EXHIBIT 9

UNITED STATES PATENT AND TRADEMARK OFFI	CE
BEFORE THE PATENT TRIAL AND APPEAL BOAR	P.D

ROKU, INC. AND VIZIO, INC., Petitioner,

v.

ANCORA TECHNOLOGIES, INC., Patent Owner.

U.S. Patent No. 6,411,941 B1

Case No.: IPR2021-01406

PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.107



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	А. В. С.	The Key Innovation of the '941 Patent Is Use of an OS-Level Software Agent To Interact With BIOS Memory Without Requiring Additional or Specialized Hardware	4 l 6 9
***		Hellman and Chou Did Not Address Key Claim Construction Issues	4
IV.		n Construction	
	A. B.	"a computer"	20 20 31
V.	The A	Asserted Prior Art4	0
	A. B. C.	Hellman 4 Chou 4 Schneck 4	4 7
VI.		Asserted Combinations Fails To Disclose Key Elements of Claim 1 of 041 Patent	
	A.	The Only "Agent" Petitioner Identifies is Hellman's "Update Unit 36," which Requires "Add-on Hardware" and Thus Fails to Disclose the "Using an Agent" Limitation	8



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	B.	Petitioner's Proposed Combination Does Not "Set Up A Verification	on
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Table of Authorities

Cases

Am. Med. Sys., Inc. v. Biolitec, Inc., 618 F.3d 1354 (Fed. Cir. 2010)
Ancora Techs., Inc. v. Apple, Inc., 744 F.3d 732 (Fed. Cir. 2014) 5, 7, 9-14, 16, 22, 23, 25-30, 35, 39, 51
Ancora Techs., Inc. v. HTC Am., Inc., 908 F.3d 1343 (Fed. Cir. 2018) 4-7, 12, 14, 23, 25, 30-34, 36, 39, 63
Applied Med. Res. Corp. v. U.S. Surgical Corp., 448 F.3d 1324 (Fed. Cir. 2006)
Ariosa Diagnostics v. Verinata Health, Inc., 805 F.3d 1359 (Fed. Cir. 2015)
Cutsforth, Inc. v. Motivepower, Inc., 643 F. App'x 1008 (Fed. Cir. 2016)
Elbit Systems of America, LLC v. Thales Visionix, Inc., 881 F.3d 1354 (Fed. Cir. 2018)56
Genetics Inst., LLC v. Novartis Vaccines & Diagnostics, Inc., 655 F.3d 1291 (Fed. Cir. 2011)
HTC Corp. v. Ancora Techs., Inc., No. CBM2017-00054, Decision Denying Institution (PTAB Dec. 1, 2017)12, 14
HTC Corporation and HTC America, nc v. Ancora Techs., Inc., IPR2021-00570 (PTAB Feb. 19, 2021)15
In re Magnum Oil Tools Int'l, Ltd., 829 F.3d 1364 (Fed. Cir. 2016)
Indivior Inc. v. Dr. Reddy's Lab'ys, S.A., 930 F.3d 1325 (Fed. Cir. 2019)27



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