

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.

IPR2024-01439
Patent 11,422,951 B2

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

LANEY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. *Background and Summary*

Yealink (USA) Network Technology Co., Ltd., and Yealink Network Technology Co., Ltd. (collectively, “Petitioner”) filed a Petition requesting *inter partes* review of claims 1–11 and 13–21 of U.S. Patent No. 11,422,951 B2 (Ex. 1001, “the ’951 patent”). Paper 2 (“Pet.”). Barco N.V. (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”). With our authorization (Paper 8), Petitioner filed a “Reply to Patent Owner Preliminary Response” (Paper 9, “Prelim. Reply”) and Patent Owner filed a “Patent Owner’s Sur-reply to Petitioner’s Reply” (Paper 10, “Prelim. Sur-reply”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

After considering the Petition and the evidence of record, and in the absence of any argument or evidence to the contrary, we determine the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the challenged claims of the ’951 patent.

Accordingly, we institute an *inter partes* review of claims 1–11 and 13–21 of the ’951 patent on the grounds asserted in the Petition.

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) as a related court proceeding. Pet. 1; Paper 3, 2.

D. The '951 Patent

The '951 patent, titled “Electronic Tool and Methods for Meetings Between Two Users,” relates to electronic tools for meetings that provide connection to a communications network for use in displaying media content. Ex. 1001, code (54), 1:17–22. The '951 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 4:41–60.

The '951 patent describes an electronic meeting tool for communicating arbitrary media content from users at a meeting that includes a node configuration adapted to operate a display node of a communications network, the display node being coupled to a first display. Ex. 1001, code (57). The node configuration is adapted to receive user selected arbitrary media content and to control display of the user selected arbitrary media content on the first display. *Id.* at 14:66–15:9. A peripheral device adapted to communicate the user selected arbitrary media content via the communications network is a connection unit including a connector adapted to couple to a port of a processing device having a second display, a memory and an operating system, and a transmitter. *Id.* at 15:33–63, 16:20–24. The tool allows a user to trigger a transfer of the user selected arbitrary media content to the transmitter.” *Id.* at 16:30–41.

E. Illustrative Claims

Petitioner challenges claims 1–11 and 13–21 of the '951 patent. Pet.

1. Of the challenged claims, claims 1, 9, 16, and 21 are independent. Ex. 1001, 27:42–30:46. Claims 2–8 depend from claim 1; claims 10, 11 and 13–15 depend from claim 9; and claims 17–20 depend from claim 16. *Id.*

Claim 1 is illustrative and is reproduced below.

1. An electronic meeting tool for communicating user selected arbitrary media content from users at a meeting comprising:
 - a base node, the base node being coupled to a first display, the base node being adapted to receive user selected arbitrary media content from at least one peripheral device via a wireless communications network, and to control display of the user selected arbitrary media content on the first display; and
 - the at least one peripheral device being adapted to communicate the user selected arbitrary media content to the wireless communications network;wherein the at least one peripheral device is a connection unit comprising:
 - a) a connector adapted to couple to a port of a user processing device, the user processing device having a second display and a memory,
 - b) a transmitter for transferring user selected arbitrary media content to the wireless communications network, and
 - c) 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 and to the base node through the wireless communications network for display on the first display, the input device being a physical actuator coupled to the at least one peripheral device.

Ex. 1001, 27:42–28:2.

F. Evidence and Asserted Grounds

Petitioner asserts that claims 1–11 and 13–21 of the '951 patent would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. §	Basis
1	1–4, 6–11, 13–21	103(a) ¹	Ono, ² Corbett ³
2	1–10, 14–21	103(a)	Uchida, ⁴ Grimshaw ⁵
3	1, 2, 6–10, 13, 15–17, 19–21	103(a)	Ichieda ⁶

Petitioner also relies on the Declaration of Dr. Kevin Almeroth (Ex. 1002) to support its analysis.

II. DISCRETIONARY DENIAL PURSUANT TO 35 U.S.C. § 325(d)

Patent Owner argues that institution should be denied pursuant to 35 U.S.C. § 325(d) because, during the reexamination of a parent patent (U.S. Patent No. 8,756,348 C1) to the '951 patent, the Patent Office previously considered Banerjee (Ex. 2002) and Epstein (Exhibit 2003), which Patent Owner asserts are substantively similar and cumulative to Ono, Ichieda, Corbett, Uchida, and Grimshaw, asserted here. Prelim. Resp. 58, 64

¹ 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.

