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Technology Co., Ltd.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANCORA TECHNOLOGIES,
INC.

Plaintiff,

v.

TCT MOBILE (US) INC.,
HUIZHOU TCL MOBILE
COMMUNICATION CO.,
LTD., and SHENZHEN TCL
CREATIVE CLOUD
TECHNOLOGY CO., LTD.,

Defendants.

Case No. 8:19-cv-02192-GW-ASx
(LEAD CASE)

Consolidated Case No.:
Case No. 2:20-cv-01252-GW-ASx

[Hon. George H. Wu]

JOINT CLAIM CONSTRUCTION
AND PREHEARING STATEMENT
PURSUANT TO LOCAL PATENT
RULE 4-3

Plaintiff Ancora Technologies and defendant TCT Mobile (US) Inc., Huizhou TCL Mobile Communications Co., Ltd., and Shenzhen TCL Creative Cloud Technology Co., Ltd. submit this Joint Claim Construction and Prehearing Statement.

Attached hereto as Exhibit A is a table setting forth the claim terms/phrases for which the parties have agreed on construction.

Attached hereto as Exhibit B is a table setting forth the claim terms/phrases that are disputed and therefore request that the Court construe, along with the intrinsic and extrinsic evidence on which the parties currently intend to rely upon.

The parties have narrowed the terms in dispute to the seven terms that the parties believe will be most significant to this case, in accordance with the Court's Scheduling Order (Dkt. No. 34). Subject to further investigation by the parties, only the five terms impacting independent claim 1 have the potential to be case dispositive.

The parties anticipate that the length of time necessary for the Claim Construction Hearing will be two hours.

Neither party proposes to call any live witnesses at the Claim Construction Hearing.

Neither party requests specific factual findings from the Court outside of the Claim Construction decision.

BROOKS KUSHMAN P.C.

Date: July 17, 2020

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ANCORA EX2012**

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Mobile Communication Co., Ltd., and
Shenzhen TCL Creative Cloud Technology
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**** Pursuant to Local Rule 5-4.3.4(a)(2), the filing party attests that Defendants' counsel concurs in the content of this Joint Claim Construction and Prehearing Statement and has authorized its filing with his electronic signature.**

AGREED TERMS

CLAIM TERM FOR CONSTRUCTION	AGREED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE	
		ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
Claim 1 – non-volatile memory area of the BIOS non-volatile memory of the BIOS	Memory area of BIOS whose data is maintained when the power is removed.	<p>Specification:</p> <p><i>See, e.g.</i> The ‘941 Patent – Figure 1; Abstract; Col. 1, Line 38 to Col. 2, Line 26; Col. 2, Line 62 to Col. 3, Line 41; Col. 3, Line 62 to Col. 4 Line 62; Col. 5, Lines 9-16; Col. 5, Lines 19-33; Col. 6, Lines 7-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p><i>See, e.g.</i>, The ‘941 File History - 5/21/2001 Amendment.</p> <p><i>See, e.g.</i>, The ‘941 File History - 6/21/2001 Office Action.</p> <p><i>See, e.g.</i>, The ‘941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.</i>, The ‘941 File History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.</i>, The ‘941 8/3/2009 Re-examination Order and Decision Granting Re- Examination.</p> <p><i>See, e.g.</i>, The ‘941 3/9/2010</p>	‘941 patent at 1:65–2:5, 2:10–26, 4:49–54, 5:9–16.	<p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV- 06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the ‘941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the ‘941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the ‘941 patent and evidence cited.</p>	<p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343, 1344–45 (Fed. Cir. 2018).</p> <p><i>Ancora Techs., Inc. v. Apple, Inc.</i>, 744 F.3d 732, 737–39 (Fed. Cir. 2014).</p> <p>Final Claim Construction of the Court, <i>Ancora Techs., Inc. v. LG Elecs., Inc.</i>, No. 1:20-cv-00034, p. 1 (W.D. Tex. June 2, 2020) (ECF No. 69).</p> <p>Claim Construction Order, <i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-cv-06357, pp. 5–7 (C.D. Cal. Dec. 31, 2012) (ECF No. 107).</p>

