

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.

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

**PETITIONER'S OPPOSITION TO
PATENT OWNER'S MOTION TO
SUBMIT SUPPLEMENTAL INFORMATION**

Patent Owner's request is untimely and, again, blatantly mischaracterizes Petitioner's filings before the Texas District Court. Patent Owner has long been aware of Petitioner's intentions regarding the WPP30 product, and neither proposed exhibit has any relevance to the patentability issues properly before the Board. Moreover, the Board has already considered this identical evidence in its Final Written Decision in IPR2024-01436 and found it insufficient to overcome the prima facie case. The Board should reject Patent Owner's belated attempt to inject extraneous district court briefing into this proceeding. If the Board is to grant this request, it should enter the same arguments the parties already made in related IPRs regarding the very same information. IPR2024-01436 (Papers 58 and 59).

I. PATENT OWNER'S REQUEST IS UNTIMELY.

For well over a year, the parties extensively discussed Petitioner's intent to reintroduce the WPP30 product upon resolution of the district court litigation. As the Cai Declaration acknowledges, the parties have continuously negotiated since at least June 2023 and participated in mediation before Judge Folsom in May 2025. Ex-2035, ¶¶5–9. Throughout these discussions, the parties addressed terms under which Yealink would resume sales of the WPP30. *Id.*, ¶¶5–9, 11, 13.

Counsel for the parties also conferred on December 19, 2025, to discuss the substance of Petitioner's motion for ongoing royalty. This alone gave Patent Owner nearly a month before it requested to file its motion on January 16, 2026, in the

companion proceedings—yet Patent Owner waited until February 20, 2026 to raise the same issue here. Patent Owner has long been aware of Petitioner's intent to reintroduce the WPP30 throughout the litigation.

Patent Owner's delay here is particularly inexcusable because it filed an identical request in IPR2024-01436, -01437, -01438, and -01439 on January 16, 2026. Patent Owner's own email states this request "mirror's the request" it made in those IPRs. The issue here is identical, after the allegedly relevant information was already obtained "reasonably earlier." 37 C.F.R. § 42.123(b). Patent Owner makes no attempt to address that requirement of the rule, and its failure to act promptly on information it has long possessed makes this request untimely.

Patent Owner argues that the one-month delay has "minimal impact" because "authorization for this motion was still sought approximately two months before oral argument." Motion, 2. But the relevant inquiry is whether the information "reasonably could not have been obtained earlier," not whether some future deadline remains, in Patent Owner's view, distant. Patent Owner could have—and did—act sooner with the companion proceedings. Its failure to do so here is unexplained.

II. PATENT OWNER'S REQUEST DOES NOT SERVE THE INTEREST OF JUSTICE.

Patent Owner's request cannot advance the interests of justice because it rests on a fundamental mischaracterization of Petitioner's Texas Motion. Patent Owner repeatedly labels that motion as seeking a "compulsory license," even though it is

expressly a “Motion for Ongoing Royalty,” sought only because Patent Owner initially chose not to pursue injunctive relief after trial. As Petitioner explained, without ongoing royalties, it would be forced into serial litigation—precisely what courts seek to avoid. Ex-2036, 7, 13. Petitioner’s Texas Motion seeks judicial efficiency; it does not seek or “desire” any license, nor does it admit nonobviousness.

More importantly, nothing in Petitioner’s motion contradicts its representations to the Board. Petitioner has consistently maintained that it stopped U.S. sales of the WPP20 and WPP30 in April 2024 to minimize potential damages during litigation. Ex-2035, ¶5. As Petitioner explained in its Reply, it stopped selling dongles in the U.S. but continued selling base units because those base units have independent value apart from the claimed dongle technology. Paper 33, 20, 22–23. Petitioner has repeatedly demonstrated that the economic value of the asserted technology remains unclear, as the base units are fully useful without dongles.

Patent Owner’s “contemporaneous inconsistency” argument—that Paper 33 and the Cai Declaration were filed around the same time, proving “patently inconsistent representations to different tribunals” (Motion, 3)—is misleading, and it misses the point. Petitioner’s statement that it “stopped selling its dongles” is a factual statement about the April 2024 suspension. Its decision to reintroduce the WPP30, potentially in 2026, after the jury set damages and Patent Owner declined

to seek an injunction, does not retroactively make that statement false. Both have been and remain true, there is simply no inconsistency¹.

Petitioner's plans to reintroduce the WPP30 have no relevance to whether Patent Owner's patents are obvious, or whether Petitioner "needed" Patent Owner's technology. District courts often award ongoing royalties when injunctions are unavailable. *See Paice LLC v. Toyota Motor Corp.*, 504 F.3d 1293, 1314 (Fed. Cir. 2007). Requesting a court-ordered ongoing royalty to avoid unnecessary future litigation is not a market admission of value, and it is not evidence of "licensing and acquiescence of those in the industry." Patent Owner, having made the identical argument before, still cannot provide any authority holding otherwise. To be clear, Petitioner maintains that the patents at issue have no value, and Petitioner cannot have acquiesced to the value of patents that it maintains are invalid, which the Board has already confirmed in the related IPRs.

Patent Owner's reference to the Crestron license is similarly misplaced. As Petitioner's Texas Motion explains, that license covers far more patents and rights than the six patents at issue. Ex-2036, 8, 9. Petitioner's expert also testified that that license is not comparable and requires substantial apportionment. *Id.* Patent Owner

¹ As of the date of this Opposition, Petitioner has not yet reintroduced the WPP30 in the United States.

cannot use Petitioner's Texas Motion—filed for an entirely different purpose—to salvage its deficient secondary considerations showing.

Moreover, the Board has already weighed this identical evidence. In the Final Written Decision in IPR2024-01436, the Board considered the same Proposed Exhibits 2035 and 2036, gave the compulsory-license evidence only “some weight,” and concluded that “the evidence of secondary considerations do not outweigh Petitioner's showing of obviousness.” Paper 62, IPR2024-01436, 22, 29, 37–38. The Board has already considered the supplemental information and found it insufficient.

III. CONCLUSION

Patent Owner sat on information it has long possessed and now seeks to leverage its own delay to inject old district court materials into an IPR proceeding. The rules do not permit it, and the interests of justice do not support it. The Board should deny Patent Owner's motion as untimely.

To the extent the Board grants Patent Owner's request, Petitioner respectfully requests that the parties enter into this proceeding the same arguments regarding the relevance of the supplemental information that the parties filed in IPR2024-01436 (Papers 58 and 59). There is no reason the parties need to brief the same issues anew when it has already fully addressed, and the Board has already considered, this identical evidence in the companion proceedings.

Petitioner's Opposition to Motion to Submit Supp. Info.

Dated: May 15, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2026, I caused a true and correct copy of the foregoing Petitioner's Opposition to be served on the Patent Owner at the following correspondence addresses of record:

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