² U.S. Patent Application Publication No. US 2005/0210390 A1, published September 22, 2005 (Ex. 1005) (“Ono”).

³ U.S. Patent Application Publication No. 2006/0069840 A1, published March 30, 2006 (Ex. 1007) (“Corbett”).

⁴ JP 2008-165007 A, published July 17, 2008 (Ex. 1009) (“Uchida”).

⁵ U.S. Patent Application Publication No. US 2011/0096138 A1, published April 28, 2011 (Ex. 1008) (“Grimshaw”).

⁶ U.S. Patent Application Publication No. 2008/0074560 A1, published March 27, 2008 (Ex. 1006) (“Ichieda”).

(citing Ex. 2001, 273–291). Patent Owner further argues that “[a]lthough Ono, Ichieda, Corbett, Uchida, and Grimshaw were not the basis of a rejection during prosecution, the subject matter being relied upon by Petitioners was fully disclosed in Banerjee and Epstein and evaluated during prosecution of the ‘951 patent.” *Id.* at 65. Petitioner disagrees and asserts that the asserted prior art in the Petition is “materially different” than those previously considered by the Office. Prelim. Reply 1.

Under 35 U.S.C. § 325(d), the Board may exercise discretion to deny a petition that presents the same or substantially the same art or arguments as were previously presented to the Office. *See* 35 U.S.C. § 325(d); 37 C.F.R. § 42.4(a) (providing that the Board institutes on behalf of the Director). The Board has outlined factors it considers in determining whether to exercise discretion to deny institution under § 325(d):

(a) the similarities and material differences between the asserted art and the prior art involved during examination; (b) the cumulative nature of the asserted art and the prior art evaluated during examination; (c) the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection; (d) the extent of the overlap between the arguments made during examination and the manner in which Petitioner relies on the prior art or Patent Owner distinguishes the prior art; (e) whether Petitioner has pointed out sufficiently how the Examiner erred in its evaluation of the asserted prior art; and (f) the extent to which additional evidence and facts presented in the Petition warrant reconsideration of the prior art or arguments.

Becton, Dickinson & Co. v. B. Braun Melsungen AG, IPR2017-01586, Paper 8, 17–18 (PTAB Dec. 15, 2017) (precedential as to § III.C.5, first paragraph) (“*Becton Dickinson*”). The *Becton Dickinson* factors apply when a petition relies on art or arguments previously presented to the Office during any proceeding pertaining to the challenged patent, including

reexamination, reissue, and AIA post-grant proceedings. *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6, 8–10 (PTAB Feb. 13, 2020) (precedential). *Advanced Bionics* explains how the *Becton Dickinson* factors fit into a two-part framework that examines:

(1) whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office; and (2) if either condition of first part of the framework is satisfied, whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims. If a condition in the first part of the framework is satisfied and the petitioner fails to make a showing of material error, the Director generally will exercise discretion not to institute *inter partes* review.

Id. at 8.

We do not agree that the references relied upon in the Petition are cumulative of the Banerjee and Epstein references previously considered by the Office. For example, during reexamination Patent Owner represented to the Office that

neither Banerjee nor Epstein discloses or suggests “an actuator on the peripheral device, wherein said actuator is arranged in a way to enable the user to carry out a user action by actuating the actuator to trigger the processing device to transfer said user selected arbitrary media content to said wireless transmitter through said port to transmit said user selected arbitrary media content to the display node via the communications network” [T]he skilled person would have appreciated that Banerjee is directed to the plug-and-play device having code that is automatically executed when the plug-and-play device is connected to the remote computer and the remote computer sending a request to share the screen by the master computer, whereas *Epstein is directed to a puck that sends an intention to*

drive the display to a switching device via a cable connected to the switching device or wirelessly through the laptop.

