

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAMBRIDGE INDUSTRIES USA, INC.,
Petitioner,

v.

APPLIED OPTOELECTRONICS, INC.,
Patent Owner.

IPR2025-00437
Patent 10,788,690 B2

Before MITCHELL G. WEATHERLY, MONICA S. ULLAGADDI, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background

Cambridge Industries USA, Inc. (“Petitioner”) filed a petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 1–19 (the “challenged claims”) of U.S. Patent No. 10,788,690 B2 (Ex. 1001, “the ‘690 patent”). 35 U.S.C. § 311. Applied Optoelectronics, Inc. (“Patent

Owner”) did not file a Preliminary Response on the merits of patentability. Institution of an *inter partes* review is authorized by statute when “the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Based on our review of the record,¹ we conclude that Petitioner is reasonably likely to prevail with respect to at least one of the challenged claims.

Petitioner challenges the patentability of claims as follows:

Claims challenged	35 U.S.C. § ²	Reference(s)
1–10	102	Wang ³
11–19	103	Wang, Xiong ⁴

¹ The panel strongly prefers that all text within an evidentiary exhibit that is filed in a PDF should be capable of being found using a search feature and copied as text. Petitioner’s Exhibit 1002 does not comply with this requirement.

In their papers, the parties should cite evidence by exhibit number in every instance; a short form name may also be used, but not as a substitute for the exhibit number. The panel also prefers that, for every evidentiary exhibit submitted in P-TACTS, the party should assign a short, descriptive name in the “Document name” field. Patent Owner’s Exhibits 2001–2003 do not comply with this requirement, but Petitioner’s Exhibits do.

Submissions not meeting these expectations may be refused.

² The Leahy-Smith America Invents Act (“AIA”) included revisions to 35 U.S.C. §§ 102 and 103 that became effective March 16, 2013. The application for the ’690 patent was filed on June 19, 2019. Therefore, we apply the post-AIA versions of 35 U.S.C. §§ 102 and 103.

³ Chinese Patent No. 208421455 U (translation at Ex. 1006, “Wang”).

⁴ U.S. Patent No. 9,563,073 B2 (Ex. 1008, “Xiong”).

B. Related Proceedings

The parties identified as related proceedings the co-pending district court proceedings of *Applied Optoelectronics, Inc. v. Cambridge Industries USA, Inc.*, No. 3:24-cv-01010-JD (N.D. Cal.) (filed Feb. 20, 2024) and *Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.*, 4:24-cv-09041 (N.D. Cal. filed Nov. 19, 2024). Pet. 39; Paper 6, 2.

C. The '690 Patent

The '690 patent describes “an optical isolator array with a magnetic base that allows for mounting and alignment of N number of optical isolator[] modules within an optical subassembly module.” Ex. 1001, code (57). “[T]he magnetic base provides at least one mounting surface for coupling to N number of optical isolators, with N being equal to an optical channel count for the optical subassembly (e.g., 4-channels, 8-channels, and so on).” *Id.* The optical isolators are secured to the magnetic base in a predefined arrangement by an “adhesive such as ultraviolet-curing (UV-curing) optical adhesives.” *Id.* Arranging the optical isolators on the magnetic base in this manner provides for “a relatively compact and modular profile that supports N number of optical isolators for use in an optical subassembly module.” *Id.* at 1:9–11.

Claims 1 and 11 are the independent claims among the challenged claims. Claim 1 recites:

- 1[a]. An optical isolator array for use in an optical subassembly module, the optical isolator array comprising:
- [b] a first magnetic base defining at least one mounting surface;
- [c] a plurality of optical isolators mounted to the at least one mounting surface, each of the plurality of optical isolators disposed substantially in parallel relative to each other; and

[d] at least one layer of adhesive disposed on the at least one mounting surface to couple the plurality of optical isolators to the first magnetic base and to hold each optical isolator of the plurality of optical isolators at a predefined position relative to each other.

Id. at 9:21–33 (with bracketed labels added to ease discussion).

D. Real Parties-in-Interest

Petitioner identifies itself and its parent corporation, CIG Shanghai, Co. Ltd., as real parties-in-interest. Pet. 39. Patent Owner identifies itself as a real party-in-interest. Paper 6, 2.