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		ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
		Re-examination Notice.		<p>“nonvolatile memory <i>n</i>. A storage system that does not lose data when power is removed from it. Intended to refer to core memory, ROM, EPROM, flash memory[.]” The Microsoft Computer Dictionary (1998), p 246.</p> <p>“A memory device is said to be volatile if its contents are lost when the power is switched off and non-volatile if it retains its contents.” Microelectronics: Structure and Operation of Microprocessor-based Systems (1996), p 30</p> <p>“nonvolatile memory. A memory in which the data content is retained when power is no longer supplied to it.” The New IEEE Standard Dictionary of Electrical and Electronics Terms, Fifth Edition (1993), p 860.</p> <p>Apple II Reference</p>	

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				Manual (Ex. 1); Apple Memory Usage Performance Guideline (Ex. 2); U.S. Patent Nos. 5,751,989 (Ex. 3) PTO printouts of 600 Apple Patents disclosing “non-volatile memory.”	
Claim 1 – BIOS	An acronym for Basic Input/Output System. It is the set of essential startup operations that run when a computer is turned on, which test hardware, starts the operating system, and support the transfer of data among hardware devices.	<p>Specification:</p> <p><i>See, e.g.</i> The ‘941 Patent - Figure 1; Col. 1, Lines 27-32; Col. 1, Line 44 to Col. 2, Line 59; Col. 3, Lines 4-19; Col. 4, Lines 49-61; Col. 5, Lines 9-34; Col 5, Lines 59-65; Col. 6, Lines 40-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p><i>See, e.g.</i>, The ‘941 File History - 5/21/2001 Amendment.</p> <p><i>See, e.g.</i>, The ‘941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.</i>, The ‘941 File</p>	<p>’941 patent at 1:44–51, 3:4–17.</p> <p>’941 File Wrapper, Office Action Response, dated Feb. 5, 2002.</p> <p>’941 File Wrapper, Notice of Allowance, dated Mar. 28, 2002.</p> <p>Ex Parte Reexam Control No. 90/010,560, Order Granting Ex Parte Reexamination, dated Aug. 3, 2009.</p>	<p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the ‘941 patent and evidence cited.</p>	<p>Covered Business Method Review No. CBM2017-00054, Institution Decision, dated Dec. 1, 2017.</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343, 1344–45 (Fed. Cir. 2018).</p> <p>Final Claim Construction of the Court, <i>Ancora Techs., Inc. v. LG Elecs., Inc.</i>, No. 1:20-cv-00034, p. 2 (W.D. Tex. June 2, 2020) (ECF No. 69).</p> <p>Claim Construction Order, <i>Ancora Techs., Inc. v. Apple Inc.</i>, No.</p>

CLAIM TERM FOR CONSTRUCTION	AGREED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE	
		ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
		<p>History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.</i>, The '941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p><i>See, e.g.</i>, The '941 3/9/2010 Re-examination Notice.</p> <p>'941 File History, 2/20/02 Notice of Allowability.</p> <p>'941 Re-Examination Certificate</p>		<p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the '941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the '941 patent and evidence cited.</p> <p>Other sources:</p> <p><i>See, e.g.</i> U.S. Patent Publication No. 2011/0090380 – Figs. 1, 3, 5-6; ¶ 60, 79, 80, 96</p> <p><i>See, e.g.</i> U.S. Patent 7,979,728 – Figs. 1 & 3; Col. 2, Lines 38-44; Col. 2, Lines 11-31; Col. 3 Lines 55-65; Col. 4, Lines 6-34;</p> <p>ATTACH-BIOS Document for Apple II Pascal 1.1 (Ex. 4);</p> <p>Apple II Reference Manual (Ex. 1);</p>	<p>11-cv-06357, pp. 8–11 (C.D. Cal. Dec. 31, 2012) (ECF No. 107).</p>

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				<p>Apple II Technote (Ex. 5);</p> <p>Commodore 64 CP/M Operating System User's Guide (Ex. 6);</p> <p>Extensible Firmware Interface Specification (Ex. 7);</p> <p>Info World Article (Ex. 8);</p> <p>EFI Presentation (Ex. 9);</p> <p>Sun Netra User's Guide (Ex. 10);</p> <p>UEFI Forum Media Release (Ex. 11);</p> <p>Apple Macintosh User Guide (Ex. 12)</p>	