Ex. 2001, 124–125 (emphasis added). Here, however, Petitioner relies primarily on the structures and operations disclosed by Ono, Ichieda, and Uchida to demonstrate it would have been known to include an actuator on a wireless peripheral device to trigger the transfer of a user selected arbitrary media content. *See* Pet. 31–33, 57–59, 77. Importantly, unlike Epstein or Banerjee, each of those references discloses display systems that include wireless peripheral devices that have actuators that are at least related to facilitating the transfer of image data from a personal computer to a projector for display. *See id.* As such, we find that Ono, Ichieda, and Uchida present information that is neither substantively similar nor cumulative of that disclosed or suggested by Banerjee and Epstein. Accordingly, we decline to exercise discretion to deny institution pursuant to 35 U.S.C. § 325(d).

III. 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 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.” *KSR*, 550 U.S. 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). Here, the record contains no evidence of objective indicia of non-obviousness.

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 with . . . five years of work experience in computer science and embedded systems, or Master’s Degree in Computer Science with . . . 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. 10 (citing Ex. 1002 ¶¶ 36–37).

For purposes of this Decision, we adopt Petitioner’s proposed definition of a person of ordinary skill in the pertinent art, as it is consistent with the ’951 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 proposes constructions for a number of claim terms. Pet. 11–12. 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). For the purposes of determining whether to institute trial or not, we need not construe explicitly any claim term.

D. Obviousness in View of Uchida and Grimshaw

Petitioner contends that claims 1–10 and 14–21 are obvious over Uchida and Grimshaw. Pet. 46–67.

1. Overview of Uchida (Ex. 1009)

Ono is titled “Remote control device and image projection system that remotely control the image projection device,” and seeks to “facilitate communication connection between a computer device and an image projection device.” Ex. 1009, codes (54), (57).

Uchida discloses a method for wireless connecting an image projection device to a computer device. Ex. 1009 code (57). A wireless USB dongle (wireless device 1) couples to computer device 4 through a USB connector 105. *Id.* ¶¶ 4, 39. Wireless device 1 “transmits image data

[from the computer device 4] to the image projection device 3” where, thereafter, the image projection device “projects an image corresponding to the image data onto the screen.” *Id.* An image transfer stop switch 140 may halt or allow image transfer. *Id.* ¶¶ 70–72.

2. *Overview of Grimshaw (Ex. 1008)*

Grimshaw is titled “Communication System,” and discloses a communication system to provide presentation functions for conferences. Ex. 1008, code (54), ¶ 2. Grimshaw’s system includes individual user modules 14–20 that each connect to a laptop computer and allow them to send content to display module 22. Ex. 1008 ¶ 12. The user modules include a button which lets a user take control over the content of display module 22 and switches the displayed content to the content on their respective laptop. *Id.* ¶ 19.

3. *Independent Claim 1*

Petitioner contends that claim 1 is unpatentable as obvious over Uchida and Grimshaw. Pet. 46–59. Petitioner provides a detail mapping of the teachings of Uchida and Grimshaw to the elements of claim 1. *Id.*

1. An electronic meeting tool for communicating user selected arbitrary media content from users at a meeting comprising:

To the extent that claim 1’s preamble is limiting,⁷ Petitioner contends Uchida’s image projection system S discloses an electronic meeting tool that allows user selected arbitrary media content to be communicated and highlights that Uchida describes its image projection system as “including an image projection device having a wireless unit that receives image data

⁷ At this stage of the proceeding, we do not need to determine whether or not the preamble is limiting because we determine that the Uchida sufficiently discloses the preamble.

transmitted by wireless communication from an external computer device and projects an image corresponding to the image data.” Pet. 49–50 (citing Ex. 1009 ¶¶ 3–9, 12–13, 36–37, 39–59, 112, 153–158, 166, 176, 185–186, Figs. 1–3, 14, 17, 18; Ex. 1002, ¶¶ 169–171). In the Preliminary Response, Patent Owner does not dispute this contention. *See generally* Prelim. Resp. 34–47.

