

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

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

PETRAVICK, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. Background and Summary

Yealink (USA) Network Technology Co., Ltd., and Yealink Network Technology Co., Ltd. (“Petitioner”) filed a Petition requesting *inter partes*

review of claims 1–3, 9–11, 19, 21, and 22 of U.S. Patent No. 10,762,002 B2 (Ex. 1001, “the ’002 patent”). Paper 2 (“Pet.”).

On April 8, 2025, we instituted inter partes review. Paper 13 (“Institution Dec.”). Following institution, Patent Owner filed a Response (Paper 53¹, “PO Resp.”), Petitioner filed a Reply (Paper 55, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 54, “PO Sur-reply”).

An oral hearing was held on January 21, 2026. *See* Paper 60.

After oral hearing, with our authorization (Paper 57), Patent Owner filed supplemental information and corresponding supplemental briefing (Paper 58) and Petitioner filed a response (Paper 59).

For the reasons explained in our analysis below, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–3, 9–11, 19, 21, and 22 of the ’002 patent are unpatentable.

B. Real Parties in Interest

Petitioner identifies itself as the real party in interest. Pet. 1. Patent Owner identifies itself as the real party in interest. Paper 3, 2.

C. Related Matters

The parties identify the following related court proceeding: *Barco, Inc. et al. v. Yealink (USA) Network Technology Co., Ltd. et al.*, 2:2023-cv-521 (ED Tex.) (filed Nov. 14, 2023). Pet. 1; Paper 3, 2.

¹ The record contains sealed, redacted, and updated redacted versions of the papers. We cite to the updated redacted public versions.

D. The '002 Patent

The '002 patent, titled “Electronic Tool and Methods with Audio for Meetings,” issued September 1, 2020. Ex. 1001, codes (45), (54). The '002 patent relates to “electronic tools for meetings with audio.” *Id.* at 1:4–6.

The '002 patent describes problems “holding a face-to-face meeting using advanced electronic tools,” including complexity of the network infrastructure, high demands on technical expertise of users, great variety of possible collaborative software solutions, time taken to prepare presentations for meetings, lack of standards for audio, among other problems. *Id.* at 4:37–60.

Figure 11 of the '002 patent, shown below, illustrates a schematic representation of a communication system for presentations in which audio has been integrated. Ex. 1001, 15:3–6.

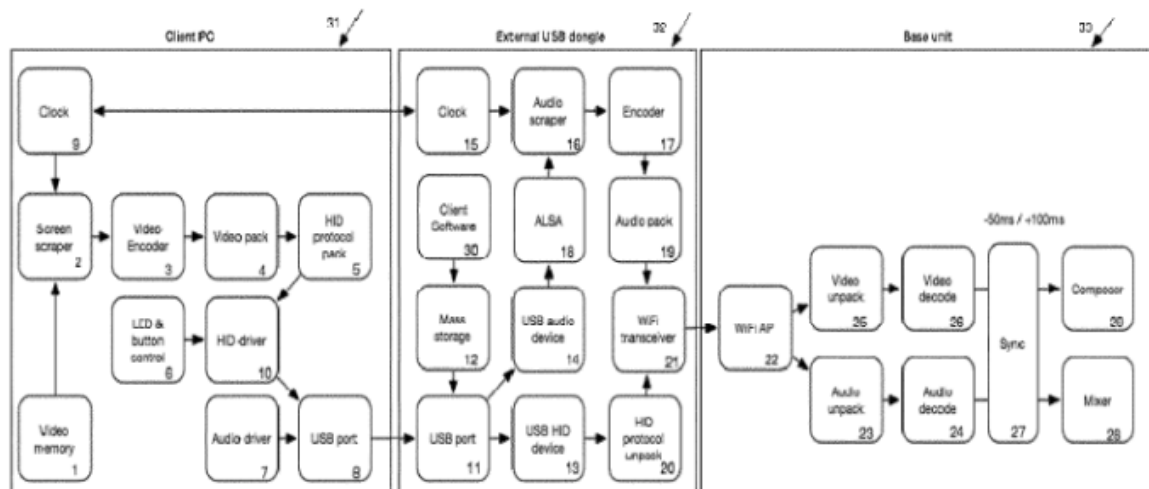


FIG. 11

Figure 11, above, is a schematic illustration containing processing device 31, peripheral device 32, and base unit 33. *Id.* at 31:43–48, Fig. 11.

The peripheral device can be coupled with the processing device by a “plug and play interface such as USB [universal serial bus].” *Id.* at 31:45–50.

“[G]eneric drivers installed on the processing device make the audio available at the port 8 to the peripheral device 32.” *Id.* at 31:57–58. A pre-installed generic driver is one that “is installed with the installation of the operating system” and “can drive a standard class of peripheral devices coupled to or connected to the processing device.” *Id.* at 14:32–38.

Peripheral device 32 contains port 11. *Id.* at 31:60–61. “[A]udio data is captured at this interface 8-11 internally in the peripheral device 32,” and then this data is “optionally re-encoded and streamed to the communications network to which the peripheral device 32 has access.” *Id.* at 31:61–65. “On the base unit 33 the audio information stream is recovered at a suitable communications interface such as the WiFi access point 22.” *Id.* at 33:7–11.

E. Illustrative Claim

Petitioner challenges claims 1–3, 9–11, 19, 21, and 22 of the ’002 patent. Pet. 2. Claims 1, 11, and 21 are independent. Ex. 1001, 33:41–36:21. Claims 2, 3, 9, 10, and 22 depend from claim 1, and claim 19 depends from claim 11. *Id.*

Claim 1 is illustrative and is reproduced below with Petitioner’s labeling added in brackets.

1. [preamble] A method for connecting a processing device to a communications network, the processing device having a memory, a display and an operating system with pre-installed generic drivers providing a communications protocol for communication between the processing device and a class of peripheral devices, the method comprising:

- [1a] coupling an external peripheral device physically to a port of the processing device, wherein the peripheral device comprises a wireless transceiver and a connector, said connector configured to couple to the port of the processing device;
- [1b] setting up, by means of a first pre-installed generic audio driver of the operating system, a means for audio communication between the peripheral device and the processing device and
- [1c] [setting up . . .] by means of a second pre-installed generic driver of the operating system, a means for data communication between the peripheral device and the processing device;
- [1d] using the peripheral device to connect the processing device to a communications network via the wireless transceiver;
- [1e] routing audio data from the processing device to the wireless transceiver via the connector of the peripheral device and the means for audio communication and
- [1f] routing the audio data from the wireless transceiver of the peripheral device to a base node over the communications network,
- [1g] wherein the first pre-installed generic audio driver is used for transferring the audio data between the processing device and the peripheral device.

Ex. 1001, 33:41–34:3.

F. Evidence and Asserted Grounds

Petitioner asserts that claims 1–3, 9–11, 19, 21, and 22 of the ’002 patent would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. §	Basis
1	1–3, 9–11, 19, 21, 22	103(a) ²	Kaplan, ³ Ahmed, ⁴ , Deforche ⁵
2	1–3, 9–11, 19, 21, 22	103(a)	Maeda ⁶ , Ahmed, Deforche

Petitioner relies on the Declaration of Dr. Kevin Almeroth (Ex. 1002) to support its analysis. Patent Owner relies on the Declaration of Dr. Michael Brogioli (Ex. 2004) to support its response.

II. ANALYSIS

A. Legal Standards

“In an IPR, the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d, 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with

² The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011), includes revisions to Sections 102 and 103 that became effective on March 16, 2013. Because the challenged claims issued from an application claiming priority to an application filed before March 16, 2013, we apply pre-AIA law.

