

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YEALINK (USA) NETWORK TECHNOLOGY CO., LTD., AND YEALINK
NETWORK TECHNOLOGY CO., LTD.,

Petitioners,

v.

BARCO N.V.

Patent Owner.

CASE: IPR2024-01438

U.S. PATENT NO. 11,258,676

PATENT OWNER'S SUR-REPLY

Table of Contents

I.	Introduction.....	1
II.	The Crestron License Strongly Supports Non-Obviousness.....	2
III.	The Embodied Products are a Commercial Success	6
IV.	The '676 Patent Claims Are patentable Over The Cited References	7
A.	Ground 1	7
1.	There Is No Motivation To Combine <i>Ono</i> And <i>Deforche</i>	7
2.	There Is No Reasonable Expectation Of Success In Modifying <i>Ono</i> With <i>Deforche</i>	8
3.	Neither <i>Ono</i> Nor <i>Deforche</i> , Alone Or In Combination, Disclose “setting up, by means of a pre-installed generic driver of the operating system, a means for communication between the peripheral device and the processing device”	10
4.	<i>Ono-Deforche</i> does not disclose “running a client application stored on the peripheral device to obtain screen scraped data”	14
B.	Ground 2.....	15
1.	Ground 2 Does Not Disclose Screen Scraping.	15
2.	Ground 2 Does Not Disclose “a user action on any of the user devices”..	15
C.	Ground 3.....	15
1.	There Is No Motivation To Combine <i>Ono</i> and <i>Grimshaw</i>	15
2.	The <i>Ono-Deforche-Grimshaw</i> Combination Does Not Disclose Triggering The Transfer Of Content With An Input Device Or Actuator	17
3.	Petitioner’s Arguments For Claim 18, 19, And 20 Fail.	19
D.	Ground 4.....	20
1.	There Is No Motivation To Combine <i>Uchida</i> And <i>Deforche</i>	20
2.	The Reply Does Not Respond To The POR.....	21
3.	The <i>Uchida-Deforche-Grimshaw</i> Combination Does Not Teach Setting Up Communications With A Pre-installed Generic Driver	22
4.	The <i>Uchida-Deforche-Grimshaw</i> Combination Does Not Teach An Input Device Or Actuator That Triggers The Transfer Of Data Or Content.	23



5. Petitioner’s Arguments For Claim 18, 19, And 20 Fail.	24
E. Ground 5.....	24
V. Dr. Almeroth’s Conclusory Testimony Should Not Be AFforded Much, if Any Weight	25
VI. Conclusion	25

Exhibits

Exhibit Number	Description
Ex. 2001	Reserved
Ex. 2002	Reserved
Ex. 2003	Reserved
Ex. 2004	Declaration of Dr. Michael Brogioli
Ex. 2005	Curriculum Vitae of Dr. Michael Brogioli
Ex. 2006	June 30, 2025 Deposition Transcript of Kevin C. Almeroth in IPR2024-01436
Ex. 2007	July 1, 2025 Deposition Transcript of Kevin C. Almeroth in IPR2024-01439
Ex. 2008	July 2, 2025 Deposition Transcript of Kevin C. Almeroth in IPR2024-01437
Ex. 2009	July 2, 2025 Deposition Transcript of Kevin C. Almeroth IPR2024-01438
Ex. 2010	Barco Sales Data (<i>Confidential and Redacted Versions Filed</i>)
Ex. 2011	Crestron License Agreement (<i>Confidential and Redacted Versions Filed</i>)
Ex. 2012	<i>Barco and Crestron announce patent license agreement regarding a set of essential ClickShare patents</i> , BARCO (Sept. 12, 2023) https://web.archive.org/web/20240810204702/https://www.barco.com/en/about/press-releases/barco-and-crestron-announce-patent-license-agreement-regarding-a
Ex. 2013	<i>ClickShare conferencing & collaboration</i> , BARCO (April 1, 2025), https://web.archive.org/web/20250401012647/https://www.barco.com/en/products/clickshare-conferencing-collaboration#expand

