

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.

BARCON.V.,
Patent Owner.

IPR2024-01438
Patent 11,258,676 B2

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

PETRAVICK, *Administrative Patent Judge*.

ORDER

Sua Sponte Staying Concurrent Ex Parte Reexamination
35 U.S.C. § 315(d); 37 C.F.R. § 42.122(a)

I. INTRODUCTION

On April 8, 2025, we instituted *inter partes* review in the above-referenced case, as to claims 1, 4, 5, 8, 14, 16, and 18–20 of U.S. Patent 11,258,676 B2 (the “’676 patent”). Paper 7.

A third-party Requester filed a Request for *Ex Parte* Reexamination of claims 2, 3, 6, 7, 9–13, 15, and 17 of the ’676 patent, which was granted in Reexamination Control No. 90/015,676 (the “’676 Reexamination”) on February 9, 2026. Ex. 3005.

The Board has authority to stay a reexamination involving a patent challenged in an *inter partes* review. *See* 35 U.S.C. § 315(d); 37 C.F.R. § 42.122(a); *see also* Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding, 84 Fed. Reg. 16,654, 16,657 (Apr. 22, 2019) (“Notice”) (noting that the Board “may impose a stay *sua sponte*”). For the reasons discussed below, we determine that there is good cause to stay the ’676 Reexamination pending resolution of this *inter partes* review.

II. ANALYSIS

The Notice outlines factors the Board may consider in AIA trials in deciding whether to stay a parallel reexamination involving the same patent. *See* Notice, 84 Fed. Reg. at 16,657. We discuss each factor below.

A. Whether the claims challenged in the AIA proceeding are the same as or depend directly or indirectly from claims at issue in the concurrent parallel Office proceeding

Claims 1, 4, 5, 8, 14, 16, and 18–20 of the '676 patent are challenged in this *inter partes* review, and claims 2, 3, 6, 7, 9–13, 15, and 17 of the '676 patent are involved in the '676 Reexamination. Claims 2, 3, 6, 7, 9–13, 15, and 17 depend directly or indirectly from claims, 1, 14, and 16 of the '676 patent. Ex. 1001, 33:15–30, 33:48–64, 34:1–26, 34:51–64, 36:4–16. This favors a stay.

B. Whether the same grounds of unpatentability or the same prior art are at issue in both proceedings

The grounds of unpatentability in this *inter partes* review and the '676 Reexamination are both based on alleged obviousness over a number of same prior art references. *Compare* Paper 7, 5 with Ex. 3005, 43–180. This weighs in favor of a stay.

C. Whether the concurrent parallel Office proceeding will duplicate efforts within the Office

Because the claims at issue in the '676 Reexamination are dependent on claims 1, 14, and 16 of the '676 patent at issue in this *inter partes* review, allowing both to proceed concurrently would duplicate efforts. This favors a stay.

D. Whether the concurrent parallel Office proceeding could result in inconsistent results between proceedings (e.g., whether substantially similar issues are presented in the concurrent parallel Office proceeding)

Because the claims at issue in the '676 Reexamination depend directly or indirectly from claims at issue in this *inter partes* review, there is a possibility of inconsistent results. This favors a stay.

E. Whether amending the claim scope in one proceeding would affect the claim scope in another proceeding

Because the claims at issue in the '676 Reexamination depend directly or indirectly from claims at issue in this *inter partes* review and Patent Owner may amend the scope of the claims from which claims 2, 3, 6, 7, 9–13, 15, and 17 of the '676 patent depend, this favors a stay.

F. The respective timeline and stage of each proceeding

In the '676 Reexamination, the Examiner granted the request for reexamination on February 9, 2026, but has not yet issued an office action. In this *inter partes* review, we entered a decision granting institution on April 8, 2025. Paper 7. Thus, in both proceedings, the Office has invested some resources, but a significant amount of work remains in the '676 Reexamination while the *inter partes* review trial record is complete and all that remains is for the Board to determine patentability. This factor favors a stay.

G. The statutory deadlines of the respective proceedings

This *inter partes* review is subject to a statutory deadline that requires a final decision within one year of institution, absent a good cause extension. 35 U.S.C. § 316(a)(11). The statutory deadline for this *inter partes* review is April 8, 2026. The '676 Reexamination is required to be “conducted with special dispatch,” but is not subject to a specific deadline. 35 U.S.C. § 305. This factor favors a stay.

H. Whether a decision in one proceeding would likely simplify issues in the concurrent parallel Office proceeding or render it moot

Because a final written decision in this *inter partes* review will issue shortly, a decision in one proceeding could potentially simplify the other proceeding. Considering the current stages of the proceedings and the statutory deadline for this *inter partes* review, this factor favors a stay.

III. CONCLUSION

For the foregoing reasons, we find good cause for staying the '676 Reexamination pending resolution of this *inter partes* review. *See also* Notice, 84 Fed. Reg. at 16,656 (“Good cause for staying a case may exist if, for example, an ongoing AIA proceeding, which is subject to statutory deadlines, is addressing the same or overlapping claims of a patent at issue in a parallel Office proceeding.”).

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Reexamination Control No. 90/015,676 is stayed pending the termination or completion of IPR2024–01438;

FURTHER ORDERED that all time periods for filing further papers in Reexamination Control No. 90/015,676 are tolled for the duration of the stay, and no further papers shall be filed without authorization in the reexamination while this stay remains in place; and

FURTHER ORDERED that, when the stay is lifted, a paper will be sent resetting time periods for responding to any outstanding papers in Reexamination Control No. 90/015,676.

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