

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
REQUEST FOR DIRECTOR REVIEW**

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Patent Owner does not challenge the Board's finding that the prior art teaches all the claim limitations of U.S. Patent No. 10,684,972 ("the '972 patent"). Patent Owner instead asks the Director to give "substantial weight" to each patent in a multi-patent license. The Board did give the license "some weight" and faulted the Patent Owner for failing to explain how important the challenged claims were to the license¹, as opposed to other factors. FWD at 53, 57–58. Second, regarding commercial success, Patent Owner failed to demonstrate coextensiveness between its products and the challenged claims, particularly given that it argues that several patents protect the same products.

The Board also correctly distinguished *Ancora Technologies, Inc. v. HTC America, Inc.*, 140 F.4th 1355, 1361–62 (Fed. Cir. 2024), which concerned multiple single-patent licenses taken after heavy litigation investment, more strongly tying the challenged patent to the licenses. Here, we instead have a multi-patent license

¹ Patent Owner mentioned that Beel is Barco's own prior invention. Beel is valid prior art regardless of its source and strengthens the case of obviousness because FIG. 4 of the '972 patent is identical to Beel's FIG. 11, and each "shows an arrangement of components that can be used in embodiments of the present invention." Ex-1001, FIG. 4, 4:28–33, 16:44–56; and Ex-1005, FIG. 11. And the ground included new prior art.

with no evidence of the licensee's opinion of the patents' validity. *Bosch Auto. Serv. Sols., LLC v. Matal*, 878 F.3d 1027, 1038 (Fed. Cir. 2017) ("the mere fact of licensing, without more, is generally not a strong indication of nonobviousness if it cannot also be shown that the licensees did so out of respect for the patent rather than to avoid litigation expense."). Patent Owner needs more to show a stronger nexus with the specific claims at issue. FWD at 53, 57–58; *see also Merck & Cie v. Gnosis S.P.A.*, 808 F.3d 829, 838 (Fed. Cir. 2015). The FWD correctly addressed all material issues and should be affirmed.

Additionally, *Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.*, 699 F.3d 1340 (Fed. Cir. 2012), does not help Patent Owner. There, the Federal Circuit credited licensing evidence showing they took a license specifically for the efficiency benefits of the claimed invention. *Id.* at 1354. Transocean also proved nexus to commercial success, industry praise, and copying. *Id.* at 1352–55. Here, Patent Owner offered no testimony that Crestron needed the '972 patent's features specifically, and counsel admitted it had no such evidence. The substantial evidence in *Transocean* is absent here.

I. THE BOARD CORRECTLY DISTINGUISHED *ANCORA* AND PROPERLY WEIGHED THE CRESTRON LICENSE

A. *Ancora* Is Factually Distinguishable.

First, the Federal Circuit reversed the Board's decision in *Ancora*, in part, because the Board incorrectly held that there was no nexus between the single-patent

licenses and the challenged claims. 140 F.4th at 1360. Here, the Board correctly found nexus.

Second, the challenged patent in *Ancora* was “the only patent identified” in the license. 140 F.4th at 1362. That single-patent context made the license directly probative of nonobviousness. The Crestron License is fundamentally different. It covers twenty patents across three families, including international rights. Pet. Rply. at 21–25; Ex. 2011 at 15. Patent Owner offered no evidence that the ’972 patent mattered more than any other patent in the portfolio.

Unlike *Ancora*, where the license was entered after years of litigation and the defendants were fully aware of the relevant prior art, 140 F.4th at 1362–63, Crestron licensed the patents without any litigation filed or threatened. There is no evidence that Crestron evaluated the ’972 patent’s validity or conducted any prior-art analysis before entering the license. The *Ancora* court emphasized that substantial license fees paid late in litigation carried evidentiary weight precisely because the parties then knew the strength of their positions. *Id.* That reasoning does not apply here.

Patent Owner’s counsel conceded at oral argument that it has no evidence that Crestron considered a license to the ’972 patent to be necessary: [REDACTED]

[REDACTED] Hearing Trans., Paper 53, 11:17–18. That admission alone distinguishes this case from *Ancora*.

