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. 11,403,237
IPR2024-01437

PETITIONER'S REPLY

Table of Contents

Page

I. Introduction.....1
II. Barco's Concerns with Dr. Almeroth's Testimony Should Not Be Afforded Weight. 2
III. Ground I – It Would Have Been Obvious to Combine Kaplan and Mardiks.....3
A. Mardiks Is in the Same Field of Endeavor as the '237 Patent and Is Reasonably Pertinent to the Particular Problem.....3
B. The POSA Would Have Been Motivated to Combine Kaplan and Mardiks as a Finite Number of Identified Predictable Solutions with a Reasonable Expectation of Success of Communicating Data using an HID Driver 5
IV. Ground II – It Would Have Been Obvious to Combine Maeda and Deforche.....7
B. There Is No Dispute that Deforche Teaches, "*communicating at least one of audio data and display data from the processing device to the external peripheral device via the human interface device*" 10
VI. Conclusion 16

TABLE OF EXHIBITS

EXHIBIT	DESCRIPTION
Ex-1001	U.S. Patent No. 11,403,237
Ex-1002	Declaration of Kevin C. Almeroth, Ph.D.
Ex-1003	Curriculum Vitae of Kevin C. Almeroth, Ph.D.
Ex-1004	File History of U.S. Patent No. 11,403,237
Ex-1005	U.S. Patent Application Publication No. 2005/0210390 ("Ono")
Ex-1006	U.S. Patent Application Publication No. 2008/0074560 ("Ichieda")
Ex-1007	U.S. Patent Application Publication No. 2006/0069840 ("Corbett")
Ex-1008	**RESERVED**
Ex-1009	English Translation of Japanese Patent Application Publication No. 2008-165007 ("Uchida")
Ex-1010	Japanese Patent Application Publication No. 2008-165007
Ex-1011	Certification for English Translation of Japanese Patent Application Publication No. 2008-165007
Ex-1012–Ex-1019	**RESERVED**
Ex-1020	U.S. Patent Application Publication No. 2010/0087139 ("Glass")
Ex-1021	U.S. Patent Application Publication No. 2009/0198839 ("Banerjee")
Ex-1022	U.S. Patent Application Publication No. 2011/0115689 ("Sugiyama")
Ex-1023	U.S. Patent Application Publication No. 2009/0187687 (Hulbert")
Ex-1024	U.S. Patent Application Publication No. 2003/0112975 ("Taiwanese")
Ex-1025	**RESERVED**
Ex-1026	U.S. Patent Application Publication No. 2009/0172219 ("Mardiks")

EXHIBIT	DESCRIPTION
Ex-1027	U.S. Patent Application Publication No. 2010/0295994 ("Kaplan")
Ex-1028–Ex-1029	**RESERVED**
Ex-1030	EP Patent Application Publication No. 2107463 ("Deforche")
Ex-1031	English Translation of Japanese Patent Application Publication No. 2007-208606 ("Maeda")
Ex-1032	**RESERVED**
Ex-1033	U.S. Patent Application Publication No. 2002/0196378 ("Slobodin")
Ex-1034	U.S. Patent Application Publication No. 2002/0174254 ("Kita")
Ex-1035–Ex-1049	**RESERVED**
Ex-1050	Imation Wireless Projection Link User Guide
Ex-1051	EZAir Press Release, "EZAir Wireless PC to TV Solutions Now Available Across Europe," March 16, 2011
Ex-1052	Warpia Product Brief, "Wireless USB PC to TV Audio/Video Display Adapter," 2009
Ex-1053	Q-Waves Product Overview, "Quicklink TV," November 2010
Ex-1054	IOGear Installation Guide, "Wireless USB to VGA Kit," 2008
Ex-1055	JP Patent Application Publication No. 2007-208606
Ex-1056	Certification for English Translation of JP Patent Application Publication No. 2007-208606
Ex-1057	**RESERVED**
Ex-1058	U.S. Patent Application Publication No. 2011/0038005 ("Ochai")
Ex-1059	U.S. Patent Application Publication No. 2006/0229100 ("Born")
Ex-1060	U.S. Patent No. 7,207,059 ("Kurian")
Ex-1061-Ex-1066	**RESERVED**

