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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

APPLIED OPTOELECTRONICS, INC., Plaintiff, vs. ACCELIGHT TECHNOLOGIES, INC. Defendant.	**Case No.:** **COMPLAINT FOR PATENT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

For its complaint against Defendant Accelight Technologies, Inc., ("ATI" or "Defendant"), Plaintiff Applied Optoelectronics, Inc. ("AOI" or "Plaintiff") alleges on personal knowledge as to its own activities and on information and belief as to the activities of others as follows:

THE PARTIES

1. Plaintiff AOI is a Delaware Corporation with its principal place of business located at 13139 Jess Pirtle Blvd., Sugar Land, Texas 77478.

2. On information and belief, Defendant Accelight Technologies, Inc., is a California Corporation with its principal place of business located at 5674 Stoneridge Drive, #109 Pleasanton, CA 94588.

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3. On information and belief, ATI is registered to do business in the State of California, has designated an agent for service of process in the State of California, and has a physical office located in the State of California and specifically in this district.

NATURE OF ACTION

4. This is an action alleging patent infringement by Defendant ATI of the following United States Patents: U.S. Patent No. 9,523,826 (the "'826 Patent"), entitled "Pluggable optical transceiver module," and issued on December 20, 2016; U.S. Patent No. 10,042,116 (the "'116 Patent"), entitled "Techniques for direct optical coupling of photodetectors to optical demultiplexer outputs and an optical transceiver using the same," and issued on August 7, 2018; U.S. Patent No. 9,448,367 (the "'367 Patent"), entitled "Multi-Channel Optical Transceiver Module Including Dual Fiber Type Direct Link Adapter for Optically Coupling Optical Subassemblies in the Transceiver Module," and issued on September 20, 2016; U.S. Patent No. 10,379,301 (the "'301 Patent"), entitled "Multi-channel parallel optical receiving device," and issued on August 13, 2019; U.S. Patent No. 10,313,024 (the "'024 Patent"), entitled "Transmitter Optical Subassembly With Trace Routing To Provide Electrical Isolation Between Power And RF Traces," and issued on June 4, 2019; and U.S. Patent No. 10,788,690 (the "'690 Patent"), entitled "Optical Isolator Array For Use In An Optical Subassembly Module," and issued on September 29, 2020 (collectively, the "Asserted Patents"). A true and correct copy of each of the Asserted Patents is attached hereto as **Exhibits A– F**.

5. Plaintiff AOI is the assignee and owner of record of the '826 Patent, and all rights, title, and interest in and to the '826 Patent.

6. Plaintiff AOI is the assignee and owner of record of the '116 Patent, and all rights, title, and interest in and to the '116 Patent.

7. Plaintiff AOI is the assignee and owner of record of the '367 Patent, and all rights, title, and interest in and to the '367 Patent.

8. Plaintiff AOI is the assignee and owner of record of the '301 Patent, and all rights, title, and interest in and to the '301 Patent.

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9. Plaintiff AOI is the assignee and owner of record of the ’024 Patent, and all rights, title, and interest in and to the ’024 Patent.

10. Plaintiff AOI is the assignee and owner of record of the ’690 Patent, and all rights, title, and interest in and to the ’690 Patent.

JURISDICATION AND VENUE

11. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 271 *et seq.* This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a), because this action arises under the patent laws of the United States, Title 35 of the United States Code, including but not limited to 35 U.S.C. §§ 271, 281, 284 and 285.

12. This Court has personal jurisdiction over ATI. On information and belief, ATI designs products in this state and district and sells and offers for sale goods to customers in this state and district via its sales people and through its distributers, including without limitation at its physical office located at 5674 Stoneridge Drive, #109 Pleasanton, CA 94588. On information and belief, ATI is registered to do business in the State of California and has designated Registered Agent Solutions, Inc., as an agent for service of process in the State of California. On information and belief, ATI has at least one physical office located in the State of California and specifically in this district at 5674 Stoneridge Drive, #109 Pleasanton, CA 94588.

13. Further, ATI’s website at https://www.accelight.com lists its US address as 5674 Stoneridge Drive, #109 Pleasanton, CA 94588.

14. Venue is proper in the United States District Court for the Northern District of California under 28 U.S.C. §§ 1391(b)-(d) and/or 1400(b) because, on information and belief, ATI has committed acts of infringement in this district and has a regular and established place of business in this district. On information and belief, ATI designs products and/or sells and offers for sale infringing goods to customers in this state and district via its sales people and/or through its distributers in this state and district, including without limitation at its physical office located in this district at 5674 Stoneridge Drive, #109 Pleasanton, CA 94588. On information and belief, ATI also imports infringing products into this district.