³ U.S. Patent Application Publication No. US 2010/0295994 A1, published Nov. 25, 2010 (Ex. 1027).

⁴ WO 2006/113711 A2, published Oct. 26, 2006 (Ex. 1014).

⁵ EP 2107463A2, published Oct. 7, 2009 (Ex. 1030).

⁶ JP 2007-208606 A, published Aug. 16, 2007 (Ex. 1055). We cite to the English language translation at Exhibit 1031.

particularity . . . the evidence that supports the grounds for the challenge to each claim”)); *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (discussing the burden of proof in *inter partes* review).

A claim is unpatentable under § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). “[W]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR*, 550 U.S. at 416 (citing *U.S. v. Adams*, 383 U.S. 39, 50–51 (1966)).

The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) when in evidence, objective indicia of non-obviousness (i.e., secondary considerations). *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. Level of Ordinary Skill in the Art

Petitioner contends that a person having ordinary skill in the art (POSITA)

would have had at least a Master’s Degree in Electrical Engineering and five years of work experience in computer science and embedded systems, or a Master’s Degree in Computer Science and five years of work experience in electrical and computer engineering and embedded systems.

Additional educational experience could substitute for some of the work experience.
Pet. 10 (citing Ex. 1002 ¶¶ 36–37).

Patent Owner does not dispute Petitioner’s definition of the level of ordinary skill in the art. PO Resp. 12.

We adopt Petitioner’s proposed definition of a person of ordinary skill in the pertinent art, as it is consistent with the ’002 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

C. Claim Construction

In an *inter partes* review, we apply the same claim construction standard that would be used in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.100(b). In applying this standard, we generally give claim terms their ordinary and customary meaning as would be understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc).

However, a patentee may act as their own lexicographer. “To act as its own lexicographer, a patentee must clearly set forth a definition of the disputed claim term other than its plain and ordinary meaning and must *clearly express* an intent to redefine the term.” *Kyocera Senco Indus. Tools Inc. v. Int’l Trade Comm’n*, 22 F.4th 1369, 1378 (Fed. Cir. 2022) (emphasis added).

Petitioner and Patent Owner proposes constructions for a number of claim terms. Pet. 10–19; PO Resp. 9–11. Only those terms in controversy, however, need to be construed, and only to the extent

necessary to resolve the controversy. *Realtime Data LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019).

Petitioner and Patent Owner explicitly propose constructions for the term “pre-installed generic driver.” Pet. 13; PO Resp. 9–10. Those proposed constructions are consistent with the lexicographic definition provided in the ’002 patent. In a section titled “Definitions,” the ’002 patent states:

The term “pre-installed generic driver” is intended to mean a driver which is installed on a processing device such as a computer as a standard driver, e.g. is installed with the installation of the operating system. Such a driver is standard for the operating system and can drive a standard class of peripheral devices coupled to or connected to the processing device.

Ex. 1001, 14:32–38. We apply this lexicographic definition in our analysis below.

D. Ground 1: Obviousness Based on Kaplan, Ahmed, Deforche

Petitioner contends that claims 1–3, 9–11, 19, 21, and 22 are obvious over Kaplan, Ahmed, and Deforche. Pet. 26–45.

1. Overview of Kaplan (Ex. 1027)

Kaplan is titled “Management and Display of Video Content,” and relates to “improved methods and systems for viewing video footage on a display device.” Ex. 1027, code (54), ¶ 4.

Figure 2 of Kaplan, reproduced below, illustrates an exemplary use of a communications system. Ex. 1027 ¶ 11.

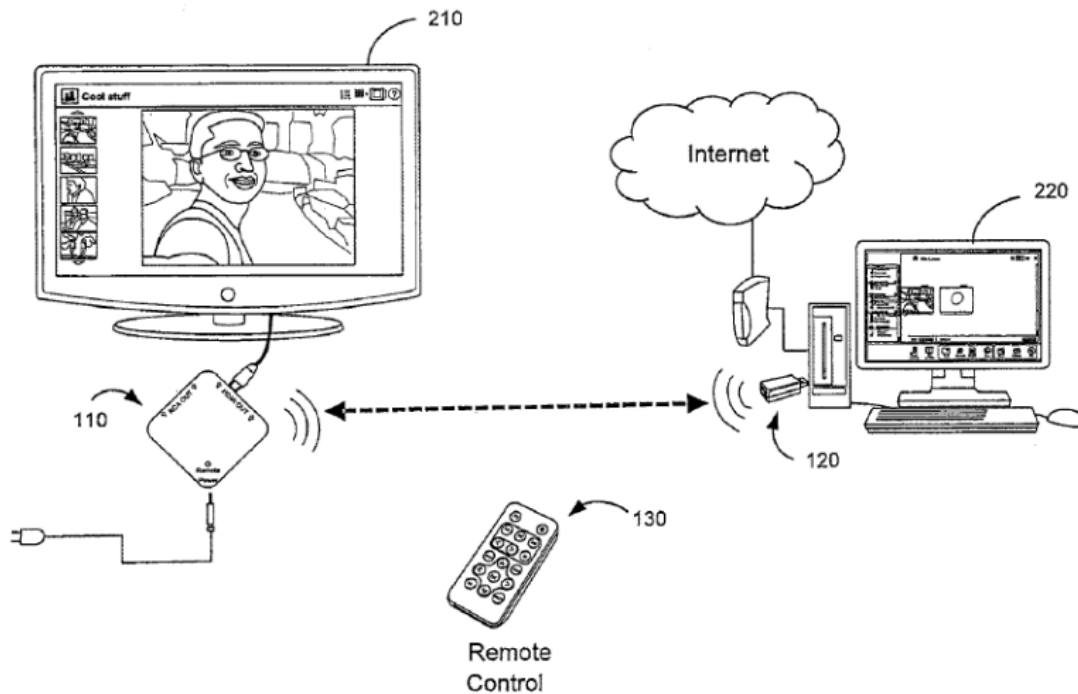


FIG. 2

Figure 2 illustrates a communications system, including receiver 110, transmitter 120, display device 210, and computer 220. *Id.* ¶¶ 21, 26. The transmitter may be a dongle with a USB connector and operable to be inserted into a USB port of a computer. *Id.* ¶ 17. The transmitter includes the ability to both transmit and receive data from receiver 110. *Id.* Kaplan explains that a user may select a video to be played, which may be transmitted from computer 220 through transmitter 120 to receiver 110 for display on display device 210. *Id.* ¶ 28.

2. Overview of Ahmed (Ex. 1014)

Ahmed is titled “Integrated Wireless Multimedia Transmission System,” and relates to “methods and systems for the wireless real time transmission of data from a source to a monitor.” Ex. 1014, codes (54), (57).

Figure 1 of Ahmed, reproduced below, illustrates a block diagram of an integrated wireless media transmission system. Ex. 1014, 3:17–18.

