

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.

IPR2024-01437
Patent 11,403,237 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, 18, and 19 of U.S. Patent No. 11,403,237 B2 (Ex. 1001, “the ’237 patent”). Paper 2 (“Pet.”).

On April 8, 2025, we instituted *inter partes* review. Paper 7.

Following institution, Patent Owner filed a Response (Paper 46¹, “PO Resp.”), Petitioner filed a Reply (Paper 48, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 47, “PO Sur-reply”).

An oral hearing was held on January 21, 2026. *See* Paper 53.

After oral hearing, with our authorization (Paper 50), Patent Owner filed supplemental information and corresponding supplemental briefing (Paper 51) and Petitioner filed a response (Paper 52).

For the reasons explained in our analysis below, after considering all of the arguments and evidence presented at trial, we determine that Petitioner has shown by a preponderance of the evidence that claims 1, 3, 9, 18, and 19 of the ’237 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 *Barco, Inc. et al. v. Yealink (USA) Network Technology Co., Ltd. et al.*, 2:23-cv-521 (ED Tex.) (filed Nov. 14, 2023) (“Texas Litigation”) as a related court proceeding. 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 '237 Patent

The '237 patent, titled “Electronic Tool and Methods with Audio for Meetings,” issued August 2, 2022. Ex. 1001, codes (45), (54). The '237 patent relates to “electronic tools for meetings with audio.” *Id.* at 1:15–16. The '237 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, and lack of standards for audio, among other problems. *Id.* at 4:46–5:4.

Figure 11 of the '237 patent, shown below, illustrates a schematic representation of a communication system for presentations in which audio has been integrated. Ex. 1001, 15:15–18.

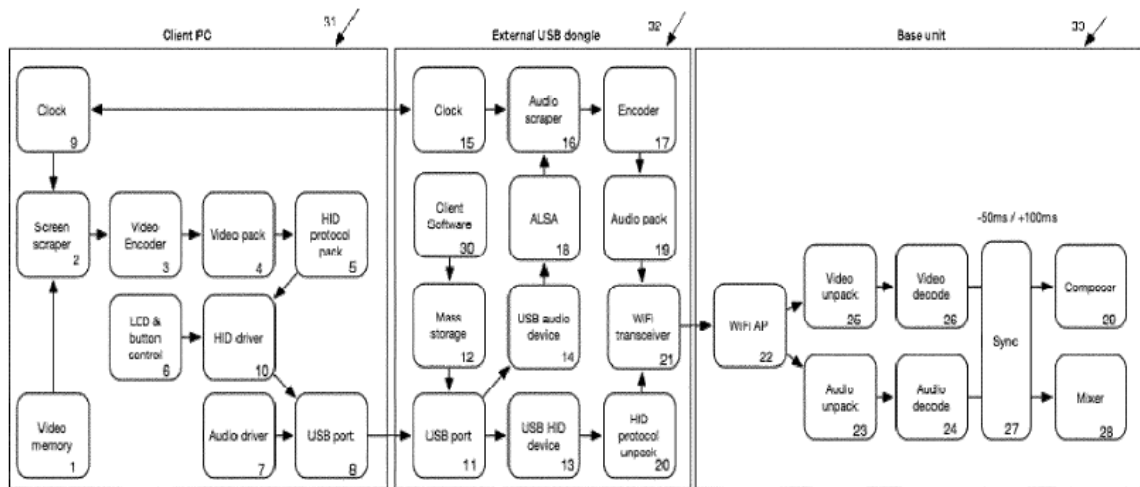


FIG. 11

Figure 11, above, is a schematic illustration containing processing device 31, peripheral device 32, and base unit 33. *Id.* at 11:63–12:1, 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 32:1–3. “[G]eneric drivers installed on the processing device make the audio available at the port 8 to the peripheral device 32.” *Id.* at 32:10–11. 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 14:43–49.

Peripheral device 32 contains port 11. *Id.* at 32:13–14. “[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 32:15–18. “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 33:28–31.