II. ANALYSIS

A. Claim Interpretation

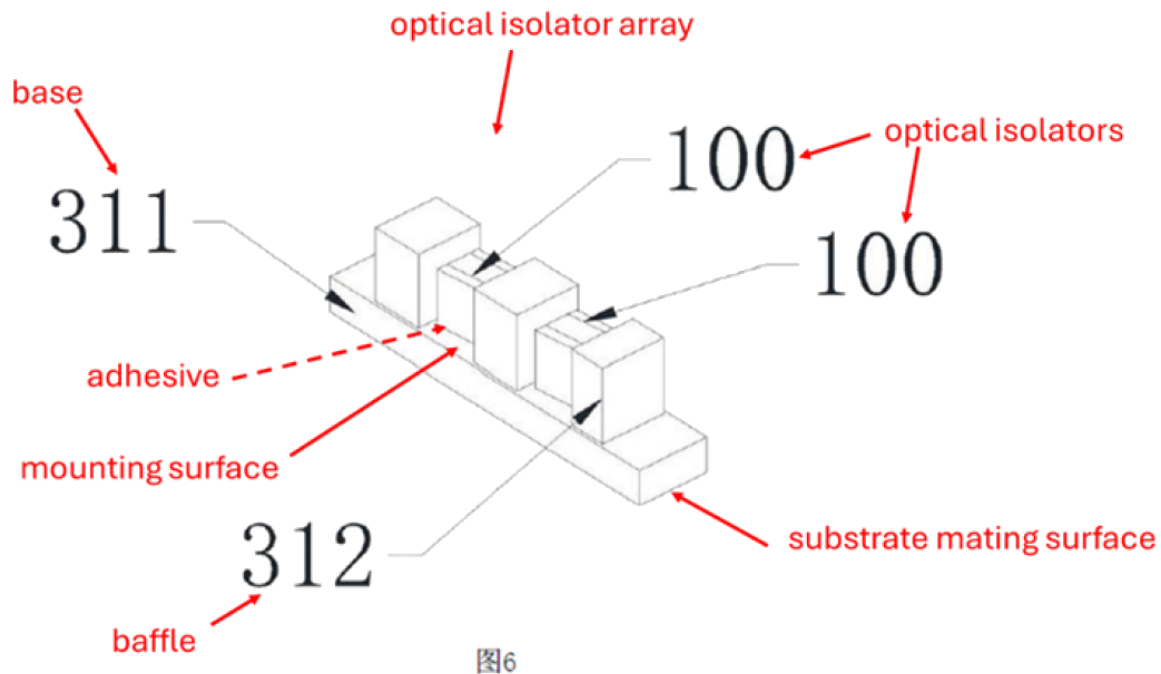
We interpret claims in the same manner used “in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100(b). When applying that standard, we interpret the claim language as it would have been understood by one of ordinary skill in the art in light of the specification. *Wasica Fin. GmbH v. Cont’l Auto. Sys., Inc.*, 853 F.3d 1272, 1279–80 (Fed. Cir. 2017). Thus, we give claim terms their ordinary and customary meaning as understood by an ordinarily skilled artisan. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). Only terms that are in controversy need to be construed, and then only to the extent necessary to resolve the controversy. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

Petitioner contends that “no special constructions are required.” Pet. 10. We agree and do not expressly construe any claim term.

B. Claims 1–10: Anticipation by Wang

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Petitioner contends that Wang anticipates claims 1–10. Pet. 15–24. When addressing claim 1, the only independent claim among claims 1–10, Petitioner provides the annotated Wang’s Figure 6, reproduced below.



Ex. 1005, FIG. 6 (annotated)

Id. at 15. Figure 6 is a perspective schematic view of a first embodiment of Wang’s array of optical isolators 100 on base 311. Ex. 1006 ¶ 28. Wang’s isolators 100 are affixed to base 311 and baffles 312 using adhesive. *Id.* ¶ 44. Base 311 is made of a magnetic material. *Id.* ¶¶ 12, 40. Petitioner identifies how Wang describes each limitation as arranged in claim 1.

Pet. 15–16 (citing Ex. 1006 ¶¶ 8–14, 37–41, 43, Figs. 6, 8, 10; Ex. 1003 ¶¶ 71–75).

Patent Owner did not file a Preliminary Response and does not dispute Petitioner’s showing at this stage. Based on our review of Petitioner’s showing that Wang anticipates claim 1, we find that Petitioner has demonstrated a reasonable likelihood of proving that Wang anticipates claim 1.

III. CONCLUSION

For the reasons expressed above, we determine that Petitioner has demonstrated a reasonable likelihood of showing that claim 1 of the ’690 patent is unpatentable as anticipated. In accordance with the Court’s decision in *SAS Institute, Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018) and 37 C.F.R. § 42.108(a), we institute an *inter partes* review of all challenged claims of the ’690 patent on all grounds alleged by Petitioner.

This Decision does not reflect a final determination on the patentability of any claim. We further note that the burden remains on Petitioner to prove unpatentability of each challenged claim. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

IV. ORDER

For the reasons given, it is:

ORDERED that *inter partes* review of claims 1–19 of U.S. Patent No. 10,788,690 B2 is *instituted* with respect to all grounds of unpatentability set forth in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(a), *inter partes* review of U.S. Patent No. 10,788,690 B2 is instituted commencing on

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the entry date of this Order, and pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is given of the institution of a trial.

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