On this record, having reviewed Petitioner’s contentions and the evidence cited in support thereof, we find Petitioner has made a showing that is sufficiently persuasive at this stage of the proceeding that Uchida discloses an “electronic meeting tool for communicating user selected arbitrary media content from users at a meeting,” as claim 1 recites.

a base node, the base node being coupled to a first display, the base node being adapted to receive user selected arbitrary media content from at least one peripheral device via a wireless communications network, and to control display of the user selected arbitrary media content on the first display; and

Petitioner contends that control unit 303 and wireless unit 306 of Uchida’s image projection device shows a base node that: (1) is coupled to a display that includes transmissive liquid crystal panel (LCD) 323, projection unit 308, and screen; (2) is configured to receive user selected arbitrary media content (display image data) from wireless device 1, which is a peripheral device that communicates via a wireless communications network (e.g., Wireless Local Area Network (WLAN)), and (3) is configured to control the display. Pet. 51–53 (citing Ex. 1009 ¶¶ 39–52, 58, 65–69, 124–127, 153–158, 166–167, 172–173, 176, Figs. 1–3, 8, 14, 17, 18; Ex. 1002 ¶¶ 172–173). In the Preliminary Response, Patent Owner does not dispute this contention. *See generally* Prelim. Resp. 34–47.

On this record, having reviewed Petitioner’s contentions and the evidence cited in support thereof, we find Petitioner has made a showing that is sufficiently persuasive at this stage of the proceeding that Uchida discloses the recited base node of claim 1.

the at least one peripheral device being adapted to communicate the user selected arbitrary media content to the wireless communications network;

Petitioner contends that Uchida’s wireless device 1 is a peripheral device that communicates user selected arbitrary media content to a wireless communications network and highlights that Uchida discloses that computer device 4 “transmits [image] data from the wireless device 1 to the image projection device 3 via wireless communication [network].” Pet. 53–54 (citing Ex. 1009 ¶¶ 17–18, 39–52, 65–69, 81, 154–168, 176, Figs. 2, 8, 17, 18; Ex. 1002 ¶¶ 174–175). In the Preliminary Response, Patent Owner does not dispute this contention. *See generally* Prelim. Resp. 34–47.

On this record, having reviewed Petitioner’s contentions and the evidence cited in support thereof, we find Petitioner has made a showing that is sufficiently persuasive at this stage of the proceeding that Uchida discloses the recited at least one peripheral device of claim 1.

wherein the at least one peripheral device is a connection unit comprising:

a) a connector adapted to couple to a port of a user processing device, the user processing device having a second display and a memory,

Petitioner contends that Uchida’s wireless device 1 is a connection unit because it “configures the WLAN [(Wireless Local Area Network)] network according to this wireless setting information.” Pet. 55 (citing Ex. 1009 ¶¶ 39–52, 65–69, 166–167, 176, Fig. 18; Ex. 1002 ¶ 176). In addition, Petitioner contends that “Uchida discloses the wireless device 1

includes a connector (USB connector 105) adapted to couple to a port (USB connector 401) of a user processing device (computer device 4), the user processing device having a second display (LCD 403) and a memory (406).” Pet. 55 (citing Ex. 1009 ¶¶ 39, 47–48, 77, 148, 150, Figs. 2, 3, 5, 16; Ex. 1002 ¶¶ 177–178). In the Preliminary Response, Patent Owner does not dispute this contention. *See generally* Prelim. Resp. 34–47.

On this record, having reviewed Petitioner’s contentions and the evidence cited in support thereof, we find Petitioner has made a showing that is sufficiently persuasive at this stage of the proceeding that Uchida discloses a peripheral device that is a connection unit with a connector, as recited by claim 1.

b) a transmitter for transferring user selected arbitrary media content to the wireless communications network, and

Petitioner contends Uchida’s wireless device includes a wireless communication unit 107 that is a transmitter for transferring user selected arbitrary media content to a wireless communications network, such as WLAN. Pet. 56–57 (citing Ex. 1009 ¶¶ 61–69, 154–168, 176, Fig. 5; Ex. 1002 ¶ 179). In the Preliminary Response, Patent Owner does not dispute this contention. *See generally* Prelim. Resp. 34–47.

On this record, having reviewed Petitioner’s contentions and the evidence cited in support thereof, we find Petitioner has made a showing that is sufficiently persuasive at this stage of the proceeding that Uchida discloses a peripheral device that has a transmitter, as recited by claim 1.

c) 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 and to the base node through the wireless communications network for display on the first display,

the input device being a physical actuator coupled to the at least one peripheral device.

Petitioner contends that Uchida

discloses the wireless device 1 includes an input device (image transfer stop switch 140) configured to allow the user to carry out a user action (e.g., sliding switch 140) on the input device that triggers transfer of said user selected arbitrary media content (image data) from the transmitter (wireless communication unit 107) to the wireless communications network (WLAN) and to the base node (e.g., control unit 303 and wireless unit 306) through the wireless communications network for display on the first display (e.g., LCD 323 of the image projection unit), the input device being a physical actuator (slide switch) coupled to the at least one peripheral device (wireless device 1).