Exhibit Number	Description
Ex. 2014	<i>ClickShare Button</i> , BARCO (February 12, 2025) https://web.archive.org/web/20250212164931/https://www.barco.com/en/product/clickshare-conferencing-button
Ex. 2015	ECF 65, Joint Claim Construction and Prehearing Statement, <i>Barco, Inc. et al v. Yealink (USA) Network Technology Co., Ltd. et al</i> , 2:2023-cv-521 (E.D. Tex. 11/14/2023)
Ex. 2016	ECF 89, Claim Construction Order, <i>Barco, Inc. et al v. Yealink (USA) Network Technology Co., Ltd. et al</i> , 2:2023-cv-521 (E.D. Tex. 11/14/2023)
Ex. 2017	List of Products Covered by Barco Patents accessible at: https://www.barco.com/en/about/terms-conditions/patents
Ex. 2018	<i>Patent</i> , CRESTRON (June 12, 2025) https://www.crestron.com/legal/patents?page=1
Ex. 2019	Crestron Electronics Private Company Profile, PITCHBOOK
Ex. 2020	ECF 55, Consent Judgment and Permanent Injunction, <i>Barco, Inc. et al v. Vivitek Corporation et al</i> , Case No. 4:19-cv-3250 (N.D. Cal. 4/27/2020)
Ex. 2021	<i>Barco Successfully enforces ClickShare IP against competitors in the U.S.</i> , BARCO (May 26, 2020) https://web.archive.org/web/20240424230846/https://www.barco.com/en/about/press-releases/2020-05-26-barco-successfully-enforces-cs-ip-against-competitors-in-the-us
Ex. 2022	Paul Krzyzanowski, <i>Devices</i> , PK.ORG (updated March 24, 2011).
Ex. 2023	Excerpts from April 18, 2025 Deposition Transcript of Andrew Ludke (<i>Confidential and Redacted Versions Filed</i>)
Ex. 2024	<i>USB device class drivers included in Windows</i> , Microsoft (Apr. 9, 2025) https://web.archive.org/web/20250409210411/https://learn.micros

Exhibit Number	Description
	oft.com/en-us/windows-hardware/drivers/usbcon/supported-usb-classes
Ex. 2025	Reserved
Ex. 2026	Dr. Kevin Almeroth's Declaration in IPR2024-01437
Ex. 2027	Reserved
Ex. 2028	Reserved
Ex. 2029	Reserved
Ex. 2030	Dr. Kevin Almeroth's Declaration in IPR2025-00597
Ex. 2031	Reserved
Ex. 2032	Modified Protective Order
Ex. 2033	December 1, 2025 Deposition Transcript of Kevin C. Almeroth in IPR2024-01436, IPR2024-01437, IPR2024-01438 and IPR2024-01439

I. INTRODUCTION

Petitioner has not met its burden to establish that the challenged claims are obvious. First, the Petition fails to provide motivations to combine the cited references, rather it merely concludes “it would have been obvious” to make the combination because “pre-installed generic Window’s drivers” were “well-known.” Petition, 15, 50. Likewise, the Petition alleges a POSITA would alter the sharing methods of primary references (*Ono* and *Uchida*) because such changes are “beneficial because each user can activate their device and take control of the presentation” without articulating why such a system would be desirable. Petition, 39, 51. Petitioner’s assertions are especially troubling given that they are contrary to *Uchida*’s principles of operation.

The Grounds are based on a hindsight-driven reconstruction of the claims rather than the prior art. Notably, when identifying market incentives, the Reply cites to the ’676 Patent itself rather than any prior art teachings. Reply, 24.

In addition to the facially weak obviousness challenge, the Reply misstates the laws and facts regarding Patent Owner’s secondary indicia. Considering these un rebutted indicia, and the weakness of the challenge, the record clearly supports a finding of non-obviousness.

II. THE CRESTRON LICENSE STRONGLY SUPPORTS NON-OBVIOUSNESS

Industry-leader Crestron has licensed to the '676 Patent from Patent Owner. The Reply fails to address this undeniable fact and under controlling Federal Circuit case law, the proceeding, which rests entirely on obviousness grounds, can stop here.

Petitioner misstates the law for secondary considerations. “Unlike products, which may incorporate numerous features beyond those claimed or described in a patent and therefore may require careful parsing to establish a nexus, actual licenses to the subject patent do not demand the same, as they are, by their nature, directly tied to the patented technology.” *Ancora Technologies, Inc. v. Roku, Inc.*, 140 F.4th 1351, 1362 (Fed. Cir. 2025) (emphasis added).¹ “Licenses to the challenged patent, then, unlike products or other forms of objective evidence of nonobviousness, do not require a nexus with respect to the specific claim at issue, nor does [] nexus law require that a particular patent be the only patent being licensed or the sole motivation for entering into a license.” *Id.*

The Reply fails to provide any explanation for why *Anacora* does not apply. Instead, Petitioner misinterprets caselaw in attempt to impose a stricter nexus requirement for licensed patents. *Id.* For example, *Sibia Neurosciences, Inc. v.*

¹ All emphasis added unless otherwise noted.

[REDACTED]

Cadus Pharm. Corp., a case two-decades before *Anacora*, does not require that licensed patents be practiced by the licensee’s product. Instead, it provides a single instance where a court found the “existence of these licenses is insufficient to ***overcome the conclusion of obviousness***[.]” 225 F.3d 1349, 1358 (Fed. Cir. 2000) (“SIBIA points to three licenses or sub-licenses of the ’629 patent, all of which were part of larger licensing packages.”). *Sibia* fails, however, to undermine *Anacora*, which confirms that when a challenged patent is licensed, a nexus is presumed, even if the license includes more than the challenged patent. So too here—Patent Owner’s license covers three patent families that all claim similar technology—and this is not the case of a broad portfolio-wide license. The Crestron license here is targeted to specific patents necessary to practice the claimed technology.

