

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCELIGHT TECHNOLOGIES, INC.,
Petitioner,

v.

APPLIED OPTOELECTRONICS, INC.,
Patent Owner.

IPR2025-01570
Patent 10,788,690 B2

Before CHRISTOPHER G. PAULRAJ, MONICA S. ULLAGADDI, and
AHMED IFTIKHAR, *Administrative Patent Judges*.

ULLAGADDI, *Administrative Patent Judge*.

DECISION
Petitioner's Motion for Joinder
37 C.F.R. § 42.122(b)

A party to *inter partes* review may be joined to another *inter partes* review, subject to the provisions of 35 U.S.C. § 315(c):

(c) JOINDER.—If the Director institutes an *inter partes* review, the Director, in his or her discretion, may join as a party to that *inter partes* review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an *inter partes* review under section 314.

A request for joinder must be filed as a motion for joinder no later than one month after the institution date of any *inter partes* review for which joinder is requested, and the time period set forth in § 42.101(b) shall not apply when the petition is accompanied by a request for joinder. 37 C.F.R. § 42.122(b). Petitioner Accelight Technologies, Inc. filed a motion for joinder with an earlier-filed *inter partes* review challenging the same patent, U.S. Patent 10,788,690 B2. Paper 3 (“Motion” or “Mot.”). Patent Owner did not oppose the Motion. The Motion accompanied the Petition in this proceeding, which was accorded a filing date of September 25, 2025. Papers 3, 5. The earlier-filed *inter partes* review, IPR2025-00437 (“the ’437 IPR”), was filed on January 17, 2025 by Petitioner Cambridge Industries USA, Inc. Paper 1. Subsequent to a Notice of Defective Petition, a Response to Correct Defect was filed on March 3, 2025, and trial was instituted on August 26, 2025. IPR2025-00437, Papers 3, 4, 11.

Petitioner asserts that the Motion is timely filed because it is filed no later than one month after the institution date of the earlier proceeding. Mot. 1. Based on the above-mentioned facts, we determine that the Motion is timely filed.

Petitioner contends that joinder is appropriate for a number of reasons. Petitioner asserts that it has “conferred with CIG USA, and CIG USA, including the real parties-in-interest identified in the CIG USA IPR” and these entities do not oppose this Motion.¹ Mot. 1. Petitioner asserts that the present Petition is substantially the same as the ’437 IPR Petition and presents no new grounds of unpatentability that were not present in that Petition. *Id.* at 1–4. Petitioner asserts that, if joined, Petitioner will “assume a ‘silent understudy’ role and will not take an active role in the *inter partes* review proceeding unless the CIG USA Petitioner ceases to participate in the instituted IPR.” *Id.* at 1, 7, 8. Petitioner asserts that such a role will not impact the existing schedule for the ’437 IPR. *Id.* at 7. Petitioner asserts that it is neither time-barred nor estopped from filing its own petition, but seeks joinder in the interests of judicial efficiency and conservation of Patent Owner’s resources. *Id.* at 1–2, 6 (stating that Petitioner was served with a complaint from Patent Owner concerning the ’690 patent on December 18, 2025). Petitioner states that if joinder is granted, Petitioner will not file any further petition concerning the ’690 patent. *Id.* at 4.

Joinder is a matter within the Board’s discretion based on the particular circumstances of each proceeding. For the reasons given above,

¹ Petitioner Accelight Technologies, Inc. repeatedly refers to the Petitioner in IPR2025-00437 as “CIG USA.” *See* Motion. We note, however, that Petitioner in the ’437 IPR is Cambridge Industries USA, Inc. and the real parties in interest identified in the ’437 IPR include Cambridge Industries USA, Inc. “which is a named defendant in the associated district court proceeding, and its parent corporation, CIG Shanghai, Co. Ltd.” IPR2025-00437, Paper 2, 39. We consider this error to be harmless. We, instead, consider the representations of Petitioner Accelight Technologies, Inc. with respect to *only* ’437 IPR Petitioner Cambridge Industries USA, Inc.

we are persuaded that Petitioner has demonstrated that permitting Petitioner to join the '437 IPR would avoid duplication and promote the efficient resolution of both proceedings and is therefore in the interests of justice.

Based on the record before us, we grant Petitioner's Joinder Motion, joining Petitioner as a party to the '437 IPR.

ORDER

In consideration of the foregoing, it is:

ORDERED that Petitioner's Joinder Motion is granted, and Petitioner is joined as a party in IPR2025-00437;

FURTHER ORDERED that the Scheduling Order entered in IPR2025-00437 (Paper 12) is not modified and shall continue to govern the schedule in that proceeding;

FURTHER ORDERED that, as long as '437 IPR Petitioner Cambridge Industries USA, Inc. remains a party to the '437 IPR, Petitioners Cambridge Industries USA, Inc. and Accelight Technologies, Inc. (i) will file papers (except for motions that do not involve another party) as a single filing identified as a Consolidated Filing, and (ii) will conduct coordinated (not separate) discovery;

FURTHER ORDERED that, as long as the '437 IPR petitioner Cambridge Industries USA, Inc. remains a party to the '437 IPR, Petitioner shall not introduce any argument or discovery not already introduced by those petitioners;

FURTHER ORDERED that Petitioner shall be bound by any agreements between Patent Owner and petitioner Cambridge Industries USA, Inc. in the '437 IPR, including agreements regarding discovery or depositions;

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FURTHER ORDERED that the Scheduling Order in IPR2025-01570 is superseded, and all further filings are to be made in IPR2025-00437;

FURTHER ORDERED that a copy of this Decision will be entered into the record of IPR2025-00437; and

FURTHER ORDERED that the case caption in IPR2025-00437 shall be changed to reflect joinder of Petitioner.

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