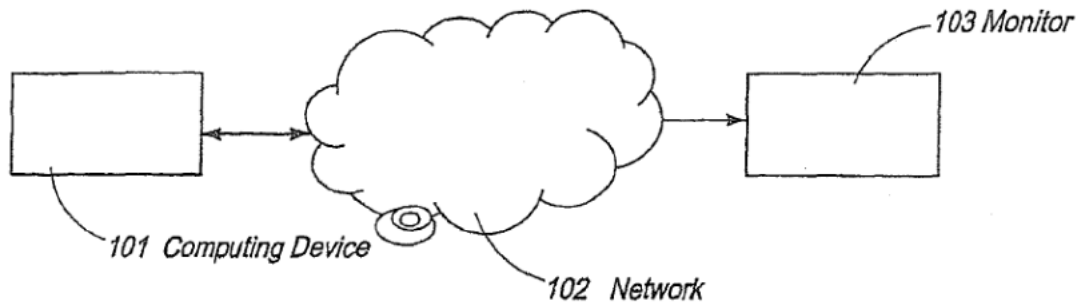


FIG. 1

Figure 1 illustrates computing device 101, wireless network 102, and remote monitor 103. *Id.* 1014, 7:6–11. The computing device and remote monitor each comprise processing systems on a chip capable of wirelessly transmitting and receiving graphics, audio, text, and video. *Id.* at 7:11–15. The processing systems can either be integrated into the computing device and remote monitor, or incorporated into a standalone device that is in wired communication with the computing device and remote monitor. *Id.* at 7:18–22.

3. Overview of Deforche (Ex.1030)

Deforche is titled “Wireless Modem Device Usable on Computer Device without Driver Installation,” and “relates to a wireless modem device connectable to a computer device.” Ex. 1030, code (54), ¶ 1. Deforche explains that “an aim of the present invention” is to provide a wireless modem device without “the need for installation of an appropriate driver.” *Id.* ¶ 4. “[A] pre-installed generic driver of an operating system installed on the computer device is used for setting up a modem/host communication interface.” *Id.* ¶ 9.

4. *Analysis of Independent Claim 1*

Petitioner contends that claim 1 is unpatentable as obvious over Kaplan, Ahmed, and Deforche. Pet. 26–40. Petitioner provides a detailed mapping of the teachings of Kaplan, Ahmed, and Deforche to the elements of claim 1. *Id.* at 28–40.

[preamble] 1. A method for connecting a processing device to a communications network, the processing device having a memory, a display and an operating system with pre-installed generic drivers providing a communications protocol for communication between the processing device and a class of peripheral devices, the method comprising:

To the extent that claim 1’s preamble is limiting,⁷ Petitioner relies upon Kaplan to teach connecting computer 320 (i.e., a processing device) to a communications network via transmitter 120 (i.e., a peripheral device). Pet. 28–29 (citing Ex. 1027 ¶¶ 5–9, 16–18, 23, 31–32, 57–61, Figs. 2, 6; Ex. 1002 ¶¶ 96–98, 100, 131–32).

Kaplan’s computer 320 has memory 420, a display, and an operating system. Ex. 1027 ¶¶ 47–49, 59, Fig. 2; Ex. 1002 ¶ 99. Kaplan discloses that the operating system may be Windows®. Ex. 1027 ¶¶ 47–48.

Petitioner’s declarant Dr. Kevin Almeroth testifies that:

A POSITA would have understood that an operating system (such as Windows®) would have been installed with standard drivers (pre-installed generic drivers) that provide a communications protocol for communication between the computer and a class of peripheral devices (such as peripheral mass storage devices), which was well known in the art.

⁷ We do not need to determine whether or not the preamble is limiting because we determine that the Kaplan sufficiently discloses the preamble.

Ex. 1002 ¶¶ 99. Dr. Almeroth’s testimony is consistent with the ’002 patent, which discloses that “such a driver is standard for the operating system and can drive a standard class of peripheral devices coupled to or connected to the processing device.” Ex. 1001, 14:26–28.

We determine that Petitioner’s evidence and analysis sufficiently shows that Kaplan discloses the preamble.

[1a] coupling an external peripheral device physically to a port of the processing device, wherein the peripheral device comprises a wireless transceiver and a connector, said connector configured to couple to the port of the processing device;

Kaplan discloses coupling transmitter 120 physically to a USB port of computer 220. Pet. 30–31 (citing Ex. 1027 ¶¶ 21, 45, Fig. 2; Ex. 1002 ¶¶ 101, 133). Kaplan’s transmitter 120 has wireless transceiver 450 and USB connector 410. Ex. 1027 ¶¶ 16–17; Fig. 4.

We determine that Petitioner’s evidence and analysis sufficiently shows that Kaplan discloses element 1a.

[1b] setting up, by means of a first pre-installed generic audio driver of the operating system, a means for audio communication between the peripheral device and the processing device and;

[1c] [setting up . . .] by means of a second pre-installed generic driver of the operating system, a means for data communication between the peripheral device and the processing device;

Patent Owner argues that the combination of Kaplan, Ahmed, and Deforche does not disclose these elements because none of Kaplan, Ahmed, and Deforche individually describes setting up communication using pre-installed drivers. PO Resp. 53–54; *see also* PO Sur-reply 16–18.

Patent Owner’s argument is unpersuasive because the Petitioner relies upon the combination of Kaplan, Ahmed, and Deforce. Pet. 26–27, 32–35.

Kaplan teaches setting up a means for audio communication between the peripheral device and the processing device. (Pet. 32 (citing Ex. 1027 ¶¶ 8, 17, 22, 26, 28, 47–51, 58, Fig. 6; Ex. 1002 ¶¶ 103, 134)) and setting up a means for data communication between the peripheral device and the processing device (Pet. 34 (citing Ex. 1027 ¶¶ 8, 17, 22, 31, 47–54, 58, Fig. 6; Ex. 1002 ¶¶ 112, 135)).

Petitioner, however, acknowledges that “Kaplan does not specifically disclose using a ‘*first pre-installed generic audio driver*’” (Pet. 32) and that “Kaplan does not explain whether it uses ‘*a second pre-installed generic driver of the operating system*’ for non-audio data” (*id.* at 34). *See also id.* at 26 (“Kaplan, however, does not disclose driver-level specifics of how it would achieve the disclosed transmission of audio/visual content between a computer and its USB wireless transmitter.”).

Petitioner relies upon Ahmed and Deforche to teach using a first pre-installed generic audio driver of the operating system to set up a means for audio communication and a second pre-installed generic driver of the operating system to set up a means for data communication. Pet. 26–27, 32–35.

We are persuaded by Petitioner’s evidence and analysis that it would have been obvious to a POSITA to implement Kaplan’s system using the pre-installed generic drivers as taught by Ahmed and Deforche, as proposed by Petitioner.

Kaplan discloses that data, which may include video and audio data for display on a display device, is transmitted from computer 220 to transmitter 120 through USB connector 410, which is compliant with the

USB standard. Ex. 1027 ¶ 17; *see also id.* ¶¶ 45–48. Kaplan teaches using “the USB standard” to establish an initial connection using standard drivers. *Id.* ¶¶ 45–52; *see also id.* ¶ 48 (“[U]pon execution, the resident software application may check the computer 220 to determine whether required software components are available on the computer 220”). Dr. Almeroth testifies that “[a] POSITA would have understood that this connection extends through USB interface 410 based on the particular USB drive of computer 220 that recognizes the transmitter—thus providing a means for data communication.” Ex. 1002 ¶ 103.

Dr. Almeroth also testifies that Kaplan essentially describes a plug-and-play device which operates as a wireless transmitter to send video footage. *Id.* (citing Ex. 1027 ¶¶ 21, 40, 50–51). Dr. Almeroth further testifies:

Plug-and-play devices have a set of functionality provided by generic drivers according to pre-defined device classes, such as USB mass storage devices, image capturing devices, audio input and output devices, human interface devices, *etc.* (*Id.*) Notably, among these was a USB audio driver, which was a generic driver that did not require separate installation.

Ex. 1002 ¶ 105. Dr. Almeroth’s testimony is consistent with the ’002 patent, which states: “For example, on every PC-like platform, there is standard built-in support for a USB audio device. Thus, there is a standard generic audio driver available. Using this audio interface is thus possible without special driver installation.” Ex. 1001, 30:39–43; *see also id.* at 31:52–54 (“Commercially available processing devices currently support external USB audio devices through a generic built-in USB audio software driver.”).