DISPUTED TERMS

CLAIM TERM FOR CONSTRUCTION	ANCORA PROPOSED CONSTRUCTION	TCL PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE	
			ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
Claim 1 – volatile memory	Memory area whose data is not maintained or becomes inaccessible when the power is removed.	“memory whose data is not maintained when the power is removed”	<p>Specification:</p> <p><i>See, e.g.</i> The ‘941 Patent – Figure 1; Abstract; Col. 1, Line 38 to Col. 2, Line 26; Col. 2, Line 62 to Col. 3, Line 41; Col. 3, Line 62 to Col. 4 Line 62; Col. 5, Lines 9-16; Col. 5, Lines 19-33; Col. 6, Lines 7-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p><i>See, e.g.</i>, The ‘941 File History - 5/21/2001 Amendment.</p> <p><i>See, e.g.</i>, The ‘941 File History, 6/21/2001 Office Action.</p> <p><i>See, e.g.</i>, The ‘941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.</i>, The ‘941 File History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.</i>, The ‘941 8/3/2009 Re-examination</p>	’941 patent at 1:24–26, 4:49–54, 5:9–16.	<p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the ‘941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the ‘941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the ‘941 patent and evidence cited.</p> <p>“volatile memory <i>n.</i> Memory,</p>	<p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343, 1344–45 (Fed. Cir. 2018).</p> <p><i>Ancora Techs., Inc. v. Apple, Inc.</i>, 744 F.3d 732, 737–39 (Fed. Cir. 2014).</p> <p>Final Claim Construction of the Court, <i>Ancora Techs., Inc. v. LG Elecs., Inc.</i>, No. 1:20-cv-00034, p. 2 (W.D. Tex. June 2, 2020) (ECF No. 69).</p> <p>Claim Construction Order, <i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-cv-06357, pp. 5–7 (C.D. Cal. Dec. 31, 2012) (ECF No. 107).</p>

CLAIM TERM FOR CONSTRUCTION	ANCORA PROPOSED CONSTRUCTION	TCL PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE	
			ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
			Order and Decision Granting Re-Examination. <i>See, e.g.</i> , The '941 3/9/2010 Re-examination Notice.		such as RAM, that loses its data when the power is shut off. <i>Compare</i> nonvolatile memory.” The Microsoft Computer Dictionary (1998), p 372. “A memory device is said to be volatile if its contents are lost when the power is switched off and non-volatile if it retains its contents.” Microelectronics: Structure and Operation of Microprocessor-based Systems (1996), p 30	
Claim 1 – Selecting a program residing in the volatile memory	Plain and ordinary meaning	“accessing a program to be verified in the volatile memory”	Specification: <i>See, e.g.</i> The '941 Patent – Figure 1; Claim 18; Abstract; Col. 1, Lines 6-8; Col. 1, Lines 11-17; Col. 1, Lines 53 to Col. 2 Line 67; Col. 2, Line 62 to Col. 3, Lines 17-44; Col. 3, Line 51 to Col. 4, Line 44; Col. 5, Line 25 to Col. 5, Line 49; Col. 5, Lines 57-65; Col. 6, Lines 7-52; Column 6, Lines 53-56. Prosecution History: <i>See, e.g.</i> , The '941 File	'941 patent at 2:12–13, 2:66–67, 6:7–10, Fig. 2. '941 File Wrapper, Office Action Response, dated May 21, 2001.	U.S. Patent No. 6,189,146, Col 5, Line 63 to Column 6, Line 5; <i>Ancora v. Apple, Inc.</i> , 744 F.3d 732 (Fed. Cir. 2014). <i>Ancora Techs., Inc. v. Apple Inc.</i> , No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012) <i>Ancora Techs., Inc. v. HTC Am., Inc.</i> , 908 F.3d 1343 (Fed. Cir. 2018)	<i>Ancora Techs., Inc. v. HTC Am., Inc.</i> , 908 F.3d 1343, 1344–45 (Fed. Cir. 2018). <i>Ancora Techs., Inc. v. Apple, Inc.</i> , 744 F.3d 732, 735–37 (Fed. Cir. 2014).

