

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCELIGHT TECHNOLOGIES, INC.,

Petitioner, v.

APPLIED OPTOELECTRONICS, INC.,

Patent Owner.

Case IPR2025-01567
Patent No. 10,379,301

PATENT OWNER'S SURREPLY TO PRELIMINARY RESPONSE

EXHIBITS

Exhibit No.	Description
2012	Joint Claim Construction Statement

Petitioner Accelight Technologies, Inc. (“Petitioner” or “Accelight”) did not identify the terms “wire bonding,” “disposed in an end of the carrier,” or “disposed on” as requiring construction in either its Petition for *inter partes* review nor during the parties’ extensive claim construction proceedings in the related District Court matter. *See* Petition at pp. 13–15; *see also* Exhibit 2012.

Accelight bears the burden on institution of “demonstrating a reasonable likelihood that it will prevail in showing the unpatentability of at least one claim.” *SMIC, Ams. v. Innovative Foundry Techs., LLC*, IPR2020-00837, Paper 13, 13–14. Accelight’s Petition must identify “the evidence that supports the grounds for the challenge to each claim.” *Id.* And, a “Petitioner may not submit new evidence or argument in reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability.” Board’s Consolidated Trial Practice Guide, 73 (Nov. 21, 2019). Further, in the District Court matter, Accelight served invalidity contentions; the parties exchanged proposed terms for construction, preliminary constructions, and extrinsic evidence; and the parties filed a Joint Claim Construction Statement and opening and responsive claim construction briefs, all before Accelight’s Petition was filed. *See, e.g.* Exhibit 2005. It is thus improper for Accelight to raise untimely claim construction issues for the first time in its Reply when such arguments could and should have been raised before.

Yet, Accelight apparently now realizes its Petition fails to show that its prior art references render obvious or anticipate any of the Challenged Claims and tries, albeit unsuccessfully, to save its Petition by raising claim construction arguments for the first time in its Reply. Specifically, Accelight attempts to save its inadequate Petition by asserting new arguments under the guise of “claim construction” in Reply. Such attempts should be rejected because they are procedurally improper and do not remedy Accelight’s initial failure to show that the prior art references render obvious or anticipate any of the Challenged Claims.

For example, in Reply, it is Accelight that argues “bonding wire” should be construed as “an electrical wire interconnecting two components.” But, to be clear, there is no mention or clear disclosure of a “bonding wire” or even “an electrical wire interconnecting two components” in Kim. Accelight points to a feature in Figure 4 of Kim as allegedly disclosing a bonding wire. However, neither that figure nor any part of the specification actually identifies this as a bonding wire or even a wire of any kind. Accelight also argues Kim discloses components that are “electrically connected,” and therefore discloses a bonding wire. But, again, the PTAB has already considered and rejected substantially the same argument regarding a POSITA understanding a disclosed “electrical connection” to specifically disclose a wire bonding. *See* Exhibit 2010 at p. 8.

Next, it is again Accelight that argues for a construction of “optical fiber connector disposed in an end of the carrier” to mean “an optical connector disposed at an end region of the carrier.” See Petition at pp. 27-28, 60-61. This is because Kim (Ground 1) and the Ho-Lee Combination (Ground 2) only disclose an optical connector that is connected to the AWG that is well above the identified carrier, as shown in Petitioner’s annotated Figure 3 from Kim and Figure 5 from Ho. See *id.* Accelight’s proposed construction and the disclosures in Kim and the Ho-Lee combination is a clear deviation from the plain language of claim 1, which requires “an optical fiber connector disposed in an end of the carrier.”

Finally, Accelight argues the claim language requiring “an arrayed waveguide grating [AWG] further disposed on a top surface of the carrier that defines a midpoint of the carrier” should be construed to only require the AWG be indirectly disposed on the top surface of a carrier without defining a midpoint of the carrier. Again, this is because both Kim and the Ho-Lee Combination disclose the AWG is disposed on “intervening elements” and not the carrier, and therefore at most are “*disposed indirectly* on the top surface of carrier... beneath the AWG midpoint,” as even Accelight acknowledges in its Reply. See Reply at p. 3.

Accelight’s failed attempts to construe these limitations in Reply should be rejected, and the Director should deny institution of the Petition.

Dated: February 6, 2026

/s/ Jo Dale Carothers

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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 was served on February 6, 2026 to the following Counsel for Petitioner via e-mail:

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