Processing device 31 also contains software that is executed for processing of video data. *Id.* at 32:31–34. The software “captures the video data that is available on the processing device, e.g. from a presentation or video that is running on the processing device.” *Id.* at 32:42–46. The video is then encoded, packetized, and prepared “for transport over the plug and play interface using a generic driver 10, such as over a USB interface using generic pre-installed drivers.” *Id.* at 32:55–61. The video packets are then received on the peripheral device at port 11, unpacked, and then “transmitted to the communications network by a transmitter 21.” *Id.* at 32:63–33:1.

E. Illustrative Claim

Petitioner challenges claims 1, 3, 9, 18, and 19 of the ’237 patent. Pet. 2. Of the challenged claims, claims 1, 9, 18, and 19 are independent. Ex. 1001, 33:60–36:34. Claim 3 depends from claim 1. *Id.*

Claim 1 is illustrative and is reproduced below, with Petitioner's element labels added in brackets.

1. [1pre] A method for connecting a processing device to a communications network, the processing device having a memory, a display, an operating system and communication between 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, the external peripheral device having a transceiver and a connector configured to couple to the port of the processing device, and;
 - [1b] presenting the external peripheral device to the processing device as a human interface device
 - [1c] communicating at least one of audio data and display data from the processing device to the external peripheral device via the human interface device;
 - [1d] reading the audio data from the port;
 - [1e] connecting the processing device to a communications network via the transceiver, and
 - [1f] display data and audio data being routed between the processing device and the communication network via the transceiver and further to a base node.

Ex. 1001, 33:60–34:12.

F. Evidence and Asserted Grounds

Petitioner asserts that claims 1, 3, 9, 18, and 19 of the '237 patent would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. §	Basis
1	1, 3, 9, 18, 19	103(a) ²	Kaplan, ³ Mardiks ⁴
2	1, 3, 9, 18, 19	103(a)	Maeda, ⁵ Deforche ⁶

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 particularity . . . the evidence that supports the grounds for the challenge to each claim”)); *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d

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 U.S. Patent Application Publication No. US 2009/0172219 A1, published July 2, 2009 (Ex. 1026).

⁵ JP 2007-208606 A, published Aug. 16, 2007 (Ex. 1031).

⁶ EP 2107463A2, published Oct. 7, 2009 (Ex. 1030).

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.” *Id.* 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 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. 9 (citing Ex. 1002 ¶¶ 36–37).

Patent Owner does not dispute Petitioner’s definition of the level of ordinary skill in the art. PO Resp. 10.

We adopt Petitioner’s proposed definition of a person of ordinary skill in the pertinent art, as it is consistent with the ’237 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).

Petitioner and Patent Owner propose constructions for a number of claim terms. Pet. 9–14; PO Resp. 8–10. 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). We need not construe explicitly any claim term.

D. Ground 1: Obviousness Based on Kaplan and Mardiks

Petitioner contends that claims 1, 3, 9, 18, and 19 would have been obvious over Kaplan and Mardiks. Pet. 21–41.

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.