Likewise, in *Merck & Cie v. Gnosis S.P.A.*, a licensee identified another patent in the licenses as being the more desirable from a licensing perspective. 808 F.3d 829, 838 (Fed. Cir. 2015) (“A PamLab executive explained that PamLab desired this stable form ‘[b]ecause of its uniqueness and its novel properties’”). It was this desire for another licensed patent which resulted in the difficulty in determining “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.” *Id.* Here, no such evidence exists, and *Anacora*’s clear direction is not overcome by the unique factual circumstances of *Merck*. [REDACTED]

Ex. 2023, 58:14-19. Conversely, Barco has many other unrelated, unlicensed patents in its portfolio. Ex. 2017.

Last, the Reply cites to *Teva Pharmaceuticals Int'l GmbH v. Eli Lilly & Co.*, in attempt to require a mapping between the licensed patents and the licensee's products. Reply, 29 (citing 8 F.4th 1349 (Fed. Cir. 2021)). However, here, just like in *Teva*, Petitioner's "argument loses sight of the true purpose of the nexus requirement, which is to consider whether the fact-finder can infer that the licensing arose out of recognition and acceptance of the subject matter claimed in the patents." *Teva*, 8 F.4th at 1364. The Crestron license is a license involving three patent families (or 20 patents total) involving related technology. Ex. 2011. This is not comparable to *Teva*, where the license involved 188 patents, so "the nexus between the license and the validity of any particular claim is rather tenuous to say the least." *Teva*, 8, F.4th at 1363. Moreover, the Reply provides no argument that somehow *Teva* should govern over the more recent *Anacora*, which is crystal clear: "Licenses to the challenged patent, then, unlike products or other forms of objective evidence of nonobviousness, do not require a nexus with respect to the specific claim at issue, nor does [] nexus law require that a particular patent be the only patent being licensed or the sole motivation for entering into a license." *Ancora v. Roku*, 140 F.4th at 1362.

Notwithstanding Petitioner's misunderstanding of the case law, the Reply is also flawed with respect to the relevant facts. Patent Owner has demonstrated a nexus between the challenged patent and the Crestron License. For example, Crestron identifies the '676 Patent as embodied in its AM-TX3-100 and AM-TX3-2 products. Ex. 2018.² [REDACTED]

[REDACTED] Ex. 2023, 58:14-19. Indeed, as the Reply itself notes, the '676 Patent is independently valuable. Reply, 27 (citing Ex. 1078, 141:20-143:18). Dr. Almeroth did not form any specific opinions in relation to Crestron and its license of the '676 Patent, and Petitioner offers no evidence that Crestron does not practice the '676 Patent. Ex. 2033, 13:20-14:4, 14:16-21. In summary, the Reply's position (Reply, 28-30) regarding the Crestron License is unsupported by law and fact.

Petitioner simply fails to overcome the significance of the Crestron license. Ex. 2011, 15; Ex. 2023, 28:22-29:16. Crestron, a world-wide company with a sophisticated IP portfolio of its own, [REDACTED] [REDACTED] using the claimed patented technology. Ex. 2023, 28:10-18, 58:14-19; Ex. 2019 (showing Crestron owns 460

²<https://web.archive.org/web/20250616134131/https://www.crestron.com/legal/patents?page=1>

patent families). [REDACTED] Ex. 2023, 76:1-18. Creston itself identifies that its AM-TX3-100 and AM-TX3-2 products practice the '676 Patent. Ex. 2018. This *direct and un rebutted* acquiescence and licensing by a sophisticated entity that owns over 460 patent families strongly favors a finding of non-obviousness.

III. THE EMBODIED PRODUCTS ARE A COMMERCIAL SUCCESS

The Reply does not dispute that a Barco Base unit, when used with a ClickShare Button, practices the claimed invention. Reply, 26-28. While certain Barco Base units may include features not covered by the '676 Patent, it is undisputed that the '676 Patent is practiced by a Barco Base unit used in connection with a ClickShare Button. POR, 51-67. Further, as Mr. Six testified when deposed by Petitioner, when a Barco Base unit is used, 85% (or more) of users use the ClickShare Button over the ClickShare Application. Ex. 1078, 199:23-200:11.

Moreover, “the degree of correspondence between a product and a patent claim falls along a spectrum.” *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1374 (Fed. Cir. 2019). The Reply does not identify any unclaimed features or otherwise advance any evidence to counter Patent Owner’s mapping of the products to the claims. The Reply’s argument that the ClickShare System is not coextensive with the claimed subject matter is conclusory, unsupported by any evidence, and thus unpersuasive. Ex. 2033, 10:21-11:8, 11:16-12:1, 12:14-22, 13:9-12.

