# Exhibit 32

No. 2018-1404

# United States Court of Appeals for the Federal Circuit

ANCORA TECHNOLOGIES, INC.,

*Plaintiff-Appellant*,

v.

HTC AMERICA, INC., HTC CORPORATION,

*Defendants-Appellees*.

Appeal from the United States District Court for the Western District of Washington, Case No. 2:16-cv-01919-RAJ

## REPLY BRIEF OF APPELLANT

Mark A. Cantor
Marc Lorelli
John S. LeRoy
John P. Rondini
BROOKS KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075-1238
(248) 358-4400

*Counsel for Appellant*

May 7, 2018

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## Cases

## I. REPLY INTRODUCTION

Like the district court, HTC unfairly casts the claimed invention as "controlling access to something." (Red Br. at 21-22.) Redefining the claimed invention at such a high level enabled the district court and HTC to make broad, but incorrect, assertions that the claims are abstract, that they do not reflect an improvement in computer technology and that they lack an inventive concept. By HTC's measure, all computer *software* is unpatentable unless the claims also recite a distinct patentable innovation in computer *hardware*. As this Court has repeatedly held, that is not the law.

The district court and HTC largely ignore an entire limitation of claim 1 which expressly recites a *change* to a conventional computer in which a software agent sets up a new licensing "verification structure" in an "erasable" memory area of the BIOS, as opposed to the more conventional "ROM" or *non*-erasable BIOS. The file history confirms that this approach was innovative at the time of the invention. As this Court previously stated: "[t]he applicants explained that their invention differed from the prior art in that it both operated as an application running through an operating system and used the BIOS level for data storage and retrieval – a combination that was not previously taught and that an ordinary skilled application writer would not employ." *Ancora Technologies, Inc. v. Apple, Inc.*, 744 F.3d 732, 736 (Fed. Cir. 2014) ("*Ancora I*").

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