B. The Board Did Not Require Single-Patent Licenses.

Patent Owner misreads the Board's holding. The Board did not require single-patent licenses. It simply followed precedent requiring additional evidence connecting the challenged patent to the multi-patent license. Patent Owner provided no such evidence.

It is therefore difficult to determine the extent to which the licensing agreement was a result of the novel features in the ['972] patent, as opposed to the other patents involved. In light of this ambiguity, the Board's finding that the evidence of licensing should not be afforded much weight was reasonable.

Merck, 808 F.3d at 838. When a license covers twenty patents, the patent owner must tie the evidence to the specific patent. *Id.* at 837. Patent Owner failed to do so.

Patent Owner's policy argument misses the point. The Board did not penalize portfolio licensing. It required nexus between the evidence and the specific patent. Patent Owner could have adduced testimony, licensing correspondence, or negotiation records showing that Creston valued the '972 patent specifically. It made no such attempt. Instead, it imputed the entire license to the '972 patent, the same strategy it pursued for each patent in the related proceedings. That approach fails because the same license cannot simultaneously prove that each of twenty patents independently motivated the license. Patent Owner's argument implies that all portfolio licenses provide strong evidence of secondary considerations for all

licensed patents, no matter how many—a proposition courts have repeatedly rejected. *Merck*, 808 F.3d at 838; *see also* *Teva Pharm. Intl. GmbH v. Eli Lilly and Co.*, 8 F.4th 1349, 1364 (Fed. Cir. 2021). Policy should not and does not impute portfolio licenses equally to each individual patent without additional evidence.

C. The Evidence Supports the Board's Finding of Business Factors in Part Motivated the License.

Substantial evidence supports the Board's finding that business factors drove the Crestron License. [REDACTED]

[REDACTED] Ex. 1049 at 73:7–74:3, 105:8–106:1; Ex. 1042 at 58:7–12; *see also* Paper 53, Hearing Tr. at 10:17–21. Patent Owner attempted to recharacterize this testimony as reflecting solely patent rights. That ignores the witnesses' own words. When Patent Owner's own damages expert and the licensee's representative both independently attribute the license to business factors, the Board is well within its discretion to credit that testimony. The Board did so here, and its factual finding is entitled to deference.

D. There Is No Evidence that Crestron Licensed Due to Respect for the '972 Patent's Validity.

Licensing alone does not establish nonobviousness. Patent Owner must show that the licensee acted “out of respect for the patent rather than to avoid litigation expense.” *Bosch*, 878 F.3d at 1038. There is no evidence that Crestron analyzed

the '972 patent's validity before licensing or that Crestron's products actually embody the claimed elements. *See Teva*, 8 F.4th at 1364.

Patent Owner also failed to show that Crestron's products practice the '972 claims. *Ancora* affirmed that licensing evidence requires a nexus to the challenged claims. 140 F.4th at 1361. Patent Owner never compared Crestron's products to the '972 patent's claim limitations. "[L]icenses may constitute evidence of nonobviousness; however, only little weight can be attributed to such evidence if the patentee does not demonstrate a nexus between the merits of the invention and the licenses of record." *Iron Grip Barbell Co., Inc. v. USA Sports, Inc.*, 392 F.3d 1317, 1324 (Fed. Cir. 2004) (internal quotation omitted).

The Board correctly gave the Crestron License "some weight." FWD at 53, 57–58. After weighing all secondary considerations, it concluded that this evidence did not overcome the strong *prima facie* case. FWD at 58. This balanced weighing reflects proper discretion, not error. Even sophisticated licensees must demonstrate a nexus to the challenged patent. Patent Owner did not.

II. THE BOARD PROPERLY CONSIDERED COMMERCIAL SUCCESS EVIDENCE.

A. The Barco System Is Not Coextensive with the Claimed Invention.

To show nexus, the commercial product must be "coextensive" with the claimed invention. *Fox Factory, Inc. v. SRAM LLC*, 944 F.3d 1366, 1375 (Fed. Cir. 2019) ("A patent claim is not coextensive with a product that includes a 'critical'

unclaimed feature that is claimed by a different patent and that materially impacts the product's functionality"). The product's success must be attributable to the patented features, not unclaimed elements. Patent Owner failed this test.