INTRADISTRICT ASSIGNMENT

15. This case is a patent infringement dispute that is appropriate for district-wide assignment.

AOI'S BUSINESS

16. AOI is a leading provider of fiber-optic networking products. It serves four growing end-markets: internet data centers (Data Center), Cable Television Broadband (CATV), fiber-to-the-home (FTTH), and telecommunications. AOI designs and manufactures a range of optical communications products employing our vertical integration strategy from laser chips, components, subassemblies and modules to complete turn-key equipment. AOI designs, manufactures, and integrates its own analog and digital lasers using a proprietary Molecular Beam Epitaxy (MBE) fabrication process, which it believes is unique in its industry. The lasers are proven to be reliable over time and highly tolerant of changes in temperature and humidity (delivering millions of hours service), making them well-suited to the CATV and FTTH markets where networking equipment is often installed outdoors.

17. AOI has a state-of–the-art semiconductor component fab at its USA Headquarters near Houston, Texas.

DEFENDANT'S INFRINGING ACTIVITIES

18. On information and belief, ATI, either directly or through other entities under its control, imports, uses, offers for sale, and/or sells infringing products, including without limitation the ATI 100G QSFP LR4, ATI 400G QSFP-DD SR8, ATI 100G QSFP28 CWDM4, ATI 400G QSFP-DD FR4, and ATI 400G QSFP-DD DR4 (the "Accused Products"). *See, e.g.*, **Exhibits G through N**.

19. On information and belief, ATI infringes the Asserted Patents by engaging in acts constituting infringement under 35 U.S.C. § 271, including without limitation by making, using, selling and/or offering for sale in and/or importing into the United States without authority one or more Accused Products that infringe one or more claims of the Asserted Patents.

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FIRST CAUSE OF ACTION

(Infringement of the ’826 Patent)

20. AOI incorporates by reference as if fully set forth herein the allegations in Paragraphs 1-19 of this Complaint.

21. On information and belief, ATI infringes, literally and/or under the doctrine of equivalents, one or more claims of the ’826 Patent, by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products, that infringe one or more claims of the ’826 Patent.

22. Defendant has directly infringed at least, for example, claim 1 of the ’826 patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

23. The claim charts attached hereto as Exhibit G through I identifies on a limitation-by-limitation basis where each limitation of claims 1 and 7 of the ’826 Patent is found within the exemplary Accused Products. Each limitation of claims 1 and 7 is literally present in the exemplary Accused Products. To the extent any limitation is found to be not present literally, such limitation is present in the exemplary Accused Products under the doctrine of equivalents because the exemplary Accused Product performs substantially the same function, in substantially the same way, to achieve substantially the same result as claims 1 and 7 of the ’826 Patent.

24. ATI does not have a license to any of Plaintiff’s patents or technology, including without limitation the Asserted Patents.

25. ATI has knowledge and notice of the Asserted Patent and its infringement since at least, and through, the filing of this Complaint.

26. As a direct and proximate result of ATI’s infringement, AOI has suffered, and will continue to suffer, damage in an amount to be proved at trial.

27. As a result of the harm suffered as alleged herein, AOI is entitled to relief under the Patent Act, including damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

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28. On information and belief, unless enjoined by this Court, ATI will continue to do the acts complained herein, and unless restrained and enjoined will continue to do so, all to AOI's irreparable damage. It would be difficult to ascertain the amount of compensation which would afford AOI adequate relief for such future and continuing acts. AOI does not have an adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an injunction against further infringement by ATI.

SECOND CAUSE OF ACTION

(Infringement of the '116 Patent)

29. AOI incorporates by reference as if fully set forth herein the allegations in Paragraphs 1–28 of this Complaint.

30. On information and belief, ATI infringes, literally and/or under the doctrine of equivalents, one or more claims of the '116 Patent, by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products, that infringe one or more claims of the '116 Patent.

31. Defendant has directly infringed at least, for example, claim 1 of the '116 patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

32. The claim chart attached hereto as **Exhibit J** identifies on a limitation-by-limitation basis where each limitation of claims 1 and 12 of the '116 Patent is found within the exemplary Accused Product. Each limitation of claims 1 and 12 is literally present in the exemplary Accused Product. To the extent any limitation is found to be not present literally, such limitation is present in the exemplary Accused Product under the doctrine of equivalents because the exemplary Accused Product performs substantially the same function, in substantially the same way, to achieve substantially the same result as claims 1 and 12 of the '116 Patent.

33. ATI does not have a license to any of Plaintiff's patents or technology, including without limitation the Asserted Patents.

34. ATI has knowledge and notice of the Asserted Patents and their infringement since at least, and through, the filing of this Complaint.

35. As a direct and proximate result of ATI's infringement, AOI has suffered, and will continue to suffer, damage in an amount to be proved at trial.

