. 90/010,560	ANCORA_00003077
Declaration of Ian Jestic in <i>Ancora Technologies, Inc. v. HTC America, Inc.</i>	ANCORA_00003334
Declaration of Ian Jestic in <i>Ancora Technologies, Inc. v. Apple, Inc.</i> (with exhibits)	ANCORA_00000545
May 3, 2012 Deposition of Ian Jestic in <i>Ancora Technologies, Inc. v. Apple, Inc.</i> (with exhibits)	ANCORA_00000594 ANCORA_00000613 ANCORA_00000622 ANCORA_00000637
September 11, 2019 Deposition of Ian Jestic in <i>Ancora Technologies, Inc. v. HTC</i>	ANCORA_00002967
Merriam Webster's Collegiate Dictionary (10 <sup>th</sup> Ed.)	ANCORA_00003340
Microsoft Press Computer User's Dictionary	ANCORA_00003344
Microsoft Computer Dictionary (4 <sup>th</sup> Ed.)	ANCORA_00003353
Newton's Telecom Dictionary (16 <sup>th</sup> Ed.)	ANCORA_00003357
Encyclopedia of Computer Science (4 <sup>th</sup> Ed.)	ANCORA_00003360
Telecommunications Handbook	ANCORA_00003367
The American Heritage Dictionary (4 <sup>th</sup> Ed.)	ANCORA_00003373
The New Oxford American Dictionary (2001)	ANCORA_00003376

Additionally, Ancora provides the following summaries of expected expert testimony from

Ian Jestic:

CLAIM TERM	SUMMARY OF EXPECTED TESTIMONY
using an agent to set up a verification structure in the erasable, non-volatile memory of the BIOS (claim 1)	The expected expert testimony by Ian Jestic is summarized in the declaration of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., ¶¶ 5-14), and the deposition of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., p. 16-77).
set up a verification structure (claim 1)	The expected expert testimony by Ian Jestic is summarized in the declaration of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., ¶¶ 5-14), and the deposition of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., p. 17-30, 57-59, 75-78).
BIOS (claim 1)	The expected expert testimony by Ian Jestic is summarized in the declaration of Ian Justice in <i>Ancora v. Apple</i> (see, e.g., ¶¶ 4-13) and the deposition of Ian Jestic in <i>Ancora v. HTC</i> ( <i>passim</i> ). Mr. Jestic is

CLAIM TERM	SUMMARY OF EXPECTED TESTIMONY
	also expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims, the specification, and the prosecution history, he would not understand the term “BIOS” to include a requirement that the BIOS be stored in any specific type of memory, such as ROM.
non-volatile memory of the BIOS (claim 1)	The expected expert testimony by Ian Jestic is summarized in the declaration of Ian Jestic in <i>Ancora v. Apple</i> , (see, e.g., ¶¶ 4-13, and the deposition of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., pp. 17-25, 31, 36, 57-68). Mr. Jestic is also expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims, the specification, and the prosecution history, he would not understand the terms “BIOS” or “non-volatile memory of the BIOS” to refer to a memory that is not recognized by an operating system as a storage device and does not have a file system. Mr. Jestic is also expected to opine that a person of ordinary skill in the art, viewing the term in the context of the claims, the specification, and the prosecution history, would not understand “non-volatile memory of the BIOS” to be limited to “memory that stores BIOS” as it includes memory accessed by BIOS that BIOS uses.
Order of steps	The expected expert testimony by Ian Jestic is summarized in the deposition of Ian Jestic in <i>Ancora v. Apple</i> , (see, e.g., pp. 33-36), and the deposition of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., p. 35).
program (claim 1)	Mr. Jestic is expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims, the specification, and the prosecution history, he would understand the term “program” to mean “a set of instructions for a computer.” A summary of Mr. Jestic’s expected testimony is also included in the deposition of Ian Jestic in <i>Ancora v. Apple</i> , (see, e.g., p. 32).
license / license record (claim 1)	Mr. Jestic is expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims, the specification, and the prosecution history, he would understand the term “license” to carry its plain and ordinary meaning as an “authorization” or “permission.” A summary of Mr. Jestic’s expected testimony is also included in the deposition of Ian Jestic in <i>Ancora v. HTC</i> ( <i>passim</i> ).
verifying the program using at least the verification structure	The expected expert testimony by Mr. Jestic is summarized in the deposition of Ian Jestic in <i>Ancora v. HTC</i> (see, e.g., pp. 17, 23-24, 27-30, 49, 57-59, 74-78). Mr. Jestic is also expected to opine that as

CLAIM TERM	SUMMARY OF EXPECTED TESTIMONY
(claim 1)	a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims and the specification, he would understand “verifying the program using at least the verification structure” as not being limited to verification by an operating system (OS) level application, and that nothing in the specification or the prosecution history indicates that this term precludes a user-level application or a BIOS-level application from confirming whether a program is licensed.
acting on the program according to the verification (claim 1)	Mr. Jestice is expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims and the specification, he would not understand “acting on the program according to the verification” as being limited to only the options of either “(i) allowing the use of the program if licensed or (ii) restricting the program’s operation if not licensed, using an operating system (OS) level application.”
the at least one established license-record locations – No antecedent basis (claim 8)	Mr. Jestice is expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims and the specification, he would understand “the at least one established license-record locations” to refer to “Setting up (18) the verification structure includ[ing] the steps of establishing or certifying the existence of a pseudo unique key in the first non-volatile memory area; and establishing at least one license-record location in the first or the second nonvolatile memory area.” <i>See</i> ’941 Patent at 6:17-28. This understanding is supported by Claim 7 of the ’941 Patent which refers to “establishing at least one license-record location in the first nonvolatile memory area or in the erasable, non-volatile memory area of the BIOS.”
using the key– No antecedent basis (claim 8)	Mr. Jestice is expected to opine that as a person of ordinary skill in the art at the time of the invention, viewing the claim language in the context of the claims, the specification, and the prosecution history, he would understand “using the key” to refer “using a pseudo-unique key,” as described in the specification. <i>See</i> ’941 Patent at 6:17-28 (“Setting up (18) the verification structure includes the steps of establishing or certifying the existence of a pseudo unique key in the first non-volatile memory area; and establishing at least one license-record location in the first or the Second nonvolatile memory area. Establishing a license-record includes the Steps of: forming a license-record by encrypting of the contents used to form a license-record with other predetermined data contents, using the key; and establishing the encrypted license-record in one of the at least one established license record locations (e.g. 10-12 in FIG. 1).”). This understanding that “using the key” refers to the “pseudo-unique key”

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