

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.

IPR2025-00597 (Patent 11,966,346 B2)
IPR2025-00598 (Patent 11,966,347 B2)

Record of Oral Hearing
Held: July 9, 2026

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

IPR2025-00597 (Patent 11,966,346 B2)

IPR2025-00598 (Patent 11,966,347 B2)

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P R O C E E D I N G S

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JUDGE MCKONE: Good afternoon and welcome. We are here for a final hearing in inter partes reviews, IPR2025-00597 and 598, both captioned *Yealink Network Technology v. Barco*. I am Judge McKone. I'm appearing here in Detroit, Michigan, and with me also are Judges Petravick in Alexandria, and Laney in Denver. So, let's get the parties' appearances. And when you do this, I'll ask you to step up to the podium, otherwise I may not be able to hear you. Who do we have appearing on behalf of Petitioner?

MR. YANG: Good afternoon, Your Honors. Stephen Yang from Dentons US LLP. I'm Lead Counsel for Petitioner. I'm joined today by Mr. Kevin Greenleaf, also from Dentons. And if it's okay with the Board, Mr. Greenleaf will present argument on behalf of Petitioner.

JUDGE MCKONE: All right. That is fine with us.

MR. GREENLEAF: Thank you.

JUDGE MCKONE: Who do we have on behalf of Patent Owner?

MR. HALVERSON: Good afternoon, Your Honor. Erik Halverson from K&L Gates on behalf of Patent Owner. With us today here in D.C. is Lead Counsel, Chris Centurelli. And then at counsel table, also presenting, is going to be Joshua Andrews.

JUDGE MCKONE: Mr. Halverson, will you be presenting any of it, or will this all be presented by Mr. Andrews?

MR. HALVERSON: I will be doing approximately half of it. Mr. Andrews will be doing approximately half of it.

JUDGE MCKONE: Okay, so we set forth a procedure for today's

1 hearing in our oral argument order. Each party will have 60 minutes of total
2 time to present its arguments. Petitioner has the burden of proof and will go
3 first. Patent Owner will then present opposition arguments. Then, to the
4 extent Petitioner has reserved time, Petitioner can present arguments in
5 rebuttal. And after that, Patent Owner, if it has reserved surrebuttal time,
6 may present a short surrebuttal.

7 That said, Patent Owner has indicated that it intends to present
8 confidential information, so most of the hearing will be public. Do not
9 present any of your confidential information during this portion, as there will
10 be a public line open. Near the end, we will close the hearing after the
11 public portion is done to discuss confidential information. Patent Owner,
12 how much time do you think you need to reserve for the confidential
13 portion?

14 MR. HALVERSON: We'd like to reserve eight minutes for the
15 confidential portion, Your Honor.

16 JUDGE MCKONE: I heard eight minutes. Is that correct?

17 MR. HALVERSON: That is correct.

18 JUDGE MCKONE: And Petitioner, how much time would you
19 like to reserve for the confidential portion?

20 MR. GREENLEAF: We'll reserve three minutes, Your Honor.

21 JUDGE MCKONE: Okay. Since I have you both up at the
22 podium, how would we like to do the confidential portion? Is that
23 something where Patent Owner ought to go first and then Petitioner would
24 respond since it is Patent Owner's evidence that's being presented? Does
25 that make sense?

26 MR. GREENLEAF: Yes, Your Honor.

1 JUDGE MCKONE: Okay. And I wouldn't anticipate any kind of
2 rebuttal on that since it's only eight minutes and three minutes total anyway.
3 Unless something unexpected happens, I think eight minutes for Patent
4 Owner and three minutes for Petitioner, and that'll wrap us up. Does that
5 make sense?

6 MR. HALVERSON: I think that's fine, Your Honor.

7 MR. GREENLEAF: Yes, Your Honor.

8 JUDGE MCKONE: All right. And so, for clarity in the transcript,
9 and since all the Judges and Counsel, we're appearing in different locations,
10 when you refer to an exhibit on the screen, please identify the exhibit
11 number and page number. For example, your PowerPoint presentations that
12 you see in the courtroom there might not be on my screen here. So, for my
13 benefit, please let me know what you're pointing to and referring to. Are
14 there any questions on behalf of Patent Owner at this time?

15 MR. HALVERSON: No, Your Honor.

16 JUDGE MCKONE: How about Petitioner?

17 MR. GREENLEAF: No, Your Honor.

18 JUDGE MCKONE: All right. I think Judge Petravick will be
19 keeping time since she has the clock that you can see in the courtroom. So,
20 when Petitioner is ready, we can go ahead and start.

21 JUDGE PETRAVICK: I will be setting the clock for your total
22 amount of time. So, please be aware that it is counting down from the total
23 amount of time, including the confidential portion.

24 MR. GREENLEAF: Okay.

25 JUDGE MCKONE: Start whenever you're ready.

26 MR. GREENLEAF: May it please the Board. My name is Kevin

1 Greenleaf representing Yealink, Petitioner, this afternoon. We are here for
2 two IPR proceedings. The first, the 597 proceeding, related to the '346
3 patent. I'll do them in order.

4 JUDGE MCKONE: And actually, before you get going any
5 further, did you want to reserve any time for rebuttal in the public portion?

6 MR. GREENLEAF: Yes, Your Honor, 25 minutes, please.

7 JUDGE MCKONE: Sorry to interrupt you. Keep going.

8 MR. GREENLEAF: The 597 IPR has 2 grounds. Ground 1, a
9 combination of Beel, Dinka, and Christison, and in particular Beel's third
10 and fourth embodiments. And then Ground 2 is a combination of Van de
11 Laar, Kaplan, and Christison. And that's on Slide 2. Moving to Slide 3 and
12 then 4, is an illustration of Figure 11 of Beel, which has the exact same
13 architecture as Slide 5, which is the architecture, the '346 patent.

14 Your Honors are very well familiar with these patents at this time,
15 given that this is the third hearing, but I think it's important that they are the
16 same. And the '346 patent describes them as the same with the same
17 endpoints, the same drivers, the same software, and the same base note, and
18 that's an admission on Slide 6.

19 Moving to Slide 7. Slide 7 is a description of Beel's third
20 embodiment. All the embodiments are essentially the same, using the same
21 portable application. There are minor differences with the third and fourth
22 embodiments on where that portable application is stored. In the third
23 embodiment, the portable application is stored on essentially a USB stick
24 and then installed on the computer, and it uses the computer's transmitter,
25 rather than a transmitter on a peripheral device. Otherwise, it operates
26 identically to the other embodiments.

1 Similarly, the fourth embodiment, rather than the application being
2 stored on a USB stick, the application is already installed on the PC by some
3 other means. It doesn't describe exactly how it could be -- download or
4 some other means. Dr. Brogioli testified in his deposition that the software
5 can execute on essentially any Windows laptop, so it doesn't make much of a
6 difference about where it's stored.

7 On to Slide 8 is a quote from paragraph 120 of Beel, describing
8 camera and microphone data being transferred to the base node. Your
9 Honors will be familiar with this, that the cameras are linked to a network
10 and the base node, and that's described in paragraph 120. And data from the
11 microphones, at least, is transferred to the processing devices as described in
12 paragraph 120.

13 JUDGE MCKONE: Now, I think there's an issue I think Patent
14 Owner raises as to whether these microphones are attached to the base
15 station or if they're directly attached to the processing devices. Can you
16 speak to that or point to some evidence that'll tell us one way or the other?

17 MR. GREENLEAF: Yes. So, that is described more on Slide 9.
18 We go through the steps of the data flow. So, we talked about the functional
19 device media content enters the meeting network via the base node, and that
20 was in paragraph 120, shows the camera data sent to the base node. And
21 step two -- and I'm going to get to Your Honor's point here on step three
22 -- but step two, there are transceivers on both sides of the data path, the
23 transmitter, as we saw earlier on the PC, and the transmitter in the base node,
24 so they can transmit and receive because they're transceivers.

25 Step three, we have a third software code portion of the PC for
26 receiving media content from the network and for displaying the media

1 content on the display, and it talks about the generic communication
2 protocol for transferring the media content between the peripheral device
3 and the processing device. But as we saw earlier, the portable application is
4 the same, and the data received by the processing device is received via the
5 transmitter of the PC. So, the media content is a combination of the video
6 content from the base node and the microphone data from the microphones.
7 So, the only means that --

8 JUDGE MCKONE: And where's that described?

9 MR. GREENLEAF: That's in paragraph 71 of Beel.

10 JUDGE MCKONE: No, I see that part, but is the -- that the data
11 being a combination of the video cameras and the microphones?

12 MR. GREENLEAF: Well, it says media content, and the only
13 media content -- media content is obviously audio-video data. So, a person
14 of ordinary skill in the art reading the media content, and the only media
15 content in Beel system is the audio-video data. So, it's the same.

