

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCELIGHT TECHNOLOGIES, INC.
&
EOPTOLINK TECHNOLOGY USA INC.,

Petitioners,

v.

APPLIED OPTOELECTRONICS, INC.,

Patent Owner.

Case IPR2026-00019
Patent No. 9,448,367

**PATENT OWNER'S REQUEST TO DIRECTOR FOR DISCRETIONARY
DENIAL OF PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT 9,448,367**

**(Pursuant to Acting Director's Memorandum of March 26, 2025 and
Director's Memorandum of October 17, 2025)**

TABLE OF CONTENTS

	Page(s)
EXHIBITS	vi
I. INTRODUCTION	1
II. FACTUAL BACKGROUND	2
A. The '367 Patent	2
B. Prior and Pending Petitions for IPR Filed Against AOI Patents	2
C. The Litigation Between AOI and Petitioner Accelight.....	3
D. The Litigation Between AOI and Eoptolink	4
E. The Petition for <i>Inter Partes</i> Review	5
III. INSTITUTION OF <i>INTER PARTES</i> REVIEW SHOULD BE DENIED PURSUANT TO THE DIRECTOR'S DISCRETION.	6
A. The Issues in the Petition Significantly Overlap the Issues in the Accelight Litigation and in the Eoptolink Litigation.	7
B. The Parties Have Invested in the Accelight Litigation and in the Eoptolink Litigation by Addressing Substantive Issues.	9
C. There Are Settled Expectations in the '367 Patent.	9
D. Petitioners' Arguments on Unpatentability are Weak.	9
1. Andrel (U.S. Patent No. 7,458,733, Ex. 1005)	12
2. Kim (U.S. Patent Publication No. 2009/0010600, Ex. 1007.....	15
E. Petitioners and the Defendants are the Same Parties.	18

TABLE OF CONTENTS
(Continued)

	Page(s)
F. There are No Relevant Changes in the Law that Affect Patentability.....	18
G. Any Search Disclosure Declaration filed by Petitioners Does Not Favor Institution.....	18
IV. CONCLUSION.....	20

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11.....	7, 18
<i>Next Caller Inc. v. Trustid, Inc.</i> , IPR 2019-00963, Paper 8.....	8

Statutes

35 U.S.C. § 102	3, 4
35 U.S.C. § 103.....	3, 4
35 U.S.C. § 312(a)(4).....	15
35 U.S.C. § 316(a)(11).....	6

Other Authorities

PTAB’s “Consolidated Trial Practice Guide – November 2019”	5
U.S. Patent No. 6,579,013.....	5, 12
U.S. Patent No. 7,458,733.....	5, 12
U.S. Patent No. 9,448,367.....	<i>passim</i>
U.S. Patent No. 9,523,826.....	2
U.S. Patent No. 10,042,116.....	2
U.S. Patent No. 10,379,301.....	2
U.S. Patent No. 10,578,818.....	2
U.S. Patent No. 10,714,890.....	2

TABLE OF AUTHORITIES
(Continued)

	Page(s)
U.S. Patent No. 10,788,690.....	2
U.S. Patent No. 11,177,887.....	2

EXHIBITS

Exhibit No.	Description
2001	Acting Director Stewart’s March 26, 2025 Memorandum entitled “Interim Processes for PTAB Workload Management”
2002	Director Squires’ October 17, 2025 Memorandum entitled “Director Institution of AIA Trial Proceedings”
2003	Petitioner Accelight's Invalidity Contentions in <i>Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.</i> , case no. 4-24-cv-09041-HSG (N.D. CA) served on May 30, 2025
2004	District Court’s Scheduling Order in <i>Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.</i> , case no. 4-24-cv-09041-HSG (N.D. CA) filed April 23, 2025
2005	District Court’s Order as Modified Granting Joint Administrative Motion to Stay Pending IPR Institution Decisions in <i>Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.</i> , case no. 4-24-cv-09041-HSG (N.D. CA) filed October 9, 2025
2006	Petitioner Eoptolink’s Invalidity Contentions in <i>Applied Optoelectronics, Inc. v. Eoptolink Technology USA Inc.</i> , case no. 5-24-cv-08165-NW (N.D. CA) served on August 18, 2025
2007	District Court’s Case Management and Trial-Setting Order in <i>Applied Optoelectronics, Inc. v. Eoptolink Technology USA Inc.</i> , case no. 5-24-cv-08165-NW (N.D. CA) filed September 8, 2025
2008	Acting Director Stewart’s July 31, 2025 Memorandum entitled “Enforcement and Non-Waiver of 37 CFR 42.104(B)(4) and Permissible Uses of General Knowledge in Inter Partes Reviews”
2009	Director Squires’ November 17, 2025 Memorandum entitled “Voluntary Search Disclosure Declarations as a Favorable Factor in Institution Decisions”