IV. THE '676 PATENT CLAIMS ARE PATENTABLE OVER THE CITED REFERENCES

A. Ground 1

1. There Is No Motivation To Combine *Ono* And *Deforche*

Neither the Petition, nor the Reply identify *any* motivation to combine *Ono* and *Deforche*. Petition, 15; Reply, 7-8. The Petition states “[i]t would have been obvious to modify Ono’s similar device using the well-known method of using the pre-installed generic Window’s drivers, as disclosed by Deforche, to communicate information to Ono’s USB peripheral devices.” Petition, 15. The Reply similarly advances a “well-known” argument. Reply, 7-8. Such allegation is mystifying, given that *Ono* itself uses a customer driver that is installed by an installer *after* plugging in USB memory 45. Ex. 1005, ¶55. This decidedly is not a pre-installed generic driver.

Petitioner does not explain *why* a POSITA would be *motivated* to make the proposed combination. Rather than explain “how and why the POSA would have combined *Ono* and *Deforche*” (Reply, 7) Petitioner merely concludes that a POSITA *would*. “It does not suffice to simply be known. A reason for combining must exist.” *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 888 (Fed. Cir. 2024). Without *any* articulated motivation to combine, this Ground fails.

2. There Is No Reasonable Expectation Of Success In Modifying
Ono With *Deforche*

The Reply's argument regarding the reasonable expectation of success is flawed for many reasons.

First, the Reply inexplicably disputes that installation is required in *Ono*. Reply, 8, 13-14. *Ono* is clear, “an installer will automatically be activated on the information terminal apparatus 2A, and the connection application 46, the driver 47 and the configuration information 48 will automatically be stored in the HDD (Hard Disk Driver).” Ex. 1005, ¶55. Dr. Almeroth agrees such disclosure is indicative of the scope of a reference. Ex. 2033, 30:18-24 (Dr. Almeroth explaining to figure out the scope of a cited reference's invention he looks to “[g]enerally, the reference. I don't see any reason why there wouldn't be an aspect of the invention or the disclosure, the – the exhibit, that you wouldn't look at.”) 43:8-16. Installation from the installer is referenced throughout *Ono*. Ex. 1005, ¶¶58, 62, 76. The Reply provides no evidence that *Ono*'s system *could* be implemented without any kind of installation (in the face of *Ono*'s express requirement that there be installation). In fact, the Reply seeks to improperly shift the burden of the proceeding to Patent Owner. Reply, 8, (“There is ***nothing prohibiting*** implementing *Ono*'s application as a zero-footprint application”), 9 (“***Nothing prevents*** implementing *Ono*'s application as zero-footprint”); *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*,

800 F.3d 1375, 1378 (Fed. Cir. 2015); 35 U.S.C. § 316(e). It is not Patent Owner's burden to establish that *Ono* could never be altered to work in the claimed manner. Rather, it is Petitioner's burden to establish that a POSITA *would* have made the proposed combination.

Notably, Dr. Almeroth agrees that (1) there are at least 25 different driver classes on the windows operating system, (2) each of these drivers operate in different ways, and (3) vendor specific drivers operate based on the specific function the vendor was providing to the USB peripheral, such that there are a near-infinite number of driver implementations while using USB such that the proposed combination would necessarily require undue experimentation. Ex. 2024; Ex. 2033, 56:8-9, 56:17-24. Notwithstanding these facts, Dr. Almeroth provides no evaluation of how these different functions relate to the implementation of the identified combination. Ex. 1002; Ex. 1083.

Even if *Ono's application* was implemented as a portable application, the Reply does not account for the *driver 47* and *configuration information 48* that are also installed in *Ono's* system. In other words, *even if* a POSITA modified *Ono* as Petitioner advocates, the benefits of a zero-footprint system as taught by *Deforche* would not be achieved because the driver and configuration information would still be installed. Ex. 1005, ¶55. The modifications based on *Deforche* would therefore be meaningless, and would not be made absent from the Petition's blatant attempt to

recreate the claims through hindsight. Ex. 2033, 44:11-18 (Dr. Almeroth opining that there is no motivation to combine when “there is a particular objective of the primary reference that would be undermined by considering—by trying to combine it with a secondary reference”), 45:7-15, 59:16-60:4.

Second, the Reply purports the modification is a “common sense application of *Deforche*’s zero-footprint advantages that would have been obvious to apply to *Ono*’s system ready for improvement.” Reply, 8. However, neither the Petition nor the Reply identify how *Ono* is allegedly improved by *Deforche*’s zero-footprint system. In fact, the phrase “zero-footprint” does not appear in the Petition’s Ground 1 argument. Petition, 15-33. Again, rather than explaining why a POSITA *would* be motivated to combine the reference, the Reply irrelevantly argues that certain limitations could be met by the installation of software. Reply, 9 (“Dr. Brogioli stated installing software can still meet claim limitations.”) (citing Ex. 1070 20:11-24:23).

In summary, Petitioner has not met its burden to establish a motivation to combine, and accordingly, this Ground must fail.

