

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: IPR2025-00491

U.S. PATENT NO. 10,684,972

PATENT OWNER'S SUPPLEMENTAL PRELIMINARY RESPONSE

TABLE OF EXHIBITS

Exhibit	Description
Ex. 2001	U.S. Publication No. 2015/0121466 (“Brands”)
Ex. 2002	U.S. Publication 2014/0362161 (“Leete”)
Ex. 2003	Memorandum re “Interim Processes for PTAB Workload Management” of March 26, 2025
Ex. 2004	Email Authorizing Supplemental Paper of June 3, 2025

This paper was authorized via email. Exhibit 2004. The Petition should be denied based on its reliance on applicant admitted prior art (AAPA) as a basis for its challenge. Under 35 U.S.C. § 311(b) “A petitioner in an inter partes review may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and **only on the basis of prior art consisting of patents or printed publications.**” “Under the plain meaning of § 311(b), the question is whether a petitioner has used AAPA as the basis or part of the basis, of a ground[.]” *Qualcomm Inc. v. Apple Inc.*, No. 2023-1208, 2023-1209, 2025 WL 1174161 at *8 (Fed. Cir. Apr. 23, 2025).

Each Petitioned Ground expressly relies on AAPA. Petition, 7. Comparing the Petition’s language (first below) with that of the petition underlying *Qualcomm* (second below), confirms that the Petition’s reliance is improper. *Qualcomm*, 2025 WL 1174161, at *9.

Ground 1: Claims 1-18, are unpatentable under pre-AIA 35 U.S.C. § 103(a) as being obvious over Beel in view of Dinka, AAPA, and optionally Christison.

Ground 2: Claims 1-18 are unpatentable under pre-AIA 35 U.S.C. § 103(a) as being obvious over Kaplan in view of Van de Laar, AAPA, and optionally Christison.

Ground	'674 Patent Claims	Basis for Rejection
Ground 1	1, 2, 5-7	§103: Steinacker in view of Doyle and Park
Ground 2a	1, 2, 5, and 6,	§103: Applicants Admitted Prior Art (<u>AAPA</u>) in view of Majcherczak
Ground 2b	7	§103: <u>AAPA</u> in view of Majcherczak and Matthews

J.A. 205.

In *Qualcomm*, the Federal Circuit found that “the statements from the tables in Apple’s petitions clearly designate AAPA as included in the basis of Ground 2. In other words, these are express statements by Apple that AAPA was part of the basis of Ground 2—a violation of § 311(b).” *Id.* at 21. Arguing otherwise would be inconsistent with the express language of the Petition. Should Yealink argue that it did not use the word “basis” in its table, that argument is nothing more than form over substance, as the table and petition are clear that the AAPA is intended to be a basis for each challenge. Moreover, the Petition is clear as to which references it contends are “optional” and which references are “required” in each ground:

A. Claims 1-18 of the '972 Patent Are Unpatentable as Obvious Over Beel Patent in View of Dinka, AAPA, and Optionally Christison

Petition at 26, 42. AAPA is not indicated as an optional portion of either Ground.

Petitioner claims that the use of AAPA is a “clerical error,” but in an IPR, the “the petitioner is the ‘master of its complaint.’” *Microsoft Corp. v. FG SRC, LLC*, 860 F. App’x 708, 713 (Fed. Cir. 2021) (citing *SAS Institute, Inc. v. Iancu*, 584 U.S. 357, 363 (2018)). As such, Petitioners must “adhere to the requirement that the initial petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim.’” *Id.* The Grounds of the Petition are clearly articulated, and the Petition rises and falls based on those articulated Grounds. The Petition fails under 35 U.S.C. § 311 and should be denied.

Dated: June 10, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2025, I caused a true and correct copy of the foregoing to be served on the following counsel of record for Petitioners by electronic mail to the following addresses:

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