I. INTRODUCTION

This request is submitted by Patent Owner Applied Optoelectronics, Inc. (“AOI”) to the Director of the United States Patent and Trademark Office (“USPTO”) pursuant to the Acting Director’s March 26, 2025 Memorandum “Interim Processes for PTAB Workload Management” and the Director’s October 17, 2025 Memorandum “Director Institution of AIA Trial Proceedings” (collectively the “Memoranda,” Exhibits 2001 and 2002).

This is AOI’s separate brief, pursuant to the Memoranda, requesting a discretionary denial of the petition (the “Petition”) of Accelight Technologies, Inc. (“Petitioner Accelight”) and Eoptolink Technology USA Inc. (“Petitioner Eoptolink”) (jointly “Petitioners”) for an *inter partes* review (“IPR”) of U.S. Patent No. 9,448,367 (the “’367 Patent”, Exhibit 1001) entitled “Multi-Channel Optical Transceiver Module Including Dual Fiber Type Direct Link Adapter for Optically Coupling Optical Subassemblies in the Transceiver Module.”

The Director should exercise his discretion and deny the Petition for IPR in this case because there are settled expectations in this patent that is over nine years old as well as for other reasons set forth below.

II. FACTUAL BACKGROUND

A. The '367 Patent

Application no. 14/883,970 for the '367 Patent was filed on October 15, 2015. *See* "'367 Patent File History," Exhibit 1002. (Please see Exhibit 1002 for the full prosecution history.) The '367 Patent issued on September 20, 2016 with nine claims, including one independent claim.

B. Prior and Pending Petitions for IPR Filed Against AOI Patents

In addition to this petition for IPR of the '367 Patent, Petitioner Accelight has also filed petitions for IPR of four other AOI patents: U.S. Patent Nos. 10,042,116 ("'116 Patent"); 10,379,301 ("'301 Patent"); 9,523,826 ("'826 Patent"); and 10,788,690 ("'690 Patent"). AOI has filed Requests to Director for Discretionary Denial of Petitioner Accelight's petitions for IPR of the '116 and '301 Patents and will be filing a request for the '826 Patent, all on grounds similar to those asserted in this Request.

In addition to this petition for IPR of the '367 Patent, Petitioner Eoptolink has also filed petitions for IPR of three other AOI patents, U.S. Patent No. 10,578,818 ("'818 Patent"); U.S. Patent No. 10,714,890 ("'890 Patent"); and U.S. Patent No. 11,177,887 ("'887 Patent"). AOI will be filing Requests to Director for Discretionary Denial of Petitioner Eoptolink's petitions for IPR of the '818, '890,

and '887 Patents on grounds similar to those asserted in this Request.

C. The Litigation Between AOI and Petitioner Accelight

On December 13, 2024, AOI filed a lawsuit against Petitioner Accelight for patent infringement entitled *Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.*, case no. 4:24-cv-09041-HSG (N.D. CA) (the “Accelight Litigation”). The complaint alleges infringement of six AOI patents, including the '367 Patent. In the Accelight Litigation, Accelight alleges that each of the six patents-in-suit is invalid. Accelight has filed petitions for IPR of five of the six patents.

On April 15, 2025, AOI served its infringement contentions, stating that Petitioner Accelight infringes claims 1–5 of the '367 Patent. On May 30, 2025, Petitioner Accelight served its invalidity contentions. *See* Exhibit 2003. Petitioner Accelight contends that claims 1–5 are invalid under either 35 U.S.C. § 102 or 35 U.S.C. § 103 on three grounds based on four different references.

Pursuant to the District Court’s Scheduling Order, between May 30, 2025 and October 7, 2025, Petitioner Accelight served invalidity contentions and documents; the parties exchanged proposed terms for claim construction, preliminary constructions and extrinsic evidence, and damages contentions; and the parties filed a Joint Claim Construction Statement and Prehearing Statement, and opening, responsive, and reply claim construction briefs. *See, e.g.*, Exhibit 2004.