Patent Owner's argument that seven challenged patents are all coextensive with overlapping Barco products conflicts with the definition of "coextensive." The Board correctly noted this inconsistency, that Patent Owner argued each patent was individually non-obvious while also contending that "there is essentially no unclaimed feature.' See 1436-IPR, Paper 21 at 49–63; 1437-IPR, Paper 15 at 41–52; 1438-IPR, Paper 15, 51–67; 1439-IPR, Paper 20, 50–70." FWD at 54–55; *see also* IPR2025-00598, Paper 20, 58–62; IPR2025-00598, Paper 20, 55–67. It is impossible that all seven patents are coextensive because that is contrary to the definition.

The Board properly determined that Barco's products are not coextensive with the claimed invention when they include critical unclaimed features covered by different patents that materially impact functionality. *Id.* at 55 (citing *Fox Factory*, 944 F.3d at 1375). The undisputed record shows that the Barco system incorporates multiple separately-patented technologies spanning multiple patent families: the '972 patent (endpoints/peripheral connection method); the '002 patent (separate generic drivers for audio/data); the '676 patent (arbitrary media content sharing with display rules); and the '346 patent (virtual functional device with direct base-unit interaction, without any dongle). Pet. Rply. at 21; *see also* Ex. 1044; Ex. 1045; Ex.

1046. Barco's own Technology and Innovation Director, Erwin Six, testified [REDACTED]
[REDACTED] Ex. 1047 at 141:20–143:18. Judge Laney also observed at the hearing that [REDACTED]
[REDACTED] Hearing Tr., Paper 53, 7:6–13. Therefore, the evidence and Patent Owner's arguments demonstrate that Barco's products support many features—both unclaimed and claimed across several patents.

Finally, Barco's products have substantial uses outside the scope of the '972 patent. For example, the claims require, among other elements, "*a first peripheral device*" (*i.e.*, dongle). But the ClickShare system works without a dongle, using the ClickShare app, Microsoft Teams, Zoom, Apple AirPlay, MiraCast, and GoogleCast as alternative connection methods. Ex. 1038; Ex. 1039. The dongle is optional.

B. The 85% Dongle-Usage Statistic Is Unreliable and Does Not Establish Nexus.

Patent Owner's 85% dongle-usage statistic does not withstand scrutiny. Barco's Technology & Innovation Director, Erwin Six, admitted that the 85% figure tracks usage only when a ClickShare app user actually presses the button. Ex. 1040 at 231:1–4. Critically, this data does not capture (1) base units used with other technologies such as AirPlay, MiraCast, GoogleCast, or with Microsoft Teams or Zoom without the ClickShare app installed. Ex. 1040 at 231:5–11, (2) any users who never used any of these technologies, and (3) any users who do not have the ClickShare app. In other words, the 85% figure is a percentage of an already-filtered,

self-selecting subset of users who have (a) the ClickShare app installed and (b) use the dongle button. It entirely excludes the dongle-free uses of Teams, Zoom, AirPlay, MiraCast, or GoogleCast that the '972 patent does not claim. *Id.* This renders the statistic meaningless as evidence of the dongle's importance to the overall system's success.

Indeed, other evidence confirms that [REDACTED]

[REDACTED] Ex. 1042 at 100:25–101:20. In fact, Patent Owner's own expert could not recall ever using one. Ex. 1043 at 91:14–23.

Even credited at face value, dongle usage in a self-selected subset does not establish that the '972 patent's features, rather than the system's many other patented and unpatented features, drive commercial success. The Board's threshold coextensiveness finding resolved the nexus question, and that finding obviated any need to parse the 85% statistic in detail. Moreover, page 54 of the Board cited the Sur-Reply's 85% argument and discussed its context, notwithstanding that Patent Owner failed to raise it in its Response. A tribunal need not address every sub-argument once a dispositive finding renders it moot. *United Services Automobile Assn. v. PNC Bank N.A.*, No. 2023-2244, 2025 WL 706080, at *4 (Fed. Cir. Mar. 5, 2025) (quoting *Novartis AG v. Torrent Pharms. Ltd.*, 853 F.3d 1316, 1328 (Fed. Cir.

