

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 NV
Patent Owner.

Case: IPR2025-00491
U.S. Patent No. 10,684,972

**RESPONSE TO PATENT OWNER'S
SUPPLEMENTAL PRELIMINARY RESPONSE
REGARDING**
***Qualcomm Inc. v. Apple Inc.*, 134 F.4th 1355, 1367 (Fed. Cir. 2025)**
(“*Qualcomm IP*”)

Both the form and substance of the petition's use of AAPA distinguish from that in *Qualcomm II*, where Federal Circuit emphasized that form "matters":

It matters that Apple expressly included AAPA in the "Basis" of Ground 2. ... Reliance on AAPA in combination with prior art patents or printed publications is not dispositive of whether AAPA is included in the basis of a ground. But what is dispositive are express statements—as in Apple's petitions—that AAPA is in the "Basis" of a ground. *See id.* In this instance, we agree with Qualcomm that Apple should be held to the phrasing of its petition.

Qualcomm II, 134 F.4th at 1367 (emphasis added). PO's sole argument is that the petition included the term AAPA in certain places. But the petition did not use the word "basis," unlike in *Qualcomm II*. Paper 16. The Federal Circuit was recently "skeptical" of similar arguments where a petition did not use the word "basis." "Fed. Circ. Skeptical [AAPA] Requires Expert," Law360 (June 2, 2025), <https://www.law360.com/articles/2347955/fed-circ-skeptical-applicant-admitted-art-requires-expert> (discussing *Shockwave Med. Inc. v. Cardiovascular Sys. Inc.*, No. 23-1864 and the "Office told the panel CSI's petition doesn't use AAPA as a basis"). Using AAPA "is not dispositive"; how the petition uses it matters. *Qualcomm II*, 134 F.4th at 1367–68 ("future cases may require consider[ing] the substance of a petition").

The petition's substance also distinguishes from *Qualcomm II* because AAPA "can be relied on for ... how one with ordinary skill in the art would have understood a prior art disclosure." *Yeda Rsch. v. Mylan Pharms. Inc.*, 906 F.3d 1031, 1041 (Fed.

Cir. 2018) (quoting *Dominion Dealer Sols., LLC v. AutoAlert, Inc.*, IPR2014-00684, Paper 9, 8 (P.T.A.B. Oct. 6, 2014)) (accord *Qualcomm Inc. v. Apple Inc.*, 24 F.4th 1367, 1376 (Fed. Cir. 2022) (“*Qualcomm I*”); *Qualcomm II*, 134 F.4th at 1365). Petitioner properly used AAPA to demonstrate that a POSA would have understood the prior art to teach certain claim limitations. Pet. 25–26. First, PO admits that Beel “shows an arrangement of components that can be used in embodiments of the present invention.” *Id.* (citing Ex-1001, 4:28–33). Second, it admits that Beel illustrates fixed endpoints. *Id.* (citing Ex-1001, 16:51–56). Finally, it admits that Skype, as disclosed by Dinka, “is a known way to perform the web conferencing disclosed by Beel.” *Id.* (citing Ex-1001, 6:59–63, 7:66–8:21). **Prior art** forms the “basis” of the petition; the AAPA properly **confirms** its teachings. PO’s argument fails because it does not address the substance of how the petition used the AAPA.

PO attempts to extend *Qualcomm II* improperly by overlooking these differences. But tribunals consistently find similar use of AAPA to be appropriate. *See, e.g., Yeda*, 906 F.3d at 1041. Just this month, in fact, the Office defended using AAPA in the same way as here. *See* https://oralarguments.cafc.uscourts.gov/default.aspx?fl=23-1864_06022025.mp3 (June 2, 2025, oral arguments *Shockwave*, Appeal No. 23-1864 (solicitor arguments begin at 22:10)). Therefore, institution is appropriate because the petition may rely on “supporting evidence” and “information.” 35 U.S.C. §§ 312(a)(3)(B), 314(a), and 316(a)(3).

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025, I caused a true and correct copy of the foregoing Response on the Patent Owner at the following service addresses of record:

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