

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.
Petitioners,

v.

BARCO N.V.
Patent Owner

U.S. Patent No. 10,762,002
IPR2024-01436

**REPLY TO
PATENT OWNER PRELIMINARY RESPONSE**

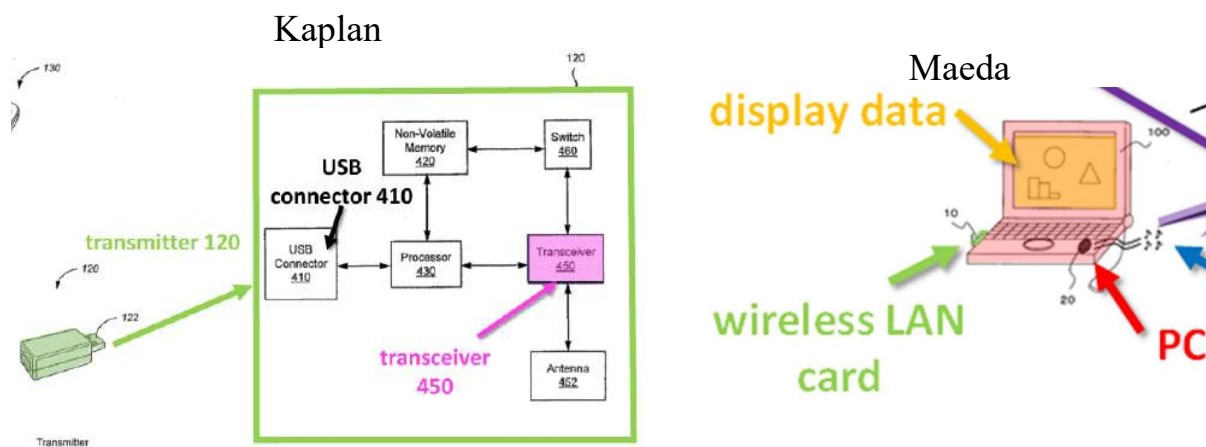
Patent Owner’s main argument is the prior art provides “no indication of how audio data is” transmitted or routed from a client computer to an attached transmitter. POPR 19, 31, 54. Specifically, that the prior art does not teach “how to” do it. *Id.* This in reality is an enablement argument. *See Duration Media LLC v. Rich Media Club LLC*, IPR2023-00953, Paper 78, 8 (Vidal December 12, 2024). We must presume the prior art is enabled, and the Patent Owner bears the burden of proving a prior art reference is not enabled. *Amgen Inc. v. Hoechst Marion Roussel, Inc.*, 314 F. 3d 1313, 1354–55 (Fed. Cir. 2003).

The claim term at issue is “*means for audio communication.*” Patent Owner identified only a “*pre-installed generic driver*” (*i.e.*, software) as support but has not identified an algorithm for performing the function of communicating audio data.¹ Therefore, the issue here is whether the prior art renders obvious the “*means for audio communication*” comprising a “*pre-installed generic audio driver.*” The asserted prior art contains at least as much detail as the ’002 patent explaining “how to” transmit or route data from a client computer to a transmitter in a peripheral

¹ The Board may institute review under § 103 even if the specification fails to recite sufficient structure for this term. *Intel Corp. v. Qualcomm Inc.*, IPR2018-01334, Paper 49, 41 (PTAB March 21, 2023) (finding claim obvious despite “potential indefiniteness” on remand from Federal circuit) (*a’ffid*).

device. *See In re Stauffer*, 290 Fed. App’x 327, 333 (Fed. Cir. 2008) (rejecting argument that prior art was not enabling whose disclosure of an apparatus was “effectively identical” to that in the application).

Indeed, each of the Petition’s grounds of unpatentability relies on a combination of prior art references that include Deforche, which explicitly uses the term “pre-installed generic driver.” Ex-1030, ¶11. And Ahmed shows a preference for the well-known use of audio drivers. Ex-1014, 18:26–19:15. Each primary reference teaches communicating audio data over standard interfaces, such as USB:



Pet. 38 (citing Ex-1027, FIGs. 1 and 4). Pet. 53 (citing Ex-1031, FIG. 1, ¶77).