EXHIBIT	DESCRIPTION
EX-1067	Clickshare CSE-200 base unit firmware
EX-1068	**RESERVED**
EX-1069	CSE-800 User Guide
EX-1070	Brogioli '002 depo transcript
EX-1071	Brogioli '237 depo transcript
EX-1072	Brogioli '676 depo transcript
EX-1073	Brogioli '951 depo transcript
EX-1074	What is a driver? (https://learn.microsoft.com/en-us/windows-hardware/drivers/gettingstarted/what-is-a-driver-)
EX-1075	ClickShare Button connection issues
EX-1076	ClickShare C-5 Base Unit Datasheet
EX-1077	https://www.barco.com/en/inspiration/news-insights/2019-05-03-different-ways-to-share-your-content-with-clickshare (retrieved September 24, 2025).
Ex-1078	Erwin Six depo. transcript
Ex-1079	Barco Driver Version Installed 18-7-2025 (https://www.barco.com/en/support/knowledge-base/12770-clickshare-windows-driver-version-installed)
Ex-1080	"Why is ClickShare Windows Driver required and how can I install/update it on my PC?" (https://www.barco.com/en/support/knowledge-base/5676-clickshare-windows-driver-requirements-and-installation)
Ex-1081	Minidrivers, Miniport drivers, and driver pairs (https://learn.microsoft.com/en-us/windows-hardware/drivers/gettingstarted/minidrivers-and-driver-pairs)
Ex-1082	Yealink Press Release (https://www.yealink.com/en/product-detail/wireless-presentation-wpp30-eol)
Ex-1083	Second Declaration of Declaration of Kevin C. Almeroth, Ph.D.

EXHIBIT	DESCRIPTION
Ex-1084	Dr. Brogioli Dist. Ct. Transcript
Ex-1085	USB Audio Class System Driver (Usbaudio.sys) (https://learn.microsoft.com/en-us/windows-hardware/drivers/audio/usb-audio-class-system-driver--usbaudio-sys-)
Ex-1086	U.S. Patent No. 10,762,002
Ex-1087	**RESERVED**
Ex-1088	U.S. Patent No. 11,258,676
Ex-1089	U.S. Patent No. 11,422,951
Ex-1090	Deposition transcript of Andrew Ludke, Crestron
Ex-1091	Deposition transcript of William Scally, Barco's damages expert

I. INTRODUCTION

The Patent Owner Response (Paper 15, "POR") conflicts with testimony from Dr. Brogioli that the prior art expressly teaches claim limitations the POR argued are novel. Ex-1072, 72:13-73:13 (Dr. Brogioli admitting that Deforche teaches the "*communicating*" limitation.). The POR also applies an unduly rigid test for motivation to combine, ignoring the Supreme Court's guidance in *KSR Int'l Co. v. Teleflex Inc.*, that common sense and the simple substitution of known elements suffice. 127 S.Ct. 1727, 1741 (2007). The prior art of screen sharing technology is dense, and Barco's patents simply combine known elements in obvious ways as described in the Petition and discussed further in this reply.

The agreed level of skill in the art in this proceeding is high, which means that the POSA would have a higher likelihood of seeing that the combination of known elements would achieve predictable results relative to a POSA of lesser skill. The Petition demonstrated how "the prior art as a whole suggested the desirability of the combination …, thus providing a motivation to combine, which need not be supported by a finding that the prior art suggested that the combination claimed by the applicant was the preferred, or most desirable combination over the other alternatives." MPEP 2143.01., § I. Moreover, as explained further below, the prior art provided suggestions and motivations for altering related prior art references to teach predictable results.