3. Neither *Ono* Nor *Deforche*, Alone Or In Combination, Disclose “setting up, by means of a pre-installed generic driver of the operating system, a means for communication between the peripheral device and the processing device”
 - a. Petitioner has not identified the claimed “means for communication”

Claims should not be interpreted as inconsistent with a district court claim construction. *KioSoft Techs., LLC v. PayRange, Inc.*, IPR2021-00086, Paper 12, at 16 (PTAB Mar. 22, 2021). In the district court, the limitation “means for communication” was construed as follows:

Disputed Term	The Court’s Construction
“means for communication” (’676 Patent, Claim 1)	Governed by 35 U.S.C. § 112 ¶ 6 Function: Provide data communication between the peripheral device and the processing device Structure: “an interface using a generic communications protocol” As set forth in Ex. 2016, 10-13.

Ex. 2016, 16.

The Petition argues that “[t]he means for communication includes one or more of the installer on USB memory 45, connection application 46, driver 47, configuration information 48, and wireless connection module 44” in *Ono*. Petition, 22, (citing Ex. 1005, Fig. 4). The Petition does not identify disclosure of an installer, connection application, driver, configuration information, or wireless connection module as “an interface using a generic communications protocol” described in the ’676 Patent. *See* Ex. 1001, 27:21-26.

The Petition did not rely on *Deforche* for the “means for communication[.]” Petition, 22. Further, neither the Petition nor Reply provide any other identification of the “means for communication.”

b. The Reply improperly relies on *Deforche*

The Reply wrongly overstates that “Dr. Brogioli admits that *Deforche* teaches this limitation.” Reply, 9 (citing Ex. 1072, 72:13-73:13). Dr. Brogioli testified that a MSD driver and a HID driver may set up a means for communication between a peripheral device and a processing device. Ex. 1072, 73:5-13. However, as above (Section IV.A.3.a), there is no identification of what the “means for communication” is, other than the “installer on the USB memory 45, connection application 46, driver 47, configuration information 48, and wireless connection module 44.” Petition, 22. However, these elements (45, 46, 47, 48, 44) are not “set up” by a driver, such as the driver described in *Deforche*. Rather, *Ono* is clear that these are set up when “the user ***clicks on a set-up file*** with a mouse after plugging in the USB memory 45 in the USB jack on the information terminal apparatus 2A.” Ex. 1005, ¶55. The Petition does not explain how the pre-installed generic drivers disclosed in *Deforche* contribute to the “setting-up” of the relied on installer, connection application, driver, configuration information and wireless connection module of *Ono*. Petition, 22-23; Reply 9-10.

Moreover, the Reply alleges that “to the extent that Ono’s driver is not a pre-installed generic driver, it would have been a simple substitution to use such a driver as taught by Deforche.” Reply, 10. But the driver disclosed in *Ono* is relied on by the Petition as part of the “means for communication” and is never identified as the “pre-installed generic driver” used to “set up” the “means for communication[.]” Petition, 21-23. Likewise, Dr. Almeroth appears to rely on the “pre-installed generic driver” of *Deforche* as the “means for communication” and the driver described in *Ono* (and relied on as the “means for communication” in the Petition) as also the driver used in “setting up” the means for communication. Ex. 1083, ¶¶11 (“the only real dispute seems to be whether it would have been obvious to use Deforche’s standard pre-installed USB drivers... to allow communication between the peripheral device and the processing device in Ono’s system.”), 17 (“even if Ono’s driver is not a pre-installed generic driver, it would have been a straightforward and simple substitution to use such a driver as taught by Deforche”).

The Petition is inconsistent and fails to articulate what elements of the prior art are involved in the “means for communication” and what elements are involved in “setting up” the means for communication. Accordingly, Ground 1 does not render Claim 1 (and the challenged dependent Claims 4-5, 8, 18, and 20) of the ’676 Patent obvious.

4. *Ono-Deforche* does not disclose “running a client application stored on the peripheral device to obtain screen scraped data”

The Reply completely ignores other elements that are installed in *Ono*. For example, in addition to the connection application 46, a driver 47 and configuration information 48 are also installed. Ex. 1005, ¶56. The driver 42 is used for driving the wireless connection module, and the configuration information 43 is used for establishing the connection with the network. Ex. 1005, ¶51. In fact, both are explicitly referenced as used to transfer images on the wireless network. *Id.*, ¶53. Neither the Petition, nor the Reply, address **how** the entire system functions without installation of these elements, or if these elements can be implemented along with the portable application on the storage device. In other words, there is no analysis of whether such modification can be made with a reasonable expectation of success. Ex. 2033, 59:11-64. Instead, Petitioner ignores any elements referenced in *Ono* and *Deforche* that are not necessary for a hindsight reconstruction of the claim language.