16 JUDGE MCKONE: But there's no direct description of what
17 microphones 38 are plugged into. We have to infer it by resort to paragraph
18 71 for context. Is that your position?

19 MR. GREENLEAF: Yes, that the media content is received from
20 the network. And so, the only means for media content being received at the
21 peripheral device is from the network. So, Patent Owner infers some other
22 ways that it could be implemented, but the only express disclosure of
23 receiving media content at the peripheral device is from the network in Beel.
24 So, at least it would have been obvious, if not expressly disclosed in Beel,
25 which I think it is expressly disclosed, that the media content, including the
26 microphone data, would be received from the network, as opposed to a

1 direct wired connection, as Dr. Brogioli presumed.

2 JUDGE LANEY: Why does media content necessarily include the
3 audio? And the only reason I ask is in a -- because you're relying on this
4 statement on paragraph 71, but in context it says portion for receiving media
5 content from the network and for displaying the media content on the
6 display. I mean, it seems to be narrowing it to just be talking about
7 displaying media content. Where do you extrapolate the audio?

8 MR. GREENLEAF: So --

9 JUDGE LANEY: For the functional, it has to be something
10 different than the visual, right? I mean, it's relating to the audio or some
11 other kind of functional device.

12 MR. GREENLEAF: So, media content is a catch-all phrase of still
13 pictures, video, audio. A person of ordinary skill in the art, looking at the
14 term media content would understand that to be a -- it's a broader term than
15 just audio data or video data, or an image data. So, media content
16 encompasses all of those. So, a person of ordinary skill in the art looking at
17 Beel, seeing that term media content, would have understood that media
18 content encompasses the audio data and the video data.

19 JUDGE LANEY: And so, the only support we have for that is
20 your word? I mean, I guess -- I know you keep repeating it, and I think to
21 Judge McKone's point -- I'm just trying to address the context in which it's
22 used.

23 MR. GREENLEAF: So --

24 JUDGE LANEY: I mean, in this context, I don't believe that
25 you've established that it -- at least -- let me back up. In this context, this
26 context seems to be suggesting display, and you barrel through that by

1 saying, well, it refers to other things. And so, what is that support you have
2 that media content is referring to not just the stuff that is going to be media
3 content on the display, but other stuff?

4 MR. GREENLEAF: So, I think there are two ways to answer your
5 question, Your Honor, and I'll move to Slide 11, which is another
6 description from the '346 patent, describing that the application described in
7 Figure 4, which is Figure 4 of the '346 patent, which is identical to Figure 11
8 of Beel, to do screen sharing and audio. So, the '346 patent admits that the
9 system of Beel can share both audio and video data. And another important
10 aspect is that even if it is just the camera data, silent camera data coming in,
11 that meets the claim limitation because we have media content that's being
12 shared.

13 JUDGE LANEY: Okay. In other words, the cameras would be the
14 functional device?

15 MR. GREENLEAF: The cameras are an example of a functional
16 device, yes. In addition to speakers, microphones, the display, there are
17 several functional devices disclosed in both Beel and the '346 patent, which
18 have the same system. I think we can also go back to the architecture of
19 Beel and the '346 patent, and we can see an audio driver in the client PC on
20 Slide 4, for example, which is the Beel version of the architecture. So, Slide
21 4 also includes audio support on the client PC, which, as we all know, is
22 inherent. PCs have client -- have support for audio. So, going back to slide
23 --

24 JUDGE LANEY: But if you go back to that figure, doesn't it show
25 the audio going one way? I mean, I don't -- I guess it seems like it's pretty
26 clear that audio is going from client to the base unit, but the question is

1 whether or not audio goes from the base unit to the client, right?

2 MR. GREENLEAF: And that's why we're talking about paragraph
3 71 on Slide 9, where we have the third software code portion for receiving
4 media content.

5 MR. HALVERSON: We have appeals. I need to do the same
6 thing, but am I able to turn it up so I can hear?

7 JUDGE MCKONE: Would somebody please mute their
8 microphone?

9 MR. HALVERSON: Okay.

10 JUDGE MCKONE: Please keep going.

11 MR. GREENLEAF: So, Beel discloses bidirectional data flow.
12 Paragraph 71 is an example of Beel disclosing data going in the opposite
13 direction from the base node to the processing device. Moving to Slide 10,
14 we have a description of data going in the other direction and in particular,
15 transformation based on type of functional data. So, this, again, is another
16 inherent aspect of the way that general-purpose computers work, is they
17 encode audio data and video data, and particular codecs specific for the type
18 of functional data.

19 And so, this is another example of Beel's disclosure of media
20 content being both audio and visual data, and transformation based on the
21 type of data via functional data type-specific encoding formats. We have
22 RTP audio here, we have UAC, which is USB audio controller, and other
23 functional data type-specific encoders. So, Beel renders obvious this
24 limitation.

25 I'm going to move to Slide 12. Which includes a quote from
26 Dinka, about a plurality of computer terminals, one of two, which is

1 illustrated in Figure 1 of Dinka. Figure 1 shows one PC connected to a
2 plurality of TVs, but the specification describes that one PC as potentially
3 being a plurality of computer terminals that are networked in a unified
4 communication session, such as Skype.

5 Dr. Brogioli testified in the quote up on the slide that he didn't
6 recall specifically that Dinka is making a statement that a VoIP call would
7 be nonfunctional between the two laptops, for example. So, Dinka certainly
8 allows for multiple computers talking to each other and is not limited to
9 sharing between a PC and a TV, as Patent Owner tries to argue.

10 On to Slide 13. Beel, as we've talked about, discloses the claimed
11 architecture as admitted by the '346 patent. Dinka discloses a type of
12 portable application, Skype in this case, for unified communication. And so,
13 the combination would achieve the predictable result of a conferencing
14 system using unified communication, for example, in Beel's portable
15 application. So, the person of ordinary skill in the art would combine this by
16 simply applying Dinka's teaching of unified communication to Beel's
17 system.

18 Christison, which I don't think we're talking about much today,
19 supports that in one particular way of combining Beel and Dinka. So, why
20 would the person of -- moving to Slide 15 -- why would the person of
21 ordinary skill in the art combine Beel and Dinka? Because they both teach
22 bidirectional communication systems, and Beel teaches a generic portable
23 application, and Dinka teaches a specific application that could run on top of
24 Beel's system.

25 So, no questions on Ground 1, I'm moving to Ground 2 on Slides
26 16 and 17. Slide 17 includes an illustration, Figure 1, of Van de Laar, which

1 again, discloses essentially the claimed system, with a display, a base node,
2 and processing devices, which Van de Laar refers to as peripheral devices, a
3 host device, and Dockee devices. Dockee devices are essentially laptops, for
4 example.

5 On Slide 18 is an illustration of Kaplan, which is another similar
6 architecture. The only difference here is that Kaplan has a -- the main
7 difference here is that Kaplan has a peripheral device transmitter, but Van de
8 Laar does not necessarily have a peripheral device, and the claim of the '346
9 patent does not have a peripheral device. So, Van de Laar teaches an
10 embodiment without the peripheral device.

11 On to Slide 19. Van de Laar teaches the communication system.
12 Kaplan discloses transmitting screen scrape data to a display. And so, the
13 combination, again, would be a scalable, user-friendly conferencing system
14 as a predictable result. On to Slide 20. Van de Laar's Dockee architecture
15 both receives and transmits data. We went through this before with Your
16 Honors in the 972 proceeding, that the primary Dockees and secondary
17 Dockees are interchangeable. They can switch states. Primary can become
18 secondary, and secondary can become primary.

19 And so, the primary Dockee typically has more rights to access the
20 functional devices, or what Van de Laar calls peripheral devices. They can
21 be read or write, whereas the secondary Dockees may only have read access.
22 So, writing would mean the processing device, like my computer is writing
23 to the display right now, and Your Honors' devices may be reading from the
24 display from my computer.

25 So, paragraph 59 on Slide 20 discusses more how the primary
26 Dockee -- there might be multiple primary Dockees. So, multiple devices

1 could be sharing data at the same time. And then finally, in paragraph 60, it
2 talks about how the Dockees can switch from primary to secondary state.
3 So, there was an issue about whether the Petitioner --

4 JUDGE MCKONE: Now, am I correct that these citations and this
5 argument came up for the first time in the reply?

6 MR. GREENLEAF: No, Your Honor, because in the petition we
7 talked about the secondary and primary Dockees --

8 JUDGE MCKONE: Because I've looked at petition 53, which is
9 what you have cited in your slide here, and I'm not seeing these citations that
10 you have up here now, and I see them for the first time in the reply.

11 MR. GREENLEAF: So, the citations are consistent with the
12 argument in the petition that the primary and secondary Dockees are
13 Dockees. They're just particular states of a Dockee. So, the reply
14 appropriately talked about the Dockees. The Dockees were always the
15 processing devices. So, the reply, as Your Honor points out, potentially
16 cited additional disclosure about the Dockees, which is appropriate to
17 respond to Patent Owner's arguments. So, it's not a new argument because
18 we didn't switch to say that something else was the processing device. The
19 Dockee was always the processing device.