36. As a result of the harm suffered as alleged herein, AOI is entitled to relief under the Patent Act, including damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

37. On information and belief, unless enjoined by this Court, ATI will continue to do the acts complained herein, and unless restrained and enjoined will continue to do so, all to AOI's irreparable damage. It would be difficult to ascertain the amount of compensation which would afford AOI adequate relief for such future and continuing acts. AOI does not have an adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an injunction against further infringement by ATI.

THIRD CAUSE OF ACTION

(Infringement of the '367 Patent)

38. AOI incorporates by reference as if fully set forth herein the allegations in Paragraphs 1–37 of this Complaint.

39. On information and belief, ATI infringes, literally and/or under the doctrine of equivalents, one or more claims of the '367 Patent, by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products, that infringe one or more claims of the '367 Patent.

40. Defendant has directly infringed at least, for example, claim 1 of the '367 patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

41. The claim chart attached hereto as **Exhibit K** identifies on a limitation-by-limitation basis where each limitation of claim 1 of the '367 Patent is found within the exemplary Accused Product. Each limitation of claim 1 is literally present in the exemplary Accused Product. To the extent any limitation is found to be not present literally, such limitation is present in the exemplary Accused Product under the doctrine of equivalents because the exemplary Accused

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Product performs substantially the same function, in substantially the same way, to achieve substantially the same result as claim 1 of the ’367 Patent.

42. ATI does not have a license to any of Plaintiff’s patents or technology, including without limitation the Asserted Patents.

43. ATI has knowledge and notice of the Asserted Patents and their infringement since at least, and through, the filing of this Complaint.

44. As a direct and proximate result of ATI’s infringement, AOI has suffered, and will continue to suffer, damage in an amount to be proved at trial.

45. As a result of the harm suffered as alleged herein, AOI is entitled to relief under the Patent Act, including damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

46. On information and belief, unless enjoined by this Court, ATI will continue to do the acts complained herein, and unless restrained and enjoined will continue to do so, all to AOI’s irreparable damage. It would be difficult to ascertain the amount of compensation which would afford AOI adequate relief for such future and continuing acts. AOI does not have an adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an injunction against further infringement by ATI.

FOURTH CAUSE OF ACTION

(Infringement of the ’301 Patent)

47. AOI incorporates by reference as if fully set forth herein the allegations in Paragraphs 1–46 of this Complaint.

48. On information and belief, ATI infringes, literally and/or under the doctrine of equivalents, one or more claims of the ’301 Patent, by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products, that infringe one or more claims of the ’301 Patent.

49. Defendant has directly infringed at least, for example, claim 1 of the ’301 patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

50. The claim chart attached hereto as **Exhibit L** identifies on a limitation-by-limitation basis where each limitation of claim 1 of the ’301 Patent is found within the exemplary Accused Product. Each limitation of claim 1 is literally present in the exemplary Accused Product. To the extent any limitation is found to be not present literally, such limitation is present in the exemplary Accused Product under the doctrine of equivalents because the exemplary Accused Product performs substantially the same function, in substantially the same way, to achieve substantially the same result as claim 1 of the ’301 Patent.

51. ATI does not have a license to any of Plaintiff’s patents or technology, including without limitation the Asserted Patents.

52. ATI has knowledge and notice of the Asserted Patents and their infringement since at least, and through, the filing of this Complaint.

53. As a direct and proximate result of ATI’s infringement, AOI has suffered, and will continue to suffer, damage in an amount to be proved at trial.

54. As a result of the harm suffered as alleged herein, AOI is entitled to relief under the Patent Act, including damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

55. On information and belief, unless enjoined by this Court, ATI will continue to do the acts complained herein, and unless restrained and enjoined will continue to do so, all to AOI’s irreparable damage. It would be difficult to ascertain the amount of compensation which would afford AOI adequate relief for such future and continuing acts. AOI does not have an adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an injunction against further infringement by ATI.

FIFTH CAUSE OF ACTION

(Infringement of the ’024 Patent)

56. AOI incorporates by reference as if fully set forth herein the allegations in Paragraphs 1–55 of this Complaint.

57. On information and belief, ATI infringes, literally and/or under the doctrine of equivalents, one or more claims of the ’024 Patent, by making, using, selling, offering for sale,

and/or importing into the United States without authority products, including without limitation the Accused Products, that infringe one or more claims of the ’024 Patent.

58. Defendant has directly infringed at least, for example, claims 1 and 12 of the ’024 patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

59. The claim chart attached hereto as **Exhibit M** identifies on a limitation-by-limitation basis where each limitation of claims 1 and 12 of the ’024 Patent is found within the exemplary Accused Product. Each limitation of claim 1 is literally present in the exemplary Accused Product. To the extent any limitation is found to be not present literally, such limitation is present in the exemplary Accused Product under the doctrine of equivalents because the exemplary Accused Product performs substantially the same function, in substantially the same way, to achieve substantially the same result as claims 1 and 12 of the ’024 Patent.