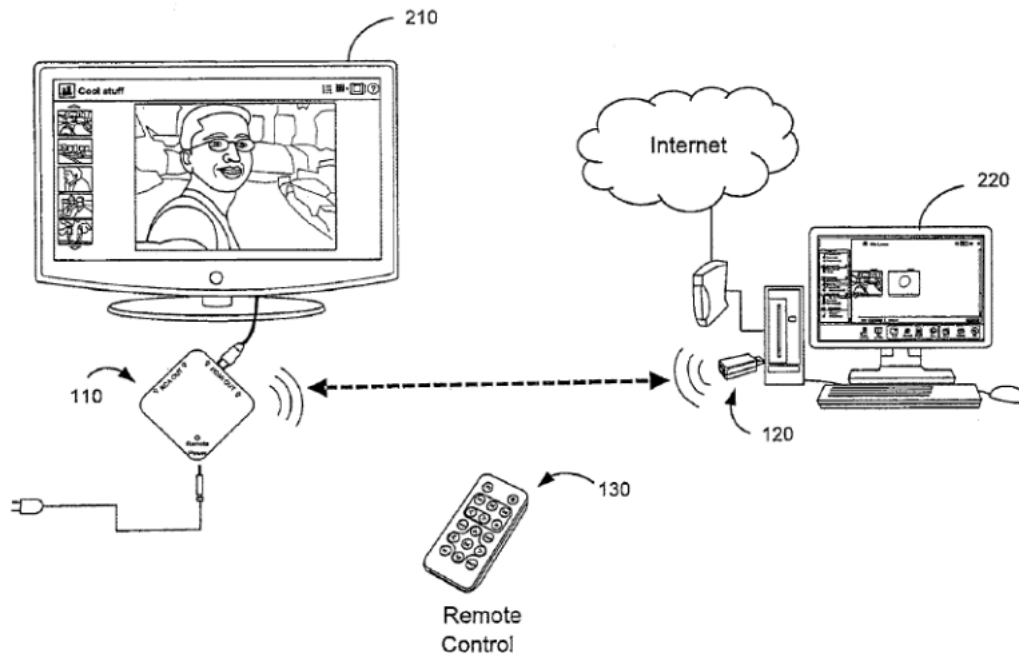


FIG. 2

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 Mardiks (Ex. 1026)

Mardiks is titled “Device and Method for Automatically Launching Applications Residing on USB Flash Drives,” and relates to a USB peripheral device that “may automatically launch an application residing in its memory after it is connected to a host.” Ex. 1026, codes (54), (57).

Figure 1A of Mardiks, reproduced below, illustrates a USB peripheral device and its environment. Ex. 1026 ¶ 14.

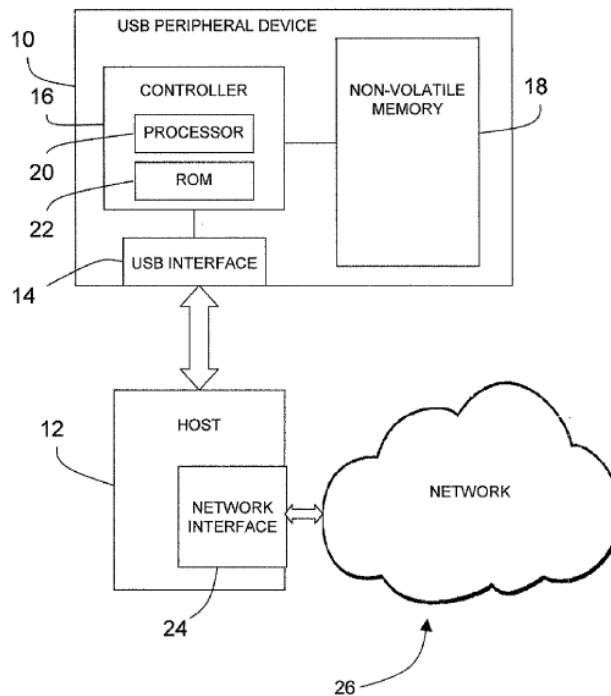


Fig. 1A

Figure 1A illustrates an embodiment of USB peripheral device 10, which is able to control host 12. *Id.* ¶ 19. USB peripheral device 10 includes USB interface 14, controller 16, and non-volatile memory 18. *Id.* The controller 16 executes instructions for sending and receiving messages through USB interface 14. *Id.*

3. Analysis of Independent Claim 1

Petitioner contends that claim 1 is unpatentable as obvious over Kaplan and Mardiks. Pet. 22–34. Petitioner provides a detailed mapping of the teachings of Kaplan and Mardiks to the elements of claim 1. *Id.*

[Ipre] 1. A method for connecting a processing device to a communications network, the processing device having a memory, a display, an operating system and communication between

processing device and a class of peripheral devices, the method comprising:

To the extent that claim 1’s preamble is limiting,⁷ Kaplan discloses connecting computer 220 (i.e., a processing device) to a communications network with transmitter 120 (i.e., a peripheral device). Pet. 22–24 (citing Ex. 1027 ¶¶ 5–9, 16–18, 23, 57–61, Figs. 2, 6; Ex. 1002 ¶¶ 89–90).