Ahmed teaches that it is preferable to transmit audio and video streams separately in a synchronized manner. Ex. 1014, 17:10–12; 18:26–19:15,

27:1–4. Ahmed teaches using a first audio driver for an audio stream (*id.* at 18:26–19:15) and a second driver to send a video portion (*id.* at Abstr., 3:26–28, 27:24–27).

Deforche teaches using pre-installed generic drivers of the operating system when setting up a computer and modem communication interface to avoid the need to install proprietary devices. Ex. 1030 ¶¶ Abstract, 9–11, 27.

Dr. Almeroth testifies:

A POSITA looking to implement a system like Kaplan’s communication system would have been motivated by Ahmed to provide separate drivers for separate audio and video streams as suggested by Ahmed and employ those drivers to set up a communications interfaces for each for the reasons discussed above by Deforche and known in the art. Further, a POSITA would have been motivated to select a suitable pre-installed generic driver, such as a USB-HID driver capable of communicating audio data for setting up a means for data communication (such as an interface using a generic communication protocol provided by the driver) between a transmitter and computer (similar to Kaplan and Deforche) for the transfer of data across the interface. (*See, e.g.*, Ex-1030, ¶¶34–39.) A POSITA would have also had a reasonable expectation of success in implementing such standard software, particularly given the teachings of Deforche.

Ex. 1002 ¶ 118

We are persuaded by Petitioner that “[i]t would have been a simple application of a known technique to apply Ahmed’s driver-level implementation of separate drivers to set up communication between Kaplan’s host computer and USB transmitter to achieve Kaplan’s transmission of audio/video data” and “[i]t would thus have been obvious to modify Ahmed to use Deforche’s ‘pre-installed generic audio driver’

because it is a known technique to improve a similar device in the same way.” Pet. 26–27.

[1d] using the peripheral device to connect the processing device to a communications network via the wireless transceiver;

Kaplan discloses using transmitter 120’s transceiver 450 to connect computer 220 to a communications network. Pet. 35–36 (citing Ex.1027 ¶¶ 6, 9, 18, 23, 25, 31, 45, Fig. 2; Ex. 1002 ¶¶ 119–121, 136). Kaplan states:

[T]he receiver 110 and the transmitter 120 are pre-paired during the manufacturing process. Thus, when a user first sets up the communications systems, there is no need for the user to pair or define settings associated with the communication that occurs between the receiver 110 and the transmitter 120. This embodiment contrasts with conventional wireless networking equipment, for which a user typically needs to manually pair the various devices prior to use. As an example, in a conventional 802.11-based network, a user needs to set the Service Set Identifier (SSID), password, and/or other parameters that enable the various network elements to communicate. In the embodiments described herein, such settings are pre-set at the time of manufacturing as part of the manufacturing process or at other time prior to delivery to the user. Thus, when the user first installs the equipment, the parameters necessary for two-way communications between the receiver 110 and the transmitter 120 are already set. As a result, the user is provided with a fully functioning communications system straight “out-of-the-box.”

Ex. 1027 ¶ 18.

We determine that Petitioner’s evidence and analysis sufficiently shows that Kaplan discloses element 1d.

[1e] routing audio data from the processing device to the wireless transceiver via the connector of the peripheral device and the means for audio communication and;

[1f] routing the audio data from the wireless transceiver of the peripheral device to a base node over the communications network;

Kaplan teaches elements 1e and 1f because Kaplan discloses that “[t]he transmitter 120 includes a wireless transceiver 450 that is operable to transmit data from the computer to the receiver 110. For example, the data may include video and audio data for display on the display device.” Pet. 38–39 (quoting Ex. 1027 ¶ 17; additionally citing Ex. 1027, Abstr., ¶¶ 2–6, 16, 18, 28, 44, 45, 58, Figs. 4, 6; Ex. 1002 ¶¶ 122–124, 137–138).

Dr. Almeroth testifies:

A POSITA would have understood from Kaplan that all data (both video and audio) is routed from the computer 220 through the USB port and USB connector 450 to the transceiver 450 of transmitter 120 via a communications channel, over a wireless communication channel to paired transceiver 350 of receiver 110, and finally out the receiver 110’s video and audio outputs to a display/television.

Ex. 1002 ¶ 123 (citing Ex. 1027 ¶¶ 5, 8, 17–18, 42–44, 57–61, Figs. 2–4, 6); *see also id.* ¶ 125.

We determine that Petitioner’s evidence and analysis sufficiently shows that Kaplan discloses elements 1e and 1f.

[1g] wherein the first pre-installed generic audio driver is used for transferring the audio data between the processing device and the peripheral device.

Petitioner relies upon its evidence and analysis used to meet element 1(b) to show that the combination of Kaplan, Ahmed, and Deforche teaches element 1(g). Pet. 40.

For the same reasons as discussed in connection with element 1(b), we determine that Petitioner's evidence and analysis sufficiently shows that Kaplan, Ahmed, and Deforche teaches elements 1g.

5. *Patent Owner's Remaining Arguments*

a) *Whether Dr. Almeroth's Testimony should Be Given Little Weight*

Patent Owner argues that we should give little weight to the testimony of Dr. Almeroth because Dr. Almeroth's testimony is allegedly inconsistent across the related *inter partes* reviews. PO Resp. 13–19; PO Sur-reply 21–22.

We have reviewed the disputed portions of Dr. Almeroth's testimony and, when read in context, we are not persuaded that the testimony is inconsistent so as to be afforded little weight. As Petitioner points out (Pet. Reply 2–3), Patent Owner's arguments do not properly account for the context in which the testimony was given in the related *inter partes* review.

b) *Whether a POSITA Would be Motivated to Combine Kaplan, Ahmed, and Deforche*

Patent Owner first argues that a POSITA would not be motivated to combine Kaplan, Ahmed, and Deforche with a reasonable expectation of success because Kaplan and Ahmed allegedly require installed software and Deforche is a zero-footprint system, which does not need installed software. PO Resp. 25–31. According to Patent Owner,

both *Kaplan* and *Ahmed* require use of custom software solutions that are installed on a PC, exactly what the '002 Patent avoids. *See*, Ex. 1001, 4:35–60 (“The following problems remain... Need to install proprietary drivers for audio”). Meanwhile, *Deforche* goes in an entirely different direction, in a different field, teaching the use of a zero-footprint implementation for wireless modem communication. A POSITA would not consider combining a reference which discourages installation of software

with systems which *require* installation of custom software. Ex. 2004, ¶76.

PO Resp. 36.

Patent Owner further argues that a POSITA would not combine Ahmed and Deforche because Ahmed’s mirror display driver and virtual audio driver are not designed to communicate with peripheral devices and a mirror display driver is not available as a pre-installed generic driver. *Id.* at 31–32.

Patent Owner’s arguments are unpersuasive. We are not persuaded that these differences between Kaplan, Ahmed, and Deforche are dispositive. To the contrary, we find the differences establish why a POSITA would have further modified Kaplan and Ahmed with the teachings of Deforche. Deforche expressly teaches that a disadvantage of wireless modems is that they require installation of an appropriate driver before applications running on the computer device can use the functionality of the wireless modem to connect to wireless networks. Ex. 1030 ¶¶ 2–3. Deforche solves this problem by using the processing device’s pre-installed drivers, which can be for a human interface device, to set up a modem/host communication interface for communication. *Id.* ¶¶ 4, 9. Because “[d]ata traffic from the computer device towards the wireless communication network and vice versa is routed over this modem/host communication interface and uses the generic communication protocol provided by the preinstalled generic driver,” Deforche states this “has the advantage that the need for a specific driver for the communication between the wireless modem device and the computer device can avoided” and “the advantage that a user can use the wireless modem device on a computer device on which he has no administrator rights, i.e. a computer

device on which his user rights are restricted so that he cannot install a specific driver for the wireless modem device.” *Id.* ¶ 9.

