

William E. Thomson (SBN47195)
wthomson@brookskushman.com
BROOKS KUSHMAN P.C.
601 S. Figueroa St., Suite 2080
Los Angeles, CA 90017-5726
Tel.: (213) 622-3003 / Fax: (213) 622-3053

Mark A. Cantor (To Be Admitted *Pro Hac Vice*)
mcantor@brookskushman.com
John S. Le Roy (To Be Admitted *Pro Hac Vice*)
jleroy@brookskushman.com
Marc Lorelli (To Be Admitted *Pro Hac Vice*)
mlorelli@brookskushman.com
John P. Rondini (To Be Admitted *Pro Hac Vice*)
jrondini@brookskushman.com
Mark A. Jotanovic (To Be Admitted *Pro Hac Vice*)
mjotanovic@brookskushman.com
BROOKS KUSHMAN P.C.
1000 Town Center, Twenty-Second Floor
Southfield, MI 48075
Tel.: (248) 358-4400 / Fax: (248) 358-3351

Attorneys for Plaintiff Ancora Technologies, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ANCORA TECHNOLOGIES, INC.

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. _____

COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiff, ANCORA TECHNOLOGIES, INC. (“Ancora”), for its Complaint against
2 Apple, Inc. herein, states as follows:

3
4 **I. THE PARTIES**

5 1. Plaintiff, Ancora Technologies, Inc. is a corporation organized and existing under
6 the laws of the State of Delaware and having a place of business at 23977 S.E. 10th Street,
7 Sammarnish, Washington, 98075.

8 2. Upon information and belief, defendant Apple, Inc. (“Apple”) is a corporation
9 organized and existing under the laws of the State of California and having a principal place of
10 business at 1 Infinite Loop, Cupertino, California 95014.

11
12 **II. JURISDICTION**

13 3. This is an action for patent infringement arising under the Patent Laws of the
14 United States, Title 35, United States Code.

15 4. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338
16 (patents) and 28 U.S.C. § 1331 (federal question).

17 5. Apple regularly and continuously engages in substantial sales and other business
18 transactions in the Northern District of California, and has designed, developed, and committed
19 infringing acts in this district. The United States District Court for the Northern District of
20 California therefore has *in personam* jurisdiction over Apple.
21

22 **III. BACKGROUND**

23
24 6. On June 25, 2002, U.S. Patent No. 6,411,941 (“the ’941 patent”) entitled “Method
25 Of Restricting Software Operation Within A License Limitation” was duly and legally issued.
26 (See Exhibit A, U.S. Patent No. 6,411,941.) A reexamination certificate also issued to the ’941
27
28

1 Patent on June 1, 2010 where the patentability of all claims was confirmed by the United States
2 Patent Office. (Exhibit B, Ex Parte Reexamination Certificate Issued Under 35 U.S.C. § 307.)

3 7. Ancora is the owner of all right, title and interest in the '941 patent.

4
5 **IV. RELATED CASE**

6 8. Ancora and Apple are currently involved in a patent infringement action in this
7 District before Honorable Yvonne Gonzalez Rogers in Case No. 4:11-cv-06357 ("*Ancora I*").
8 *Ancora I* involves the same Ancora patent asserted against Apple in this case, U.S. Patent No.
9 6,411,941. *Ancora I* is directed to the iOS5 operating system. (Case No. 4:11-cv-06357, Dkt.
10 No. 166 at 2.)

11
12 **V. COUNT I – PATENT INFRINGEMENT**

13 9. Ancora realleges the preceding paragraphs as set forth fully herein.

14 10. On information and belief, Apple installs an APTicket in a "firmware" partition of
15 the Flash storage during the manufacture, update and restore of Apple devices running iOS 6
16 and later, as well as the Apple Watch running the Watch OS (collectively "Accused Devices").

17 11. On information and belief, the firmware partition includes data and instructions
18 for performing essential startup operations, for performing hardware tests, for starting the
19 operating system, and for supporting the transfer of data among hardware devices. For example,
20 and without limitation, the firmware partition includes the APTicket, iBoot and the device tree
21 for performing these functions.

22 12. On information and belief, the APTicket for Accused Devices includes a hash for
23 verifying the iOS operating system each time the Accused Devices are booted. This is a
24 component of Apple's "Secure Boot Process."

25 13. Accused Devices include, but are not limited to, the iPad, iPod, iPhone, AppleTV
26 running iOS 6+ and the Apple Watch running Watch OS.

VII. DEMAND FOR JURY TRIAL

Ancora respectfully demands a trial by jury of any and all issues triable of right by a jury in the above-captioned action.

Dated: August 11, 2015

Respectfully submitted,

By: /s/ William E. Thomson, Jr.
William E. Thomson (SBN47195)
wthomson@brookskushman.com
BROOKS KUSHMAN P.C.
601 S. Figueroa St., Suite 2080
Los Angeles, CA 90017-5726
Tel.: (213) 622-3003 / Fax: (213) 622-3053

Mark A. Cantor (To Be Admitted *Pro Hac Vice*)
mcantor@brookskushman.com
John S. Le Roy (To Be Admitted *Pro Hac Vice*)
jleroy@brookskushman.com
Marc Lorelli (To Be Admitted *Pro Hac Vice*)
mlorelli@brookskushman.com
John P. Rondini (To Be Admitted *Pro Hac Vice*)
jrondini@brookskushman.com
Mark A. Jotanovic (To Be Admitted *Pro Hac Vice*)
mjotanovic@brookskushman.com
BROOKS KUSHMAN P.C.
1000 Town Center, Twenty-Second Floor
Southfield, MI 48075
Tel.: (248) 358-4400 / Fax: (248) 358-3351

Attorneys for Plaintiff Ancora Technologies, Inc.