Pet. 57–58 (citing Ex. 1009 ¶¶ 10–13, 39–40, 70–72, 134, 139, 176, Figs. 1–3; Ex. 1002 ¶¶ 161–168, 180–182). Highlighting that Uchida teaches “image transfer stop switch 140 is a slide switch that serves as an image transmission stop operation unit for instructing the image projection device 3 to stop transmitting the image data,” Petitioner contends from that disclosure a skilled artisan “would have understood that moving the switch to the ‘ON’ position stops image transfer, while sliding it back to the ‘OFF’ position resumes (and thus triggers) image data transmission.” *Id.* at 58 (citing Ex. 1009 ¶¶ 70–72; Ex. 1002 ¶¶ 162, 180–182).

Additionally, Petitioner contends that from Grimshaw’s disclosure of button triggers on peripheral devices to transfer a user selected arbitrary media content to a base unit, a skilled artisan “would have found it obvious to implement a wireless device (like that of Uchida) with a physical actuator (input device) that triggers transfer of media content from a wireless device to an image projection device through the wireless communications network.” Pet. 48 (citing Ex. 1002 ¶¶ 164–168). A skilled artisan would

have made this modification, according to Petitioner, “to address the scenario where multiple users wish to take control of a shared display to present image data from their computer (*i.e.*, share their screen with the group).” *Id.* at 48–49. And because “Uchida’s wireless device 1 already provides much of this functionality,” Petitioner contends that this modification “would have been relatively minor and straightforward.” *Id.* at 49.

Patent Owner disputes this contention and argues that Petitioner is “improperly picking and choosing from the references to support their flawed position, without fully appreciating the references for what they fairly suggest to one of ordinary skill in the art.” Prelim. Resp. 36–37. Patent Owner contends that

Uchida only describes that the image transfer stop switch is used “for instructing the image projection device 3 to stop transmitting the image data” and for notifying the computer device 4 of the ON mode. That is, Uchida describes a USB device with a wireless transmitter to send image data from a computer to a projector, in which the USB device has an on/off button. There is nothing in Uchida, nor has Petitioners established, that the image transfer stop switch of Uchida allows 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 and to the base node through the wireless communications network for display on the first display.

Id. at 37–38.

Patent Owner’s assertion fails to undermine Petitioner’s contention because it does not actually address Petitioner’s point, which is that a skilled artisan would recognize, when a user slides switch 140 back to the ‘OFF’ position to allow image transfer to resume, that action would trigger image data transmission of user selected arbitrary media content from wireless

device 1 to the wireless communications network and to the base node through the wireless communications network for display. Instead, Patent Owner’s argument only addresses when a user slides switch 140 to the “ON” position to stop image transmission. On this record, we determine that Petitioner’s evidence and analysis shows sufficiently that Uchida and Grimshaw disclose this last claim element of claim 1.

4. *Conclusion*

After considering Petitioner’s evidence and argument, we determine the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claim 1 based on the combination of Uchida and Grimshaw (Ground 2). We also note that both parties rely on substantially the same evidence and arguments to address independent claims 9, 16, and 21. *See* Pet. 49–59 (claim 9), 64–66 (claim 16), 67 (claim 21); Prelim. Resp. 34–47 (claims 9, 16, 21). Therefore, our determination for claim 1 applies equally to claims 9, 16, and 21.

E. *Remaining Claims and Grounds*

“When instituting post-grant review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.” 37 C.F.R. § 42.208(a). We must “either (1) institute as to all claims challenged in the petition and on all grounds in the petition, or (2) institute on no claims and deny institution.” Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019),⁸ 5–6, 64; *see also* 37 C.F.R. § 42.108(a), *PGS Geophysical AS v.*

⁸ Available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialPracticeGuideConsolidated>

Iancu, 891 F.3d 1354, 1359–60 (Fed. Cir. 2018) (stating a decision to institute is “a simple yes-or-no institution choice respecting a petition, embracing all challenges included in the petition”).

