UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

BARCO N.V.
Patent Owner.

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

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**PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION**

## I. INTRODUCTION

Patent Owner's request is untimely and blatantly mischaracterizes Petitioner's filings before the Texas District Court, even the title of Petitioner's motion. Patent Owner has long been aware of Petitioner's intentions regarding the WPP30 product, neither proposed exhibit has any relevance to the patentability issues properly before the Board. The Board should reject Patent Owner's belated attempt to inject extraneous, and irrelevant, district court briefing into this proceeding.

## II. PATENT OWNER'S REQUEST IS UNTIMELY.

For well over a year, the parties extensively discussed Petitioner's intent to reintroduce the WPP30 product upon resolution of the district court litigation. As the Cai Declaration acknowledges, the parties have continuously negotiated since at least June 2023 and participated in mediation before Judge Folsom in May 2025. Ex-2035, ¶¶6–9. Throughout these discussions, the parties addressed terms under which Yealink would resume sales of the WPP30. *Id.* at ¶¶6–9, 11, 13.

Counsel for the parties also conferred on December 19, 2025, to discuss the substance of Petitioner's motion for ongoing royalty. This alone gave Patent Owner nearly a month before it requested to file its motion on January 16, 2026.

Nothing in Petitioner's Texas filing contains new or unforeseen information. Patent Owner has long been aware of Petitioner's intent to seek an ongoing royalty and reintroduce the WPP30 throughout the litigation. Patent Owner's failure to act

promptly on that information makes this request untimely under 37 C.F.R. § 42.123(b). The Board should not permit Patent Owner to rely on its own delay as a basis for expanding the record at this late stage.

## III. PATENT OWNER'S REQUEST DOES NOT SERVE THE INTEREST OF JUSTICE.

Patent Owner's request cannot advance the interests of justice because it rests on a fundamental mischaracterization of Petitioner's Texas Motion. Patent Owner repeatedly labels that motion as seeking a compulsory "license," even though it is expressly a **Motion for Ongoing Royalty**, sought only because Patent Owner initially chose not to pursue injunctive relief after trial. As Petitioner explained, without ongoing royalties, it would be forced into serial litigation—precisely what courts seek to avoid. Ex-2036 at 5, 7. Petitioner's Texas Motion seeks judicial efficiency; it does not seek or "desire" any *license*, nor does it admit nonobviousness.

Patent Owner also fails to disclose that it finally moved for a permanent injunction in the district court the day *before* it filed its current motion. *See Barco, Inc. v. Yealink (USA) Network Technology Co.*, No. 2:23-cv-00521 (E.D. Tex.), ECF Nos. 253. Had Patent Owner acted timely, Petitioner would not have needed to request an ongoing royalty. Patent Owner deliberately waited and forced Petitioner to file its Texas Motion, just so it can now use it against Petitioner in this proceeding.

Nothing in Petitioner's motion contradicts its representations to the Board. Petitioner has consistently maintained that it stopped U.S. sales of the WPP20 and

WPP30 in April 2024 to minimize potential damages during litigation Ex-2035, ¶12. As Petitioner explained in its Reply, it stopped selling dongles in the U.S. but continued selling base units because those base units have independent value apart from the claimed dongle technology. Paper 29, Pet. Rply at 19–20 (citing Ex-1082). Petitioner has repeatedly demonstrated that the economic value of the asserted technology remains unclear, as the base units are fully useful without dongles. *Id*.

Petitioner's plans to reintroduce the WPP30 have no relevance to whether Patent Owner's patents are obvious, or whether Petitioner "needed" Patent Owner's technology. To be clear, Petitioner has not acquiesced to the need of the patented technology or conceded its supposed economic value—in fact, it reiterates these patents are obvious as it is actively challenging their validity these very proceedings.

Nor does Patent Owner's treatment of the Texas Motion as evidence of secondary considerations withstand scrutiny. District courts often award ongoing royalties when injunctions are unavailable. *See Paice LLC v. Toyota Motor Corp.*, 504 F.3d 1293, 1314 (Fed. Cir. 2007). Requesting a court-ordered ongoing royalty to avoid unnecessary future litigation is not a market admission of value, and it is not evidence of "licensing and acquiescence of those in the industry." PO Mot. at 4. Patent Owner, not surprisingly, cannot provide any authority holding otherwise.

Patent Owner's reference to the Crestron license is similarly misplaced. *Id.* at 4, 5. As Petitioner's Texas motion explains, that license covers far more patents and

rights than the six patents at issue. Ex-2036 at 8, 9. Petitioner's expert also testified that that license is not comparable and requires substantial apportionment. *Id*. Patent Owner cannot use Petitioner's Texas Motion—filed for an entirely different purpose—to salvage its deficient secondary considerations showing. Further, *Roku, Inc. v. Ancora* confirmed this with issuance of a decision on remand finding the claims are obvious despite considering a single-patent license, unlike here where the Crestron license includes much more than the patent at issue in this proceeding. IPR2021-01406, Paper 74, 46–64 (P.T.A.B. Jan. 22, 2026).

## IV. IT IS TOO LATE TO ADDRESS THIS ISSUE.

Patent Owner raised this issue late and now seeks an entirely new round of briefing. Injecting additional briefing at this stage, after oral argument, would disrupt a proceeding that is already approaching final written decision. The Board and the parties have fully addressed the obviousness issues, and nothing in Patent Owner's current Motion justifies reopening the record after argument.

Indeed, allowing Patent Owner to now introduce district court filings unrelated to obviousness would improperly expand the scope of this IPR and force the parties to relitigate collateral disputes that have zero bearing on the technical merits. Introducing new evidence and briefing post-hearing is directly contrary to the Board's mandate for a just, speedy, and inexpensive resolution.

## V. CONCLUSION

Patent Owner sat on information it has long possessed, and now seeks to leverage its own delay to inject irrelevant district court materials into an IPR proceeding already argued to completion. The rules do not permit it, and the interests of justice do not support it. The Board should deny Patent Owner's motion.

Dated: February 4, 2026

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2026, I caused a true and correct copy of the foregoing petitioner's opposition to patent owner's motion to submit supplemental information to be served on the Patent Owner at the following correspondence addresses of record:

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