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

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

Kaplan’s transmitter 120 has a transceiver 450 and USB connector 122. Pet. 24–26 (Ex. 1027 ¶ 21 (“[T]ransmitter 120 is inserted into the USB port of a computer.”), FIG. 2; Ex. 1002 ¶ 92). USB connector 122 couples transmitter 120 to computer 220. *Id.*

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

[1b] presenting the external peripheral device to the processing device as a human interface device

Kaplan’s transmitter 120 initially presents itself to computer 220’s operating system as a removable disk drive. Pet. 26–27 (citing Ex. 1027 ¶¶ 46–52, 58–60; Ex. 1002 ¶ 94). Petitioner argues:

Upon the computing device detecting the transmitter, the operating system can check the contents of non-volatile memory 420 for an “autoplay.inf” file which may be stored on the peripheral device. (Ex-1027, ¶47; Ex-1002, ¶94). When detected, Kaplan discloses that the “autoplay.inf” file directs the

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

operating system of the computer device to a stored software application which executes the stored application to further install software for use with media transmission. (Ex-1027, ¶¶ 47–48; Ex-1002, ¶94).

Pet. 26–27.

Petitioner acknowledges that “Kaplan does not explicitly disclose presenting the transmitter 120 as a human interface device (HID).” *Id.* at 27.

Mardiks teaches presenting a USB peripheral device to a computer as a human interface device, such as a keyboard. *Id.* at 27–28 (citing. Ex. 1026 ¶ 5–7, 18–20, 27–20; Ex. 1002 ¶¶ 96–97). “By presenting itself as a keyboard (HID), the USB peripheral device can provide commands to launch a file in a mass storage peripheral device, where ‘the host uses its USB keyboard driver for communications with the USB peripheral device.’” Pet. 28 (citing Ex. 1026 ¶ 28; Ex.1002 ¶ 97). Mardiks discloses that “a stream of emulated keystrokes is sent from the USB peripheral device to the host. The emulated keystrokes sent cause the host to generate and execute a startup script, as if a user were to manually type the corresponding keystroke on a keyboard.” Ex. 1026 ¶ 30.

Petitioner contends that “[it] would have . . . been obvious to combine Kaplan with the teachings of Mardiks because it was a simple application of known techniques to apply Mardiks’ presenting the peripheral device as a human interface device to achieve Kaplan’s method and system of transmission of audio/video data to a wireless network.” Pet. 22 (citing Ex. 1002 ¶ 87). Petitioner, additionally, contends that “the modification would achieve the predictable result to automatically launch a stored application on the peripheral device to launch Kaplan’s remote audio/visual data transmission to the wireless network.” *Id.*

Patent Owner disputes that a POSITA would be motivated to make such a modification to Kaplan because Kaplan already provides a feature to automatically launch a stored application. PO Resp. 24–27; PO Sur-reply 11–14.

We find Patent Owner’s argument unpersuasive and determine that Petitioner’s evidence and analysis sufficiently shows that it would have been obvious to a POSITA to modify Kaplan so as to present its transmitter 120 to computer 220 as a human interface device, as taught by Mardiks, in order to automatically launch a stored application for transmitting audio/visual data to a wireless network. Pet. 21–22.

Kaplan and Mardiks are both concerned with the problem of a computer communicating with a peripheral device to automatically install software. Ex. 1026 ¶¶ 3–6; Ex. 1027 ¶¶ 22, 47. In one embodiment, Kaplan teaches the use of an autoplay.inf file to automatically install software. Ex. 1027 ¶ 47. Mardiks teaches an alternative way of automatically installing software by presenting a peripheral device as a human interface device, such as a keyboard. Ex. 10126 ¶¶ 6, 8, 27–30. We agree with Petitioner that

It would have, thus, been obvious to combine Kaplan with the teachings of Mardiks because it was a simple application of known techniques to apply Mardiks’ presenting the peripheral device as a human interface device to achieve Kaplan’s method and system of transmission of audio/video data to a wireless network. (Ex-1002, ¶87). Additionally, the modification would achieve the predictable result to automatically launch a stored application on the peripheral device to launch Kaplan’s remote audio/visual data transmission to the wireless network. (Ex-1002, ¶87).

Pet. 22; Pet. Reply 1; *see KSR*, 550 U.S. at 417 (simple substitution of one known element for another is a recognized rationale supporting a motivation to combine).

We determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Kaplan and Mardiks discloses element 1b.

[1c] communicating at least one of audio data and display data from the processing device to the external peripheral device via the human interface device;

Referencing its analysis for element 1b, Petitioner contends that “the combined teachings of Kaplan and Mardiks discloses that the audio data and display data may be communicated to the transmitter 120 through the peripheral device, which is presented to the computing device as a human interface device and, thus, is sent *via the human interface device*.” Pet. 30 (citing Ex. 1002 ¶ 102); *see also* Pet. Reply 6–7.

Patent Owner argues that the combination of Kaplan and Mardiks does not disclose this limitation because neither Kaplan nor Mardiks individually describes communicating audio data or display data via a human interface device. PO Resp. 28–29; *see also* PO Sur-reply 5–7.

Patent Owner’s argument is unpersuasive because it is the combination of Kaplan and Mardiks teaches limitation 1c. Kaplan teaches a transmitter 120 (a USB peripheral device) that transmits audio and display data from a computer through the peripheral device. Ex. 1027 ¶¶ 21–22. Kaplan’s transmitter 120, however, presents to the computer as a mass storage device and not as a human interface device. *Id.* ¶ 46. Mardiks teaches presenting a USB peripheral device to a computer as a human interface device, such as a keyboard. Ex. 1026 ¶¶ 6, 8, 27–30. When combined, as proposed in the Petition, Kaplan’s transmitter 120 would

present as a human interface device and the audio and display data would be transmitted via the human interface device, thus satisfying limitation 1c.

We determine that Petitioner's evidence and analysis sufficiently shows that the combination of Kaplan and Mardiks teaches element 1b.

[1d] reading the audio data from the port;

Kaplan's transmitter 120 transmits data, which includes video and audio data. Pet. 31 (citing Ex. 1027 ¶ 20; Ex. 1002 ¶ 103). Petitioner asserts that "[a] POSITA would have understood the transmitter 120 must read audio data from the USB port of the computer 220 (which then may be processed) before it can be transmitted by the transceiver 450." Pet. 31 (citing Ex. 1027 ¶¶ 17, 28, FIGs 1, 4; Ex. 1002 ¶ 103).

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

[1e] connecting the processing device to a communications network via the transceiver, and

Kaplan connects computer 220 to the network by transmitter 120's transceiver 450. Pet. 32–33 (citing Ex. 1027, ¶¶ 6, 9, 18, 23, 25, 31, FIG 2; Ex. 1002 ¶ 104).

We determine that Petitioner's evidence and analysis sufficiently shows that Kaplan discloses element 1e.

[1f] display data and audio data being routed between the processing device and the communication network via the transceiver and further to a base node.

Petitioner contends that Kaplan routes display and audio data from computer 220 (via transmitter 120's transceiver 450), through the network to receiver 110 (i.e., a base node) of display device 210. Pet. 33–34 (citing Ex. 1027 ¶¶ 2–6, 16–18, 28; Ex. 1002 ¶ 105).

We determine that Petitioner's evidence and analysis sufficiently shows that Kaplan discloses element 1f.

4. *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. 11–16; 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), Patent Owner's arguments do not properly account for the context in which the testimony was given in the related *inter partes* reviews.

b) *Whether Mardiks is Analogous Art*

Patent Owner argues that Mardiks is not analogous art because:

The '237 Patent's field relates to wireless presentation systems whereas Mardiks is directed towards the USB standard and devices. [] Likewise, while the '237 Patent addresses the pertinent problem of providing a system for presenting content in a meeting which (1) simplifies the use of the technology, (2) is compatible with existing corporate security measures, and (3) provides or is compatible with a variety of collaborative software tools, Mardiks addresses automatically launching an application on a flash driver.

PO Resp. 20–21; *see also id.* at 22–24.

“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)).

We are persuaded by Petitioner that Mardiks meets at least the second test because both the ’237 patent and Mardiks “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.” Pet. Reply. 3–5; *See* Ex. 1001, 5:38–40; Ex. 1026 ¶¶ 3, 28. We, thus, are not persuaded by Patent Owner that Mardisk is non-analogous art.