CLAIM TERM FOR CONSTRUCTION	ANCORA PROPOSED CONSTRUCTION	TCL PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE	
			ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
			<p>History - 5/21/2001 Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.,</i> The '941 File History – 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.,</i> The '941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p><i>See, e.g.,</i> The '941 3/9/2010 Re-examination Notice.</p>		<p>Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the '941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the '941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the '941 patent and evidence cited.</p>	
Claim 1 – Set up a verification structure	Plain and ordinary meaning	“store information encrypted with a key unique to the computer”	<p>Specification:</p> <p><i>See, e.g.</i> The '941 Patent – Figure 2; Abstract; Claim 7, 9; Col. 2, Line 59 to Col. 3, Line 35; Col. 3, Line 33 to Col. 4, Line 5; Col. 4, Lines 25-44; Col. 5:40-52; Col. 6, Lines 18-39; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p><i>See, e.g.,</i> The '941 File History - 5/21/2001</p>	<p>'941 patent at 1:59–2:1, 2:27–59, 3:51–61, 5:25– 33, 5:40–43, 6:18–28.</p> <p>'941 File Wrapper, Office Action Response, dated May 21, 2001.</p> <p>'941 File Wrapper, Office Action Response, dated Feb. 5, 2002.</p>	<p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69),</p>	<p>Covered Business Method Review No. CBM2017-00054, Institution Decision, dated Dec. 1, 2017.</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343, 1344–45 (Fed. Cir. 2018).</p> <p><i>Ancora Techs., Inc. v. Apple, Inc.</i>, 744</p>

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			<p>Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.,</i> The '941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p><i>See, e.g.,</i> The '941 3/9/2010 Re-examination Notice.</p>	'941 File Wrapper, Notice of Allowance, dated Mar. 28, 2002.	<p><i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the '941 patent and evidence cited.</p> <p>Jestice Testimony</p>	F.3d 732, 733 (Fed. Cir. 2014).
Claim 1 – license record	A record from a licensed program with information for verifying that licensed program	“information indicating a right to use the program”	<p>Specification:</p> <p><i>See, e.g.</i> The '941 Patent – Figure 1; Col. 2, Lines 5-8; Col. 1, Lines 55-58; Col. 3, Line 51 to Col. 4, Line 5; Col. 4, Lines 25- 44; Col. 5, Lines 26-34; Col. 5, Lines 44-57; Col. 6, Lines 7-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p><i>See, e.g.,</i> The '941 File History - 5/21/2001</p>	<p>'941 patent at 1:59–2:1, 2:27–59, 3:51–61, 5:25–33, 5:40–43, 6:18–28.</p> <p>'941 File Wrapper, Office Action Response, dated May 21, 2001.</p> <p>'941 File Wrapper, Office Action Response, dated Feb. 5, 2002.</p> <p>'941 File Wrapper,</p>	<p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034;</p>	<p>Covered Business Method Review No. CBM2017-00054, Institution Decision, dated Dec. 1, 2017.</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343, 1344–45 (Fed. Cir. 2018).</p>

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			<p>Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.,</i> The '941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p><i>See, e.g.,</i> The '941 3/9/2010 Re-examination Notice.</p>	<p>Notice of Allowance, dated Mar. 28, 2002.</p>	<p>Briefings by each party regarding the '941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the '941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the '941 patent and evidence cited, including HTC's motion to dismiss and Federal Circuit briefing.</p>	
Claim 1 – memory of the BIOS	plain and ordinary.	"a memory that: (i) stores the BIOS; (ii) is not recognized by an operating system as a storage device; and (iii) does not have a file system"	<p>Specification:</p> <p><i>See, e.g.</i> The '941 Patent - Figure 1; Col. 1, Lines 27-32; Col. 1, Line 44 to Col. 2, Line 59; Col. 3, Lines 4-19; Col. 4, Lines 49-61; Col. 5, Lines 9-34; Col. 5, Lines 59-65; Col. 6, Lines 40-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p>	<p>'941 patent at 1:59–2:5, 2:10–26, 2:278–59, 3:4–17, 5:9–16, Fig. 1.</p> <p>'941 File Wrapper, Office Action Response, dated Dec. 6, 2001.</p> <p>'941 File Wrapper, Office Action Response, dated Feb. 5, 2002.</p>	<p><i>Ancora v. Apple, Inc.</i>, 744 F.3d 732 (Fed. Cir. 2014).</p> <p><i>Ancora Techs., Inc. v. Apple Inc.</i>, No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012)</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343 (Fed. Cir. 2018)</p> <p>Final Claim Construction of the Court (Dkt. No. 69),</p>	<p>Covered Business Method Review No. CBM2017-00054, Institution Decision, dated Dec. 1, 2017.</p> <p><i>Ancora Techs., Inc. v. HTC Am., Inc.</i>, 908 F.3d 1343, 1344–45, 1348–50, (Fed. Cir. 2018).</p> <p><i>Ancora Techs., Inc. v. Apple, Inc.</i>, 744</p>