“The motivation-to-combine analysis is a flexible one. Any need or problem known in the field of endeavor at the time of and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *Intel Corp. v. PACT XPP Schweiz AG*, 61 F.4th 1373, 1379 (Fed. Cir. 2023) (internal quotations omitted). As the Federal Circuit held, “[t]here is a motivation to combine when a known technique has been used to improve one device, and a [skilled artisan] would recognize that it would improve similar devices in the same way.” *Intel Corp.*, 61 F.4th at 1380. Here, Deforche establishes that utilizing an operating system’s pre-installed generic driver to provide a generic protocol communications between the processing device and a peripheral device was known for improving wireless modems because it does not require administrator rights and a specific driver to be installed to enable communications between the wireless modem device and the processing device.

6. *Conclusion as to Claim 1*

We determine that Petitioner has shown by a preponderance of the evidence that claim 1 is unpatentable over Kaplan, Ahmed, and Deforche. In making our determination, we have considered Patent Owner’s evidence of secondary considerations of nonobviousness. As explained in detail below, we determine that the evidence of secondary considerations do not outweigh Petitioner’s showing of obviousness based on Kaplan, Ahmed, and Deforche.

7. Analysis of Independent Claims 11 and 21 and Dependent Claims 2, 3, 9, 10, 19, and 22

We determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Maeda, Ahmed, and Deforche teaches independent claims 11 and 21 and dependent claims 2, 3, 9, 10, 19, and 22. *See* Pet. 26–45.

With respect to dependent claims 2, 3, 12, and 13, Patent Owner argues that Petitioner ignores antecedent basis and inconsistently maps the pre-installed driver to Maeda, Ahmed, and Deforche in these dependent claims as compared to the independent claims. PO Resp. 38–39.

We are not persuaded by Patent Owner that Petitioner’s mapping is inconsistent as the Petition relies upon the combination of Maeda, Ahmed, and Deforche to teach the claimed pre-installed driver. *See* Pet. Reply 14.

With respect to independent claims 11 and 21, Patent Owner broadly asserts that the Petition’s mapping for independent claims 11 and 21 is deficient because the Petition maps these independent claims in tandem with claim 1. PO Resp. 39–42.

We are not persuaded by Patent Owner’s broad assertion that the Petition’s mapping is deficient. Although Petitioner does map similar claim elements in tandem with claim 1 and refers to the claim 1 elements, we find that, under the circumstances here, this is sufficient because the wording of the claim elements is sufficiently similar. *See* Pet. Reply. 15–17.

8. Conclusion as to Ground 1

We determine that Petitioner has shown by a preponderance of the evidence that claims 1–3, 9–11, 19, 21, and 22 are unpatentable over Kaplan, Ahmed, and Deforche.

E. Ground 2: Obviousness Based on Maeda, Ahmed, and Deforche

Petitioner contends that claims 1–3, 9–11, 19, 21, and 22 are obvious over Maeda, Ahmed, and Deforche. Pet. 45–65.

1. Overview of Maeda (Ex. 1031)

Maeda is titled “Audio-Visual Transmission System and Audio-Visual Transmission Method,” and relates to a system and method for “transmitting images and audio from an image generating device such as a personal computer . . . to an image projection device such as a projector.” Ex. 1031, code (54), ¶ 1. Maeda discloses “a wireless transmission system that simultaneously displays image signals from a plurality of PCs on one projector.” *Id.* ¶ 5.

Figure 1 of Maeda, reproduced below, illustrates an external configuration of an image transmission system. Ex. 1031 ¶ 79.

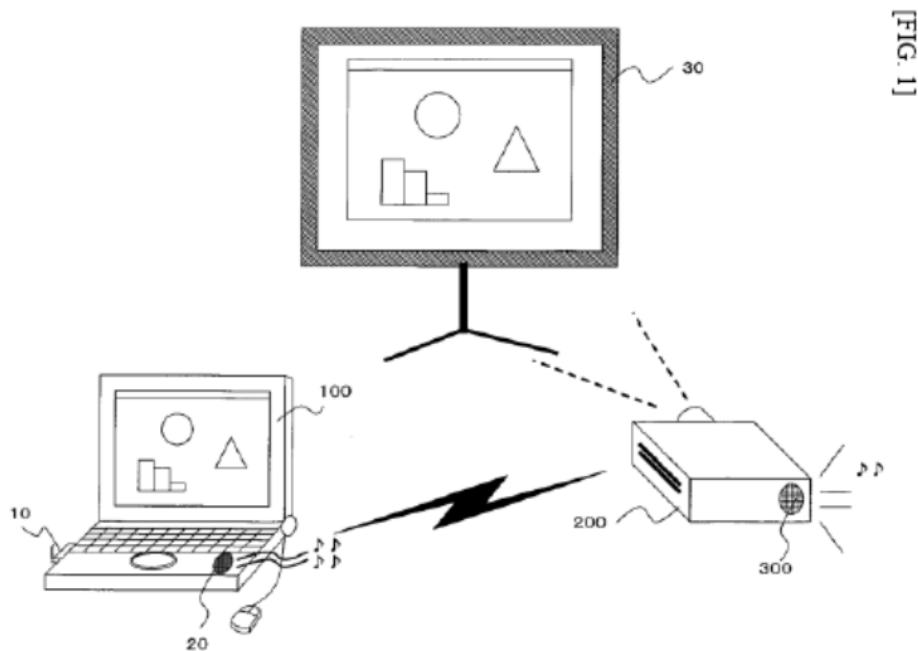


Figure 1 illustrates an external configuration of an audio/video transmission system, including a PC 100, projector 200, and screen 30. *Id.* ¶¶ 16–17. “A wireless LAN card 10 containing a wireless LAN chip

is attached to PC 100, thereby transmitting image signals and audio signals to projector 200.” *Id.* ¶ 17.

2. Analysis of Independent Claim 1

Petitioner contends that claim 1 is unpatentable as obvious over Maeda, Ahmed, and Deforche. Pet. 45–60. Petitioner provides a detailed mapping of the teachings of Maeda, Ahmed, and Deforche to the elements of claim 1. *Id.* at 47–60.

[preamble] 1. A method for connecting a processing device to a communications network, the processing device having a memory, a display and an operating system with pre-installed generic drivers providing a communications protocol for communication between the processing device and a class of peripheral devices, the method comprising:

To the extent that claim 1’s preamble is limiting, Petitioner relies upon Maeda to teach connecting PC 100 (i.e., a processing device) to a wireless LAN via wireless LAN card 10 (i.e., a peripheral device). Pet 47–48 (citing Ex. 1031 ¶¶ 15, 17, 19, 76; Ex. 1002 ¶¶ 151–153, 191–192). PC 100 has main memory 102, storage device 103, and display 110. Ex. 1031 ¶ 19, Fig. 2. Petitioner contends that “[a] POSITA would have recognized and understood that PC 100 would include an operating system as a piece of fundamental software to manage components of the PC.” Pet. 49–50 (citing Ex. 1002 ¶ 155).

Petitioner acknowledges that Maeda “does not disclose driver-level specifics of how it would achieve the disclosed transmission of audio/visual content.” Pet. 46.

