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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

APPLIED OPTOELECTRONICS, INC.,

Plaintiff,

vs.

ACCELIGHT TECHNOLOGIES, INC.,

Defendant.

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

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Plaintiff Applied Optoelectronics, Inc. ("AOI" or Plaintiff") and Defendant Accelight Technologies, Inc. ("ATI" or "Defendant") by and through their counsel hereby jointly submit this Joint Claim Construction and Prehearing Statement ("Statement") pursuant to Patent Local Rule 4-3 and this Court's Scheduling Order (Dkt. No. 41).

I. Agreed Constructions (Patent Local Rule 4-3(a))

The Parties have not agreed to the construction of any terms at this time.

II. Disputed Terms (Patent Local Rule 4-3(b))

The parties identify the following disputed claim terms, along with each party's references to the specification and prosecution history that support their respective constructions, and an identification of any extrinsic evidence:

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U.S. Patent No.	Term	Plaintiff AOI's Proposed Construction	Defendant ATI's Proposed Construction
10,313,024	"feedthrough device" (claims 1, 10, and 11)	Plain and ordinary meaning. *See* Abstract; Claims 1, 9, 10; Cols. 2:7-67; 8:1-56; Fig. 3.	"device having traces that propagate signals and power into a hermetically sealed package while maintaining the hermetic seal" <u>Intrinsic Evidence</u> '024 patent, Abstract, Fig. 3, 2:7-12, 2:18-22, 2:34-52, 8:1-15, 8:24-32 Prosecution History, Office Action at p. 9 <u>Extrinsic evidence</u> Expert Declaration of Dr. M. Lebby, specifically ¶¶38-40, 54-56
9,523,826	"limiting space" (claims 1, 5, and 7)	Plain and ordinary meaning. *See* Claims 1, 5, 7; Cols. 3:10-4:24; Fig. 3	"a region confined by the bottom surface of the sliding slot and two limiting surfaces ('limiting surface' defined as below), wherein an elastic component can be housed" <u>Intrinsic Evidence</u> '826 patent, 3:9-22, 4:14-24, Figs. 3-5B Prosecution History, Office Action at p. 8 <u>Extrinsic evidence</u> Expert Declaration of Dr. M. Lebby, specifically ¶¶41-43, 60, 61

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9,523,826	"limiting surface" (claims 1, 5, 7)	Plain and ordinary meaning. *See* Claims 1, 5, 7; Cols. 3:10-4:24; Fig. 3	"a surface extending from the bottom surface of the sliding slot" Intrinsic Evidence '826 patent, 3:9-22, 3:46-50, 4:14-24, Figs. 3-5B Extrinsic evidence Expert Declaration of Dr. M. Lebby, specifically ¶¶41-43, 57-59
9,523,826	"the at least one limiting surface is two" (claim 5)	Plain and ordinary meaning. *See* Claims 1, 5, 7; Cols. 3:10-4:24; Fig. 3	Indefinite Extrinsic evidence Expert Declaration of Dr. M. Lebby, specifically ¶¶41-43, 62, 63
10,042,116	"substrate" (claim 1)	Plain and ordinary meaning. *See* Claim 1; Col. 2:28-57, 3:33-57, 8:31-50, 9:21-61, 12:4-11; Figs. 1, 2, 5A.	"a supporting base that is part of the AWG chip and on which the planar lightwave circuit (PLC) is mounted" Intrinsic Evidence '116 patent, 12:23-3, 9:55-57, 9:46-49, Fig. 5A, 8:31-38, 12:4-11 Extrinsic evidence Expert Declaration of Dr. M. Lebby, specifically ¶¶30-34, 44-47
10,379,301	"carrier" (claims 1 and 2)	Plain and ordinary meaning. *See* Abstract; Claims 1, 2, 7; Col. 1:37-2:7; 2:66-4:37; Figs. 1-6; Applicant's office action response dated 2018/02/08	"the supporting structure that is contained within the multi-channel parallel optical receiving device"

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			Intrinsic Evidence '301 patent, 1:37–2:12, 3:23–26, 4:50-5:19, Figure 1 and all associated text Extrinsic evidence Expert Declaration of Dr. M. Lebby, specifically ¶¶35-37, 48-50
10,379,301	"the predetermined angle of the top surface defined by the output end of the arrayed waveguide grating" (claim 1) "the predetermined angle of the top surface of the output end of the arrayed waveguide grating" (claim 4)	Plain and ordinary meaning. *See* Abstract; Claims 1, 4, 7; Col. 1:37-2:7; 2:16-22; 2:66-4:37; Figs. 1-6.	Indefinite Extrinsic evidence Expert Declaration of Dr. M. Lebby, specifically ¶¶35-37, 51-53

The parties do not identify any terms for construction in asserted patents 9,448,367 or 10,788,690.

III. Identification of Dispositive and/or Most Significant Terms (Patent Local Rule 4-3(c))

Plaintiff AOI contends all claim terms in the asserted claims of the asserted patents should be given their plain and ordinary meaning, and thus AOI does not believe the construction of any term will be most significant to the resolution of the case nor will any construction be case or claim dispositive. Defendant ATI identifies the following terms as most significant to the resolution of the case and whether the terms are claim dispositive:

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Term	Patent(s)	Claim Dispositive
"the predetermined angle of the top surface defined by the output end of the arrayed waveguide grating" (claim 1) "the predetermined angle of the top surface of the output end of the arrayed waveguide grating" (claim 4)	10,379,301	Yes
"the at least one limiting surface is two" (claim 5)	9,523,826	Yes
"substrate" (claim 1)	10,042,116	Yes
"carrier" (claims 1 and 2)	10,379,301	Yes
"feedthrough device" (claims 1, 10, and 11)	10,313,024	Maybe

IV. Anticipated Time for Hearing (Patent Local Rule 4-3(d))

The Parties believe that two hours should be sufficient for the hearing.

V. Witnesses for Claim Construction Hearing (Patent Local Rule 4-3(e))

None.

VI. Factual Findings Related to Claim Construction (Patent Local Rule 4-3(f))

None.

Dated: July 30, 2025 WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN

By: */s/ Jo Dale Carothers*
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Dated: July 30, 2025 PERKINS COIE LLP

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ATTESTATION

This document is being filed through the Electronic Case Filing (ECF) system by attorney Jo Dale Carothers. Pursuant to Civ. L.R. 5-1(i)(3), by her signature, Ms. Carothers attests that she 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: July 30, 2025

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