On October 9, 2025, the District Court granted the parties' joint motion to stay the case based on Petitioner Accelight's petitions for IPR. The Court ordered the parties to regularly file joint status reports, including after any PTAB decision on any of Petitioner Accelight's petitions for IPR. *See* Exhibit 2005.

D. The Litigation Between AOI and Eoptolink

On November 19, 2024, AOI filed a lawsuit against Eoptolink for patent infringement entitled *Applied Optoelectronics, Inc. v. Eoptolink Technology USA Inc.*, case no. 5:24-cv-08165-NW (N.D. CA) (the "Eoptolink Litigation"). The complaint alleges that Petitioner Eoptolink infringes six of AOI's patents, including the '367 Patent. In the Eoptolink Litigation, Eoptolink alleges that each of the six patents-in-suit is invalid. Eoptolink has filed petitions for IPR of four of the six patents.

On June 13, 2025, AOI served its infringement contentions, stating that Petitioner Eoptolink infringes claims 1-9 of the '367 Patent. On August 18, 2025, Petitioner Eoptolink served its invalidity contentions. *See* Exhibit 2006. Petitioner Eoptolink contends that claims 1–9 are invalid under either § 102 or § 103 on four grounds based on five different references. The following ground asserted in district court by Petitioner Eoptolink is relevant here: Eoptolink has alleged in district court that the '367 Patent is obvious over U.S. Patent Application Publication No. 2009/0010600 to Kim in view of U.S. Patent Application

Publication No. 2005/0286839 to Yoshikawa. *See* Exhibit 2006, pp. 7–8.

Between June 2025 and December 2025, AOI and Eoptolink exchanged initial disclosures, infringement and invalidity contentions. On December 5, 2025, AOI and Eoptolink filed a Joint Administrative Motion to Stay Pending IPR Institution Decisions based on Petitioner Eoptolink’s petitions for IPR.

E. The Petition for *Inter Partes* Review

On October 10, 2025, ten months after AOI filed its complaint in the Accelight Litigation and eleven months after AOI filed its complaint in the Eoptolink Litigation, Petitioners filed their Petition for IPR of the ’367 Patent.

In the Petition, Petitioners challenge claims 1–9 of the ’367 Patent. Petitioners asserts four grounds of invalidity: (1) Claims 1–2, and 4–9 are obvious over Anderl (U.S. Patent No. 7,458,733, Ex. 1005) in view of Gaio (U.S. Patent No. 6,579,013, Ex. 1006); (2) Claim 3 is obvious over Anderl in view of Gaio, Ohki (Japan Patent Publication No. 2005-269474, Ex. 1011 and Ex. 1008 English Translation), and SFP Specifications (Ex. 1009); (3) Claims 1–2, 4–9 are obvious over Kim (U.S. Patent Publication No. 2009/0010600, Ex. 1007) in view of Gaio; and (4) Claim 3 is obvious over Kim in view of Gaio, Ohki and SFP Specifications.

Pursuant to the Notice of Filing Date, Patent Owner’s Preliminary Response is due by January 16, 2026. Pursuant to the PTAB’s “Consolidated Trial Practice

Guide – November 2019” and the Director’s October 17, 2025 Memorandum (Exhibit 2002), the Director will determine whether to institute an IPR within three months of the date Patent Owner’s Preliminary Response was filed or was due, by about April 16, 2026. If IPR is instituted, pursuant to 35 U.S.C. § 316(a)(11), the PTAB will set the trial date within one year of the notice of institution, no later than about April 16, 2027.

III. INSTITUTION OF *INTER PARTES* REVIEW SHOULD BE DENIED PURSUANT TO THE DIRECTOR’S DISCRETION.

The Director should exercise his discretion pursuant to the Memoranda (Exhibits 2001 and 2002) and deny institution of IPR on the ’367 Patent. The following factors support a discretionary denial:

- There is significant overlap between the issues in the Petition and in both the Accelight Litigation and the Eoptolink Litigation. The same claims are challenged. Some of the grounds, key art, and arguments are substantially the same in the Petition as in the Eoptolink Litigation.
- There has been significant investment in both the Accelight Litigation and the Eoptolink Litigation in that substantive issues have already been addressed by the parties in both cases
- There are settled expectations in the enforcement of the ’367 Patent as the patent has been in force for over nine years.