Petitioner relies upon Ahmed and Deforche, in combination, to teach pre-installed generic audio and video drivers for providing communication protocols between processing devices, like PC 100, and peripheral devices,

like wireless LAN card 10. Pet. 46–47, 50–51 (citing Ex. 1014, 17:13–16 18:26–19:15, 27:4–17, Fig. 12; Ex. 1030 ¶¶ 9–11). Petitioner notes that the ’002 patent teaches that “[s]uch a driver is standard for the operating system and can drive a standard class of peripheral devices coupled to or connected to the processing devices.” Ex. 1001, 14:35–38, 5:58–60.

As discussed below in connection with element 1b and 1c, Petitioner argues that it would have been obvious to a POSITA to use separate pre-installed generic audio and video drivers, as taught by Ahmed and Deforche, in Maeda’s system. Pet. 46–47 (citing Ex. 1002 ¶¶ 149, 150).

We determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Maeda, Ahmed, and Deforche teaches the preamble.

[1a] coupling an external peripheral device physically to a port of the processing device, wherein the peripheral device comprises a wireless transceiver and a connector, said connector configured to couple to the port of the processing device;

Petitioner contends that Maeda discloses coupling wireless LAN card 10, having a wireless LAN chip, to PC 100, via network IF 18 (i.e., a port). Pet. 51 (citing Ex. 1031 ¶ 17, 19, Fig. 1; Ex. 1002 ¶¶ 158–161, 193).

We determine that Petitioner’s evidence and analysis sufficiently shows that Maeda discloses element 1a.

[1b] setting up, by means of a first pre-installed generic audio driver of the operating system, a means for audio communication between the peripheral device and the processing device and;

[1c] [setting up . . .] by means of a second pre-installed generic driver of the operating system, a means for data

communication between the peripheral device and the processing device;

Petitioner contends that Maeda teaches setting up a means for audio communication between the peripheral device and the processing device. and setting up a means for data communication between the peripheral device and the processing device. Pet. 52 (citing Ex. 1031 ¶¶ 15, 17, 19, Fig. 1; Ex. 1002 ¶¶ 162–165, 194), 55 (citing Ex. 1031 ¶¶ 15, 17, 19, Fig. 1; Ex. 1002 ¶¶ 171–172, 195).

Petitioner, however, acknowledges that “Maeda does not specifically disclose using a ‘*pre-installed generic audio driver*’” (Pet. 53) and that “Maeda does not explain whether it uses ‘*a second pre-installed generic driver of the operating system.*’ (id. at 55). See also id. at 46 (“Maeda, however, . . . does not disclose driver-level specifics of how it would achieve the disclosed transmission of audio/visual content.”).

Petitioner relies upon Ahmed and Deforche to teach using a first pre-installed generic audio driver of the operating system to set up a means for audio communication and a second pre-installed generic driver of the operating system to set up a means for data communication. Pet. 46–47, 54–57.

We are persuaded by Petitioner’s evidence and analysis that it would have been obvious to a POSITA to implement Maeda’s system using the pre-installed generic drivers as taught by Ahmed, and Deforche, as proposed by Petitioner.

Dr. Almeroth testifies that

at the time of the alleged invention, the USB standard had become widely-adopted as a way to connect a peripheral device to a computer. . . . One . . . known feature of the USB standard is its support for plug-and-play capability, which offered the

opportunity to insert the peripheral device and quickly be able to use the functionality of the device without having to install a special driver for the peripheral device.

Ex. 1002 ¶ 163. Dr. Almeroth's testimony is consistent with the '002 patent, which states: "For example, on every PC-like platform, there is standard built-in support for a USB audio device. Thus there is a standard generic audio driver available. Using this audio interface is thus possible without special driver installation." Ex. 1001, 30:39–43; *see also id.* at 31:52–54 ("Commercially available processing devices currently support external USB audio devices through a generic built-in USB audio software driver.").

Ahmed teaches that it is preferable to transmit audio and video streams separately in a synchronized manner. Ex. 1014, 17:10–12; 18:26–19:15. Ahmed teaches using a first audio driver for an audio stream (*id.* at 18:26–19:15) and a second driver to send a video portion (*id.* at Abstract, 3:26–28, 27:4–27).

Deforche teaches using pre-installed generic drivers of the operating system when setting up a computer and modem communication interface to avoid the need to install proprietary devices. Ex. 1030 ¶¶ Abstract, 9–11, 27.

Dr. Almeroth testifies:

A POSITA looking to implement a system like Maeda's system would have been motivated by Ahmed to provide separate drivers for separate audio and video streams as suggested by Ahmed and employ those drivers to set up a communications interfaces for each for the reasons discussed above by Deforche and known in the art. Further, a POSITA would have been motivated to select a suitable pre-installed generic driver, such as a USB-HID driver capable of communicating audio data for setting up a means for data communication (such as an interface using a generic communication protocol provided by the driver) between a

transmitter and computer (similar to Deforche) for the transfer of data across the interface. (See, e.g., Ex-1030, ¶¶34–39.) A POSITA would have also had a reasonable expectation of success in implementing such standard software, particularly given the teachings of Deforche.

Ex. 1002 ¶ 179.

We are persuaded by Petitioner that “[i]t would have been a simple substitution to include Ahmed’s driver-level implementation of separate drivers to set up communication between Kaplan’s host computer and USB transmitter to achieve Kaplan’s transmission of audio/video data” and “[i]t would thus have been obvious to modify Ahmed to use Deforche’s ‘pre-installed generic audio driver’ because it is a known technique to improve a similar device in the same way.” Pet. 46–47 (emphasis omitted).

[1d] using the peripheral device to connect the processing device to a communications network via the wireless transceiver;

[1e] routing audio data from the processing device to the wireless transceiver via the connector of the peripheral device and the means for audio communication and;

[1f] routing the audio data from the wireless transceiver of the peripheral device to a base node over the communications network;

Petitioner contends that Maeda teaches these elements because Maeda discloses that “[a] Wireless LAN card 10 containing a wireless LAN chip is attached to PC 100, thereby transmitting image signals and audio signals to projector 200 via the wireless LAN.” Pet. 57–99 (quoting Ex. 1031 ¶ 17; additionally citing Ex. 1031, 15, 19, Fig. 1; Ex. 1002 ¶¶ 180, 181, 183, 196–198).

We determine that Petitioner’s evidence and analysis sufficiently shows that Maeda discloses elements 1d, 1e, and 1f.

[1g] wherein the first pre-installed generic audio driver is used for transferring the audio data between the processing device and the peripheral device.

Petitioner relies upon its evidence and analysis used to meet element 1(b) to show that the combination of Maeda, Ahmed, and Deforche teaches element 1(g). Pet. 60.

For the same reasons as discussed in connection with element 1(b), we determine that Petitioner's evidence and analysis sufficiently shows that Maeda, Ahmed, and Deforche teaches elements 1g.

3. Patent Owner's Arguments

Patent Owner argues that its arguments against the combination of Kaplan, Ahmed, and Deforche also apply to the combination of Maeda, Ahmed, and Deforche. PO Resp. 43–46. For the same reasons as discussed above in connection with the combination of Kaplan, Ahmed, and Deforche, we find Patent Owner's arguments unpersuasive.

4. Conclusion as to Independent Claim 1

We determine that Petitioner has shown by a preponderance of the evidence that claim 1 is unpatentable over Maeda, Ahmed, and Deforche. In making our determination, we have considered Patent Owner's evidence of secondary considerations of nonobviousness. We determine that the evidence of secondary considerations do not outweigh Petitioner's showing of obviousness based on Maeda, Ahmed, and Deforche.