60. ATI does not have a license to any of Plaintiff’s patents or technology, including without limitation the Asserted Patents.

61. As a direct and proximate result of ATI’s infringement, AOI has suffered, and will continue to suffer, damage in an amount to be proved at trial.

62. As a result of the harm suffered as alleged herein, AOI is entitled to relief under the Patent Act, including damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

63. On information and belief, unless enjoined by this Court, ATI will continue to do the acts complained herein, and unless restrained and enjoined will continue to do so, all to AOI’s irreparable damage. It would be difficult to ascertain the amount of compensation which would afford AOI adequate relief for such future and continuing acts. AOI does not have an adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an injunction against further infringement by ATI.

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SIXTH CAUSE OF ACTION

(Infringement of the ’690 Patent)

64. AOI incorporates by reference as if fully set forth herein the allegations in Paragraphs 1–63 of this Complaint.

65. On information and belief, ATI infringes, literally and/or under the doctrine of equivalents, one or more claims of the ’690 Patent, by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products, that infringe one or more claims of the ’690 Patent.

66. Defendant has directly infringed at least, for example, claims 1 and 11 of the ’690 patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

67. The claim chart attached hereto as **Exhibit N** identifies on a limitation-by-limitation basis where each limitation of claims 1 and 11 of the ’690 Patent is found within the exemplary Accused Product. Each limitation of claims 1 and 11 is literally present in the exemplary Accused Product. To the extent any limitation is found to be not present literally, such limitation is present in the exemplary Accused Product under the doctrine of equivalents because the exemplary Accused Product performs substantially the same function, in substantially the same way, to achieve substantially the same result as claims 1 and 11 of the ’690 Patent.

68. ATI does not have a license to any of Plaintiff’s patents or technology, including without limitation the Asserted Patents.

69. ATI has knowledge and notice of the Asserted Patents and their infringement since at least, and through, the filing of this Complaint.

70. As a direct and proximate result of ATI’s infringement, AOI has suffered, and will continue to suffer, damage in an amount to be proved at trial.

71. As a result of the harm suffered as alleged herein, AOI is entitled to relief under the Patent Act, including damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

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72. On information and belief, unless enjoined by this Court, ATI will continue to do the acts complained herein, and unless restrained and enjoined will continue to do so, all to AOI's irreparable damage. It would be difficult to ascertain the amount of compensation which would afford AOI adequate relief for such future and continuing acts. AOI does not have an adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an injunction against further infringement by ATI.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. For judgment that ATI has infringed and continues to infringe the '826 Patent;

B. For judgment that the '826 Patent is valid and enforceable;

C. For a preliminary and permanent injunction prohibiting ATI, and all persons or entities acting in concert with ATI, from infringing the '826 Patent;

D. For judgment that ATI has infringed and continues to infringe the '116 Patent;

E. For judgment that the '116 Patent is valid and enforceable;

F. For a preliminary and permanent injunction prohibiting ATI, and all persons or entities acting in concert with ATI, from infringing the '116 Patent;

G. For judgment that ATI has infringed and continues to infringe the '367 Patent;

H. For judgment that the '367 Patent is valid and enforceable;

I. For a preliminary and permanent injunction prohibiting ATI, and all persons or entities acting in concert with ATI, from infringing the '367 Patent;

J. For judgment that ATI has infringed and continues to infringe the '301 Patent;

K. For judgment that the '301 Patent is valid and enforceable;

L. For a preliminary and permanent injunction prohibiting ATI, and all persons or entities acting in concert with ATI, from infringing the '301 Patent;

M. For judgment that ATI has infringed and continues to infringe the '024 Patent;

N. For judgment that the '024 Patent is valid and enforceable;

O. For a preliminary and permanent injunction prohibiting ATI, and all persons or entities acting in concert with ATI, from infringing the '024 Patent;

P. For judgment that ATI has infringed and continues to infringe the ’690 Patent;

Q. For judgment that the ’690 Patent is valid and enforceable;

R. For a preliminary and permanent injunction prohibiting ATI, and all persons or entities acting in concert with ATI, from infringing the ’690 Patent;

S. An award of damages adequate to compensate Plaintiff for the infringement, as well as prejudgment and post-judgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

T. A finding that this case is exceptional and an award of interest, costs, expenses, and attorneys’ fees incurred by Plaintiff in prosecuting this action as provided by 35 U.S.C. § 285;

U. For any other orders necessary to accomplish complete justice between the parties; and

V. For such other and further relief as this Court or a jury may deem just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all cause of actions and issues so triable.

Dated: December 13, 2024

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN

By: *_/s/ Jo Dale Carothers_*
Jo Dale Carothers

Attorneys for Plaintiff Applied Optoelectronics, Inc.