20 JUDGE MCKONE: Well, what you're saying now, I think, is that
21 a Dockee can be both a primary and a secondary Dockee at the same time.
22 Is that essentially your position?

23 MR. GREENLEAF: No, the primary Dockee, for example, has
24 read and write access. The secondary Dockee has read access. So, in a way,
25 the primary Dockee has the right -- same rights as a Secondary Dockee.
26 Secondary Dockee in the example in paragraph 93 only has read access.

1 The primary Dockee has read and write access. So, in a sense, the primary
2 Dockee is also a secondary Dockee, except it has this additional privilege to
3 write data to the display.

4 JUDGE MCKONE: Now, can we turn to the reply for a moment?
5 And I'm looking at page 22 of the reply, and it looks like there's some
6 testimony that you cite for this point. You cite Exhibit 1062 at paragraphs
7 47 through 48 and 52. That appears to be what your primary support is for
8 this argument.

9 MR. GREENLEAF: I have --

10 JUDGE MCKONE: Can you turn to those paragraphs of the
11 expert report 1062?

12 MR. GREENLEAF: Yes.

13 JUDGE MCKONE: Now, I'm looking at paragraph 47 of the
14 expert report here, and the expert here seems to be quoting from paragraphs
15 93 and 59 through 60, which seem to be your now, primary paragraphs that
16 you're relying on. Can you find these quotes for me? For example, in
17 paragraph 93 of Exhibit 1007, your expert says that it states each Dockee
18 can therefore operate in the capacity as a primary, secondary, or both by
19 having any combination of read and write permissions. I'm having a hard
20 time finding that in the reference, in that paragraph.

21 MR. GREENLEAF: Sorry, which paragraph are you looking at?

22 JUDGE MCKONE: I'm looking at paragraph 93 of Exhibit 1007.
23 And 1007 is Van de Laar.

24 MR. GREENLEAF: Yeah, I recall Dr. Almeroff being asked
25 about that in his declaration, or that coming up in some context. And I
26 believe he testified that the -- Van de Laar supports that statement, but didn't

1 actually include that specific quotation. And we looked at the disclosure in
2 Van de Laar a moment ago that said that the primary Dockee can switch to a
3 secondary Dockee, and the secondary Dockee can switch to a primary
4 Dockee. So, vice versa. So, they can operate as both. That's consistent with
5 his testimony.

6 JUDGE MCKONE: And then there's another citation -- another
7 quotation that doesn't appear to exist in 59 and 60. Is that the same
8 explanation? Do we know how this happened?

9 MR. GREENLEAF: I do not, Your Honor. Let's see. Paragraph
10 59, you said?

11 JUDGE MCKONE: Yeah, paragraph 47 of the expert report 1062,
12 which purports to quote paragraphs 59 and 60 of Van de Laar. I mean, the
13 quotation just doesn't seem to exist.

14 MR. GREENLEAF: Yeah, I think that's consistent with his
15 testimony that it was an oversight in his declaration, but it's consistent with
16 the disclosure in Van de Laar of the primary and secondary Dockee
17 switching state between primary and secondary and having read and/or write
18 access.

19 JUDGE MCKONE: Now, this isn't something where either the
20 attorneys or the expert used AI to generate content for the report, is it?

21 MR. GREENLEAF: I don't know, Your Honor.

22 JUDGE MCKONE: Because that would be pretty serious.

23 MR. GREENLEAF: Yeah, I apologize for the mistake.

24 JUDGE LANEY: Who would know?

25 MR. GREENLEAF: Pardon?

26 JUDGE LANEY: Who would know? You don't know?

1 MR. GREENLEAF: No.

2 JUDGE LANEY: So, who would know?

3 MR. GREENLEAF: So, I can talk to Dr. Almeroff and my team
4 and let Your Honors know after the fact. We can look into it.

5 JUDGE MCKONE: Okay. Thank you. We can move on.

6 MR. GREENLEAF: Okay. Moving to Slide 21, addressing Patent
7 Owner's walled garden argument, which is an embodiment of Kaplan that
8 uses the term walled garden, which is simply an embodiment in which the
9 -- there's more security. But Kaplan discloses a broad teaching of using
10 standard USB protocols, Wi-Fi, HDMI, that are common and not necessarily
11 a walled garden embodiment. Christison supports that.

12 Skipping to Slide 23, to address Patent Owner's argument that
13 Skype and Miracast cannot coexist. And that argument is wrong because
14 Skype and Miracast work at different levels of computer systems. Skype
15 works at the application layer, Miracast works at the transport layer, and so,
16 they are -- they cooperate in certain ways. So, computers work at different
17 layers in the OSI model. Skype can work with Miracast to transmit data.
18 Skype is the application the user uses, and Miracast is a lower-level protocol
19 that Skype can use to communicate data.

20 So, minor devices run Wi-Fi, Bluetooth, and Miracast
21 simultaneously, and that's testimony from Dr. Almeroff. The claim requires
22 unified communication to present with the functional devices. On Slide 24,
23 Van de Laar teaches using Skype. So, that's a unified communication
24 protocol using Van de Laar's system.

25 On paragraph 93, the primary Dockee, again, we have read and
26 write access as we just discussed, and the AV output is offered to the

1 secondary Dockee through a simulated peripheral device -- again, a virtual
2 functional device. On Slide 25, again, we're talking about data
3 transformation based on the type of functional data. So, we have, again,
4 video data is mixed and encoded audio data, similarly, is encoded using
5 particular audio codecs. And then in paragraph 126, we have the WDH may
6 scale the audio/video data to constrain bandwidth. So, again, audio and
7 video data are handled independently based on their data.

8 (Whereupon, the parties went off the record at 1:32 p.m. and
9 resumed at 1:42 p.m.)

10 COURT REPORTER: Yes. We're on the record.

11 JUDGE MCKONE: Thank you. And remind me what slide we're
12 looking at.

13 MR. GREENLEAF: So, we're moving on to Slide 26 and the '347
14 patent in the 598 proceeding, if there are no further questions on the 597.

15 JUDGE MCKONE: That sounds fine.

16 MR. GREENLEAF: All right. Similar grounds here on Slide 27.
17 We have a combination of Beel, Dinka, Christison, and again, Van de Laar,
18 Kaplan, and Christison. And we'll talk about secondary considerations after
19 Patent Owner's presentation.

20 On to Slide 29. Again, the same architecture in Slide 30 and 29.
21 Slide 31. One of the limitations of Claim 1 is functional device being
22 configured for first video data to flow into the base unit. We discussed this
23 earlier. The camera is connected to the connection unit 47, and the base
24 node is adapted to auto-compose media content on the central display from
25 the processing devices.

26 So, here, the base node is adapted to treat media content passed to

1 the base node from any and all connection units 47. And so, and then in
2 paragraph 143, the base node receives a plurality of arbitrary media content
3 coming from one or more connection units. And on Slide 32, we have a
4 camera, 35 may be provided to record the entries on the whiteboard. The
5 camera may have a third connection unit for connecting the camera to the
6 network so that data from the whiteboard can be recorded and stored and
7 transmitted to other networks via the router.

8 So, the data is coming from the camera to the base node via the
9 connection unit. And then we already talked about paragraph 120 earlier.
10 On Slide 33, again, we have paragraph 71. The peripheral device is
11 provided and the '347 patent has a peripheral device in the claim. The
12 peripheral device is provided for providing communication connectivity to a
13 processing device, which is providing a memory and a display.

14 JUDGE MCKONE: So, here, we need the peripheral device to be
15 doing the processing, right?

16 MR. GREENLEAF: Yes.

17 JUDGE MCKONE: When I look at paragraph 71, the part that
18 you don't have highlighted at the bottom, it says, is stored for execution on
19 the processing device, the PC. So, isn't 71 saying that the processing is done
20 on the processing device, not the peripheral device?

21 MR. GREENLEAF: No. What it says exactly there, it's a
22 peripheral device comprising a memory in which executable code is stored
23 for execution on the processing device. So, the processing device does do
24 processing. The peripheral device also does processing. So, the executable
25 --

26 JUDGE MCKONE: And I guess, where's your evidence of that?

1 MR. GREENLEAF: So, for example, in the next quotation, the
2 bottom left, the third -- so we have the executable code. One of the
3 executable codes is the third software code portion for receiving media
4 content from the network and for displaying the media content on the
5 display. So, the peripheral device receives the media content, and that's
6 discussed in the -- again, in the 11th code on the bottom right of the slide.
7 The 11th code for providing means for receiving, decrypting, decoding
8 arbitrary media content and software.