The ’002 patent includes similar disclosure. As explained in the Petition, the ’002 patent admits “*pre-installed generic audio drivers*” are “standard for the operating system and can drive a standard class of peripheral devices coupled to or connected to the processing devices.” Pet., 50 (citing Ex-1001, 14:35–38; *see also* 5:58–60). Therefore, the ’002 patent Deforche, and Ahmed provide similar

disclosure, further confirming that it would have been obvious for the prior art references to use “*pre-installed generic audio drivers.*”

Furthermore, as explained below, Patent Owner’s enablement arguments are also incorrect.

I. Ground I – Kaplan in Combination with Ahmed, Deforche

Kaplan indisputably discloses a “*means for audio communication.*” Pet. 32 (citing Ex-1027, ¶28 (“video footage may be transmitted from the computer 220 through the transmitter 120.”)). Kaplan also explains that it uses “the USB standard” “where the user just plugs-in the devices and [they] operate as intended.” *Id.* (citing Ex-1027, ¶¶21, 45). Kaplan does not need to use the words “*pre-installed generic audio driver,*” *ipsis verbis*, at least because the Patent Owner admits that they were well known and standard. POPR, 3 (“on every PC-like platform, there is standard built-in support for a USB audio device.”); MPEP § 2131. Moreover, the Petition explained that both Ahmed and Deforce teach using such standard audio drivers as examples of how to implement the claimed “*means for audio communication.*” Pet., 32–33 (citing Ex-1014, 18:26–19:15; Ex-1030, abstract, ¶¶9–11). Accordingly, the POSA would have understood that Kaplan’s transmission of audio/visual data obviously could have and probably would have used the “well-known” USB standard drivers for communicating and routing audio data. Pet. 33–34 (citing Ex-1001, 3:65–4:9; Ex-1002, ¶¶110–111).

II. Ground II – Maeda in Combination with Ahmed, Deforche

Maeda similarly renders obvious a “*means for audio communication*” using standard PC interfaces. Pet. 52 (citing Ex-1031, ¶15 (“a PC is used as an image generation device that generates images and audio, and the images and audio are transmitted to a projector.”)). Moreover, as explained in the preceding paragraph, Ahmed and Deforche teach one obvious way how to implement Maeda’s “*means for audio communication*” using a “*pre-installed generic audio driver.*” Pet. 54–55 (citing Ex-1014, 18:26–19:15; Ex-1030, abstract, ¶¶9–11). Accordingly, the POSA would have understood that Kaplan’s transmission of audio/visual data obviously could have and probably would have used the “well-known” USB standard drivers for communicating and routing audio data. Pet. 54 (citing Ex-1001, 3:65–4:9; Ex-1002, ¶162–170).

III. Patent Owner Relies Improperly on Superseded Case Law

The Patent Owner also relies on superseded law to criticize Petitioner’s reference to the ubiquitous use of standard drivers as taught by the prior art. POPR, 20–21, 31–32 (citing *In re Wesslau*, 353 F.2d 238, 241 (CCPA 1965)). The Board has held that *Wesslau* is no longer valid:

Wesslau predates *KSR* and was superseded by *KSR*.

The Examiner’s findings and conclusion are reasonable because the skilled artisan would “be able to fit the teachings of multiple patents together like pieces of a puzzle,” as the skilled artisan is “a person of

ordinary creativity, not an automaton.” [*KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398,] 420–21.

Ex Parte Luke Addati, Appeal No. 2021-003393, 2022 WL 2902493, at *13 (PTAB July 21, 2022). Petitioner explained that Ahmed and Deforche taught that using audio drivers was “preferred” and “has the advantage that the need for a specific driver for the communication between the wireless modem device and the computer device can be avoided.” Pet. 26–28, 46–47 (citing Ex-1014, 18:26–19:21; Ex-1030, ¶9). Using the admittedly well-known, standard drivers was a known technique to improve a similar device in the same way. Pet. 26–28, 46–47. Therefore, Ahmed and Deforche teach one obvious, ubiquitous, and well known way to implement the claimed “*means for audio communication*” and “*means for routing*.”

Dated: January 31, 2025

By: /Stephen Yang/
Stephen Yang
Reg. No. 70,589

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2025, I caused a true and correct copy of the foregoing Reply to Patent Owner at the following email addresses:

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Dated: January 31, 2025

Respectfully submitted,
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