5. *Conclusion as to Independent Claim 1*

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

6. *Dependent Claims 3, 9, 18, and 19*

Claims 3, 9, 18, and 19 depend from claim 1. We determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Kaplan and Mardiks teaches dependent claims 3, 9, 18, and 19. *See* Pet. 34–41. Petitioner makes no arguments directed to the additional elements of the dependent claims. *See generally* PO Resp.

7. Conclusion as to Ground 1

We determine that Petitioner has shown by a preponderance of the evidence that claims 3, 9, 18, and 19 are unpatentable over Kaplan and Mardiks

E. Ground 2: Obviousness Based on Maeda and Deforche

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.

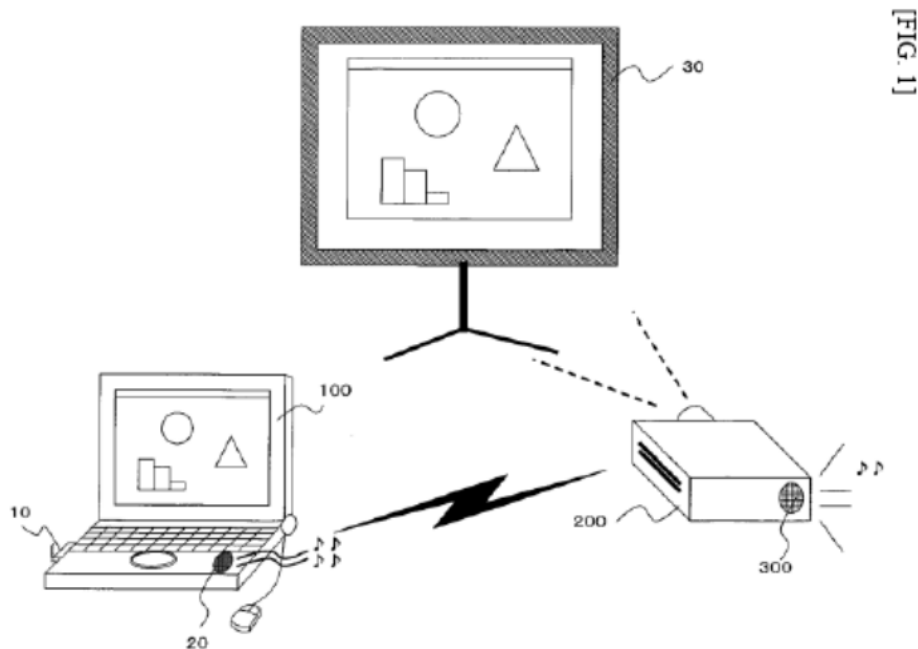


Figure 1 illustrates an external configuration of an audio/video transmission system, including a PC 100, projector 200, and screen 30. *Id.* ¶¶ 16–17. “A wireless LAN card 10 containing a wireless LAN chip is attached to PC 100, thereby transmitting image signals and audio signals to projector 200.”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

2. Overview of Deforche

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.

3. Analysis of Independent Claim 1

Petitioner contends that claim 1 is unpatentable as obvious over Madea and Deforche. Pet. 41–54. Petitioner provides a detailed mapping of the teachings of Madea and Deforche to the elements of claim 1. *Id.*

[Ipre] 1. A method for connecting a processing device to a communications network, the processing device having a memory, a display, an operating system and communication between processing device and a class of peripheral devices, the method comprising:

To the extent that claim 1’s preamble is limiting, Maeda discloses connecting personal computer 100 to a communications network using wireless LAN card 10. Pet. 42–45 (citing Ex. 1031 ¶¶ 15, 19, 76, Fig. 1., Fig. 2; Ex. 1002 ¶ 137).

We determine that Petitioner's evidence and analysis sufficiently shows that Madea teaches the preamble.

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

Maeda discloses coupling wireless LAN card 10 to personal computer 100. Ex. 1031 ¶ 17, Fig. 1; Ex. 1002 ¶ 137. Deforche discloses a wireless modem that is a computer peripheral device that interfaces with a computer through a USB interface. Ex. 1030 ¶¶ 6–7; Ex. 1002 ¶ 139. Deforche presents its peripheral device to a processing device as a human interface device. Ex. 1030 ¶¶ 9–11, Fig. 1.