9 The executable code can provide -- comprise the 12th code for
10 scaling incoming media streams. The executable code can comprise 13th
11 code for providing means for displaying incoming arbitrary media content in
12 accordance with the rules. And again, the processing is a function of all of
13 these steps and the transmission and receiving of the data. So, the peripheral
14 device, as the '347 patent admits, as the '346 patent admits, includes the
15 same architecture as Beel. So, Beel's peripheral device has a transceiver that
16 receives the data, processes it, and transmits it via USB to the processing
17 device.

18 JUDGE MCKONE: So, we have to read the '346 and '347 patents
19 as having made admissions in order for us to conclude that this 13th code
20 and 3rd code and 11th code is executed on the peripheral device, rather than
21 simply the processing device. Is that correct?

22 MR. GREENLEAF: No, that only supports -- further supports
23 Beel's teaching of the peripheral device receiving media content, and it
24 needs to be processed to be transmitted to the peripheral device via -- or
25 sorry, the processing device via USB. So, that processing is a function of
26 receiving the data, buffering it, repackaging it into a USB protocol format,

1 and then sending that to the processing device for further processing.

2 So, there's processing happening all along that chain from
3 reception at the base unit, transmission to the peripheral device, peripheral
4 device further processes that data to, as we talked about before, encapsulates
5 it into a USB protocol packet from a Wi-Fi protocol packet. And then the
6 processing device can process it further for display on the processing device.
7 So, there's processing happening everywhere, including on the peripheral
8 device, which the claim requires.

9 JUDGE MCKONE: Now, I noticed that the citations you have up
10 here are not the primary citations you relied on in your petition. And the
11 petition -- I'm looking at page 25 -- your primary citation, this was paragraph
12 72, is simply a *see also* cite. You primarily cited, you said, to paragraph
13 322, but when I read what you have in the brief, you say, on the peripheral
14 device 32, the video packets are received, dot, dot, dot, unpacked in an
15 unpacker 25, decoded in a decoder 26, and then inserted into a suitable
16 composition. It looks, from my reading of that sentence as it's been
17 presented, is that the unpacking and the decoding is the processing that is
18 happening on the peripheral device.

19 MR. GREENLEAF: Yes, and that's consistent with what I was
20 just saying is that --

21 JUDGE MCKONE: Now, but when I read what's actually written
22 in Beel, we have to start not at what you cited, but the quotation starts at
23 paragraph 321 of Beel, which describes the peripheral device. What is
24 missing in this dot, dot, dot that you put in the brief is a transition to the
25 description of what's happening in the base station. Would you agree with
26 me?

1 MR. GREENLEAF: I need to pull up the petition. What page is
2 Your Honor looking at?

3 JUDGE MCKONE: I'm looking at page 25 of the petition. And
4 I'm not going to waste time and beat around the bush here. This looks like a
5 misleading presentation of evidence, and I'm being generous when I say
6 misleading.

7 MR. GREENLEAF: So --

8 JUDGE MCKONE: And this is the 598 petition at page 25.

9 MR. GREENLEAF: Pulling it up. Page 25 of the petition or 25 of
10 the PDF?

11 JUDGE MCKONE: Of the petition. It's got the number 25 at the
12 bottom.

13 MR. GREENLEAF: Yes. Video on packer 25 is in the base unit.
14 Your Honor is correct. The --

15 JUDGE MCKONE: So, at the very least, paragraph 322 does not
16 support the position in the brief, correct?

17 MR. GREENLEAF: It is consistent with the -- no, it is consistent
18 with the known operation of the dongle that it receives the Wi-Fi packet and
19 packs it into a USB protocol packet for transmission to the client PC. And
20 that's consistent with the other paragraphs, 72, for example, that we just
21 talked about, and the testimony of Dr. Almeroff.

22 JUDGE MCKONE: So, you're standing by what you've got in the
23 brief?

24 MR. GREENLEAF: There was, I think, a miscommunication of
25 citing that specific paragraph.

26 JUDGE MCKONE: Well, it's not a miscommunication in citing a

1 paragraph. It looks like the description in Beel was altered in a misleading
2 fashion by using ellipses to carve out a transition from what the peripheral
3 device is doing to what the base station is doing. And it looks like that was
4 done in order to make it look like certain processing was performed in the
5 processing device, but not the base station, in order to show that processing
6 was happening at the peripheral device. Isn't that what it looks like to you?

7 MR. GREENLEAF: It is an inaccurate quotation, so I'm not
8 standing by the accuracy of that. Let me look at this quote for a second.
9 Yeah. So, the quote is to paragraphs 321 and 322, as Your Honor points out.
10 321 says the peripheral device -- on the peripheral device, 32, the video
11 packets are received. At the corresponding plug-and-play port, e.g. USB,
12 read by the human interface device, unpacked, removed HID protocol
13 headers, unpacker 20, and then transmitted to the communication network
14 by transmitter 21.

15 So, there, the peripheral device is using -- is processing the data
16 packets from the processing device, unpacking them and then transmitting
17 them via USB. So, but then it goes on to quote what happens at the base
18 unit. So, that was an error, as Your Honor points out. And I apologize for
19 the appearance of some misleading quotation, but the technical nature is still
20 correct that the data is unpacked and packed to handle the various protocols.

21 So, that was an error. I apologize to Your Honor for that error, but
22 it is consistent with the data flow in both directions that data is packed and
23 unpacked to decapsulate and re-encapsulate data based on the protocols that
24 are being used.

25 JUDGE MCKONE: I think we can move on, but I will note this is
26 the second instance where it looks like evidence has been misrepresented or

1 altered that we've seen today from Petitioner. So, I'm a little worried about
2 trusting you.

3 MR. GREENLEAF: I --

4 JUDGE MCKONE: You can continue with your presentation. I
5 will note that you are into your rebuttal time.

6 MR. GREENLEAF: I apologize, Your Honor. Thank you.

7 Moving to Slide 34. The claim limitation, at least one fixed or configurable
8 endpoint of the functional device is exposed on the first peripheral device.
9 And again, Dr. Brogioli, as we've discussed in prior proceedings, does not
10 make a clear statement about what a functional device is. But both, the '346
11 patent and '347 patents admit that the architecture of Beel has endpoints.

12 For example, audio data is captured at the peripheral device in
13 paragraph 319. In paragraph 317, the audio of the virtual audio speaker
14 device is channeled over the communications network. So, the virtual
15 functional device is a virtual audio speaker device in this context. And we
16 already talked about the bidirectional nature of Beel's transmitting and
17 receiving data. So, Slide 35 is about Dr. Brogioli's inconsistent testimony.

18 Moving to Slide 36. Discusses the claim limitation of the
19 operating system of the processing device being configured to capture the
20 second video data and to make it available through a custom or standard
21 driver. Again, we refer to paragraph 71 that the audio data is captured
22 through a virtual sound card interface, such as a logical device over the
23 physical interface provided in the peripheral device and the processing
24 device. On the processing device, only a generic sound driver, such as a
25 USB sound driver, is required.

26 And we saw a quote earlier that the '347 patent and the '346 patent

1 describe a generic driver as being an example of an endpoint because it's
2 construed broadly. Dinka complements Beel by sending and receiving data
3 via endpoints, and Christison also supports that.

4 So, I'm going to skip the next slides, and Slide 39 addresses Patent
5 Owner's waiver arguments, which I don't think we're discussing in detail.
6 But to the extent Your Honors have questions about the waiver arguments,
7 the petition and Petitioner's reply are consistent. Petitioner's reply builds
8 upon the same arguments in the petition, so arguments have been consistent
9 throughout this proceeding.

10 Moving to Slide 41, talking about Ground 2 of the '347 proceeding,
11 the combination of Van de Laar and Kaplan we've already discussed in some
12 detail, but Slide 42. Again, '347 patent has a peripheral device. So, in this
13 case, Kaplan teaches the peripheral device as a separate embodiment versus
14 an integrated solution that perhaps Van de Laar discloses.

15 So, a lot of these same issues are in this case as in the '346 IPR.
16 So, I'm skipping ahead to Slide 48, dealing with the third process video data
17 from the processing device and the peripheral device. So, Van de Laar
18 teaches again a unified communication protocol of using Skype to
19 communicate data from the processing device, the Dockee, to the display
20 and to the other Dockees.

21 So, the third process data is from the processing device, the
22 Dockee, has write access to screen scrape and send that data to other
23 Dockees and to functional devices such as a display or a speaker. That's also
24 consistent with paragraph 126. So, if there are no further questions on those
25 grounds, I'll reserve the rest of my time.

26 JUDGE MCKONE: Okay, thank you.

1 MR. GREENLEAF: Thank you.

2 JUDGE MCKONE: Mr. Halverson, do you want to reserve any
3 rebuttal time for your public portion?

4 MR. HALVERSON: We'd like to reserve 12 minutes for the
5 public portion, Your Honor.

6 JUDGE MCKONE: And you can start up whenever you are ready.

7 MR. HALVERSON: Good afternoon, Your Honors. Erik
8 Halverson from K&L Gates on behalf of Patent Owner, Barco. I'm going to
9 be handling the Beel-based grounds this afternoon. My colleague, Mr.
10 Andrews, is going to be handling the Van de Laar-based grounds. And so,
11 before we dive in, there are two patents at issue here today. We have the
12 '346 patent and the '347 patent.