II. BARCO'S CONCERNS WITH DR. ALMEROTH'S TESTIMONY SHOULD NOT BE AFFORDED WEIGHT.

Barco confusingly Dr. Almeroth's testimony from his seven declarations and four depositions takes out of context to allege he is inconsistent. For example, Barco emphasizes Dr. Almeroth's statement that "data is data." POR, 11 (citing Ex-2006 (transcript from IPR2024-01436)) Obviously, all data in general purpose computers consists of 1's and 0's. That binary data is transferred and received on different interfaces, such as the USB interfaces, as 1's and 0's, irrespective of data type. BROGIOLI. Dr. Almeroth's testimony only referred to this basic principle and does not demonstrate any issue with his competence.

Dr. Almeroth further testified—in a different proceeding about a different issue—about how the prior art teaches transcoding data "based on a type of functional data." *Id*., (citing Ex. 2030, ¶¶212-213). This simply demonstrated that it was extremely routine to encode/decode audio and video data using different codecs. That testimony is irrelevant to Dr. Almeroth's comment about "data is data" in the related '1436 IPR, except all digital data consist of 1's and 0's that can be sent over any general purpose computer interface, such as USB. Finally, Barco makes a broad accusation that Dr. Almeroth—a nearly 30-year professor of computer science at UCSB—does not understand what a driver is when explaining the definition can be somewhat loose. Ex-1083, ¶¶ 2-5. The term driver can be used in different contexts. That is all Dr. Almeroth was saying.

Finally, Barco expends four pages arguing essentially that Dr. Almeroth's well-supported opinion, that it is a design choice about what combinations of hardware and software are used to implement various prior art features, is unreliable and inconsistent. POR, 12-16. Barco's argument attempts to limit the prior art to its express disclosure, ignoring how the person of ordinary skill in the art would have understood the innumerable ways they could have been implemented. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 127 S. Ct. 1727, 1741 (2007) ("[T]he analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ."). Ex-1083, ¶¶ 2-5.

III. GROUND I – IT WOULD HAVE BEEN OBVIOUS TO COMBINE KAPLAN AND MARDIKS.

A. Mardiks Is in the Same Field of Endeavor as the '237 Patent and Is Reasonably Pertinent to the Particular Problem

"Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved." *Sanofi-Aventis Deutschland Gmbh v. Mylan Pharms. Inc.*, 66 F.4th 1373, 1377 (Fed. Cir. 2023) (quoting *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004) (citations omitted). Mardiks satisfies both tests.

First, Patent Owner improperly narrows the field of invention to "wireless presentation systems." Instead, the '237 patent describes the field of endeavor as, "An electronic meeting tool and method for communicating arbitrary media content [comprising] a peripheral device." Ex-1001, abstract, 8:42-43, claims 5 and 13. Mardiks concerns exactly this type of peripheral device: "a USB flash drive to automatically launch an application residing in its memory after it is connected to a host"; Ex-1026, ¶6. They are both therefore directed at least to applications or tools stored on peripheral devices, and communicating those applications to personal computers.

Moreover, both are directed to solving the same problem of using standard, pre-installed generic drivers, such as human interface device (HID) drivers, to access programs stored on peripheral devices. Ex-1001, 5:38-40; Ex-1026, ¶3, 28. Therefore, Mardiks satisfies both tests for analogous art. Ex-1083, ¶6.

Barco's three cited cases about different fields of endeavor concerned very different disclosures that do not apply here. First, *Schott Gemtron Corp. v. SSW Holding Co., Inc.*, IPR2013-00358, Paper 106, 26 (PTAB Aug. 20, 2014), concerned whether a microscope slide was combinable with a refrigerator shelf. POR, 20. Second, *In re Clay*, 966 F.2d 656, 658-59 (Fed. Cir. 1992), concerned an unpredictable art of gels for petroleum storage and extraction. POR, 23. Third, Barco cites *Wang Labs., Inc. v. Toshiba Corp.*, 993 F.2d 858, 864-65 (Fed. Cir. 1993),

alleging it is the same as *Wang* but "for electronics." POR, 23. *Wang* concerned "[a first reference that] teaches the use of Static Random–Access–Memories (SRAMs) or Read–Only–Memories (ROMs) and does not suggest the use of Dynamic Random–Access–Memories (DRAMs) as taught by [a second reference]." *Wang*, 993 F.2d at 864. The memories were also meant for different industrial controllers versus personal computers. *Id*. These are much different from the nearly identical peripheral devices of the '237 patent and Mardiks.

