

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

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

LG ELECTRONICS INC. and LG
ELECTRONICS U.S.A., INC.,

Defendants.

CIVIL ACTION NO. 1:20-CV-0034

JURY TRIAL DEMANDED

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

CIVIL ACTION NO. 1:20-CV-0034

JURY TRIAL DEMANDED

PLAINTIFF'S REPLY CLAIM CONSTRUCTION BRIEF

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Defendants' Response (Dkt. 49) proves Ancora's point: Defendants' positions are not supported by the claims or the specification. Instead, Defendants rely on snippets from the prosecution history and other litigations as the main and often only basis for their constructions. None support Defendants' positions—much less satisfy the “high” standard required to show “patentee disclaimer.” *Avid Tech., Inc. v. Harmonic, Inc.*, 812 F.3d 1040, 1045 (Fed. Cir. 2016).

Defendants thus turn to rhetoric—accusing Ancora of a variety of purported misconduct, including walking away from positions taken in prior litigations. The accusations are baseless. As Defendants know, Ancora changed a construction only when (1) a court subsequently construed a term or (2) Defendants told Ancora they understood it to be narrower than Ancora had explained.

Ancora further addresses these issues (as well as the other shortcomings in Defendants' constructions) below—again discussing the terms in the order in which they appear in the claims.

1. “license” (Claim 1 - Preamble) / “license record”

“License” Does Not Need to Be Construed: As Ancora explained in its Opening Brief at page 5 and its Response at page 20, the portion of the preamble containing the word “license” describes an intended use or purpose for the structurally complete invention described in the claim body. It thus is not limiting, and the word “license” needs no construction. *TomTom, Inc. v. Adolph*, 790 F.3d 1315, 1324 (Fed. Cir. 2015) (portion of preamble stating an intended use is non-limiting).

Notably, Defendants do not dispute that Claim 1 recites a structurally complete invention. Instead, they argue the preamble is limiting because “license” purportedly “provides required antecedent basis” for terms like “license record” and “license authentication bureau” and because a proposed construction uses the word “licensed.” Defs. Resp. at 20 & n.8. Defendants are wrong.

Certainly, Defendants cite nothing to support their argument that use of a similar word in a proposed construction is enough to render a preamble limiting. Nor can they. The very case Defendants cite shows that reference to even identical words in a later claim is not enough to justify

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