13 Now, the '347 patent relates to claims that require the use of a
14 dongle that sits between a processing device. You can think of that as like a
15 laptop and a base station or a base node or a base unit, and then the
16 communication of certain data from a functional device through the base
17 unit, through the peripheral device, and then onto the processing device, the
18 laptop. And the first patent that we're going to talk about though is the '346
19 patent.

20 The '346 patent differs in that it doesn't require a dongle, but not
21 only that, it excludes the use of any sort of intervening components between
22 the processing device and the base unit. The claim requires a form of direct
23 communication between that processing device and that base unit. And
24 Petitioner's evidence, as we just heard, is identical across both patents.
25 Same kind of arguments, the same kind of motivation to combine, the same
26 kind of mapping for a patent claim set that requires the existence of a

1 peripheral device and one that expressly prohibits the peripheral device.

2 Now, on the '346 patent, before we dive in, I want to orient us a
3 little bit on what it is that we're dealing with in the Beel-based challenge.
4 Beel, the primary reference, was the main reference used during prosecution.
5 We see Beel on the 2nd page of the patent exhibit 1001 in the 346
6 proceeding, about halfway down on the left-hand side. There's a star next to
7 it. It was a reference that was identified by the examiner, analyzed by the
8 examiner, used to reject claims, overcome. And so, these claims issued over
9 the Beel reference. All we're doing here today is we're repackaging these
10 arguments in order for representation and reconsideration by the Board.

11 Now, we've heard a lot from Petitioner this afternoon about, well,
12 it's inherent, or it would have been obvious, or you just understand it that
13 way, or that was known operation. But that's not enough to take away a
14 property right that was issued over this Beel reference. You have to come
15 forth with evidence. You have to present what your theory is. You have to
16 clearly articulate it. And it has to be persuasive. Your Honors have to find
17 it believable. The evidence has to support what that theory is. And
18 respectfully, I don't know that Beel, Dinka, and Christison does that for the
19 '346.

20 And so, the first ground or the first argument that I want to make
21 has to do with this direct communication. So, on Slide 8 of Patent Owner's
22 demonstratives, we have claim 1 reproduced. And we're highlighting the
23 direct interaction between the processing device and the base unit. On Slide
24 9, we have the same limitation that appears in the other independent claim of
25 the patent.

26 What does Beel do? How does the Petitioner rely on Beel? Beel

1 has a few different embodiments. Some of them expressly require a dongle,
2 and that's the main focus of Beel. Beel spends many, many, many
3 paragraphs. I think it's the first 215 paragraphs or so of the reference,
4 talking about how its invention using the dongle would work. Then there
5 are a couple of alternative embodiments towards the end of Beel.

6 And so, when we look at the third and the fourth embodiment,
7 which are primarily what the petition relies on, they're much shorter, there's
8 a lot less description, and there's just not the same level of discussion or
9 development that's there. Now, this poses a couple of problems. The first is,
10 this is a combination of multiple embodiments. The petition does not have
11 any motivation to combine these multiple embodiments.

12 Now, generally, the bar is relatively low for combining multiple
13 adjacent embodiments in a piece of prior art. However, when the prior art
14 has these embodiments that are internally inconsistent, the presence of a
15 dongle and the absence of a dongle, there needs to be a little bit more
16 development. You can't just cherry-pick disclosures from one portion of the
17 reference and another portion of the reference, stick them together and say,
18 this talks about processing, this talks about processing, therefore all the
19 processing happens everywhere.

20 JUDGE MCKONE: Now, the way I understood Petitioner's
21 argument or construction here would be that the dongle has a couple of
22 features, such as a Wi-Fi interface and software, and that the third and the
23 fourth embodiments are simply different in that the Wi-Fi, instead of being
24 in the dongle, the interface is in the computer, and then the software that was
25 on the dongle is either on the computer or on a USB drive plugged into the
26 computer. That would suggest that the third and fourth embodiments aren't

1 obviously bringing in description from the other embodiments. They simply
2 incorporate that description, the functionality just run on a different location.
3 Why is that incorrect?

4 MR. HALVERSON: There's just not that level of description in
5 what Beel is. That's an extrapolation of what the petition would like Beel to
6 be, but I don't think that's a fair read of what the text of Beel is. And that's
7 where we need to be for our obviousness analysis is in the words of the
8 reference itself. The fourth embodiment is approximately 12 lines long. It
9 doesn't explain how, in a situation where the software is installed on the
10 client processing device -- how you're interacting with that software. How
11 or what you're doing to the Wi-Fi transceiver of the processing device in
12 order to receive that data. What kind of processing or deconstruction has to
13 happen to that data when it's received? There's a lot of technical detail about
14 how you would do that kind of a software-only client installed on a
15 processing device that isn't part of those four paragraphs.

16 JUDGE LANEY: All right. Are you saying we're supposed to
17 look at those four paragraphs in isolation and not in the context of all the
18 other embodiments? It's not building up or building on what was previously
19 disclosed, and as Judge McKone talked about, just talking about different
20 places you could shift or locate the different functionality or different
21 operations?

22 MR. HALVERSON: Not at all, Your Honor. When you read that
23 embodiment of Beel, you certainly read it in the context of the whole
24 reference. But what you have to do, or what the Petitioner has to do, excuse
25 me, is articulate why you're taking this other functionality of a different
26 embodiment that is inconsistent with the embodiment that it's relying on and

1 incorporate that. That motivation to combine analysis has to be done. You
2 can't just pick and choose different disclosures from different embodiments
3 without explaining how and why a person of ordinary skill would do that.
4 And that wasn't done by the Petitioner. I'm sorry. Yes?

5 JUDGE LANEY: And could you highlight the inconsistencies that
6 you think that we need to make sure that we focus on, so that we follow
7 what you're saying?

8 MR. HALVERSON: And so, for example, Your Honor, if we look
9 at Figure 11 of Beel, which is a primary portion of Petitioner's presentation
10 today, there was a mapping of that figure to the '346 and that figure to the
11 '347. The middle of that, which is where all of the processing that happens
12 of that audio and video data is not present in that fourth embodiment.

13 And so, all of the analysis that is done has to be done somewhere
14 else. And respectfully, I don't know that the four paragraphs that appear at
15 247, 248, 249, and 250 explain anything other than the idea of one could use
16 software. And the claims are more specific than one could use software.

17 But I want to circle back to this direct transmission aspect and in
18 particular, what it is that the base unit in the claims is required to do. So, up
19 on the screen, we see Patent Owner's Slide 11, which has a reproduction of a
20 portion of Claims 1 and 11, where it says the base unit in the claim is
21 required to transmit data over the wireless connection to the processing
22 device. And so, that transmission from the base unit to the processing
23 device without an intervening component isn't described in Beel.

24 What we heard a lot of from Petitioner while it was making its
25 presentation was this portion of the software code and how it was passing
26 information into the processing device. But as Your Honor aptly noted, that

1 processing and that software path requires the presence of a dongle in order
2 to do that. That's how Beel's base unit -- excuse me, that's how that portion
3 of Beel is different. Now, the base --

4 JUDGE LANEY: And you think the addition of the dongle is
5 excluded because it says directly?

6 MR. HALVERSON: Correct, Your Honor. When the two
7 independent claims claim the processing device interact directly with the
8 base unit over a wireless connection, that precludes the presence of a dongle
9 between the two devices.

10 JUDGE LANEY: Why doesn't the dongle, once it's connected to
11 the base unit, become part of the base unit? In fact, doesn't -- and there's a
12 lot of cases in these things, and I'm just pulling something off something I
13 remember. I seem to remember something suggesting that once you do plug
14 it into the base unit -- I mean, into the processing device, a skilled artisan
15 would look at the processing device with the dongle to be -- it would be
16 considered, still be considered directly with, and just explain why that's a
17 wrong idea or a wrong path to follow.

18 MR. HALVERSON: So, the way that these products operate or
19 this system operates is you are using this dongle to create a unique
20 connection, a unique wireless connection between your device and a base
21 unit in the front of the room, which leaves your computer's ability to access
22 the internet via your laptop's transceiver available to still happen.

23 And so, there is a segmentation in a networking sense between
24 what the dongle connection with the base unit is doing generally in these
25 patents and what the laptop's processing or the processing device or the
26 transceiver of the processing device that's connected is able to do. So, this

1 concept of the dongle, what it does is it allows somebody to walk into a
2 conference room and not need to access the internet, because what you're
3 doing is you're accessing a secure LAN just with the base unit.