The facts in this case are much closer to other Board decisions finding references were analogous. For example, in *Ex Parte Edwin*, Appeal No. 2016-004920, Dec., 8 (PTAB April 28, 2017), the Board rejected the applicant's narrow definition of the field of invention limited to note-taking for virtual meetings as opposed to virtual meetings in general. Similarly, in *Google LLC v. Innovations*, IPR2024-00215, Paper 43, 11-15 (PTAB May 16, 2025), the Board rejected the Patent Owner's arguments that the prior art, though different, still addressed secure data handling. Here, too, both the '237 patent and Mardiks address peripheral devices containing applications.

B. The POSA Would Have Been Motivated to Combine Kaplan and Mardiks as a Finite Number of Identified Predictable Solutions with a Reasonable Expectation of Success of Communicating Data using an HID Driver

The POR argues that Kaplan already solves a problem one way, so there is no reason to do it a different way. POR, 24-25. The Petition explained that the

combination of Kaplan and Mardiks would be a simple application of Mardiks's method of transmitting audio data using an HID driver to Kaplan's system of transmitting A/V data. Pet., 22. Dr. Almeroth provides additional details about how the POSA would have found it obvious to implement Kaplan's screen capture and communication system by using Mardiks's HID drivers. Ex-1083, ¶¶7-8. For example, Mardiks explains that any data type or signal can be transferred between the peripheral device and the PC host device using the keyboard driver. Ex-1026, ¶¶21 (data messages may be "any carrier of information, such as commands, signals and the like"), 29 The level of skill in the art in this case is relatively high, requiring a master's degree and 5 years of experience. POR, 10-11. Therefore, the POSA's high level of skill demonstrates that the combination would have been obvious as explained in the Petition and by Dr. Almeroth. Ex-1083, ¶¶7-8.

Deforche is another example of a teaching that would have motivated the POSA to use Mardiks's HID communication method because both Mardiks and Deforche are agnostic about data type. Ex-1070, 12:2-19 (Dr. Brogioli testifying that Deforche's transmitter can send any data type, including audio).

The POR again inappropriately resorts to focusing on how neither Kaplan nor Mardiks alone teaches "*communicating at least one of audio data and display data from the processing device to the external peripheral device via the human interface device*." POR, 24-29. As just explained, it is the combination of references that

renders this limitation. Kaplan teaches using Windows which has "*pre-installed generic drivers*," including HID drivers. Ex-1027, ¶47; Ex-1001, 14:46-54 (admitting that "[s]uch a driver is standard for the operating system…."). Mardiks teaches that any data type, including audio, may be sent using an HID driver. Ex-1026, ¶¶21, 29. Therefore, the combination of references renders this limitation obvious.

IV. GROUND II – IT WOULD HAVE BEEN OBVIOUS TO COMBINE MAEDA AND DEFORCHE

The Petition explained how it would have been obvious to modify Maeda's system of transmitting A/V data through a peripheral device to a projector by using Deforche's pre-installed generic HID driver. Pet., 41-42. The POR alleges that Maeda's silence on which driver it uses demonstrates it's "insufficient." POR, 32. Meade is not "insufficient," it obviously uses some driver to transmit A/V data (Ex-1031, abstract (using a PC); Ex-1001, 14:46-54 (admitting that "[s]uch a driver is standard for the operating system….")), and Deforche teaches it would have been obvious to use an HID driver to transmit the data. (Ex-1030, ¶¶9-11, 34, FIG. 1; Ex-1002, ¶130).

