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

ANCORA TECHNOLOGIES, INC., *Plaintiff,*	§	
	§	**CIVIL NO. 1-20-CV-00034-ADA**
v.	§	
LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG ELECTRONICS CO., LTD., *Defendants*	§	

FINAL CLAIM CONSTRUCTIONS OF THE COURT

The Court provided preliminary constructions on May 28, 2020. The Court held a claim construction hearing on May 29, 2020, in which the Court heard argument on the following claim terms: (1) the Order of the Claim 1 steps; (2) "license" / "license record"; (3) "using an agent to set up a verification structure in the erasable, non-volatile memory of the BIOS"; (4) "set up a verification structure"; and (5) "acting on the program according to the verification." ECF No. 66. After careful consideration of the parties' briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.

Claim Term	**Court's Final Construction**
Claims 1, 3, 7, 9, 12, 16	
"non-volatile memory"	"memory whose data is maintained when the power is removed or voltage is too low"

Claim Term	**Court's Final Construction**
Preamble	
"license"	The portion of the preamble reciting "a method of restricting software operation within a license . . . ." is non-limiting, and the term "license" does not need to be construed.

Claim Term	**Court's Final Construction**
Claims 1, 3, 6, 8-9, 14, 16	
"license record"	"data associated with a licensed program with information for verifying that licensed program"

Claim Term	**Court's Final Construction**
Claims 1,6,9,11	
"volatile memory"	Plain and ordinary meaning wherein the plain and ordinary meaning is "memory whose data is not maintained when the power is removed"[1] [1] Footnote not for the jury. "For the corner case where the hard disk drive is used as virtual RAM, the data is not accessible by normal means after the power is removed."

Claim Term	**Court's Final Construction**
Claims 1,3,7,9,12,16	
"BIOS"	Plain and ordinary meaning wherein the plain and ordinary meaning is "An acronym for Basic Input / Output System. It is the set of essential startup operations that begin to run automatically when a computer is turned on, which test hardware, starts the operating system, and support the transfer of data among hardware devices"

Claim Term	**Court's Final Construction**
Claims 1	
"non-volatile memory of the BIOS [Plaintiff] "memory of the BIOS' [Defendant]	This term does not require construction.

Claim Term	**Court's Final Construction**
Claims 1 ,3, 6, 9-10, 14, 16	
"program"	"a set of instructions that can be executed by a computer"

Claim Term	**Court's Final Construction**
Claims 1, 6	
"selecting a program residing in the volatile memory"	Plain and ordinary meaning

Claim Term	**Court's Final Construction**
Claims 1	
"using an agent to set up a verification structure in the erasable, non-volatile memory of the BIOS"	Plain and ordinary meaning, wherein the plain and ordinary meaning "agent" is "a software program or routine"

Claim Term	**Court's Final Construction**
Claims 1,3,7,14	
"set up a verification structure"	"establishing or certifying the existence of a pseudo-unique key and establishing at least one license-record location"[1] [1] Footnote not for the jury. "Establishing at least one license-record location" may include the steps of "forming a license-record by at least partially encrypting the contents used to form a license-record with other predetermined data contents, using at least part of the pseudo-unique key; and storing the encrypted license-record"

Claim Term	**Court's Final Construction**
Claims 1,9, 16	
"verifying the program using at least the verification structure	"confirming whether a program is licensed using at least the verification structure"

Claim Term	**Court's Final Construction**
Claims 1,10	
"acting on the program according to the verification"	Plain and ordinary meaning, wherein the step of "acting on the program" may include, but is not limited to, "restricting the program's operation with predetermined limitations, informing the user on the unlicensed status, halting the operation of the program under question, and asking for additional user interactions."

Claim Term	**Court's Final Construction**
Order of the Claim 1 Steps	Use of the verification structure, as described in Limitation 3, cannot complete until the "set up a verification structure" step has completed, as described in Limitation 2. "Acting on the program according to the verification," as described in Limitation 4, cannot complete until the "verifying the program" is completed as described in Limitation 3. The "selecting a program residing in the volatile memory" as described in Limitation 1 can occur at any time.[1]

Claim Term	**Court's Final Construction**
Claim 7	
"first non-volatile memory area of the computer"	Plain and ordinary meaning

The Parties agreed to the following claim constructions:

Claim Term	**Court's Final Construction**
"a computer including an erasable, non-volatile memory area of the BIOS of the computer, and a volatile memory area"	This portion of the preamble is limiting
"using the key"	"using a pseudo-unique key"

SIGNED this 2nd day of June, 2020.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

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- Limitation 1 = "selecting a program residing in the volatile memory"
- Limitation 2 = "using an agent to set up a verification structure in the erasable, non-volatile memory of the BIOS, the verification structure accommodating data that includes at least one license record."
- Limitation 3 = "verifying the program using at least the verification structure from the erasable non-volatile memory of the BIOS," and
- Limitation 4 = "acting on the program according to the verification"