4 And so, for places like this government building, where perhaps
5 you don't want to give access to the Wi-Fi network writ large to us folks
6 who come in and make presentations on a one-off basis, you use this system
7 to allow for that kind of a presentation or that kind of interaction without the
8 need to use the transceiver of the processing device itself. The '346, by
9 claiming this in the manner that it does, is claiming the absence of that
10 dongle. So, I want to jump ahead to --

11 JUDGE LANEY: How does it affect your argument if we don't
12 agree?

13 MR. HALVERSON: If you believe that the '346 patent still covers
14 a dongle embodiment?

15 JUDGE LANEY: That a dongle is not excluded. I mean, you're
16 saying it's excluded. I mean, obviously it'd have to meet all the claim
17 limitations, but --

18 MR. HALVERSON: I don't know that it does.

19 JUDGE LANEY: -- it utilizes --

20 MR. HALVERSON: I think --

21 JUDGE LANEY: Okay.

22 MR. HALVERSON: -- most of the -- and I haven't thought
23 through all of the arguments, but I think most of the arguments that we were
24 going to discuss today would still apply. For example, the --

25 JUDGE LANEY: Okay.

26 MR. HALVERSON: -- claims require that the base unit itself be

1 configured to transmit certain information, and as we have up on Slide 13 of
2 Patent Owner slides, we have Figure 1A of Beel. And so, there's never any
3 disclosure or description of the base unit, which is 36, transmitting
4 information back to a processing device, which is 31 in Figure 1A.

5 JUDGE LANEY: Can you address paragraph 71?

6 MR. HALVERSON: So, 71 describes an embodiment that doesn't
7 really jive with the rest of the disclosure. And what 71 sounds like it was
8 supposed to be talking about is software that resides on the base unit, which
9 is every other instance of a display is a display at a base unit, which is
10 consistent with what Beel was as a presentation-focused reference. So, you
11 look at what the -- you look at --

12 JUDGE LANEY: I'd like you to go a little bit more specific. I
13 mean, I think you should hit 71 a little bit tighter than that, if you could.

14 MR. HALVERSON: Sure.

15 JUDGE LANEY: I think it's an important paragraph as it relates
16 to, at a minimum, the obviousness analysis of having the base unit
17 communicate functional data to the processing device.

18 MR. HALVERSON: And so, every other instance of rules, which
19 we see at the very end of paragraph 71, is a rule that describes how you're
20 arbitrating different data from multiple presenters. So, if you and I are
21 sitting in a conference room and we both are making a presentation towards
22 or to the rest of the colleagues in the room, and we're both trying to vie for
23 control of that front display, Beel's sole description of what rules are is how
24 that arbitration happens.

25 This one-off disclosure of 71 and how allegedly media content is
26 displayed on the display in accordance with a set of rules, in the context of

1 what Beel as a whole, which is again, how we have to read Beel. That's how
2 we read the prior art. That's how we read the specification. This is really
3 about what the display in the room is getting and doing, not what the display
4 of any given laptop is doing. And I think this is echoed by --

5 JUDGE LANEY: But isn't that argument -- and I'll give you a
6 chance to respond -- isn't that argument a little bit weakened by the fact that
7 structurally and operationally, Beel is pretty close?

8 MR. HALVERSON: So, I would --

9 MR. HALVERSON: Sorry.

10 JUDGE LANEY: And it seems as though when you have
11 something that is so close, and the -- and I'm setting aside some of this, and
12 we're just now just talking about the communication from the base unit to
13 the processing device. When you have something so close, it doesn't seem
14 like it would require somebody -- and the skilled artisan in this field isn't an
15 idiot. It doesn't seem like there's a lot that'd be required to suggest
16 communicating from the base unit to the processing device.

17 And so, why isn't paragraph 71 provide enough to demonstrate that
18 a skilled artisan, or at least suggest to a skilled artisan, hey, if you got that
19 functional data at the base unit, go ahead and communicate that to the
20 processing device.

21 MR. HALVERSON: I think if I could direct Your Honor's
22 attention to paragraph 113 of Beel, it's in the beginning of the detailed
23 description, and it's setting forth kind of what the origin of Beel is, why Beel
24 exists. And it's talking about -- this is an invention that is achieved by
25 allowing on-the-fly presentation of displayable information.

26 Then it goes on in 116 to say that the time taken to reflect and

1 review and document the meeting afterwards is achieved -- sorry, that's not
2 great English. So, what this is doing is identifying problems with existing
3 meetings. One of the problems is the time taken to reflect, review, and
4 document the meeting afterwards. Now, this is achieved in Beel by
5 providing the possibility of recording the course of the meeting in the same
6 time sequence it was carried out, as well as being able to store the data
7 presented and who presented it. But you're not showing that in real time
8 back to the users who are in that meeting.

9 What Beel is, is it is fundamentally a presentation system. And
10 because it's a presentation system, Petitioner's challenge takes a tortured read
11 of a number of portions of Beel in order to create something that's just not
12 there. And the other thing that I would note on this point about why it is that
13 this disclosure that might appear close, but when read in the context of Beel,
14 we would suggest is not, is you have to take into account the secondary
15 considerations.

16 And so, this is a patent that was allowed over Beel. This is a
17 patent that is the subject of a license. And we're going to talk more about
18 that later. But when close calls exist, those close calls have to account for
19 the value that the industry sees in what that invention is. If this was that
20 obvious, why does that license exist in the way that it does? And I don't
21 want to get any further into that until we're off --

22 JUDGE LANEY: Oh, I don't either.

23 MR. HALVERSON: -- public record.

24 JUDGE LANEY: I don't either. In the prosecution, did they
25 discuss this particular difference we're talking about?

26 MR. HALVERSON: The prosecution did not get into paragraph

1 71 specifically, no.

2 JUDGE LANEY: But did it get into specifically this particular
3 difference? Did the examiner put any particular weight on the fact that
4 nothing in the prior art disclosed communicating from the base unit to the
5 presentation station functional information.

6 MR. HALVERSON: I will get back to you with a cite when I
7 come back up, or understanding that it's not there. The last point that I
8 wanted to make -- I guess two points before I turn it over to Mr. Andrews.
9 Beel discloses, or the claims require transformations based on a type of
10 functional data. Look at Slide 10 of Petitioner's demonstratives today,
11 they're citing paragraph 317. 317 is all explaining how a peripheral device
12 acts, what a peripheral device is doing. That's another example of why it is
13 that the absence of this peripheral device and this mixing and matching of
14 different embodiments isn't proper.

15 Now, respectfully, even setting aside that particular citation and
16 reliance on a peripheral device required embodiment, there is still no
17 disclosure in Beel of any transformation that is happening based on a type of
18 functional data. There's no parsing of one type of data from another type of
19 data. And as we heard a couple of presentations ago, Dr. Almeroff is clear,
20 data is data. You're not distinguishing, in his mind, one type of data from
21 another type of data. That's where he comes from when he's analyzing
22 these. And we need to remember that when we're looking at the obviousness
23 allegations that are there.

24 And then the last point that I want to make is Slide 15 of
25 Petitioner's slides, which was allegedly motivation to combine. The title of
26 that slide is 'Motivation to Combine, Why?' What they allege on Slide 15 is

1 similarities between references. Mere similarities between references is not
2 enough to establish motivation to combine. I'm going to let Mr. Andrews
3 have his time, too.

4 MR. ANDREWS: Good afternoon, Your Honors. My name is
5 Joshua Andrews. Can you hear me all right through the speaker?

6 JUDGE MCKONE: Yes.

7 MR. ANDREWS: Perfect. So, first, relating to the '346 patent, I
8 want to draw your attention to the institution decision in this proceeding, in
9 which the Board recognized that there's some concerns relating to the way in
10 which a primary Dockee -- so, the presenters in Van de Laar and the
11 secondary Dockees in Van de Laar are utilized indiscriminately.

12 And the arguments that have been raised by Petitioner are
13 inconsistent with the disclosure of Van de Laar. What Van de Laar
14 describes is transformation of a Dockee from a primary Dockee to a
15 secondary Dockee, or secondary Dockee to a primary Dockee. What Van de
16 Laar does not disclose is a single device being used as both a primary and a
17 secondary Dockee, at the same time.

18 And in fact, Petitioner noted in this recent presentation that they're
19 not arguing for that position, but that is what would be required to meet the
20 claim limitations of the '346 patent, because the virtual functional device that
21 is only provided to the secondary Dockee needs to also be provided to the
22 unified communications, which the Petitioner only identifies being
23 supposedly hosted by the primary Dockee.

24 Additionally, the Petitioners spent a little bit of time talking about
25 Skype and Miracast and how Skype and Miracast can technically occur at
26 the same time. However, there's no allegation of how or why a person of

1 skill in the art would be interested in communicating via Skype and via
2 Miracast at the same time between the same devices. Miracast provides for
3 screen sharing, and Skype is a unified communication, but if you're in the
4 same spaces -- if you're communicating the same information using these
5 competing protocols, there's no real use case for providing that.