Further, the Petition and Reply cite to *Slobodin* (Ex. 1033), a reference not identified in the Grounds. Petition, 24; Reply, 11-12. Accordingly, allegations that *Slobodin* renders this limitation obvious should be ignored as beyond the scope of the challenge.

B. Ground 2

1. Ground 2 Does Not Disclose Screen Scraping.

The Reply's argument fails for the same reason as identified *supra* Section IV.A.4.

2. Ground 2 Does Not Disclose “a user action on any of the user devices”

The Petition solely incorporates by reference to Ground 1 Claim 1 for this limitation. Petition, 38. However, Claim 1 does not recite “a user action on any of the user devices[.]” In Claim 14, a “user device” is a processing device. Ex. 1001, Cl. 14. In *Ono*, a remote controller 69 (a distinct component from the processing device of *Ono*) is used to control what content is displayed. Ex. 1005, ¶144. Accordingly, Petitioner has failed to meet its burden to establish that Claim 14 is obvious based on Ground 2.

C. Ground 3

1. There Is No Motivation To Combine *Ono* and *Grimshaw*.

The Reply argues that the combination would be made because “*Ono* and *Grimshaw* disclose similar ways of achieving the same objective” and that there are only a “finite number of identified, predictable solutions for” transmitting screen scraped data for display. Reply, 16; *see also*, Ex. 2033, 19:18-14, 22:6-8, 56:8-9, 56:17-24 (Dr. Almeroth discussing how a “finite” number of solutions need not actually be finite). The Reply completely ignores the fact that *Grimshaw* itself is

directed towards a wired communication system integrated into a piece of furniture.

Ex. 1008, Abstract.

Moreover, the arguments made by Patent Owner as to why the combination is unworkable are unrefuted. POR, 35-38. Instead, the Reply relies on the following passage from *Ono* for the first time:

since the information terminal apparatus whose image is to be shown on the screen 5 can be switched merely by operations from the remote controller 69 of the image display apparatus 1, even in cases, for example, where there are a plurality of presenters who are to present in a given order, it is unnecessary for each presenter to carry out output on/off operations at each information terminal apparatus in accordance with the order, and therefore, the gap in time until the next presentation is eliminated, and presentations can be conducted speedily.

Reply, 16 (quoting Ex. 1005, ¶161) (emphasis in original). Rather than motivate, a combination between *Ono* and *Grimshaw*, the Reply does the opposite. Ex. 2033, 44:11-18 (Dr. Almeroth opining that there is no motivation to combine when “there is a particular objective of the primary reference that would be undermined by considering—by trying to combine it with a secondary reference”), 45:7-15, 59:16-60:4. There is no other articulated basis to combine *Ono* and *Grimshaw*, and a POSITA would not modify *Ono* based on *Grimshaw* when *Ono* itself renders it “unnecessary for each presenter to carry out output on/off operations at each information terminal apparatus in accordance with the order.” Ex. 1005, ¶161.

2. The *Ono-Deforche-Grimshaw* Combination Does Not Disclose Triggering The Transfer Of Content With An Input Device Or Actuator

The Petition relies on *Ono* as allegedly disclosing an actuator that triggers the transfer of data for display or arbitrary media content. Petition, 39-40, 48. The Petition then relies on *Grimshaw* to disclose “actuators coupled to user modules” Petition, 41, 48. However, as explained in the POR, Petitioner’s argument that this combination renders the claims of the ’676 Patent obvious is unsupported and divorced from the actual language of *Ono*. Ex. 2033, 30:18-24 (Dr. Almeroth explaining to figure out the scope of a cited reference’s invention he looks to “[g]enerally, the reference. I don’t see any reason why there wouldn’t be an aspect of the invention or the disclosure, the—the exhibit, that you wouldn’t look at.”), 43:8-16.

In *Ono*, the control section of the projector generates a connection ***request signal***. Ex. 1005, ¶45; Ex. 2004, ¶124. That request is communicated from the communications module on the projector to the appropriate information terminal apparatus. Ex. 1005, ¶45; Ex. 2004, ¶124. Once the request is sent, the connection request may be either accepted or rejected by the information terminal apparatus. Ex. 1005, ¶¶83, 91; Ex. 2004, ¶124; IPR2024-01439, Paper 12 (Institution Decision) at 20 (finding that “Patent Owner’s argument has merit”).

The Reply improperly interprets PO's argument as meaning that a connection may never fail. Reply, 19. This is a strawman argument which fails to appreciate the claim limitation. *Ono* fails to render obvious this limitation because its input device does not trigger the transfer of content—not because its transmissions may fail. *Ono* is clear, the control section merely generates a connection request signal which requires subsequent action to occur before content can be transferred. Ex. 1005, ¶¶45, 83. This does not trigger the transfer of content, it requests a process that has multiple subsequent steps and interactions that ultimately could lead to the transfer of content, but not as a result of any user action. *Id.*

The Reply irrelevantly cites functionality of the ClickShare CSE-800 user guide and conflates instances in which a product fails to function with the interpretation of this claim limitation. Reply, 11 (citing Ex. 1067). The cited passage relates to use of a *fifth* or *ninth* sharing device, which may also include a device sharing via a software application or HDMI input source. Ex. 1067, 43. This product has little, if any relevance, on interpreting the claim limitation, let alone explaining whether or not a completely unrelated piece of prior art teaches this limitation. It is undisputed that the first sharing device does operate in the claimed manner.