- Petitioners’ arguments on unpatentability are weak.
- Petitioners and the defendants in the two litigations are the same parties.
- There are no relevant changes in the law that affect patentability.
- Any Search Disclosure Declaration (“SDD”) filed by Petitioner pursuant

to Director’s November 17, 2025 Memorandum is at a most a neutral, rather than favorable, factor with respect to this Petition because Petitioners primarily rely on patents and published patent applications, and Petitioners do not rely on any prior art stemming from currently unknown search pathways.

Each of these factors is discussed separately below in sections A through G.

A. The Issues in the Petition Significantly Overlap the Issues in the Accelight Litigation and in the Eoptolink Litigation.

There is significant overlap between the issues (claims, art, arguments, and evidence) asserted in the Petition and in the Accelight Litigation and the Eoptolink Litigation. See *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, p. 6 (March 20, 2020) (precedential). “[I]f the petition includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding, this fact has favored denial.”

First, the same claims are challenged in the Petition (claims 1-9) as are challenged in the Accelight Litigation (claims 1–5) and in the Eoptolink Litigation (claims 1–9).

Second, one of the five references relied upon in the Petition (Kim) is also relied upon by Petitioner Eoptolink (together with another reference) in one of the four invalidity grounds asserted in the Eoptolink Litigation. *See* Ex. 2006, pp. 7–8.

Third, two of the grounds for invalidity asserted in the Petition are the same or substantially the same as one of the grounds asserted in the Eoptolink Litigation. In Ground 3 of the Petition, Petitioners argue that claims 1–2 and 4–9 are obvious over Kim in view of Gaio; in the Eoptolink Litigation, Petitioner Eoptolink argues that claims 1–9 are obvious over Kim in view of another reference. In Ground 4 of the Petition, Petitioners argue that claim 3 is obvious over Kim in view of Gaio, Ohki and SFP Specifications; in the Eoptolink Litigation, Petitioner Eoptolink argues that claims 1–9 are obvious over Kim in view of another reference. *See* Exhibit 2006, pp. 7–8.

Moreover, Eoptolink’s challenges to the ’367 Patent in the Eoptolink Litigation involve four other references and several other grounds that are not asserted in the Petition. And the Eoptolink Litigation also involves five other patents. Thus, the Eoptolink Litigation will need to go forward regardless of whether IPR is instituted. The fact that the Eoptolink Litigation involves additional challenges to the ’367 Patent weighs in favor of a denial. *See Next Caller Inc. v. Trustid, Inc.*, IPR 2019-00963, Paper 8, p. 12 (October 28, 2019) (informative).

B. The Parties Have Invested in the Accelight Litigation and in the Eoptolink Litigation by Addressing Substantive Issues.

The Accelight Litigation progressed to a claim construction hearing before the case was stayed on October 9, 2025. The parties had exchanged proposed terms for claim construction, preliminary constructions and extrinsic evidence, and damages contentions; and the parties filed a Joint Claim Construction Statement and Prehearing Statement, and opening, responsive, and reply claim construction briefs. Thus, the parties have spent significant time and effort in litigating substantive issues. The Eoptolink Litigation has also progressed substantively. The parties have exchanged initial disclosures, infringement contentions, and invalidity contentions.

C. There Are Settled Expectations in the '367 Patent.

The '367 Patent was issued on September 9, 2016. The patent has been in force for over nine years, almost one-half of the life of the patent. Thus, there are settled expectations that the '367 Patent is valid and enforceable. For this reason alone, the Director should exercise his discretion and deny Petitioners' request for IPR of the '367 Patent.

D. Petitioners' Arguments on Unpatentability are Weak.¹

The '367 Patent discloses a multi-channel optical transceiver that includes a

¹ For purposes of this Request to the Director for Discretionary Denial, AOI will only

multi-channel transmitter optical subassembly (TOSA), a multi-channel receiver optical subassembly (ROSA), and a dual fiber type direct link adapter directly linked to the multi-channel TOSA and the multi-channel ROSA with optical fibers. *See* Exhibit 1001 at Abstract.