6 And notably, the description or the articulation of why you'd use
7 Skype and Miracast at the same time is not identified anywhere in the
8 petition. And this is also a misrepresentation or a misconstruction of what
9 Van de Laar actually describes using Skype for. As shown on paragraph
10 128, Skype is used for -- oh, and this is on Slide 21, apologies.

11 So, in paragraph 128 of Van de Laar, you see the only reference of
12 Skype in the entirety of Van de Laar's disclosure. And what 128 notes is
13 that Skype can be used on Van de Laar's architecture depicted on Figure 3 to
14 communicate from a presenter to the host, and from the host to the attendee,
15 the secondary Dockee. And this type of audio communication that's
16 facilitated by the wireless hub is not consistent with the Petitioner's reliance
17 on Skype, as being used to host a unified communications call between the
18 presenter and the attendee in Van de Laar's architecture.

19 And so next, I am going to -- oh, and lastly, I also want to flag the
20 lack of clarity involved in Petitioner's challenge and Petitioner's
21 combination. So, for example, you'll see on Slide 23, screenshots from the
22 petition on page 50. And what the petition articulates is that the wireless
23 communication would obviously use a transmitter similar to the one that
24 Kaplan discloses.

25 And what is that transmitter? Transmitter 120 depicted on Figure
26 2. And as Mr. Halverson noted, it's our position that the '346 patent

1 expressly excludes the use of a dongle in its claimed communication path.
2 But that is not the arguments raised by the petition, for example, at page 50.

3 And so, next, we're going to jump to the '347 proceeding. And in
4 the '347 proceeding, as we've noted, this requires use of a first peripheral
5 device. It requires the use of a dongle, but the combination, as alleged in the
6 '347 and the '346, it's the same combination. You have Van de Laar and
7 Kaplan in the same motivation to combine, but in this instance, there is a
8 dongle where in the previous patent, which we were just talking about the
9 '346, a dongle is excluded.

10 So, the way in which you can arrive at a combination that would
11 supposedly render both the claims of the '347 patent and the '346 patent
12 obvious is necessarily tied to the hindsight in trying to remap the disparate
13 -- the different parts of the references to meet the claim limitations. And
14 returning again to the -- this figure, Figure 3, shown on Slide 43, of Van de
15 Laar.

16 This is the evidence, and this text is what is relied on by the
17 petition to argue that there exists endpoints of the first peripheral device.
18 But again, Van de Laar does not have a dongle. It does not present
19 endpoints of a first peripheral device because the endpoints that are alleged
20 here, the WFM source and WFM syncs, on devices 320, 300, and 330.
21 Those devices -- one's a laptop, one's the host, and another's a laptop, or
22 laptop or other type of mobile device.

23 So, accordingly, there has been no allegation that these endpoints
24 are presented on any peripheral or dongle that's plugged into the computer as
25 claimed in the '347 patent. And lastly, the I want to first make clear that on
26 Slide 44, we're identifying text from the '346 proceeding, when that text was

1 not in the '347 proceeding institution decision.

2 However, we cite to that institution decision because the same
3 arguments hold. For their challenge to succeed based on Van de Laar, the
4 petition needs to show that the primary Dockee can act as both the primary
5 Dockee and the secondary Dockee at the same time. But in fact, these
6 devices are different devices where they're presented with different
7 functionalities. So, if there are no further questions, I'm going to return the
8 remainder of the time to Mr. Halverson.

9 JUDGE MCKONE: Nothing from me. Thank you.

10 MR. HALVERSON: And so, before I dive in, Judge Laney, in
11 answer to your question about the prosecution history, so Exhibit 1004 for
12 the '346 proceeding, at page 889, there is an argument in an office action
13 response that is explaining why the transfer of audio information that would
14 have been necessary for a conferencing-type embodiment was not part of
15 Beel. And so, that was the kind of thing that we overcame during
16 prosecution to arrive at these claims, and that's where we are today. Just for
17 the --

18 JUDGE LANEY: Can you say that citation again? I'm sorry. So,
19 Exhibit 104 in the --

20 MR. HALVERSON: In the '346 --

21 JUDGE LANEY: -- 596 matter? Oh.

22 MR. HALVERSON: In the '346. The '347 prosecution history is a
23 lot smaller. And it's page 889.

24 JUDGE LANEY: Okay.

25 MR. HALVERSON: There is also a similar, albeit not quite as
26 clear, articulation of that at page 770 to 771, which is an earlier rejection.

1 But it wasn't quite as focused on the presentation versus conferencing
2 argument. And for the completeness of --

3 JUDGE LANEY: And --

4 MR. HALVERSON: Sorry. Yes, go ahead.

5 JUDGE LANEY: And did the examiner identify that difference to
6 be the reason -- and the reason for allowance, or did the examiner
7 acknowledge that and concede that it didn't disclose that?

8 MR. HALVERSON: I did not get that far through. I don't know if
9 --

10 JUDGE LANEY: Okay, I'll do it, but I just wanted to ask. Thank
11 you.

12 MR. HALVERSON: I do know that it's part of the intrinsic
13 record, but I don't know if it was part of the basis for allowance.

14 JUDGE LANEY: Okay.

15 MR. HALVERSON: And so, Mr. Andrews got us into the '347
16 patent, which is, as he noted, the dongle-based implementation. And in this
17 particular patent, like with the '972 that we talked about last time, there is a
18 clear claiming of four different boxes and a specific directional flow of
19 information through those four boxes.

20 We have a functional device, we have a base unit, there's a
21 peripheral, and there's a processing device. None of the prior art has those
22 four different components communicating with each other. There are some
23 pieces of prior art that have some of them, some pieces of prior art that have
24 others, but on the whole, that system is not disclosed in any of the
25 references.

26 And so, we have the same kind of argument about the base unit.

1 Not being described in Beel as being configured to transmit information.

2 And similarly, there is -- and we'll get back to paragraph 71 -- with the
3 exception of 71, there is no disclosure in Beel of any sort of receipt of
4 information by the dongle, by the peripheral device.

5 71, again, I would put to the Board that what it is doing is it is a
6 misapplication of what the invention of Beel is. And it was part of a drafting
7 error. Nothing else in Beel describes that flow of information in that
8 direction. And up on the screen, I'm on Slide 30 of Patent Owner's
9 demonstratives now. On the right-hand side, we have a citation to paragraph
10 75, which is consistent with what we were talking about before, where it is
11 always the base node, the display at the base node that has these rules
12 associated with it.

13 There's no reason why you would have those rules associated with
14 any display at the processing device. You're not getting multiple pieces of
15 information where you need to be arbitrating display at the processing
16 device. The only place that that makes sense is for a display up at the base
17 unit.

18 And I want to jump to Slide 33, Your Honors, which is addressing
19 briefly the claim limitation where the first peripheral device has to be
20 configured to process first processed video data, received by the peripheral
21 to generate second video data. On Slide 34, Beel does not do this kind of
22 processing. There is not processing in the peripheral device to generate
23 second types of data. All that you're doing is you're unpacking video
24 packets. That's not processing video data to generate second video data. If
25 there are no other questions, I think we can move into the -- sorry, I'm just
26 taking a drink. Unless there are any other questions, we'll reserve the rest of

1 the time for the sealed portion.

2 JUDGE MCKONE: I have no more questions. You might want
3 surrebuttal on the public portion, but, well, I'll give you that option in a
4 moment after Petitioner has done its rebuttal.

5 MR. HALVERSON: Sounds good. Thank you, Your Honor.

6 JUDGE MCKONE: And Petitioner, it looks like 15 minutes have
7 been put up on the clock for you. I think that's your total time, including
8 what you might want for your confidential portion.

9 MR. GREENLEAF: Thank you, Your Honor. The first point I'd
10 like to address is Judge Laney's comment that a skilled artisan is not an idiot.
11 In fact, in this case, the petition at page 8, and in agreement with Patent
12 Owner, the person of ordinary skill in the art here has a master's degree with
13 five years of experience.

14 Beel was considered on the record. The petition talked about this
15 at pages 3 to 8 and 67 to 71 to describe how the examiner erred in his
16 analysis of Beel as a secondary reference. Brands was the primary
17 reference, which is another Barco patent. We heard from Mr. Halverson, but
18 he did not answer the Board's question about Judge Laney's question about
19 the reasons for allowance and whether the examiner addressed Barco's
20 argument about the fact that the allegation that Brands or Beel is only -- does
21 not disclose bidirectional communication.

22 The examiner did make a comment about this. The petition talked
23 about it on page 7. In Exhibit 1004, page 1050, which I have here, the
24 examiner says, this is the reasons for allowance. So, the applicant amended
25 the claims to include the data transformations, and that was the reasons for
26 allowance, which we've talked about. But the examiner does say that

1 Brands, which is similar to Beel, teaches peripheral devices comprising
2 software for receiving, decrypting, and decoding arbitrary media content.