Regarding *Grimshaw*, the Reply notes that the Petition does not rely on *Grimshaw* to teach the “triggering the ‘transfer[.]’” but instead relies on *Ono*. Reply,

20. However, *Grimshaw* does not disclose an actuator coupled to a peripheral device, when *Grimshaw* does not even disclose a peripheral device. Ex. 2007, 18:1-13; Ex. 1008, ¶19; Ex. 2004, ¶¶126, 128. Likewise, *Grimshaw* does not disclose the transfer of content, but instead instructs the switch controller which data signal should be routed to the display. Ex. 1008, ¶19; Ex. 2004, ¶¶127, 129. Characterization of *Grimshaw*'s disclosure as "non-limiting" do not support a conclusion that it teaches this limitation. Reply, 20.

Therefore, the combination is insufficient with respect to Claims 4 and 16 for multiple reasons.

3. Petitioner's Arguments For Claim 18, 19, And 20 Fail.

Ono definitively requires installation of software. Ex. 1005, ¶55. It requires installation of the connection application, driver, and configuration information. *Id.* *Even if*, the device driver could be replaced with a pre-installed generic driver, and *even if* the image transfer application could be implemented as a portable application, *Ono still* installs the configuration information, which is not accounted for in the Petition or the Reply. Accordingly, this argument fails. Ex. 2033, 59:11-64 (Dr. Almeroth explaining Petitioner's burden of showing a reasonable expectation of success).

D. Ground 4

1. There Is No Motivation To Combine *Uchida* And *Deforche*

The Reply's only argument that supports a motivation to combine *Uchida* and *Deforche* is that, allegedly, *Uchida* does not require software installation. Reply, 21-22. Neither the Reply, nor the Petition, provide any evidence of how *Uchida* does not function without the installation of software. *Uchida*'s disclosure is unequivocal:

the computer device 4 installs a *device driver program* (hereinafter abbreviated as "device driver"), a *wireless setting application program* (hereinafter abbreviated as "wireless setting application"), and *an image transfer application program* (hereinafter abbreviated as "image transfer application") stored in the program storage unit of the wireless device 1.

Ex. 1009, ¶48.

Neither the Petition nor Reply identify an alternative system in *Uchida* to achieve use of the device driver, wireless setting application, or image transfer application *without installation*. Petition, 50; Reply 21-22. Likewise, the Petition does not explain how, a device which requires installation of two applications and a device driver, could function without any installation. Petition, 50; Reply 21-22. Software installation undermines *Deforche*'s purpose of avoiding software installation. Ex. 1030, ¶4. Therefore, the Petition fails to establish that its

combination would be made with any expectation of success. Ex. 2033, 44:11-18 (Dr. Almeroth opining that there is no motivation to combine when “there is a particular objective of the primary reference that would be undermined by considering – by trying to combine it whet a secondary reference”), 45:7-15, 59:16-60:4.

Instead, the Reply again seeks to improperly shift the burden of proof to the Patent Owner. Reply, 21-22 (“There is nothing prohibiting implementing Uchida as a zero-footprint application.”); *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d at 1378; 35 U.S.C. § 316(e).

The Petition’s *only* allegation to support a combination is that a “person of ordinary skill in the art likely would have used the pre-installed Windows drivers, and Deforche demonstrates that.” Petition, 50. This is not a motivation to combine. Further, this is not supported, given *Uchida* itself relies on a use of a custom, installed driver. Ex. 1009, ¶48.

2. The Reply Does Not Respond To The POR

The POR argued that *Uchida* taught away from the claimed subject matter of the ’676 Patent because it was implemented to avoid the possibility of individuals presenting without the consent of others. POR, 42-45. The POR also argued that there is no motivation to combine *Uchida* and *Grimshaw*. (POR, 45-46). The Reply does not respond to either argument. For at least these reasons alone, Ground 4 fails.

3. The *Uchida-Deforche-Grimshaw* Combination Does Not Teach Setting Up Communications With A Pre-installed Generic Driver

The Reply argues that there is “no reasons why [Uchida’s] driver cannot be Deforche’s *‘pre-installed generic driver.’*” Reply, 23 (Emphasis in original). This improperly shifts the burden, as the Petition must establish that a pre-installed generic driver would be capable of performing the function of *Uchida*’s driver and of the claims; the Petition does neither. Moreover, the fact that *Uchida* was implemented with a custom driver supports the finding that a pre-installed generic driver is not capable of the same function if use of a pre-installed generic driver is the first option considered by a POSITA. Ex. 1083, ¶2 (Dr. Almeroth opining that “using the pre-installed generic driver of an operating system would not only have been obvious, but likely the first option considered by someone skilled in the art”).

