UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAMBRIDGE INDUSTRIES USA, INC.,
Petitioner,

v.

APPLIED OPTOELECTRONICS, INC.,
Patent Owner.

IPR2025-00433
Patent 9,523,826

REPONSE TO CORRECT DEFECT NOTED IN NOTICE OF FILING DATE ACCORDED TO PETITION

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

The NOTICE OF FILING DATE ACCORDED TO PETITION AND TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE dated February 28, 2025, notes that the instant petition was filed "Parties and Board," without a requisite concurrently filed motion to seal. The Notice requires Petitioner to correct this defect within **five business days** from the date of the notice.

Petitioner respectfully regrets the error that the Petition and associated papers were submitted with a confidentially designation as indicated above. When initially uploading the documents to the P-TACTS system, prior to submission, the undersigned attorney followed the Example set out at pages 21-22 of the Patent Trial and Appeal Case Tracking System User Guide (Revised 2024), which depicts a Petition as filed with the "Parties and Board" selected. Petitioner was unaware that such a designation is deemed to be filed under seal, requiring filing of a motion to seal pursuant to 37 C.F.R. § 42.14.

Petitioner regrets that when submitting the final Petition it inadvertently omitted to change the designation to "Public" as suggested at pages 60-61 of the aforementioned Practice Guide, and in fact Petitioner did not intend to file the Petition and associated documents under seal. Accordingly, Petitioner hereby respectfully requests that the designation of

all of the Petition documents be changed to "Public." Petitioner submits that no new matter or substantive change is submitted or would result from this requested change.

Date: March 3, 2025 By: */Nicola A. Pisano/*

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), 42.105, the undersigned hereby certifies that a true and correct copy of the above-captioned REPONSE TO CORRECT DEFECT NOTED IN NOTICE OF FILING DATE ACCORDED TO PETITION, was served in its entireties on March 3, 2025, upon Patent Owner at the correspondence address of record for the subject patent as listed on the USPTO's Patent Center via Priority Mail Express®:

APPLIED OPTOELECTRONICS, INC.
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Date: March 3, 2025 By: */Nicola A. Pisano/*

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