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Paper 9
Date: January 24, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YEALINK (USA) NETWORK TECHNOLOGY CO., LTD., and
YEALINK NETWORK TECHNOLOGY CO., LTD.,
Petitioner,

v.

BARCO N.V.,
Patent Owner.

IPR2024-01436 (Patent 10,762,002 B2)
IPR2024-01439 (Patent 11,422,951 B2)[1]

Before MEREDITH C. PETRAVICK and FREDERICK C. LANEY,
Administrative Patent Judges.

PETRAVICK, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Request for Leave to File a
Preliminary Reply to the Preliminary Response and
for Patent Owner to file a Preliminary Sur-Reply
37 C.F.R. §§ 42.5, 42.108(c)

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[1] This Order will be entered in each case. The parties are not authorized to use this caption style.

Petitioner emailed the Board requesting authorization to file a seven-page preliminary reply to Patent Owner's Preliminary Response (POPR) in each proceeding. *See* Ex. 3001 (email correspondence). Patent Owner opposed the request, and also requested an equal-length sur-reply in the event that Petitioner's request is granted.

Judges Petravick and Laney conducted a conference call with counsel for the parties to discuss Petitioner's request.

With respect to IPR2024-01436, Petitioner requested authorization to file a preliminary reply to rebut Patent Owner's argument that the prior art relied on in the Petition does not enable certain functions such as "communicating data." With respect to IPR2024-01439, Petitioner requested authorization to file a preliminary reply to address two issues raised in the POPR: (1) Patent Owner's request for discretionary denial under 325(d) and (2) Patent Owner's argument about whether the prior art disclosure includes "an input device" that both connects the peripheral device to a base unit and "triggers transfer of said user selected arbitrary media content."

Petitioner indicated that it did not foresee these arguments when filing the petition in each case. In particular, Petitioner noted that Patent Owner's argument for discretionary denial under 325(d) in IPR2024-01439 is based on a references cited during a re-examination of a parent patent of the '951 patent. According to Petitioner, the Banerjee reference (Ex. 1021) was never addressed or even cited in an IDS during prosecution of the application that issued as the '951 patent.

Patent Owner opposed the requests and argued that good cause for additional briefing does not exist because the issues raised in the POPRs

were foreseeable at the time of filing the Petitions in each case. In particular, Patent Owner pointed out that Banerjee (Ex. 1021) was cited during prosecution of a related WIPO application.

Patent Owner requested leave to file a sur-reply in each proceeding in the event that additional briefing is granted.

DISCUSSION

After hearing and considering the parties' positions, we are persuaded that, under the circumstances of this proceeding, Petitioner has established good cause for authorization to file a preliminary reply. Based on the information presented during the call, the Board finds that additional briefing on the issues discussed above would be helpful for the Board. We find that Petitioner has established sufficient good cause for additional briefing on these issues.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's request for leave to file a preliminary reply to Patent Owner's Preliminary Response and for Patent Owner to file a preliminary sur-reply is *granted*;

FURTHER ORDERED that, no later than January 31, 2025, Petitioner is authorized to file a preliminary reply in each proceeding of not more than five pages to Patent Owner's Preliminary Response to address the issues discussed in this Order; and

FURTHER ORDERED that, no later than February 7, 2025, Patent Owner is authorized to file a preliminary sur-reply in each proceeding of not more than five pages.

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