Notably, Dr. Almeroth agrees that (1) there are at least 25 different driver classes on the windows operating system, (2) each of these drivers operate in different ways, and (3) vendor specific drivers operate based on the specific function the vendor was providing to the USB peripheral, such that there are a near-infinite number of driver implementations while using USB such that the proposed combination would necessarily require undue experimentation. Ex. 2024; Ex. 2033, 56:8-9, 56:17-24. Notwithstanding these facts, Dr. Almeroth provides no evaluation

of how these different functions relate to the implementation of the identified combination. Ex. 1002; Ex. 1083.

4. The *Uchida-Deforche-Grimshaw* Combination Does Not Teach An Input Device Or Actuator That Triggers The Transfer Of Data Or Content.

Uchida's image transfer stop switch, when used, “serves as an image transmission stop operation unit for instructing the ***image projection device 3*** to stop transmitting the image data[.]” Ex. 1009, ¶71. In other words, it does not trigger the transfer of content to the projector, rather it tells the projector to stop projecting any received content and instead share a black screen. *Id.* (“When the CPU 405 of the computer device 4 receives the information, it executes an image transfer application and transmits a request to the image projection device 3 via the wireless communication unit 107 to project a specific image (here, a black screen image) on the image projection device 3.”). The content is transmitted to the projector regardless of the position of the identified “image transfer stop switch” of *Uchida*. The Petition and the Reply rely on the image transfer stop switch, not the buttons on the remote, as the physical actuators. Petition, 69-71; Reply, 25.

The shortcomings of *Uchida* are not corrected by *Grimshaw*. *Grimshaw* does not disclose an actuator coupled to a peripheral device, as *Grimshaw* does not even disclose a peripheral device. Ex. 2007, 18:1-13; Ex. 1008, ¶19; Ex. 2004, ¶¶126, 128. Likewise, *Grimshaw* does not disclose the transfer of content, but instead

instructs the switch controller which data signal should be routed to the display. Ex. 1008, ¶19. In other words, *Grimshaw*, as used by Petitioner, stands for nothing more than the idea that “physical actuators exist,” which is insufficient to establish obviousness. Accordingly, Ground 4 fails with respect to claims 4 and 16 as well.

5. Petitioner’s Arguments For Claim 18, 19, And 20 Fail.

Uchida clearly requires installation of software. Ex. 1009, ¶48; *supra* Section IV.D.1. *Even if*, the device driver could be replaced with a pre-installed generic driver, and *even if* the image transfer application could be installed on USB memory instead of local storage, *Uchida still* installs the wireless setting application, which is not accounted for in the Petition or the Reply. Accordingly, this argument fails.

E. Ground 5

The POR articulates that the Petition has not met its burden in proving a POSITA would combine *Grimshaw* and *Uchida*. POR, 42-46. Petitioner’s arguments with respect to Ground 5’s challenge to claim 14 fail for the same reasons. Moreover, the Petition has not established that Ground 5 teaches “a user action on any of the user devices[.]” Cl. 1. Petition, 82 (Referencing limitations 1(l)-(m)). Claim 1 does not include this limitation. *Supra* Section IV.B.2. Neither *Grimshaw* nor *Uchida* disclose a user action on a user device which controls the display of content. Ex. 1008, ¶20.

V. DR. ALMEROOTH'S CONCLUSORY TESTIMONY SHOULD NOT BE AFFORDED MUCH, IF ANY WEIGHT

When asked basic questions, such as the support for his conclusion that the claims are obvious “based on [his] experience and understanding of the relevant technology and law,” he was unable to provide any explanation for this “understanding of the relevant...law.” Ex. 2033 at 53:7-55:12. This “trust me” approach is replete throughout his conclusions as it relates to the substitution of drivers and functionality from one system to another. Ex. 1002, ¶¶94-95. This becomes even more problematic when he opines that certain teachings of the references he reviewed are not actually part of the invention of the reference. Ex. 1083, ¶4 (“In my opinion, there is nothing that would prevent implementing Ono’s application as a zero-footprint application. The only evidence the Patent Owner identifies is Ono’s use of the word ‘install,’ which, according to the Patent Owner, means that installation is ‘required.’”). Dr. Almeroth’s willingness to eschew the teachings of the various references simply because he deems them not part of the invention is further evidence of the results-oriented approach he takes to obviousness, and calls into question his conclusions about the prior art and how a POSITA would have interpreted any of the references.

VI. CONCLUSION

For the reasons set forth in the POR and above, the patentability of all claims

of the '676 Patent should be upheld.

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Respectfully submitted,

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Certification of Word Count Under 37 C.F.R. § 42.24(d)

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CERTIFICATE OF SERVICE

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