Because we have decided to grant institution on Ground 2 with respect to claim 1, we must do the same for the remaining claims for Ground 2. Patent Owner at this stage does not raise any arguments specifically directed to the remaining dependent claims of Ground 2. Further, because we have decided to institute *inter partes* review based on Ground 2, we must do the same for Grounds 1 and 3 as well, as institution must include all challenged claims under all asserted grounds.

Nevertheless, to provide some guidance to the parties going forward, we address Patent Owner’s alleged deficiencies with Petitioner’s Grounds 1 and 3. In particular, Patent Owner asserts that Petitioner failed to show sufficiently that either Ono (Ground 1) or Ichieda (Ground 3) demonstrate a peripheral device for triggering the transfer of a user selected arbitrary media content from the transmitter to the wireless communications network and to the base node through the wireless communications network for display on the first display, as recited in independent claims 1, 9, 16, and 21. Prelim. Resp. 20–33, 48–57.

Turning first to Ono, Petitioner contends that the remote controller 69 disclosed by Ono

Allow[s] the user to carry out a user action (e.g., pressing up or down selection key on the operation section of the remote controller 69 and pressing the confirm (enter) key) on the input device that triggers transfer of said user selected arbitrary media content (image information) from the transmitter to the wireless communications network and to the base node (e.g., wireless communications module 40 and control section 61) through the wireless communications network for display on the first

display (e.g., an image display apparatus 1 including, e.g., an image signal output section 65 and screen 5).

Pet. 31 (citing Ex. 1005 ¶¶ 44–48, 66–71, 77–78, 80–89, Figs. 3, 6, 8, 9; Ex. 1002, ¶¶ 121–127). Petitioner explains further Ono teaches that, when a “user presses the up/down selection key on remote controller 69 to select a particular PC and then presses the confirm (enter) key,” the disclosed system “triggers a connection process between the selected information terminal apparatus and the image display apparatus, which results in the transfer of the image information from the wireless connection module 44 to the wireless network and communications module 40 via the network” to display the image information on screen 5. *Id.* at 32 (citing Ex. 1005 ¶¶ 66–70, 77–78, 80–89, Fig. 9; Ex. 1002 ¶¶ 122–126).

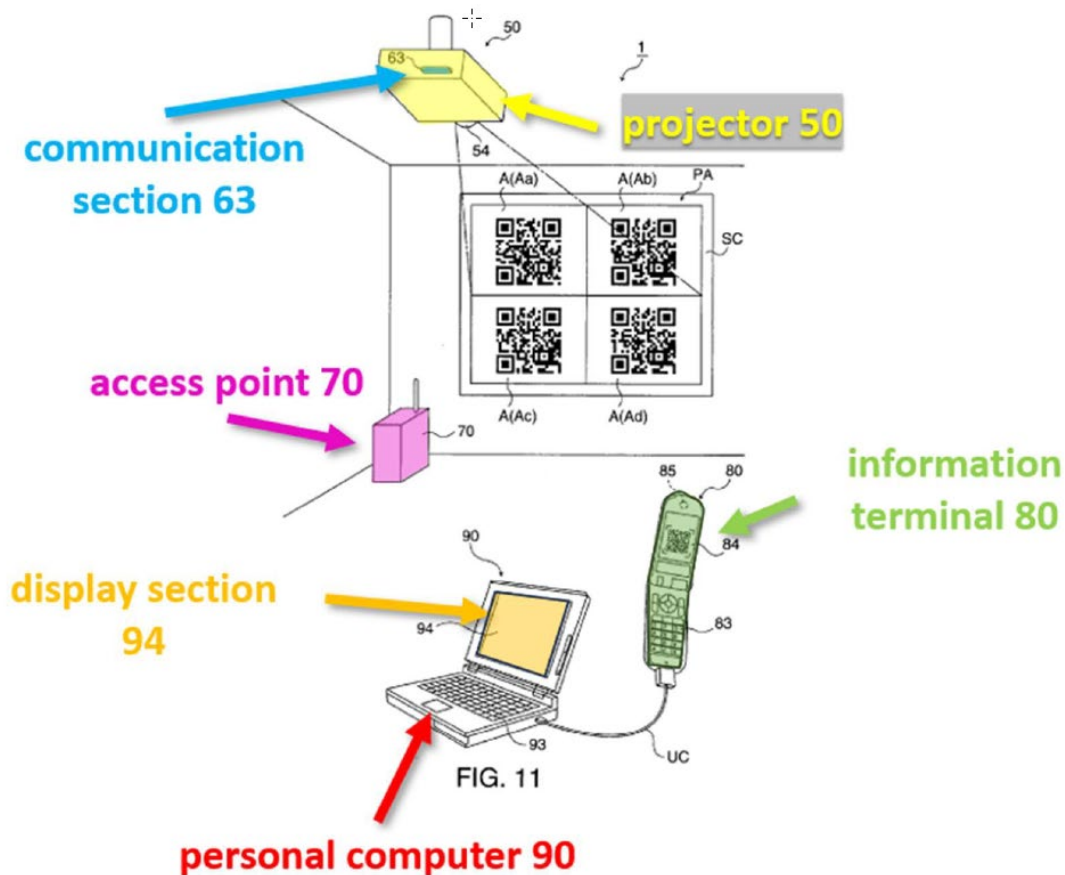
Patent Owner asserts that Petitioner is “improperly picking and choosing from the reference to support their flawed position, without fully appreciating the references for what they fairly suggest to one of ordinary skill in the art.” Prelim. Resp. 22. Patent Owner asserts, “as admitted by the Petitioners, Ono teaches 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.” *Id.* at 23 (citing Pet. 32). In other words, Patent Owner states, “the control section 61 generates a connection request signal with respect to the information terminal apparatus selected by the selecting section 69.” *Id.* (citing Ex. 1005 ¶ 45). Patent Owner asserts,