The dual fiber type direct link adapter is also configured to receive pluggable optical connectors, such as LC connectors, mounted at the end of fiber-optic cables including optical fibers for carrying optical signals to and from the transceiver. The dual fiber type direct link adapter thus provides the optical input and output to the transceiver for the optical signals received by the ROSA and transmitted by the TOSA. *See id.*

Figure 7 of the '367 Patent discloses an embodiment in which the dual fiber type direct link adapter 250 includes an adapter body portion 260 defining first and second connector receiving regions 262, 264 at the pluggable connector end 254 and defining first and second slots 266, 268 at the direct link end 252. The first and second connector receiving regions 262, 264 are configured to receive the respective pluggable optical connectors 320, 330, such as LC connectors. The first and second slots 266, 268 are configured to receive respective direct link connector

discuss a few specific examples of limitations the cited references fail to disclose.

assemblies 270, 272, which are mechanically coupled to optical fibers (not shown) directly linking the TOSA and ROSA (not shown). An adapter cover portion 261 covers the slots 266, 268 and retains the direct link connector assemblies 266, 268. The direct link connector assemblies 270, 272 also include flange portions 274, 276 (shown in FIG. 7) that extend into receiving grooves 267, 269 in the respective slots 266, 268 to prevent axial movement and hold the direct link connector assemblies in the slots. *Id.* at Col. 6:43-63.

This is shown in Figure 7 as follows:

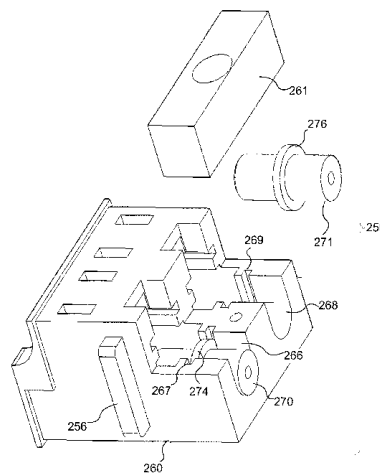


FIG. 7

Claim 1 of the '367 correspondingly requires, among other limitations, “[a] dual fiber type direct link LC adapter comprising... an adapter cover portion configured to cover the first and second slots for retaining the direct link connector assemblies in the respective slots.”

None of the prior art references cited by Petitioners disclose this limitation in claim 1.² And, since dependent claims 2–9 depend from claim 1, the prior art references also fail to disclose this limitation as to those claims. For these reasons alone, the Director should exercise his discretion and deny Petitioners’ request for IPR of the ’367 Patent.

1. Andrel (U.S. Patent No. 7,458,733, Ex. 1005)

Andrel fails to disclose “an adapter cover portion configured to cover the first and second slots for retaining the direct link connector assemblies in the respective slots” as required by Claim 1 of the ’367 Patent.³ Petitioners assert “Anderl discloses that direct link LC adapter (retaining unit 34) includes a cover portion defined by retainer cover member 92, which includes a hood portion 112.” Petition at p. 38. However, hood portion 112 from Andrel does not “retain” the

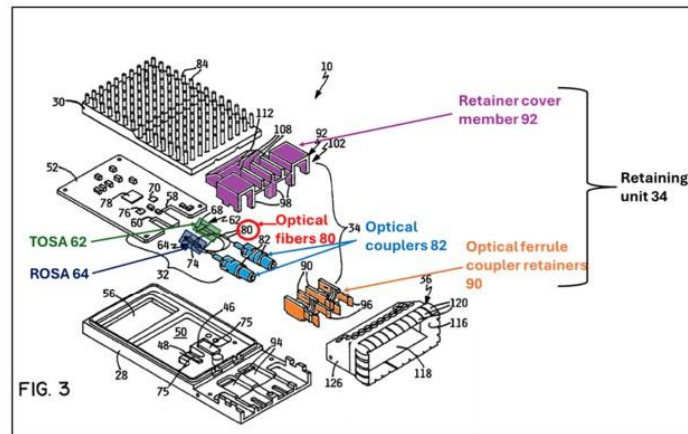
² As noted, Petitioners assert two grounds of invalidity as to claim 1, asserting claim 1 is obvious over Anderl (U.S. Patent No. 7,458,733, Ex. 1005) in view of Gaio (U.S. Patent No. 6,579,013, Ex. 1006); and obvious over Kim (U.S. Patent Publication No. 2009/0010600, Ex. 1007) in view of Gaio.

³ Petitioners do not argue or assert that Gaio discloses this limitation. *See, e.g.*, Petition at p. 38–39; 70–72.