A. The POSA Would Have Had a Reasonable Expectation of Modifying Maeda to Use a Zero-Footprint Application Like Deforche's.

First, it's unclear what if any relevance Maeda's disclosure of special purpose software has. The '002 patent also discloses, for example, "[T]he present invention

use software stored on the peripheral device which allows screen scraping when run on the processing device." Ex-1001, 6:32-34. And Barco's system, which allegedly practices the invention, installs a special-purpose driver permanently on the computer. Ex-1070, 20:2-24:23; *see also* Ex-1001, 22:55-57 ('002 patent explaining special-purposes software is "copied temporarily into an execution context on the client processing device.")

Second, Barco's main argument, that it would not be obvious to combine Maeda with Deforche's zero-footprint solution is largely irrelevant. Only unchallenged dependent claims 5 and 13, reciting a "*portable application,*" arguably invoke this idea. There is no reason why it would not have been obvious to use Deforche's ubiquitous "*pre-installed generic drivers*" to implement a solution based on the combination of Maeda and Deforche.

Third, Deforche also teaches a preference to use a zero-footprint application that involves the "use of existing USB class drivers." Ex-1030, ¶¶29-43, 50-51, and FIG. 4a. It also teaches that the zero-footprint application can be any type of application. *Id.*, ¶¶14; *see also* Ex-1072, 6:11-24 (Dr. Brogioli testifying that he did not analyze what "Ono may or may not look like for a zero-footprint software solution"). There is nothing prohibiting implementing Maeda's application as a zero-footprint application. Ex-1038, ¶¶12-13. The only evidence Barco identifies is Maeda's use of the word "install," which according to Barco, means that installation

is "required." POR, 35. Moreover, Dr. Brogioli testified that installing some software would still meet the claim limitations. Ex-1070, 20:11-24:23 (testifying that Barco's software is zero-footprint despite driver installation); *see also* Ex-1083, ¶¶9-11. Barco's "rigid formula," apparently requiring all limitations to be in a single reference, contravenes common sense application of Deforche's zero-footprint advantages that would have been obvious to apply to Maeda's system ready for improvement. *Leapfrog*, 485 F. 3d at 1161 (citing *KSR*, 27 S. Ct. at 1739).

Finally, the Petition relied on Maeda as the primary reference and relied on Deforche for secondary implementation details, such as "*a pre-installed generic driver,*" which would have been obvious to include with Maeda's software in a portable, zero-footprint application as taught by Deforche. Pet., 41-42. Therefore, Maeda provides the primary disclosure concerning software; Deforche and Ahmed disclose obvious ways of implementing 's software as a zero-footprint application using "*pre-installed generic drivers.*"

1. Maeda and Deforche Demonstrate a Reasonable Expectation of Success in Using First and Second "*Pre-Installed Generic Drivers*" for Audio and Video Signals.

Barco continues to apply a rigid analysis of combining references without understanding how the petition used them. The Petition relied on Ahmed's teaching of first and second drivers to demonstrate that it would have been obvious to use different drivers for audio and video streams. Pet., 46-47. Deforche teaches that it

would have been obvious to use "pre-installed generic drivers" to send data, as disclosed by Ahmed. Indeed, Deforche acknowledges that its interface can be presented as a composite device using two drivers: HID and MSD. Ex. 1030, ¶36. Therefore, it would have been obvious to use one for audio and one for video based on the teachings of Ahmed. Ex-1083, ¶¶12-13.

B. There Is No Dispute that Deforche Teaches, "*communicating at least one of audio data and display data from the processing device to the external peripheral device via the human interface device*"

Dr. Brogioli admits that Deforche teaches this limitation. Ex-1072, 72:13-73:13 (discussing a substantively identical limitation); *see also* Ex-1030, abstract ("setting up, by means of a pre-installed generic driver of the operating system on the computer device, a modem/host communication interface"). Therefore, the dispute is whether it would have been obvious to use Deforche's standard pre-installed USB drivers—found in every major operating system—that allow "*communicating at least one of audio data and display data*" in Maeda's system. Such a combination would have been obvious and likely the first choice of the POSA because the software is so common and ubiquitous.