5. Analysis of Independent Claims 11 and 21 and Dependent Claims 2, 3, 9, 10, 19, and 22

We determine that Petitioner's evidence and analysis sufficiently shows that the combination of Maeda, Ahmed, and Deforche teaches independent claims 11 and 21 and dependent claims 2, 3, 9, 10, 19, and 22. See Pet. 45–65.

With respect to these claims, Patent Owner again argues that its arguments against the combination of Kaplan, Ahmed, and Deforche also apply to the combination of Madea, Ahmed, and Deforche. PO Resp. 46–47. For the same reasons as discussed above in connection with the combination of Kaplan, Ahmed, and Deforche, we find Patent Owner’s arguments unpersuasive.

6. Conclusion as to Ground 2

We determine that Petitioner has shown by a preponderance of the evidence that claims 1–3, 9–11, 19, 21, and 22 are unpatentable over Madea, Ahmed, and Deforche.

F. Analysis of Secondary Considerations

Patent Owner argues that evidence of commercial success and industry acquiescing shows that the claims of the ’002 patent are nonobvious. PO Resp. 47–66.

1. Legal Standards

Objective evidence of non-obviousness “may often be the most probative and cogent evidence in the record” and “may often establish that an invention appearing to have been obvious in light of the prior art was not.” *Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.*, 699 F.3d 1340, 1349 (Fed. Cir. 2012). Thus, notwithstanding what the teachings of the prior art would have suggested to one skilled in the art, secondary considerations (objective evidence of non-obviousness) may lead to a conclusion that the challenged claims would not have been obvious. *In re Piasecki*, 745 F.2d 1468, 1471–72 (Fed. Cir. 1984). Thus, our obviousness analysis includes consideration and weighing of Patent Owner’s indicia of non-obviousness.

In order to accord substantial weight to secondary considerations in an obviousness analysis, “the evidence of secondary considerations must have a ‘nexus’ to the claims, *i.e.*, there must be ‘a legally and factually sufficient connection’ between the evidence and the patented invention.” *Henny Penny Corp. v. Frymaster LLC*, 938 F.3d 1324, 1332 (Fed. Cir. 2019) (quoting *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988)); *Quanergy Sys., Inc. v. Velodyne Lidar USA, Inc.*, 24 F.4th 1406, 1417 (Fed. Cir. 2022).

Although the patent owner bears the initial burden of proving a nexus (*WMS Gaming Inc. v. Int’l Game Tech.*, 184 F.3d 1339, 1359 (Fed. Cir. 1999)), a presumption of nexus may be appropriate if the patent owner shows “the asserted objective evidence is tied to a specific product and that product ‘embodies the claimed features, and is coextensive with them.’” *Polaris Indus, Inc. v. Arctic Cat, Inc.*, 882 F.3d 1056, 1072 (Fed. Cir. 2018) (quoting *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1130 (Fed. Cir. 2000) (emphasis added)); *Quanergy*, 24 F.4th at 1417. On the other hand, “[w]hen the [product] is not coextensive with the patented invention—for example, if the patented invention is only a component of a commercially successful machine or process,” the patent owner is not entitled to a presumption of nexus. *Demaco*, 851 F.2d at 1392.

A patent owner may establish nexus, either through (1) the use of a rebuttable presumption that arises when certain conditions are met or (2) a direct showing of nexus. In the first, a patent owner may rely on a rebuttable presumption of nexus as follows:

As first recognized in *Demaco* . . . , a patentee is entitled to a rebuttable presumption of nexus between the asserted evidence of secondary considerations and a patent claim if the patentee shows that the asserted evidence is tied to a specific

product and that the product “is the invention disclosed and claimed.” 851 F.2d at 1392 (emphasis added). That is, presuming nexus is appropriate “when the patentee shows that the asserted objective evidence is tied to a specific product and that product ‘embodies the claimed features, and is coextensive with them.’ ” *Polaris Indus., Inc. v. Arctic Cat, Inc.*, 882 F.3d 1056, 1072 (Fed. Cir. 2018) (quoting *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1130 (Fed. Cir. 2000))

Whether a product is coextensive with the patented invention, and therefore whether a presumption of nexus is appropriate in a given case, is a question of fact.

Fox Factory, Inc. v. SRAM LLC, 944 F.3d 1366, 1373 (Fed. Cir. 2019).

The court in *Fox Factory* further explained, with respect to a presumption of nexus, that “the degree of correspondence between a product and a patent claim falls along a spectrum,” and that “[a]lthough we do not require the patentee to prove perfect correspondence to meet the co-extensiveness requirement, what we do require is that the patentee demonstrate that the product is essentially the claimed invention.” *Id.* at 1374. The court in *Fox Factory* rejected the patent owner’s argument that the co-extensiveness requirement is simply an inquiry into “whether the patent claims broadly cover the product that is the subject of the evidence of secondary considerations.” *Id.* at 1377. Thus, simply showing that a patent claim broadly covers the commercial product being asserted as objective evidence of non-obviousness is not enough to show they are coextensive. *Id.* That is because “[a] patent claim is not coextensive with a product that includes a ‘critical’ unclaimed feature that is claimed by a different patent and that materially impacts the product’s functionality.” *Id.* at 1375. In contrast, “if the unclaimed features amount to nothing more than additional insignificant features, presuming nexus may nevertheless be appropriate.”

Id. at 1374. Based on the facts of the case in *Fox Factory*, the court found that “nexus may not be presumed” because “there are one or more features not claimed by the [challenged patent] that materially impact the functionality” of the products on which patent owner’s presumption argument is based and the court rejected arguments that the patent claims broadly cover the product. *Id.* at 1376–77.

“A finding that a presumption of nexus is inappropriate does not end the inquiry into secondary considerations,” however. *Id.* at 1373. “To the contrary, the patent owner is still afforded an opportunity to prove nexus by showing that the evidence of secondary considerations is the ‘direct result of the unique characteristics of the claimed invention.’” *Id.* at 1373–74 (quoting *In re Huang*, 100 F.3d 135, 140 (Fed. Cir. 1996)). “Where the offered secondary consideration actually results from something other than what is both claimed and *novel* in the claim, there is no nexus to the merits of the claimed invention,” meaning that “there must be a nexus to some aspect of the claim not already in the prior art.” *In re Kao*, 639 F.3d 1057, 1068–69 (Fed. Cir. 2011).

Ultimately, we must weigh Patent Owner’s objective evidence in the context of whether the claimed invention as a whole would have been obvious to a skilled artisan. *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1331–32 (Fed. Cir. 2016). Only if the patent owner presents a *prima facie* case of nexus does the burden of production shift to the patent challenger to adduce evidence showing that any commercial success or industry praise was due to extraneous factors other than the patented invention. *Demaco*, 851 F.2d at 1393.

2. *Presumption of Nexus*

Patent Owner asserts that claims of the '002 patent are coextensive with Patent Owner's ClickShare Products, which is formed of a ClickShare Button and a Barco Base. PO Resp. 49–62; PO Sur-reply 6. Patent Owner states:

Patent Owner identifies the '002 Patent as practiced by the ClickShare Products on its website. Ex. 2017, 9. The Clickshare line involves the ClickShare Button ("ClickShare Button") and a number of components capable of receiving communications from the ClickShare including the C-5, C-10, CX-20, CX-30, CX-50, CX-50 Gen2, CB Core, and CB Pro ("Barco Bases"). Together, ClickShare Button and a Barco Base form the Barco System.

PO Resp. 49.