CLAIM TERM FOR CONSTRUCTION	ANCORA PROPOSED CONSTRUCTION	TCL PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE		EXTRINSIC EVIDENCE	
			ANCORA EVIDENCE	TCL EVIDENCE	ANCORA EVIDENCE	TCL EVIDENCE
			<p><i>See, e.g.</i>, February 5, 2002 Statement in Support of Amendment</p> <p><i>See, e.g.</i>, February 5, 2002 Statement in Support of Amendment</p> <p><i>See, e.g.</i>, The ‘941 File History - 2/20/2002 Notice of Allowance.</p>	<p>‘941 File Wrapper, Notice of Allowance, dated Mar. 28, 2002.</p> <p>Ex Parte Reexam Control No. 90/010,560, Order Granting Ex Parte Reexamination, dated Aug. 3, 2009.</p>	<p><i>Ancora v. LG Electronics et al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the ‘941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the ‘941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the ‘941 patent and evidence cited, including HTC’s motion to dismiss and Federal Circuit briefing.</p> <p>Other sources:</p> <p>“nonvolatile memory <i>n.</i> A storage system that does not lose data when power is removed from it. Intended to refer to core memory, ROM, EPROM, flash memory[.]” The Microsoft Computer Dictionary (1998), p 246.</p> <p>“A memory device is said to be volatile if its contents are</p>	<p>F.3d 732, 733–34 (Fed. Cir. 2014).</p>

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					lost when the power is switched off and non-volatile if it retains its contents.” Microelectronics: Structure and Operation of Microprocessor-based Systems (1996), p 30 “ nonvolatile memory. A memory in which the data content is retained when power is no longer supplied to it.” The New IEEE Standard Dictionary of Electrical and Electronics Terms, Fifth Edition (1993), p 860.	
Claim 7 – First non-volatile memory area of the computer	Plain and ordinary meaning	“a non-volatile memory that is different from the erasable, non-volatile memory of the BIOS”	Specification: <i>See, e.g.</i> The ‘941 Patent - Figure 1; Col. 1, Lines 27-32; Col. 1, Line 44 to Col. 3, Line 34; Col. 4, Lines 49-61; Col. 5, Lines 9-34; Col 5, Lines 59-65; Col. 6, Lines 40-52; Column 6, Lines 53-56. Prosecution History: <i>See, e.g.</i> , February 5, 2002 Statement in Support of Amendment	’941 patent at 1:44–2:5, 2:27–47, 5:9–16, 5:19–34, 6:17–21.	<i>Ancora v. Apple, Inc.</i> , 744 F.3d 732 (Fed. Cir. 2014). <i>Ancora Techs., Inc. v. Apple Inc.</i> , No. 11-CV-06357 YGR, 2012 WL 6738761 (N.D. Cal. Dec. 31, 2012) <i>Ancora Techs., Inc. v. HTC Am., Inc.</i> , 908 F.3d 1343 (Fed. Cir. 2018) Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et</i>	

