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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

Applied Optoelectronics, Inc.,

Plaintiff,

vs.

Accelight Technologies, Inc.,

Defendant.

Case No.: 4:24-cv-09041-HSG

JOINT ADMINISTRATIVE MOTION TO STAY PENDING IPR INSTITUTION DECISIONS

I. Introduction

Plaintiff Applied Optoelectronics, Inc. ("AOI") and Defendant Accelight Technologies, Inc. ("Accelight") hereby jointly move to stay this action pending institution decisions on three IPRs recently filed by Accelight, as well as Accelight's intention to file two more IPRs within the next few weeks, as explained below. The parties are submitting this as a joint administrative motion to bring this request to the Court's attention on an expedited basis given that a technology tutorial and *Markman* hearing are both scheduled for this month.

ACCELIGHT-1020
Accelight Techs., Inc. v. Applied Optoelectronics, Inc.
IPR2025-01566

II. Summary of Relevant Facts

In this action, AOI has asserted six patents against Accelight. Dkt. 21. The Court has scheduled a technology tutorial for October 17, 2025, and a claim construction hearing for October 31, 2025. Dkt. 41.

On September 25 and 26, 2025, Accelight filed three IPR petitions challenging the patentability of the asserted claims of three of the six patents asserted in this action, and Accelight further plans to file two more petitions for IPR against two more of the six patents AOI has asserted in this action. More specifically:

On September 25, 2025, Accelight filed an IPR petition in IPR2025-01570 challenging the patentability the asserted claims of U.S. Patent No. 10,788,690 ("the '690 patent"), one of the patents asserted against Accelight in this case. Along with that IPR petition, Accelight filed a Motion for Joinder of an IPR petition against the same '690 patent previously filed by Cambridge Industries USA ("Cambridge"), on which the PTAB issued a decision to institute trial on August 26, 2025. AOI has asserted the same '690 patent and other patents against Cambridge in another court in this district, *Applied Optoelectronics, Inc. v. Cambridge Industries USA, Inc.*, Case No. 3-24-cv-01010, and on April 4, 2025, Judge Donato stayed that case in view of IPRs that Cambridge had filed on the '690 patent and other patents. *See id.* at ECF No. 41. AOI's district court case against Cambridge remains stayed.

On September 26, 2025, Accelight filed two IPR petitions against the asserted claims of two more of the patents asserted in this action, specifically IPR2025-01566, which challenged the patentability of U.S. Patent No. 10,042,116, and IPR2025-01567, which challenged the patentability of 10,379,301.

As mentioned, Accelight also plans to file petitions for IPR for at least two of the other three patents AOI has asserted in this action.

This case is at an early stage. No trial date has been set. No interrogatories or document requests have been propounded by either party. Claim construction briefing has commenced but AOI has not yet filed its claim construction reply brief.

III. Argument

The parties believe there is good cause and that it will serve the interests of judicial economy if the Court stays this case pending institution decisions on the above-referenced three IPR petitions recently filed by Accelight and the two IPRs that will be filed within the next few weeks. As mentioned, the Court has scheduled a technology tutorial on October 17, 2025, and a *Markman* hearing on October 31, 2025.

The Court has discretion to stay this action pending the PTAB's decisions to institute IPRs, as this Court did in *Apple Inc. v. Alivecor, Inc.*, No. 22-cv-07608-HSG (N.D. Cal. Dec. 29, 2023), Dkt. 89. As this Court wrote in the order staying that case:

> "Courts have inherent power to manage their dockets and stay proceedings, including the authority to order a stay pending [IPR]." *Ethicon, Inc. v. Quiggin*, 849 F.2d 1422, 1426–27 (Fed. Cir. 1988) (internal citations omitted); *IXI Mobile (R & D) Ltd. v. Samsung Elecs. Co*., No. 15-cv-03752-HSG, 2015 WL 7015415, at *2 (N.D. Cal. Nov. 12, 2015). Courts consider three factors in determining whether to grant a stay pending IPR: "(1) whether discovery is complete and whether a trial date has been set; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party." *IXI Mobile (R & D) Ltd.*, 2015 WL 7015415, at *2 (quoting *Evolutionary Intelligence, LLC v. Facebook, Inc.*, No. 13-cv-04202-SI, 2014 WL 261837, at *1 (N.D. Cal. Jan. 23, 2014)). The moving party bears the burden of demonstrating that a stay is appropriate. *DSS Tech. Mgmt., Inc. v. Apple, Inc.*, No. 14-cv-05330-HSG, 2015 WL 1967878, at *2 (N.D. Cal. May 1, 2015).
>
> Courts in this district have often recognized "a liberal policy in favor of granting motions to stay" pending IPR. *See Pragmatus AV, LLC v. Facebook, Inc.*, No. 11–cv–02168–EJD, 2011. WL 4802958, at *2 (N.D. Cal. Oct. 11, 2011); *IXI Mobile (R & D) Ltd.*, 2015 WL 7015415, at *2. Courts, however, must evaluate stay requests on a case-by-case basis. *See GoPro, Inc. v. C&A Marketing, Inc.*, No. 16-cv-03590-JST, 2017 WL 2591268, at *2 (N.D. Cal. June 15, 2017). Ultimately, whether to issue a stay is a matter of the Court's discretion.

Apple, No. 22-cv-07608-HSG, Dkt. 89.

The parties believe that all three factors support their jointly requested stay. As mentioned, this case is in an early stage. No trial date has been set and no interrogatories or document requests have been propounded. A stay pending IPRs may simplify the issues and/or trial, and as evidenced by this joint motion, neither party contends that it would be prejudiced by the requested stay. And as mentioned, the parties believe that a stay would further the interests of judicial economy.

IV. Conclusion

The parties respectfully request that the Court grant a stay pending the PTAB's institution decisions on the three IPRs that Accelight has filed to date (IPR2025-01570, IPR2025-01566 and IPR2025-01567) and the two IPRs that are to be filed.

Dated: October 3, 2025

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN

By: */s/ Jo Dale Carothers*

Attorneys for Plaintiff
Applied Optoelectronics, Inc.

Dated: October 3, 2025

PERKINS COIE LLP

By: */s/ Robert F. McCauley*

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ATTESTATION

This document is being filed through the Electronic Case Filing (ECF) system by attorney Robert McCauley. Pursuant to Civ. L.R. 5-1(i)(3), by his signature, Mr. McCauley attests that he has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

Dated: October 3, 2025

PERKINS COIE LLP

By: *\/s/ Robert F. McCauley*

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