Ono only states that a user action on the remote controller is used to select the desired information terminal apparatus to request connection, but not that the selection triggers the transfer of the user selected arbitrary media content from the transmitter to the wireless communications network and to the base node.

Id. at 23–24.

At this stage of the proceeding, we find that Patent Owner’s argument has merit. As Patent Owner notes, Ono describes remote controller 69 as capable of receiving user inputs that will cause a “connection request signal” to be transmitted. Ex. 1005 ¶ 45. Ono also makes clear, however, that the connection request signal does not necessarily result in the transfer of image information because that request may either be accepted or *denied*. *See id.* ¶¶ 82–97. As such in the proposed combination, if the connection request is accepted, then image information is communicated from the transmitter to the wireless communications network and to the base node for display (*id.* ¶¶ 87–88); conversely, if the connection request is not accepted, then image information is not communicated (*id.* at ¶¶ 65–96). Going forward, the parties should further address with more specificity why, or why not, Ono’s description of a connection request signal is within the scope of the recited trigger for transferring user selected arbitrary media content from the transmitter to the wireless communications network and to the base node.

Finally, turning to Ichieda (Ground 3), Petitioner relies on Ichieda’s third disclosed embodiment (Figure 11) and provides an annotated illustration of that embodiment, reproduced below.



Pet. 68 (citing Ex. 1006, Fig. 11). Petitioner states that the above annotated figure shows “image display system 1 with projector 50, laptop personal computer (PC) 90 (i.e., an image supply device), and information terminal 80 (i.e., a cellphone).” *Id.* at 67 (citing Ex. 1006 ¶ 129, Figs. 11–13; Ex. 1002 ¶ 209). In that embodiment, as Petitioner explains,

[a]fter a pairing process between laptop PC 90 and projector 50 (which involves information terminal 80 capturing a barcode image displayed on screen SC), laptop PC 90 is connected via a network to projector 50, which displays an image based on the image signal input from laptop PC 90 in the area of a projection screen associated with the particular captured barcode.

Id. at 67–68 (citing Ex. 1006 ¶¶ 8–17, 135, 150, 163, Figs. 11–13; Ex. 1002 ¶ 209). Petitioner contends that a skilled artisan “would have recognized the option to use a communication section of an information terminal [80] . . . to

transmit an image signal from a laptop PC to a projector in much the same way as described in the first embodiment (instead of directly from the laptop).” *Id.* at 70–71 (citing Ex. 1002 ¶ 215). According to Petitioner, a skilled artisan would have elected to use a transmission technique “to free the laptop network card from use” and “would have found such a combination of familiar elements straightforward and predictable.” *Id.* at 71 (citing Ex. 1002 ¶ 215).

