

# [Corrected] Exhibit 15

Honorable Richard A. Jones

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

		)	Civil Action No. 2:16-cv-01919 -RAJ
ANCORA TECHNOLOGIES, INC.,		)	
Plaintiff,		)	<b>JOINT CLAIM CONSTRUCTION AND</b>
v.		)	<b>PREHEARING STATEMENT</b>
HTC AMERICA, INC., a Washington		)	
Corporation, HTC CORPORATION, a		)	
Taiwanese corporation,		)	
Defendants.		)	

Pursuant to Local Patent Rule 132 and the Court’s Order Setting Patent Case Schedule (Dkt. No. 56), Plaintiff Ancora Technologies, Inc. (“Plaintiff” or “Ancora”) and Defendants HTC America, Inc. and HTC Corporation (collectively, “Defendants” or “HTC”) submit the following Joint Claim Construction and Prehearing Statement.

**(a) Agreements of the Parties**

The parties agree that the following claim terms of U.S. Patent No. 6,411,941 (“the ’941 Patent”) may be construed as the follows:

Claim Term	Agreed Construction
volatile memory area  (Claim 1)	memory area whose data is not maintained when power is removed
verification structure accommodating data that includes at least one license record  (Claim 1)	data structure for verifying whether a program is licensed, with the data structure including at least one license record
verifying the program using at least the verification structure  (Claim 1)	confirming whether a program is licensed using at least the verification structure
the verification  (Claim 1)	The antecedent basis for “the verification” is the earlier step of “verifying the program using at least the verification structure from the erasable non-volatile memory of the BIOS”

**(b) Disputed Claim Terms**

Claim 1:

- (1) license;

1 (2) erasable non-volatile memory area of a BIOS;

2 (3) BIOS;

3 (4) using an agent to set up a verification structure in the erasable, non-volatile  
4 memory of the BIOS;

5 (5) license record;

6 (6) the verification structure from the erasable non-volatile memory of the BIOS; and

7 (7) acting on the program according to the verification structure.

8 Claim 2:

9 (8) license authentication bureau.

10 See Appendix A, attached.

11 **(c) Ten Most Important Disputed Claim Terms**

12 **ANCORA Statement:** Ancora does not believe that additional claim construction is necessary in  
13 this case as the claims have already been construed in *Ancora Technologies, Inc. v. Apple, Inc.*,  
14 4:11-cv-06357-YGR (N.D. Cal.) and by the Federal Circuit at 744 F.3d 732. And importantly,  
15 **HTC has not identified** any non-infringement position or invalidity position to which each of the  
16 aforementioned disputes would have any bearing on, let alone be dispositive. Accordingly, the  
17 Court should consider ordering HTC to explain the relevance of each position prior to the Court  
18 and the parties expending resources to address HTC's claim construction arguments.

19 **HTC Statement:** There are eight disputed claim terms for consideration by the Court. The first  
20 seven terms appear in Claim 1:

21 (1) license;

22 (2) erasable non-volatile memory area of a BIOS;

23 (3) BIOS;

24 (4) using an agent to set up a verification structure in the erasable, non-volatile memory  
25 of the BIOS;

26 (5) license record;

27 (6) the verification structure from the erasable non-volatile memory of the BIOS; and

28

1 (7) acting on the program according to the verification structure.

2 The parties also dispute one term that appears in Claim 2:

3 (8) license authentication bureau.

4 No court has previously provided claim constructions for six of the eight disputed terms.  
5 Regarding the two terms previously construed by the District Court for the Northern District of  
6 California, “BIOS” and “license record,” Ancora’s infringement allegations relate to mobile  
7 phones using the Android OS. These phones are a new class of products that raise non-  
8 infringement issues not previously presented in the *Ancora Techs., Inc. v. Apple, Inc.* litigation.  
9 Construction of these two terms will assist the Court and the jury in understanding the present  
10 dispute.

11 HTC served a detailed, two hundred thirty-nine page preliminary noninfringement and  
12 invalidity contentions on Ancora on April 25, 2019. Those contentions thoroughly detail how  
13 the claim construction disputes would be dispositive. For example, the first page of HTC’s  
14 noninfringement claim chart explained that the “accused devices do not have a BIOS.” That  
15 chart further explained that the accused HTC devices could not have a “BIOS” within the  
16 meaning of the ’825 Patent due to statements made by the patentee during prosecution. HTC  
17 also served detailed interrogatory responses further explaining why other claim limitations are  
18 absent, including the “BIOS” and “license”/“license record” terms.

19 Additionally, the construction of the term “using an agent to set up a verification  
20 structure in the erasable, non-volatile memory of the BIOS” is potentially case dispositive as set  
21 forth in Appendix A. HTC contends that term is a means-plus-function term governed by 35  
22 U.S.C. § 112(f) with no corresponding structure, rendering the term indefinite and the asserted  
23 claims invalid.

24 On Tuesday of last week, HTC had requested comments or edits from Ancora to this joint  
25 filing. Ancora’s statement, however, was added only hours before the filing deadline for this  
26 document.

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