2017) (“[F]ailure to explicitly discuss every issue or every piece of evidence does not alone establish that the tribunal did not consider it.”)).

C. The Unclaimed Features Are Separately Patented and Not “Insignificant”: *Polaris* Does Not Help Patent Owner.

Patent Owner cites *Polaris Indus. v. Arctic Cat, Inc.*, 882 F.3d 1056, 1072 (Fed. Cir. 2018), arguing that unclaimed features do not defeat nexus if they are insignificant. But the unclaimed features here are not insignificant; some are even separately patented. The ability to use ClickShare without a dongle, for example, is a major product feature.

Under *Fox Factory*, unclaimed features must be “insignificant” to preserve the nexus presumption. 944 F.3d at 1374. Here, for example, Crestron licensed [REDACTED]

[REDACTED] along with several other patents, applications, and foreign counterparts. Ex. 2011 at 15; *see also* Ex-2018 (listing pat. pub. no. 2021/0191893 (publication of the '068 application)). Patent Owner wrongly claims Petitioner offered no rebuttal evidence. Petitioner showed that Barco's base unit operates independently of the dongle. Ex. 1038; Ex. 1039. Petitioner also stopped selling dongles but continued successfully selling base units, demonstrating the materiality of dongle-less use cases. Pet. Rply. at 22–23; Ex. 1048.

D. Patent Owner Offered No Direct Evidence of Nexus.

Without a nexus presumption, Patent Owner bore the burden of production for secondary considerations. *Fox Factory*, 944 F.3d at 1373. It failed. Patent Owner never showed what portion of ClickShare revenue is attributable to the '972 patent versus unclaimed or separately patented features. [REDACTED]

[REDACTED] Its revenue evidence covers the entire product line without separating dongle-attributable revenue, much less the claimed features of the '972 patent. Indeed, [REDACTED]

[REDACTED] IPR2025-00598, Response, Paper 20 at 68–69. Both cannot be individually responsible for the entire profit.

Revenue alone is insufficient. Patent Owner must show that commercial success is the “direct result” of the claimed features. *Metrom Rail, LLC v. Siemens Mobility, Inc.*, No. 2024-2223, 2026 WL 1295229, at *2 (Fed. Cir. May 11, 2026) (quoting *In re Huang*, 100 F.3d 135, 140 (Fed. Cir. 1996)). Nexus fails when the patented invention is “only a component” of a successful product. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988). That is the case here.

III. YEALINK’S ONGOING ROYALTY MOTION DOES NOT CHANGE THE OUTCOME.

Patent Owner cites Yealink’s ongoing royalty motion as evidence of nonobviousness. But the Board already considered and credited this evidence, giving it “some weight.” FWD at 53, 57–58. There is no issue for the Director to correct;

the Board weighed this evidence and found it insufficient to overcome the *prima facie* case.

Moreover, Petitioner filed the ongoing royalty motion to avoid needless future litigation. It did not admit that the '972 patent claims are nonobvious. Critically, the '972 patent was not even the subject of the motion, which was directed only to the asserted patents. Yealink also later withdrew the motion. Ex. 1050. Even with some weight, this evidence does not overcome the unchallenged *prima facie* case.

IV. CONCLUSION

After weighing all evidence of secondary considerations, the Board concluded that the *prima facie* case was not overcome. FWD at 58. Unlike in *Ancora*, where the Board “did not evaluate” the licensing evidence, 140 F.4th at 1364, the Board here addressed the license and gave it “some weight.” FWD at 53, 57–58. The Board also did not ignore Patent Owner’s commercial success evidence. It found no coextensiveness and therefore gave the sales evidence no weight.

The Board correctly applied controlling precedent, distinguished *Ancora*, and properly weighed the licensing and commercial-success evidence. Patent Owner’s secondary-considerations evidence does not overcome the strong *prima facie* case, which Patent Owner does not challenge. The Director should affirm the Final Written Decision.

Respectfully submitted,

Dated: September 4, 2026

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 4, 2026, a true and correct copy of the foregoing PETITIONER'S RESPONSE TO PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW was served via electronic mail on the following counsel of record for Patent Owner:

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