

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.

Case IPR2024-01436
Patent No. 10,762,002

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY

I. INTRODUCTION

The Reply is flawed for the same two reasons as the Petition. First, Petitioners are failing to consider all the words in the claim in judging the patentability of the claim against the prior art. While the Petitioners on page 2 of the Reply are focusing on the term “pre-installed generic driver,” Claim 1, as a whole, is directed to “setting up, by means of a first pre-installed generic audio driver of the operating system, a means for audio communication,” and “routing audio data from the processing device to the wireless transceiver via the connector of the peripheral device and the means for audio communication,” which is similarly recited in Claims 11 and 21. As such, Patent Owner is not arguing that the prior art does not teach a “pre-installed generic driver,” but rather that Petitioners have failed to establish that the prior art teaches the combination of features as recited, as a whole, in the claims.

Second, Petitioners are failing to consider the prior art in its entirety. Although the Petitioners allege on page 5 of the Reply that “Ahmed and Deforche teach one obvious, ubiquitous, and well known way to implement the claimed “means for audio communication” and “means for routing,”” Petitioners have not shown Deforche teaches any audio generic driver, let alone, a pre-installed generic audio driver that sets up a means for audio communication such that audio data is routed from the processing device to the wireless transceiver via the connector of the peripheral device and the means of audio communication, as required by Claim 1 (and similarly recited in Claims 11 and

21); and have failed to consider that since Ahmed is directed to a purely software solution for sharing audio/video data, Ahmed does not teach the same combination of features as recited, as a whole, in the claims.

Consequently, the Board should disregard the Reply and deny institution, since Petitioners have not shown a reasonable likelihood of prevailing on any of their proposed grounds.

II. Ground I – Kaplan in Combination with Ahmed and Deforche

Petitioners allege on page 3 of the Reply that “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.” This is incorrect, and even assuming *arguendo* that this is correct, Petitioners are failing to consider all the words in the claim in judging the patentability of the claim, but rather, is attempting to improperly characterize the claimed features into discrete elements and evaluate the elements in isolation. *See Diamond v. Diehr*, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981).

That is, Patent Owner is not arguing that the prior art does not teach a “pre-installed generic driver,” but rather, Petitioners have not established that any of Kaplan, Ahmed, and Deforche, taken alone or in combination, discloses or suggests the same combination of features as recited, as a whole, in the claims.

Specifically, as already conceded in the Petition, Kaplan does not disclose using a “first pre-installed generic audio driver.” *See* Petition at 32. While Petitioners in the Reply focuses on the term “means for audio communication” and conflating Patent Owner’s non-obviousness argument with an enablement argument, Patent Owner asserts that Petitioners have not shown that either Ahmed or Deforche cures the deficiencies of Kaplan with respect to the claims, but rather is improperly characterizing the claimed features down to a “gist” or “thrust” of the features and not considering the prior art in its entirety. *See W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

Rather, Ahmed is clearly directed to a software solution that is run on the computing device, e.g., a novel software system (*see* Ex. 1014 at 7:27-29), in which the operating system renders graphics and video content onto the video memory of a virtual display driver and a mirror display driver. Specifically, as admitted by the Petitioners, Ahmed states that “a virtual audio driver...is installed as a normal audio driver...” Petition at 32-33 (emphasis added). Similarly, Deforche is merely directed to a wireless modem device, in which “the USB modem presents itself as a USB Mass Storage Device (10) presenting a CDROM (exposing flash memory), a Generic Volume (exposing microSD) and a 3rd Generic Device to transport control and TCP/IP data between the host OS and the

USB modem.” *See* Ex. 1030 at [0034]. That is, Ahmed, as a whole, only provides a software solution for rendering graphics and video content, while Deforche, as a whole, is only directed to a wireless modem device. As such, Petitioners are attempting to improperly characterize the claimed features down to a “gist” or “thrust” in rejecting the claims in view of Ahmed and Deforche. There is nothing in Ahmed or Deforche of “setting up, by means of a first pre-installed generic audio driver of the operating system, a means for audio communication,” and “routing audio data from the processing device to the wireless transceiver via the connector of the peripheral device and the means for audio communication,” as recited in Claim 1 and similarly recited in Claims 11 and 21. Thus, since none of Kaplan, Ahmed, and Deforche discloses or suggests the same combination of features recited, as a whole, in the claims, Petitioners have not met their burden of demonstrating a reasonable likelihood to prevail.

III. Ground II – Maeda in Combination with Ahmed and Deforche

Petitioners allege on page 4 of the Reply that “Maeda similarly renders obvious a ‘means for audio communication’ using standard PC interfaces.” This is incorrect, and even assuming *arguendo* that this is correct, Petitioners are failing to consider all the words in the claim, as a whole, in judging the patentability of the claim, but rather, is attempting to improperly characterize the claimed features into discrete elements and evaluate the elements in isolation.

That is, as explained herein, Ahmed and Deforche fail to disclose or suggest the specific combination of features as recited in the claims. Rather, Petitioners are improperly characterizing the claimed features into discrete elements. That is, even assuming *arguendo* that “Ahmed and Deforche teach one obvious way how to implement Maeda’s ‘means for audio communication’ using ‘pre-installed generic audio driver,’” as suggested on page 4 of the Reply, Petitioners have not established that such means for audio communication and pre-installed generic audio driver are used for “setting up, by means of a first pre-installed generic audio driver of the operating system, a means for audio communication,” and “routing audio data from the processing device to the wireless transceiver via the connector of the peripheral device and the means for audio communication,” as required by Claim 1 (and similarly required by Claims 11 and 21).

IV. CONCLUSION

Based on the deficiencies identified above, Petitioners have not shown a reasonable likelihood of prevailing on any of their proposed grounds. Thus, Patent Owner respectfully submits that the Board should decline to institute an IPR proceeding.

Respectfully submitted,

Date: February 6, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on February 6, 2025, a complete copy of the foregoing document was served via electronic mail on counsel of record for Petitioners at the address indicated:

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