Petitioner argues that Barco's ClickShare product is not coextensive with the claimed invention because the ClickShare product includes a significant unclaimed feature. Pet. Reply 17–19. According to Petitioner, the ClickShare product can work with or without a peripheral device by using the ClickShare app, Teams, or Zoom instead of a peripheral device. *Id.* at 18.

Claims 1–3, 9–11, 19, 21, and 22 of the '002 patent claim are directed to a method of connecting a peripheral device (i.e., dongle) to a computer. Patent Owner's ClickShare Product, however, can work with or without a peripheral device by using the ClickShare app, Teams, or Zooms instead of a peripheral device. Ex. 1076; Ex. 1077; Ex. 1084, 91:14–23; Ex. 1090, 100:25–101:20. We are persuaded by Petitioner that "[u]sing the ClickShare Product without the dongle is not an insignificant feature" (Pet. Reply 18) and, thus, the ClickShare Product is not coextensive with the invention of claims 1–3, 9–11, 19, 21, and 22 of the '002 patent.

Because the ClickShare Product is not coextensive with the claimed invention, Patent Owner is not entitled to a presumption of nexus.

3. *Commercial Success*

“Evidence of commercial success, or other secondary considerations, is only significant if there is a nexus between the claimed invention and the commercial success.” *Ormco Corp. v. Align Tech., Inc.*, 463 F.3d 1299, 1311–12 (Fed. Cir. 2006).

Patent Owner argues that the amount of revenue and profits Patent Owner made from the ClickShare product line in the United States shows that the ClickShare product is a commercial success. PO Resp. 63–64.

As Petitioner points out (Pet. Reply 19–20), Patent Owner relied entirely on the presumption of nexus and did not establish a direct nexus between the unique claimed features and Patent Owner’s evidence of commercial success. *See* PO Resp. 53.

We, thus, give Patent Owner’s evidence of commercial success little weight.

4. *Acquiescence in Industry*

Patent Owner argues that industry acquiescence demonstrates secondary considerations of nonobviousness. PO Resp. 64–66.

Patent Owner first argues that licensing of the ’002 patent by Creston shows industry acquiescence and shows nonobviousness of the claimed invention. *Id.*; PO Sur-reply 5–6.

Petitioner argues that the mere existence of the Creston license is insufficient to show nonobviousness because there is no evidence that Creston entered the license because it believed that Barco’s patents were valid or enforceable. Pet. Reply 20–21.

“[T]he mere fact of licensing, without more, is generally not a strong indication of nonobviousness if it cannot also be shown that the licensees did so out of respect for the patent rather than to avoid litigation expense.” *Bosch Auto. Serv. Sols., LLC v. Matal*, 878 F.3d 1027, 1038 (Fed. Cir. 2017). As the Federal Circuit has long recognized, it is often “cheaper to take licenses than to defend infringement suits.” *EWP Corp. v. Reliance Universal Inc.*, 755 F.2d 898, 908 (Fed. Cir. 1985)

Patent Owner provides no sufficient evidence to show that Creston licensed the ’002 patent because Creston believed that that ’002 patent was valid or enforceable. The Creston license involves three patent families and 20 patents total. Ex. 2011, 15. The ’002 patent is among the 20 licensed patents (Ex. 2011, 15) and Patent Owner provided no evidence to show the weight or importance of the ’002 patent to the license. Petitioner’s other evidence persuades us that, to the contrary, the Creston license was part of an agreement driven by business factors, interests, and benefits beyond the patents themselves. *See* Ex. 1091, 73:7–74:3, 105:8, 106:1; Ex. 1090, 58:7–12.

We have reviewed Patent Owner’s arguments concerning *Ancora Techs., Inc. v. Roku, Inc.*, 140 F.4th 1351 (Fed. Cir. 2025), but find them misplaced. PO Resp. 48, 65; PO Sur-reply 2–3. Unlike here where Creston’s license covers a significant number of patents, *Ancora* analyzed a license to a single patent and held that “[l]icenses to the challenged patent ... do not require a nexus with respect to the specific *claims* at issue.” *Ancora* at 1362 (emphasis added). We do not agree with Patent Owner that *Ancora* stands for the proposition that all licenses, regardless of the circumstances of the licensing, are strong evidence of nonobviousness. We give little weight to Creston’s license of the ’002 patent.

Patent Owner also argues that “in *Barco, Inc. et al v. Vivitek Corporation et al*, Case No. 4:19-cv-3250 (N.D. Cal. 4/27/2020), another competitor in the industry in 2019 agreed to a Consent Judgment and Permanent Injunction regarding certain patents owned by Patent Owner, including U.S. Patent No. 8,756,348, which is the parent of the ’002 Patent.” PO Resp. 66 (citing Ex. 1001, Title Page; Ex. 2020, 2; Ex. 2021). We give little weight to the Consent Judgment and Permanent Injunction, as it did not involve the ’002 patent. *See generally* Ex. 2021.

Patent Owner further argues that “Sahara Presentation Systems changed the design of their competing product rather than face liability for patent infringement.” PO Resp. 66 (citing Ex. 2021 (“Barco ended its case against Sahara Presentation Systems after obtaining that its Clevershare products were materially redesigned to avoid patent infringement.”)). Exhibit 2021 is Patent Owner’s Press Release titled “Barco successfully enforces ClickShare IP against competitors in the U.S.” The Press Release asserts that because of Patent Owner’s lawsuit, certain competitors agreed to withdraw their product from the United States market. *See generally* Ex. 2021. The Press Release does not mention the ’002 patent. *Id.* We, thus, give little weight to the Press Release.

Patent Owner finally argues that Defendants’ Opposed Motion for Ongoing Royalty in the related Texas Litigation (Ex. 2035) is strong evidence of nonobviousness because Petitioner asked the court for a compulsory license to the ’002 patent. Paper 58. Petitioner disputes that its Motion is evidence of nonobviousness because the Motion was filed to avoid needless future litigation. Paper 59 (citing Ex. 2035, 3). The Motion indicates that “Yealink admitted that its WPP20 and WPP30 wireless presentation pods (or, dongles) infringed the asserted patents and withdrew

them from the U.S. market” and that Petitioner now wishes to reintroduce dongles to the market and asks the court to determine an ongoing royalty for selling the WPP30, specifying a royalty rate for the dongle alone. *See generally* Ex. 2035. We, thus, give some weight to the Motion.

5. *Conclusion as to Secondary Considerations*

We have considered all of Patent Owner’s arguments and evidence concerning secondary considerations. We give Patent Owner’s evidence regarding its revenue and profits from the ClickShare product line little weight. We give some weight to Patent Owner’s evidence of licensing. We, however, do not find the licensing evidence outweighs Petitioner’s showing of obviousness.

III. CONCLUSION⁸

After considering the evidence and arguments presented in the Petition, the Patent Owner’s Response, the Petitioner’s Reply, and the Patent Owner’s Sur-reply, we determine that a preponderance of the evidence establishes that claims , as shown in the following table:

⁸ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner’s attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

Claims	35 U.S.C. §	Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
1–3, 9–11, 19, 21, 22	103(a)	Kaplan, Ahmed, Deforche	1–3, 9–11, 19, 21, 22	
1–3, 9–11, 19, 21, 22	103(a)	Maeda, Ahmend, Deforche	1–3, 9–11, 19, 21, 22	
Overall Outcome			1–3, 9–11, 19, 21, 22	

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 1–3, 9–11, 19, 21, and 22 of U.S. Patent No. 10,762,002 B2 have been shown by a preponderance of the evidence to be unpatentable; and

FURTHER ORDERED that, because this is a final written decision, parties to this proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

IPR2024-01436
Patent 10,762,002 B2

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