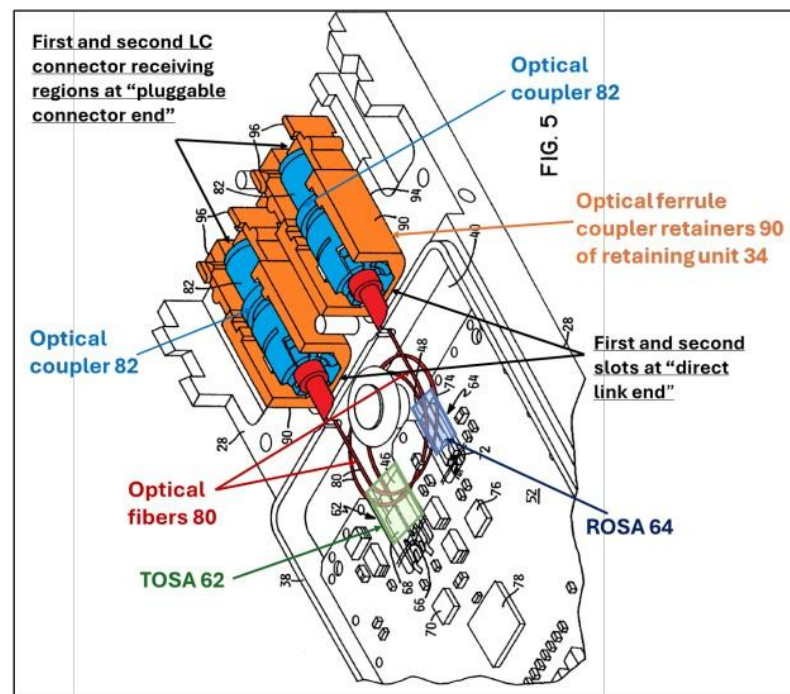
direct link connectors in the respective slots. Instead, hood portion 112 is an EMI shield to improve signal quality. *See, e.g.*, Exhibit 1005 at Col. 7:45-49 (“The retainer cover member 92 includes a hood portion 112 that encloses the optical couplers and serves to reduce the EMI as well as enhance heat transfer in this region of the module.”).

Indeed, Andrel does not show the cover portion 112 and retainer cover member 92 retaining the asserted direct link connector assemblies (optical fibers 80 and optical couplers 82) in their respective slots. Instead, the separate optical ferrule coupler retainers 90 are for retaining the optical fibers 80. *See* Exhibit 1005 at Col. 6:50-56 (“an optical retaining unit 34 comprises a pair of plastic optical ferrule coupler retainers 90 for removably retaining the optical couplers 82 and for being in covering relationship thereto a retainer cover member 92. Each of the optical ferrule coupler retainers 90 is mounted in a respective pocket 94 formed on the carrier thereon.”)

This is also evident from Petitioner’s annotated Figures 3 and 5 from Andrel:



Ex. 1005, Fig. 3 (annotations added)



Petitioners acknowledge this failure, and instead try to argue “[i]t would have been obvious to a POSITA based on the disclosure of Anderl that the cover portion (retainer cover member 92) helps with retaining the direct link connector assemblies (optical couplers 82) in their respective slots.” See Petition at p. 38. However, such

an approach using “general knowledge”—a broad category encompassing AAPA, expert declarations, common sense, and other non-patent or non-printed publication evidence—*cannot be used* to supply a missing claim limitation in an IPR. *See* Exhibit 2008 at p. 1, July 31, 2025 Memorandum from Acting Director Stewart (emphasis added). Thus, as here, if a prior art reference admittedly lacks a specific element, petitioners can no longer argue that a person of ordinary skill in the art (POSITA) would inherently understand or fill that gap based on background knowledge, and the IPR should be denied. *See id.* (“As a practical matter, enforcement of Rule 104(b)(4) means that applicant admitted prior art (AAPA), expert testimony, common sense, and other evidence that is not ‘prior art consisting of patents or printed publications’ (collectively, ‘general knowledge’) may not be used to supply a missing claim limitation. Per 35 U.S.C. § 312(a)(4), the Board shall deny an IPR petition that fails to comply with Rule 104(b)(4).”).

