

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 IPR2024-01439
Patent No. 11,422,951

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY

The Reply is flawed for the same two reasons as the Petition. First, Petitioners are failing to consider all the words in the claim in judging the patentability of the claim against the prior art. Second, Petitioners are failing to consider the prior art in its entirety. Moreover, the Board should exercise its discretion in denying the IPR proceeding.

I. Discretionary Denial is Appropriate

35 U.S.C. § 325(d) states that “the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office” (emphasis added). As such, the Board should consider whether the cited art is used in the same manner as previously considered by the Office, in determining whether the prior art is “substantially the same.” *See Monolithic Power Systems, Inc. v. Volterra Semiconductor LLC*, IPR2020-01348, Paper 19, (PTAB 2021). Since the teachings of Ono, Ichieda, Corbett, and Grimshaw are being used in the same manner as Banerjee and Epstein, which were used in rejecting the claims of the parent application, such similar art and arguments were already considered by the Office, and the Board should exercise its discretion to deny the Petition.

II. Ground I – Ono in Combination with Corbett

Petitioners allege on page 2 of the Reply that Ono in combination with Corbett renders obvious the ‘input device’ limitation. This is incorrect, and even

assuming *arguendo* that this is correct, Petitioners are failing to consider all the words in the claim in judging the patentability of the claim, but rather, are attempting to improperly characterize the claimed features into discrete elements and evaluate the elements in isolation. *See Diamond v. Diehr*, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981).

That is, Patent Owner is not arguing that the prior art does not teach an “input device,” but rather, that Petitioners have not established that either Ono or Corbett, taken alone or in combination, discloses or suggests the claims, as a whole, which require an input device configured to allow the user to carry out a user action on the input device that triggers transfer of said user selected arbitrary media content from the transmitter to the wireless communications network, as recited in Claim 1. While Petitioners allege on page 2 of the Reply that Ono teaches that “pressing the key results in an ‘image transfer’” and that “Corbett further teaches that the ‘input device’ can be on the ‘peripheral device,’” Petitioners have not shown that either Ono or Corbett discloses or suggests the same combination of features as recited in the claims, but rather is improperly characterizing the claimed features down to a “gist” or “thrust” of the features and not considering the prior art in its entirety. *See W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

That is, as admitted by the Petitioners, Ono discloses that the “selection triggers a connection process between the selected information terminal apparatus and the image display apparatus, which results in the transfer of the image information” (*see* Petition at 32), e.g., the control section 61 generates a connection request signal with respect to the information terminal apparatus selected by the selecting section 69 (*see* Ex. 1005 at [0045]). As such, Ono, when considered as a whole, is clearly directed to an image display apparatus that is “capable of, from the side of the image display apparatus 1, switching among the plurality of networked information terminal apparatuses...” Ex. 1005 at [0048]. Similarly, Corbett, as a whole, is only directed to a USB flash drive for transmitting data from the USB flash device. Petitioners, however, have not established that either Ono or Corbett discloses a specific configuration in which the user action on the input device triggers transfer of said user selected arbitrary media content from the transmitter to the wireless communications network, as required by Claim 1. Thus, Petitioners have not established that Ono and Corbett disclose or suggest each of the required elements of Claim 1 (and as similarly recited in Claims 9, 16, and 21), and institution should be denied.

III. Ground II – Uchida in Combination with Grimshaw

Petitioners allege on page 3 of the Reply that “Uchida combined with Grimshaw renders obvious that multiple users can push buttons on user modules

to trigger transmission of image data.” This is incorrect. Rather, even assuming, but not admitting that “Uchida teaches that after activating ‘image transfer stop switch 140’ the client computer ‘executes an image transfer application and transmits a request to the image projection device,” as suggested in the Reply, Petitioners conveniently fail to further state that Uchida discloses that the “specific image” is a black screen image (*see* Ex. 1009 at [0071]), which is not user selected arbitrary media content. Grimshaw fails to make up for the deficiencies of Uchida. Rather, Grimshaw states that “if a user presses or otherwise engages button 344 on user module 14, then communications system 10 (more specifically, controller 324 and switch controller 318) gives control of display module 22 to user module 14.” *Id.* at [0027]. As such, Grimshaw only generally describes that the buttons on the user module are used to take control of the display module, in which a controller and switch controller are used to pass the data signals from the selected user module to the display module. Thus, Petitioners have not established that Uchida and Grimshaw disclose or suggest the specific combination of in which the user action on the input device triggers transfer of said user selected arbitrary media content from the transmitter to the wireless communications network, as required by Claim 1 (and similarly recited in Claims 9, 16, and 21), and institution should be denied.

IV. Ground III – Ichieda

Petitioners allege on page 5 of the Reply that “an operation section 83 [of Ichieda] (e.g., keypad) can be the ‘input device’ that initiates the connection request.” This is incorrect, and even assuming *arguendo* that this is correct, Petitioners are improperly characterizing the claimed features down to a “gist” or “thrust” of the features and not considering the prior art in its entirety. Rather, Ichieda only describes that the information terminal 80 is used to recognize the connection information, and once the laptop PC 90 is connected, the internal components of the laptop PC 90 are used for transmission of the image signal. Thus, there is no disclosure in Ichieda, and Petitioners have failed to establish, each of the required elements of Claim 1 (and similarly recited in Claims 9, 16, and 21), and institution should be denied.

V. Conclusion

Based on the deficiencies identified above, Petitioners have not shown a reasonable likelihood of prevailing on any of their proposed grounds. Thus, Patent Owner respectfully submits that the Board should decline to institute an IPR proceeding and/or use its discretionary powers for denying the same.

Respectfully submitted,

Date: February 6, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on February 6, 2025, a complete copy of the foregoing document was served via electronic mail on counsel of record for Petitioners at the address indicated:

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