Barco's argument is simply that Maeda does not teach "*a pre-installed generic driver*." POR, 37. The entire argument ignores the Petition's argument that, to the extent that Maeda's drivers are not "*a pre-installed generic driver*," it would have been a simple substitution to use such a driver as taught by Deforche. *Id.*; *see also*,

Pet., 41-42. Swapping Maeda's drivers for Deforche's would have been a simple substitution using known methods to achieve the predictable result of communicating between a processing device and a peripheral device. Ex-1083, ¶¶12-13; *see also In re O'Farrell*, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988) (citations omitted) (The claimed method would have been obvious because one reference contained a detailed enabling methodology, a suggestion to modify the prior art to produce the claimed invention, and evidence suggesting the modification would be successful.).

Barco's argument that Deforche does not disclose "*audio*" communication is spurious. Deforche is agnostic about data type. Ex-1070, 12:2-19 (Dr. Brogioli testifying that Deforche's transmitter can send any data type, including audio); *see also* Ex-1071, 4:12-10:23 (admitting that the combination of Deforche and Kaplan teaches a transmitter appearing as a MSD to transmit audio data). Therefore, it's irrelevant whether the word "*audio*" appears in Deforche because Deforche's system can be used for any type of digital data.

V. SECONDARY CONSIDERATIONS DO NOT OVERCOME THE STRONG SHOWING OF OBVIOUSNESS

This is not a close case. Barco's arguments for patentability are weak, focusing on limitations squarely and admittedly in the prior art. Barco's arguments concerning rationale-to-combine question why the POSA would have altered the systems that are already fully functional. As explained throughout this reply, the law

does not support these arguments. Moreover, Barco has failed to demonstrate nexus for any alleged commercial success.

A. Barco's ClickShare Product Lacks Nexus because It Is Not Essentially the Claimed Invention.

Barco is not entitled to a presumption of nexus "[w]hen the thing that is commercially successful is not coextensive with the patented invention—for example, if the patented invention is only a component of a commercially successful machine or process." *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988)). Nexus is not shown when "the patented invention is only a component of a commercially successful machine or process." *Id*. "[U]nclaimed features [must] amount to nothing more than additional insignificant features" to presume nexus. *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1374 (Fed. Cir. 2019)

Barco's ClickShare product is not coextensive with the claimed invention because it includes significant unclaimed features. For example, the ClickShare product can work with or without a peripheral device (dongle) by using either the ClickShare app or other platforms, such as Teams or Zoom. Ex-1076 (Barco base unit sold without dongles and works with Teams and Zoom); Ex-1077 (Barco instructions for using a base unit without a dongle). Indeed, Mr. Ludke of Crestron testified that he was "surprised" that anyone would want to use a dongle because, "as you can just join a Teams meeting from your laptop without using" a dongle.

Ex-1090, 100:25-101:20. Dr. Brogioli could not even recall ever using a dongle to share content prior to this case. Ex-1084, 91:14-23. Using the ClickShare Product without the dongle is not an insignificant feature; nexus, therefore, cannot be presumed.

Importantly, Barco has several patents covering patentably distinct inventions including, for example, a least U.S. Patent Nos. 10,762,002 (the '002 patent, Ex-1086), the '237 patent (Ex-1001), 11,422,951 (the '951 patent, Ex-1089), and 11,258,676 (the '676 patent, Ex-1088). Only the '951 patent has a terminal disclaimer and this is over a separate patent application 15/449,048 corresponding to U.S. Patent No. 10,585,814. Barco's Technology & Innovation Director testified that each patent is of equal value, suggesting that the '237 patent is at most one of many reasons for Barco's revenue. Ex-1078, 141:20-143:18. Indeed, '002 patent is directed to media sharing methods and systems that employ **separate pre-installed generic drivers to set up audio and data communication**, allowing audio data to be routed to the peripheral device and to a base node over a communications network. The '237 patent is directed to connecting a processing device to a communications network using an external peripheral device that is **presented as a human interface device**, enabling the communication of audio and display data to the peripheral device and then to a base node over a network. The '676 patent is directed to an electronic meeting system that allows users to share arbitrary media

