

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCELIGHT TECHNOLOGIES, INC.,
Petitioner,

v.

APPLIED OPTOELECTRONICS, INC.
Patent Owner.

IPR2025-01566
U.S. Patent No. 10,042,116

**DECLARATION OF WILLIAM D. STERLING IN SUPPORT OF
PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL**

I, William D. Sterling, declare as follows:

1. I am a Principal Engineer at Petitioner Accelight Technologies, Inc. (“ATI”). I am over the age of 18 years and am submitting this declaration in support of Petitioner’s Opposition to Patent Owner’s Request for Discretionary Denial. The matters stated herein are based upon my personal knowledge, work at ATI, and review of ATI’s business records created and maintained in the ordinary course of business, and if called as a witness, I would testify as to the following statements.

2. In the parallel district court litigation, *Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.*, No. 4:24-cv-09041-HSG (N.D. Cal.), Patent Owner has accused ATI of infringing U.S. Patent No. 10,042,116 (“the ’116 patent”) by allegedly importing, offering for sale, and selling in the United States the 100G QSFP28 CWDM4 product (“Accused CWDM4 Product”).

3. ATI has been importing, offering for sale, and selling the Accused CWDM4 Product in the United States since 2018. For example, ATI uploaded datasheets containing the Accused CWDM4 Product to ATI’s company website as early as March 6, 2018. From March 11-15, 2018, ATI showcased and offered for sale the Accused CWDM4 physical product at the largest optoelectronic industry annual tradeshow, Optical Fiber Conference (“OFC”), in San Diego, California. At

OFC, potential customers, including some of the largest and best-known customers of optoelectronic products, visited ATI's booth and carried out meaningful discussions at the show as well as in follow-up communications with an ATI executive. In September 2018, ATI shipped to one of the largest and best-known customers of optoelectronic products in the United States samples of the Accused CWDM4 Product. And every year since 2018, ATI has continued to offer for sale in the United States, sell in the United States, and import into the United States the Accused CWDM4 Product.

4. Given that ATI has been offering for sale, selling, and importing the Accused CWDM4 Product since 2018, ATI was surprised when Patent Owner filed the district court litigation on December 13, 2024, alleging that ATI infringed the '116 patent by importing, offering for sale, and selling in the United States the Accused CWDM4 Product. ATI had no prior notice of the '116 patent or Patent Owner's allegations of infringement before Patent Owner filed its district court litigation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false

statements and the like are punishable by fine, imprisonment, or both under
Section 1001 of Title 18 of the United States Code.

Dated: January 5, 2026

/William D. Sterling/
William D. Sterling