3 So, the examiner repeatedly rejected the claims based on Brands
4 and Beel, and the bidirectional communication argument that Patent Owner
5 makes today that's been rejected on the record, but Patent Owner
6 consistently makes that the reason for allowance was the data
7 transformation, which we've already talked about. Mr. Andrews --

8 JUDGE LANEY: While you're there, go down, just finish where it
9 says, therefore Brands does not teach. What do you understand the
10 examiner to be saying there?

11 MR. GREENLEAF: That's the data transformations limitation that
12 the applicant added to the claims to gain the allowance. And then we talked
13 about Beel's disclosure of the data transformation.

14 JUDGE LANEY: Thank you.

15 MR. GREENLEAF: So, I'd like to address briefly, again, Mr.
16 Andrews' comment about Miracast and Skype being mutually exclusive.
17 Van de Laar talks about Miracast as an example embodiment. It also talks
18 about Wi-Fi serial bus in Exhibit 1007, paragraph 73. The peripherals are
19 considered to support standards such as Wi-Fi serial bus and Wi-Fi Miracast.

20 So, Patent Owner consistently tries to limit disclosures to particular
21 embodiments. And even if we were to limit Van de Laar to that particular
22 embodiment, as we discussed earlier and as Dr. Almeroff testified in his
23 declaration, these protocols are not mutually exclusive. They can work
24 together. And if there are no further questions, I'll reserve the rest of my
25 time.

26 JUDGE MCKONE: All right, I have nothing further. And I think

1 you have close to 25 minutes left. Would you rather simply move to -- do
2 you want to do any surrebuttal here, or do you want to move to the
3 confidential portion?

4 MR. HALVERSON: Two minutes of surrebuttal, please, Your
5 Honor.

6 JUDGE MCKONE: Okay.

7 MR. HALVERSON: So, Petitioner noted just a moment ago what
8 the notice of allowance was and why these claims were ultimately allowed
9 over the combination of Brands, which, as Petitioner noted, is another Barco
10 reference, another Patent Owner reference, and Beel. And what's important
11 to note here is the examiner explained that Brands further teaches peripheral
12 devices comprising software for receiving, decrypting, and decoding
13 incoming arbitrary media content.

14 Over that, the examiner found that Brands does not teach the
15 claimed transformation based on the type of functional data. What the
16 examiner found that Brands teaches and over which the claims were
17 allowed, is the exact same disclosure that the petition relies on for the
18 transformation of data. And this appears in Exhibit 1004, at pages 1049 and
19 1050. And unless there are other questions, we can move into the
20 confidential.

21 JUDGE PETRAVICK: We're going to pause for a minute and
22 close the door.

23 USHER: Disconnecting the public. Standby. The public line is
24 closed.

25 JUDGE PETRAVICK: I'm sorry, can you confirm again whether
26 the public line is closed?

1 USHER: Yeah, confirming it's closed.

2 JUDGE MCKONE: Okay, public line is closed and the hearing
3 room door is closed. I think we can proceed, as soon as you're ready. Oh,
4 and for the Court Reporter, will this be a separate transcript --

5 COURT REPORTER: Yes.

6 JUDGE MCKONE: -- for the -- thank you.

7 (Whereupon, a confidential portion of the proceeding was
8 conducted.)

9 MR. GREENLEAF: And with that, if there are no further
10 questions, Mr. Yang would like to speak briefly.

11 JUDGE LANEY: Well, before you do, I just -- did you have a
12 chance to ask whether or not your co-counsel and ask regarding whether
13 your expert report was generated by Mr. Almeroff or by AI?

14 MR. GREENLEAF: Mr. Yang is going to speak about that right
15 now.

16 JUDGE LANEY: Okay.

17 MR. YANG: Your Honors, I believe this will be short. Again,
18 Stephen Yang, lead counsel for Petitioner. I want to emphasize something
19 and agree with Your Honors that this is a very serious question. Now, at this
20 firm, on this team, I have made clear to all my team members, to all vendors
21 that we use, all assistants or paralegals at the firm, that we are not to use AI
22 to assist in brief writing. We're not to use AI to generate case cites, to quote
23 any documents, and to really substitute for what we do as attorneys and to
24 substitute what our experts do. As lead counsel and as equity partner at the
25 firm, I hope that is heeded and I believe sitting here today, that was not the
26 case. Going --

1 JUDGE MCKONE: Now, who drafted the expert report? Was it
2 the attorneys or the expert?

3 MR. YANG: I believe it's a combination of both, Your Honor.

4 JUDGE MCKONE: Okay. Who drafted the paragraph in question
5 that contained the incorrect quotations?

6 MR. YANG: That is something I will find out, Your Honor. And
7 this is something I will absolutely find out because I need to know the
8 answer to that, too, Your Honor. But not the --

9 JUDGE PETRAVICK: You submitted the petition.

10 MR. YANG: I submitted the petition. I'm lead counsel.

11 JUDGE PETRAVICK: Your name's on it as the submitted --

12 MR. YANG: Ultimately, I'm responsible if anybody used AI,
13 Your Honor.

14 JUDGE PETRAVICK: And your declaration came with that?

15 MR. YANG: It came with the reply.

16 JUDGE PETRAVICK: Okay.

17 MR. YANG: Yes, Your Honor. Absolutely.

18 JUDGE PETRAVICK: And did you sign the reply?

19 MR. YANG: I believe I did, Your Honor. And again, ultimately, I
20 am responsible. But to go back, Your Honors, if I may, to that particular
21 paragraph, and that is paragraph 47 in Exhibit 1062. That is Dr. Almeroff's
22 declaration in support of Petitioner's reply. There are three quotes, Your
23 Honors, in that paragraph. I believe the third quote is correct. By the way,
24 all three quotes are quoting from Van de Laar.

25 The first two quotes are not from Van de Laar. There should not
26 have been quotation marks on there. What we were able to confirm, Your

IPR2025-00597 (Patent 11,966,346 B2)

IPR2025-00598 (Patent 11,966,347 B2)

1 Honors, that language in those first two quotes came from the reply paper.
2 That is paper number 33 in the related proceeding for the '972 patent. That
3 is IPR2025-00491, and that is on pages 15 and 16.

4 JUDGE MCKONE: That would suggest that the attorney and not
5 the expert drafted this paragraph.

6 MR. YANG: Your Honors, I will find out what happened here,
7 and that is -- we already have a meeting set up after --

8 JUDGE MCKONE: And also suggests that the expert isn't
9 carefully reviewing his own testimony, which I'm wondering how much
10 weight we ought to give to the testimony if the expert is not reviewing it
11 carefully.

12 MR. YANG: I think --

13 JUDGE MCKONE: If it really is his opinions.

14 MR. YANG: That is a very fair question, Your Honor, and I have
15 no -- I really have no comment on that. I will say this is, at best, sloppy, and
16 that is not acceptable either. But if I may add one thing. There's no
17 intention to mislead here. Those two first paragraphs should not have had
18 quotation marks. That should have been checked, and that should have been
19 removed. Now, Dr. Almeroff was asked about this in his deposition. That
20 was back in May of this year, and this is Exhibit 2033 in the 597 proceeding.

21 He was asked about that, and he did explain the support, the
22 substance did come from Van de Laar, and those paragraphs cited from
23 Exhibit 1007 are correct. They're just not direct quotes. And I want to
24 clarify that to the Board. The substance is there. The argument remains the
25 same. And of course, we were here a few months ago for the other IPR
26 proceeding, and I believe Van de Laar was a primary exhibit in that -- a

1 primary prior art reference in that proceeding, as well.

2 And, Your Honor, I'm more than happy to update the Board if the
3 Board wishes. I will be finding out what happened to this paragraph. We'll
4 be also talking to Dr. Almeroff, but I want to clarify, those are not -- the first
5 two quotes are not direct quotes from Exhibit 1007. It appears it was quoted
6 because of the same arguments from the previously filed reply. And for that,
7 Your Honors, even if it's just sloppiness, we apologize, and there was just no
8 intention to mislead this Board or Patent Owner.

9 JUDGE MCKONE: Okay. At this time, I don't think we need a
10 follow-up, but it is something that we will consider in determining the
11 weight to give the testimony, obviously.

12 MR. YANG: Thank you, Your Honor.

13 JUDGE MCKONE: Is there anything else you need to present
14 here, or is this --

15 MR. YANG: Not from me, but if the Board has any further
16 questions on this or about anything else, I'm more than happy to address.

17 JUDGE MCKONE: Okay. I have no further questions. My
18 colleagues?

19 JUDGE PETRAVICK: No.

20 JUDGE MCKONE: All right.

21 MR. YANG: Thank you, Your Honors.

22 JUDGE MCKONE: With that, we are adjourned.

23 (Whereupon the above-entitled matter went off the record at 3:18
24 p.m.)

IPR2025-00597 (Patent 11,966,346 B2)

IPR2025-00598 (Patent 11,966,347 B2)

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