We are persuaded by Petitioner that:

A POSITA would have found it obvious to include a transceiver and connector configured to connect to a corresponding port in a wireless LAN card or similar wireless modem device to wirelessly transmit and receive data because it was conventional in the art at the time of invention. (*See, e.g.*, Ex-1059, ¶¶ 1-6; Ex-1022, FIG. 2; Ex-1024, ¶ 16, FIG. 3; Ex-1007, ¶¶ 18-21, 30, FIG. 1, 47; Ex-1060, 1:64-2:3, 3:42-64, FIG. 1; Ex-1027, ¶¶ 17, 45; Ex-1002, ¶¶ 130, 140). Further, a POSITA would have had a reasonable expectation of success in implementing such well-known, routine, and predictable technology. (Ex-1002, ¶¶ 130, 140).

Pet. 48.

We determine that Petitioner's evidence and analysis sufficiently shows that the combination of Madea and Deforche teaches limitation 1c.

[1b] presenting the external peripheral device to the processing device as a human interface device

Petitioner contends that the combination of Madea and Deforche teaches element 1b. Pet. 49–51. Deforche teaches presenting the wireless

modem to a host computer as a human interface device or other generic device. *See, e.g.*, Ex. 1030 ¶¶ 10, 33–36, 43–45, 51–52, claim 2, Fig. 1 (USB interface 7 exposed to a host computer as a human interface device (HID)); Ex. 1002 ¶ 143. Deforche’s system, thus, does not need a user to install a specific driver for the wireless modem device. *See, e.g.*, Ex. 1030 ¶¶ 10, 32–39, 43–46, 51–52; Ex. 1002 ¶ 144. Deforche uses pre-installed drivers for human interface devices to establish a channel of communication with the wireless modem device. *Id.*

Petitioner argues that:

A POSITA would have found it obvious to use the teachings of Deforche, as described above, to implement the system of Maeda to avoid the need for a user to install a separate driver for a wireless peripheral device. (Ex-1002, ¶145). Given how known the limitations were in the art, a POSITA would have had a reasonable expectation of success in achieving the claimed combination of Maeda with Deforche. (Ex-1002, ¶¶145).

Pet. 51; *see also id.* at 41–42; Pet. Reply 7–9.

Patent Owner argues that a POSITA would not be motivated to combine Maeda and Deforche with a reasonable expectation of success because Maeda allegedly relies upon installed software and Deforche is a zero-footprint system, which does not need installed software. PO Resp. 33–36; *see also* PO Sur-Reply 14–19. According to Patent Owner,

A POSITA would not be motivated to combine the teachings of *Maeda* and *Deforche*, as *Maeda* is directed towards a system which requires custom software installation to function. Ex.2004, ¶92. Meanwhile, *Deforche* discourages use of installed custom software, and instead provides a zero-footprint implementation of a wireless modem. A POSITA would not be motivated to make changes to *Maeda* based on *Deforche* when *Maeda* does not teach implementation of a zero-footprint system.

PO Resp. 30.

Patent Owner’s arguments are unpersuasive. We are not persuaded that this difference between Maeda and Deforche is dispositive. To the contrary, we find the difference establishes why a POSITA would have further modified Maeda 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. *Id.* ¶ 9. Deforche also states that this has “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.*

“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.

We determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Maeda and Deforche discloses element 1b.

[1c] communicating at least one of audio data and display data from the processing device to the external peripheral device via the human interface device;

Patent Owner argues that the combination of Maeda and Deforche does not disclose this limitation because neither Maeda nor Deforche individually describes communicating audio data or display data via a human interface device. PO Resp. 37–39; *see also* PO Sur-reply 19–21.

Patent Owner’s argument is unpersuasive because it is the combination of Maeda and Deforche that teaches limitation 1c. Maeda teaches communicating audio and display data from personal computer 100 to wireless LAN card 10 by network IF 108. Pet. 51–52 (citing Ex. 1031 ¶¶ 15, 17, 19, Fig. 1; Ex. 1002 ¶¶ 146–147). When Maeda is combined with Deforche, as discussed above in connection with element 1b, as Petitioner contends, “the audio and display data may be said to be communicated via the human interface device.” Pet. 52 (citing Ex. 1002 ¶ 146).

We determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Maeda and Deforche discloses element 1c.

[1d] reading the audio data from the port;

Maeda discloses that wireless LAN card 10 transmits audio data to the wireless LAN and, thus, teaches that audio data is read from the personal computer's port. Pet. 53 (citing Ex. 1031 ¶¶ 15, 17, 19; Ex. 1002 ¶ 147).

We determine that Petitioner's evidence and analysis sufficiently shows that Maeda discloses element 1d.

[1e] connecting the processing device to a communications network via the transceiver, and

Maeda discloses connecting personal computer 100 to a communications network by wireless LAN card 10. Pet. 53 (citing Ex. 1031 ¶ 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 via the wireless LAN"); Ex. 1002 ¶ 148).

We determine that Petitioner's evidence and analysis sufficiently shows that Maeda discloses element 1e.

[1f] display data and audio data being routed between the processing device and the communication network via the transceiver and further to a base node.

Maeda disclose routing display data and audio data from personal computer 100 to the communication network using wireless LAN card 10, and then to projector 200. Pet. 54 (citing Ex. 1031 ¶ 17; Ex. 1002 ¶ 149).

We determine that Petitioner's evidence and analysis sufficiently shows that Maeda discloses element 1f.

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 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 Maeda and Deforche

5. *Dependent Claims 3, 9, 18, and 19*

Claims 3, 9, 18, and 19 depend from claim 1. We determine that Petitioner's evidence and analysis sufficiently shows that the combination of Maeda and Deforche teaches dependent claims 3, 9, 18, and 19. *See* Pet. 54–63. Petitioner makes no arguments directed to the additional elements of the dependent claims. *See generally* PO Resp.

We determine that Petitioner has shown by a preponderance of the evidence that claims 3, 9, 18, and 19 are unpatentable over Maeda and Deforche.

F. *Analysis of Secondary Considerations*

Patent Owner argues that evidence of commercial success and industry acquiescing shows that the claims of the '237 patent are nonobvious. PO Resp. 39–56.

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 '237 patent are coextensive with Patent Owner's ClickShare Products, which is formed of a ClickShare Button and a Barco Base. PO Resp. 41–52; PO Sur-reply 6. Patent Owner states:

Patent Owner identifies the '237 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. 41.

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 12–14. 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 12.

Claims 1, 3, 9, 18, and 19 of the '237 patent are directed to a peripheral device (i.e., dongle). 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 13) and, thus, the ClickShare Product is

not coextensive with the invention of claims 1, 3, 9, 18, and 19 of the '237 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. 52–53.

As Petitioner points out (Pet. Reply 14–15), 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. 54–56.

Patent Owner first argues that licensing of the '237 patent by Creston shows industry acquiescence and shows nonobviousness of the claimed invention. PO Resp. 54–56; 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 15–16.

“[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 '237 patent because Creston believed that that '237 patent was valid or enforceable. The Creston license involves three patent families and 20 patents total. PO Sur-reply 4; Ex. 2011, 15. The '237 patent is among the 20 licensed patents (Ex. 2011, 15) and Patent Owner provided no evidence to show the weight or importance of the '237 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. 40, 54; 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 '237 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 '237 Patent." PO Resp. 56 (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 '237 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. 56 (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 a 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 '237 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. 2036) is strong evidence of nonobviousness because Petitioner asked the court for a compulsory license to the '237 patent. Paper 51. Petitioner disputes that its Motion is evidence of nonobviousness because the Motion was filed to avoid needless future litigation. Paper 52 (citing Ex. 2036, 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. 2036. 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 during trial, 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, 18, 19	103(a)	Kaplan, Mardiks	1, 3, 9, 18, 19	
1, 3, 9, 18, 19	103(a)	Maeda, Deforche	1, 3, 9, 18, 19	
Overall Outcome			1, 3, 9, 18, 19	

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 1, 3, 9, 18, and 19 of U.S. Patent No. 11,403,237 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.

IPR2024-01437
Patent 11,403,237 B2

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