Relying on that modified version of the third embodiment Ichieda discloses, Petitioner contends that

Ichieda discloses an input device (operation section 83) configured to allow the user to carry out a user action (e.g., pressing a button on operation section 83) that triggers transfer of said user selected arbitrary media content (image signal) from the transmitter (communication section 86) to the wireless communications network (LAN) and to the base node (e.g., communications section 63 and control section 55) through the wireless communications network for display on the first display (e.g., screen of projector 50), the input device being a physical actuator (connection button) coupled to the at least one peripheral device. As illustrated in processes shown in Figures 3, 7, and 13, once a connection is established, the image signal is sent.

Ichieda suggests that input device used for transmission in the first embodiment could also be used in conjunction with the third embodiment.

Pet. 77 (citing Ex. 1006 ¶¶ 44, 60, 69, 81–83, 107, Figs. 3, 7, 13; Ex. 1002 ¶¶ 228–229).

Patent Owner asserts that Petitioner is “improperly picking and choosing from the reference to support their flawed position, without fully appreciating the references for what they fairly suggest to one of ordinary skill in the art.” Prelim. Resp. 50. Patent Owner notes that, in the third embodiment of Ichieda, information terminal 80 is connected to PC 90 to

provide images to PC 90 and that PC 90 transmits image signals to projector 50 in response to the instructions of the control section 91 of PC 90. *Id.* at 50–51 (citing Ex. 1006 ¶¶ 129, 136). In Patent Owner’s words, “[t]hat is, Ichieda only describes that the information terminal 80 is used to recognize the connection information [for pairing], and once the laptop PC 90 is connected, the internal components of the laptop PC 90 are used for transmission of the image signal.” *Id.* at 51. Patent Owner asserts that Petitioner has not demonstrated sufficiently that a skilled artisan would have used the peripheral device (information terminal 80) in the proposed combination to trigger the transfer of a user selected arbitrary media content associated with PC 90 to the wireless communications network and to projector 50 through the wireless communications network for display, as recited in independent claims 1, 9, 16, and 21. *See id.* 51–57.

At this stage of the proceeding, we find that Patent Owner’s argument has merit. We find a deficiency with Petitioner’s contention because it lacks a factually supported reason for why a skilled artisan would have modified the third embodiment of Ichieda to use information terminal 80 to trigger the transfer of a user selected arbitrary media content associated with PC 90 to the wireless communications network and to projector 50. Ichieda teaches that, in the third embodiment, after receiving user inputs from operation section 93, “the control section 91 retrieves the image data to be projected by the projector 50 from the hard disk drive 92, and transmits the image data from the communication section 96 to the projector 50 as the image signal.” Ex. 1006 ¶¶ 133, 139, 150. Petitioner, however, relies on operation section 83 of information terminal 80 to transmit image data from PC 90 without providing any reasoned basis for such a modification.

At most, Petitioner has demonstrated why a skilled artisan would have known to use information terminal 80 as a wireless means for communicating the image data (e.g., to free the laptop network card from use) from PC 90, but that does not explain why a skilled artisan would have modified the third embodiment to use information terminal 80 to trigger the communication of the image data that is associated with PC 90. On this record, Petitioner has not demonstrated sufficiently any connection between alleviating PC 90 from having to use a network card and why a skilled artisan would have chosen to use operation section 83 of information terminal 80 as an alternative to what Ichieda teaches, which is to use operation section 93 and control section 91 of PC 90 to trigger the communication of that image data that is associated with PC 90.⁹

IV. CONCLUSION

After considering the evidence and arguments presented in the Petition, and absent any evidence or arguments to the contrary, we determine that the information presented in the Petition shows a reasonable likelihood that Petitioner would prevail in establishing that at least one claim of the '951 patent is unpatentable.

⁹ Although Patent Owner criticizes Petitioner's proposed modification of the third embodiment wherein information terminal 80 is used as a wireless communication device to transmitting image data (*see* Prelim. Resp. 52–54), we do not agree on this record that that is where the deficiency exists with Petitioner's contention. This is because Petitioner's contention that a skilled artisan would have elected to use information terminal 80 as the means of wireless communication of image data to projector 50 "to free the laptop network card from use" is a reasonable rationale, which is sufficiently supported at this stage of the proceeding.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1–11 and 13–21 of the '951 patent on the unpatentability grounds asserted in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this decision.

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