

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAMBRIDGE INDUSTRIES USA, INC.,

Petitioner,

v.

APPLIED OPTOELECTRONICS, INC.,

Patent Owner.

Case IPR2025-00437

Patent No. 10,788,690

**PATENT OWNER'S OBJECTIONS TO NOTICE OF DEPOSITION OF DR.
ALAN E. WILLNER**

Patent Owner Applied Optoelectronics, Inc. (“AOI”) objects to the notice of deposition of Dr. Allen E. Willner served by Petitioner Cambridge Industries USA, Inc. (“Petitioner” or “CIG”) on January 5, 2026 on the following grounds:

1. The deposition notice violates 37 CFR section 42.53(d)(1) which requires that the parties agree on the time and place for the deposition. Petitioner did not properly consult with AOI on the noticed date, time, or place for the deposition. Counsel for Petitioner sent an email during the December 2025 holidays asking about dates, but AOI informed Petitioner that it would not be able to substantively respond until on or about January 7, 2026 due to counsel and Dr. Willner traveling for the holidays.

Instead of acknowledging or awaiting that response, Petitioner unilaterally noticed the deposition for January 15, 2026 at Petitioner’s counsel’s office in San Diego, California. AOI has since informed Petitioner that Dr. Willner is not available on January 15, 2026, as he will be traveling that day, and that he generally cannot travel to San Diego for deposition as he works full-time as a professor in the Department of Electrical and Computer Engineering at the University of Southern California in Los Angeles. AOI has offered to meet and confer with Petitioner about the date, time, and place for Dr. Willner’s deposition, but has received no further response from Petitioner. AOI has specifically offered

to produce Dr. Willner for deposition on January 29, 2026 via Zoom; however, Petitioner has not yet responded to AOI's offer.

Subsection (d)(1) further states that if the parties cannot agree, the party seeking the testimony must initiate a conference with the Board to set a time and place. AOI remains willing to meet and confer with Petitioner on this issue.

2. The deposition notice violates 37 CFR section 42.53(d)(4), which requires that the party seeking a deposition must file a notice of deposition at least ten (10) business days before the deposition. Petitioner filed its notice of deposition on January 5, 2026, setting the deposition for January 15, 2026, which is only 8 business days' notice. As stated above, AOI remains willing to meet and confer with Petitioner on date, time, and place for Dr. Willner's deposition.

Dated: January 13, 2026

/Jo Dale Carothers/

Jo Dale Carothers (Reg. No. 74,180)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies service on the Petitioner, pursuant to 37 C.F.R. §42.6(e) and by agreement of counsel, by electronic (e-mail) delivery of a true copy of the foregoing **PATENT OWNER'S OBJECTIONS TO NOTICE OF DEPOSITION OF DR. ALAN E. WILLNER** which was served on January 13, 2026 to the following Counsel for Petitioner via e-mail:

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