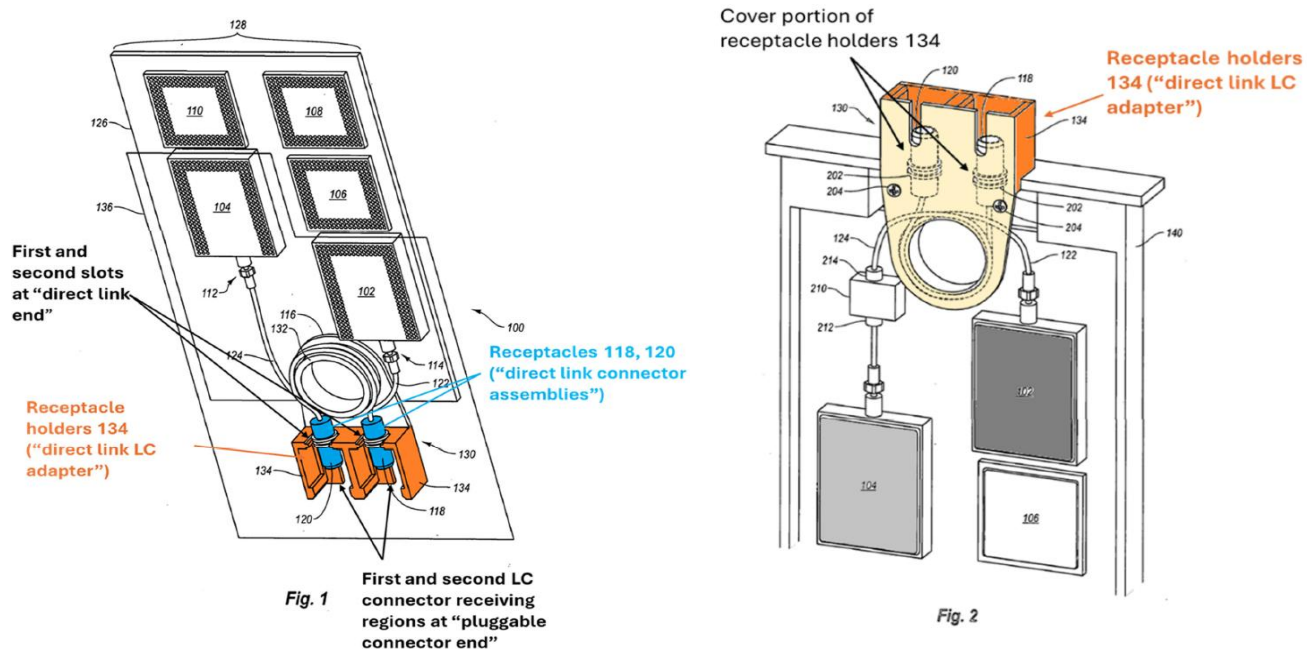
Thus, Andrel does not disclose “an adapter cover portion configured to cover the first and second slots for retaining the direct link connector assemblies in the respective slots” as required by Claim 1 of the ’367 Patent.

2. Kim (U.S. Patent Publication No. 2009/0010600, Ex. 1007

Kim also fails to disclose “an adapter cover portion configured to cover the first and second slots for retaining the direct link connector assemblies in the

respective slots” as required by Claim 1 of the ’367 Patent. Petitioners assert “Kim discloses that receptacle holders 134 (‘direct link LC adapter’) include a cover portion that covers the first and second slots for receiving direct link connector assemblies receptacles 118, 120.” Petition at pp. 70–71.

However, quite simply, receptacle holders 134, are not covers. Indeed, Petitioners point to the bottom surface of the receptacle holder 134. In other words, the top portion of the 134 is still not covered with any “cover.” This is shown in Petitioners’ annotated Figures 1 and 2, which shows the open top side (Figure 1) and covered bottom side (Figure 2) of the receptacle holders 134:



Furthermore, even Petitioners then acknowledge Kim also discloses a separate “cover” 604 that “can be attached...[and that] may not cover the spool

assembly 116, but may only cover the receptacles 610 and may connect with the receptacle holder 610.” See Exhibit 1007 at ¶ 65; see also Petition at p. 71-72.