content from their devices to a display through a network using a peripheral device **with rules for display control**. The '951 patent is directed to an electronic meeting tool that enables users to communicate and display arbitrary media content from their devices to a central display via a wireless network using a peripheral device **via a user input on a physical actuator on the peripheral device**. Thus, none is coextensive with the ***entire*** ClickShare product because there are several patents covering different critical features of that product.

B. Barco Failed to Demonstrate "Commercial Success" Due to the Claimed Features.

Barco's Evidence of revenue alone is insufficient to demonstrate secondary considerations without showing that those aspects are the "direct result" of the claimed features. *In re Huang*, 100 F.3d 135, 140 (Fed. Cir. 1996). Barco relied entirely on the presumption of nexus and made no attempt to demonstrate that revenue generated was due to the claimed features as opposed to significant unclaimed features. It is impossible to separate revenue generated from the claimed features and other commonly used features, *e.g.*, compatibility with the ubiquitous Teams and Zoom tools. Indeed, Yealink stopped selling dongles in the U.S., but still has a business selling base units, demonstrating that base units have material value even without a dongle. Ex-1082. Barco's products are also perfectly functional without using a dongle or "*peripheral device*." Ex-1076, Ex-1077. Barco makes no

attempt at the required showing of how much revenue is attributable to the claimed features as opposed to unclaimed features.

1. Barco Failed to Show the '237 Patent Covers Crestron's Products.

As for Barco's reliance on Crestron's products, Barco must show more than the mere existence of a license. *See Sibia Neurosciences, Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1358 (Fed. Cir. 2000) ("[T]he mere existence of these licenses is insufficient to overcome the conclusion of obviousness ...."); *see also Merck & Cie v. Gnosis S.P.A.*, 808 F.3d 829, 838 (Fed. Cir. 2015) ("It is therefore difficult to determine the extent to which the licensing agreement was a result of the novel features in the [challenged] patent, as opposed to the other patents involved."). Yet Barco offers little beyond just that. In fact, the Crestron license included many unrelated and foreign patents, including those from a different patent family. *See* Ex-2011, 15. Moreover, Barco's damages expert, when addressing the same license, testified that the agreement was driven by underlying "business" factors and "benefits" beyond the patents themselves. *See, e.g.*, Ex. 1091, 73:7-74:3, 105:8-106:1. [redacted] Ex-1090, 58:7-12.

There is no evidence that Crestron entered the license because it believed that Barco's patents were valid or enforceable. *Teva Pharms. Int'l GmbH v. Eli Lilly & Co.*, 8 F.4th 1349, 1364 (Fed. Cir. 2021). The Federal Circuit affirmed a Board

decision holding the Patent Owner did not show "that any of the challenged patents cover the [licensee's] Product by a comparison of the [ ] product to the challenged claims." *Id*. Here, too, Barco fails to explain how Crestron's products embody the claim limitations. Therefore, there is insufficient evidence of a nexus.

VI. CONCLUSION

Barco fails to rebut the prima facie showing of obviousness, and the evidence of secondary considerations is insufficient. Petitioner therefore asks the Board to find the challenged claims to be unpatentable.

Dated: October 15, 2025 Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Petitioner's Reply totals 3,616 as counted by Word Count feature of Microsoft Word, which is less than 5,600 allowed under 37 C.F.R. § 42.24(a)(1)(i), excluding the parts of the paper exempted by 37 C.F.R. §42.24(a).

Dated: October 15, 2025

By: /Stephen Yang/
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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2025, I caused a true and correct copy of the foregoing Petitioner's Reply and supporting exhibits to be served on the Patent Owner at the following correspondence addresses of record:

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