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			<p><i>See, e.g.</i>, February 5, 2002 Statement in Support of Amendment</p> <p><i>See, e.g.</i>, The '941 File History - 2/20/2002 Notice of Allowance.</p>		<p><i>al.</i>, Case No. 1:20-cv-00034; Briefings by each party regarding the '941 patent and evidence cited.</p> <p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the '941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the '941 patent and evidence cited, including HTC's motion to dismiss and Federal Circuit briefing.</p>	
<p>Claim 8 –</p> <p>wherein establishing a license-record includes the steps of:</p> <p>Forming a license-record by encrypting of the contents used to form a license-record with other</p>	<p>forming a license record by using a key to encrypt a licensed program with information for verifying that licensed program and additional predetermined data</p>	<p>This language recites non-limiting information.</p>	<p>Specification:</p> <p><i>See, e.g.</i> The '941 Patent – Figure 1; Col. 2, Lines 5-8; Col. 1, Lines 55-58; Col. 3, Line 51 to Col. 4, Line 5; Col. 4, Lines 25- 44; Col. 5, Lines 26-34; Col. 5, Lines 44-57; Col. 6, Lines 7-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p>	<p>'941 patent at claims 1, 6, 8.</p>	<p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the '941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the '941 patent and evidence cited, including HTC's motion to dismiss and Federal Circuit briefing.</p>	

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predetermined data contents, using the key;			<p><i>See, e.g.,</i> The '941 File History - 5/21/2001 Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.,</i> The '941 File History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.,</i> The '941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p><i>See, e.g.,</i> The '941 3/9/2010 Re-examination Notice.</p>			

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Claim 8 – And establishing the encrypted license-record in one of the at least one established license-record locations.	Plain and ordinary meaning		<p>Specification:</p> <p><i>See, e.g.</i> The ‘941 Patent – Figure 1; Col. 2, Lines 5-8; Col. 1, Lines 55-58; Col. 3, Line 51 to Col. 4, Line 5; Col. 4, Lines 25- 44; Col. 5, Lines 26-34; Col. 5, Lines 44-57; Col. 6, Lines 7-52; Column 6, Lines 53-56.</p> <p>Prosecution History:</p> <p><i>See, e.g.,</i> The ‘941 File History - 5/21/2001 Amendment.</p> <p><i>See, e.g.,</i> The ‘941 File History - 2/5/2002 Amendment.</p> <p><i>See, e.g.,</i> The ‘941 File History - 2/20/2002 Notice of Allowance.</p> <p><i>See, e.g.,</i> The ‘941 8/3/2009 Re-examination Order and Decision Granting Re-Examination.</p> <p><i>See, e.g.,</i> The ‘941 3/9/2010 Re-examination Notice.</p>		<p>Jestice Testimony</p> <p>Federal Circuit Opinions regarding the ‘941 patent and evidence cited.</p> <p>Prior District Court Constructions, Orders and Briefs regarding the ‘941 patent and evidence cited, including HTC’s motion to dismiss and Federal Circuit briefing.</p>	

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Claim 13 – First non-volatile memory area of the computer	Plain and ordinary meaning	“a non-volatile memory that is different from the erasable, non-volatile memory of the BIOS”	Specification: <i>See, e.g.</i> The ‘941 Patent - Figure 1; Col. 1, Lines 27- 32; Col. 1, Line 44 to Col. 3, Line 34; Col. 4, Lines 49-61; Col. 5, Lines 9-34; Col 5, Lines 59-65; Col. 6, Lines 40-52; Column 6, Lines 53-56. Prosecution History: <i>See, e.g.</i> , February 5, 2002 Statement in Support of Amendment	’941 patent at 1:44–2:5, 2:27–47, 5:9–16, 5:19–34, 6:17–21.	Final Claim Construction of the Court (Dkt. No. 69), <i>Ancora v. LG Electronics et al.</i> , Case No. 1:20-cv-00034; Briefings by each party regarding the ‘941 patent and evidence cited. Jestice Testimony Federal Circuit Opinions regarding the ‘941 patent and evidence cited. Prior District Court Constructions, Orders and	

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			<p><i>See, e.g.</i>, February 5, 2002 Statement in Support of Amendment</p> <p><i>See, e.g.</i>, The '941 File History - 2/20/2002 Notice of Allowance.</p>		Briefs regarding the '941 patent and evidence cited, including HTC's motion to dismiss and Federal Circuit briefing.	