Figure 6 from Kim shows this separate cover that can attach to the receptible holders:

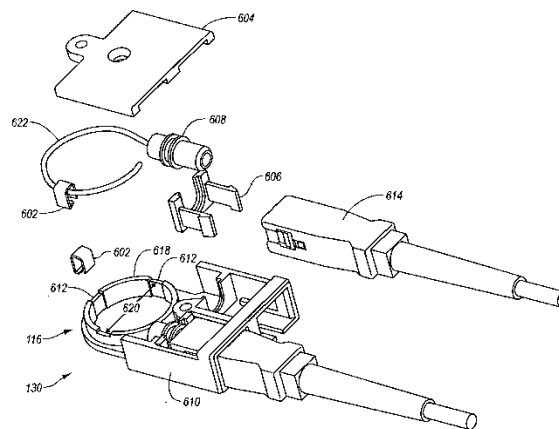


Fig. 6

Petitioner then argues “[a] POSITA would have understood based on the disclosure of Kim that the cover portion helps to retain direct link connector assemblies (receptacles 118, 120) in their respective slots,” and cites Paragraph 48 of Kim, which discloses, “The screws 204 can fix the position of the receptacles 118 and 120 such that repeated insertions of optical connections do not damage the fibers 122 and 124.” See Petition at p. 72. However, as noted and shown above in Figures 1 and 2 from Kim, screws 204 are on the bottom side of receptacle holders 134, and not the open top side. Thus, Kim does not disclose using screws 204 with cover 604. Regardless, Petitioners cannot use this improper “general knowledge”

approach to fill in an admittedly missing limitation from Kim. *See* Exhibit 2008.

Finally, at most, Petitioners argue Kim discloses a cover portion that “helps to retain” the direct link connector assemblies, but is not necessarily configured to retain it, as required by the limitation in claim 1.

Thus, Kim does not disclose “an adapter cover portion configured to cover the first and second slots for retaining the direct link connector assemblies in the respective slots” as required by Claim 1 of the ’367 Patent.

E. Petitioners and the Defendants are the Same Parties.

Here, the fact that Petitioner Accelight and the defendant in the Accelight Litigation are the same party, and Petitioner Eoptolink and the defendant in the Eoptolink Litigation are the same party, weigh in favor of denial of institution. *See Apple Inc. v. Fintiv, Inc., supra*, pp. 13-14.

F. There are No Relevant Changes in the Law that Affect Patentability.

There have been no changes in the law or judicial precedent regarding patentability since the ’367 Patent issued. Accordingly, this factor weighs in favor of denial of institution. *See* Memorandum, Exhibit 2001, p. 2.

G. Any Search Disclosure Declaration filed by Petitioners Does Not Favor Institution.

Any Search Disclosure Declaration (“SDD”) filed by Petitioners pursuant to

the Director's SDD Memo is at most a neutral, rather than favorable, factor with respect to this Petition because Petitioners primarily merely rely on patents and published patent applications for its invalidity arguments. *See, e.g.*, Exhibits 1004–1007. Specifically, the Director's SDD Memo states that “[t]he voluntary submission of an SDD will be considered as a non-exclusive, nondispositive favorable discretionary factor supporting institution, *particularly where the SDD reveals new or underutilized pathways relevant to Office search practice.*” *See* Exhibit 2009 at p. 2 (emphasis added).

Given that, except as to one dependent claim, Petitioners rely on U.S. patents and applications in its Grounds for alleging invalidity, finding these alleged prior art references neither requires, nor reveals, “*new or underutilized pathways relevant to Office search practice.*” *Id.* Furthermore, even as to that one dependent claim (dependent claim 3), Petitioners rely on a Japanese patent publication (Ohki - Japan Patent Publication No. 2005-269474), and an industry standard reference (the SFP Specifications). However, the USPTO already searches for both Japanese patent publications and U.S. industry standards. *See, e.g.*, <https://www.uspto.gov/learning-and-resources/support-centers/scientific-and-technical-information-center-stic/electronic> .

Thus, to the extent that Petitioners may argue that other references located

via their search were found using new or underutilized pathways, that would not relate to this Petition because Petitioners did not rely upon them here. Therefore, the filing of an SDD with respect to this Petition should not favor institution.

IV. CONCLUSION

For the reasons set forth above, the Director should exercise his discretion and deny institution of IPR on the '367 Patent.

Dated: December 15, 2025

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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 of the foregoing **PATENT OWNER'S REQUEST TO DIRECTOR FOR DISCRETIONARY DENIAL OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 9,448,367 (Pursuant to Acting Director's Memorandum of March 26, 2025 and Director's Memorandum of October 17, 2025)**, which was served on December 15, 2025 to the following Counsel for Petitioner via e-mail:

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