

Jo Dale Carothers, SBN 228703
jcarothers@weintraub.com

Eric A. Caligiuri, SBN 260442
ecaligiuri@weintraub.com

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN
LAW CORPORATION
475 Sansome Street, Suite 510
San Francisco, CA 94111
Telephone: 415.433.1400
Facsimile: 415.433.3883

Attorneys for Plaintiff
Applied Optoelectronics, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLIED OPTOELECTRONICS, INC.,

Plaintiff,

vs.

EOPTOLINK TECHNOLOGY USA INC.,

Defendant.

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

For its complaint against Defendant Eoptolink Technology USA Inc., (“Eoptolink” 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 Eoptolink Technology USA Inc. is a California Corporation with its principal place of business located at 3191 Laurelview Court, Fremont, CA 94538.

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3. On information and belief, Eoptolink 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 Eoptolink of 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. 9,509,433 (the “’433 Patent”), entitled “Aligning and Directly Optically Coupling Photodetectors to Optical Demultiplexer Outputs in a Multichannel Receiver Optical Subassembly,” and issued on November 29, 2016; U.S. Patent No. 10,230,470 (the “’470 Patent”), entitled “Multilayered Flexible Printed Circuit with Both Radio Frequency (RF) and DC Transmission Lines Electrically Isolated from Each Other and an Optical Transceiver Using Same,” and issued on March 12, 2019; U.S. Patent No. 10,578,818 (the “’818 Patent”), entitled “Optical Transceiver,” and issued on March 3, 2020; U.S. Patent No. 10,714,890 (the “’890 Patent”), entitled “Transmitter Optical Subassembly Arrangement with Vertically-Mounted Monitor Photodiodes,” and issued on July 14, 2020; and U.S. Patent No. 11,177,887 (the “’887 Patent”), entitled “Substrate with Stepped Profile for Mounting Transmitter Optical Subassemblies and an Optical Transmitter or Transceiver Implementing Same,” and issued on November 16, 2021 (all 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 ’367 Patent, and all rights, title, and interest in and to the ’367 Patent.

6. Plaintiff AOI is the assignee and owner of record of the ’433 Patent, and all rights, title, and interest in and to the ’433 Patent.

7. Plaintiff AOI is the assignee and owner of record of the ’470 Patent, and all rights, title, and interest in and to the ’470 Patent.

8. Plaintiff AOI is the assignee and owner of record of the ’818 Patent, and all rights, title, and interest in and to the ’818 Patent.

9. Plaintiff AOI is the assignee and owner of record of the '890 Patent, and all rights, title, and interest in and to the '890 Patent.

10. Plaintiff AOI is the assignee and owner of record of the '887 Patent, and all rights, title, and interest in and to the '887 Patent.

JURISDICTION 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 Eoptolink. On information and belief, Eoptolink 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 distributors, including without limitation at its physical office located at 3191 Laurelview Court, Fremont, CA 94538. On information and belief, Eoptolink is registered to do business in the State of California and has designated Jeffrey Chih Lo, located at 116 Scenic Crest, Irvine, CA 92618 as an agent for service of process in the State of California. On information and belief, Eoptolink has at least one physical office located in the State of California and specifically in this district at 3191 Laurelview Court, Fremont, CA 94538.

13. Further, Eoptolink's website at <https://www.eoptolink.com> lists its US address as 3191 Laurelview Court, Fremont, CA 94538.

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, Eoptolink has committed acts of infringement in this district and has a regular and established place of business in this district. On information and belief, Eoptolink designs products in this state and district, including without limitation at its physical office located in this district at 3191 Laurelview Court, Fremont, CA 94538, and sells and offers for sale infringing goods to customers

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1 in this state and district via its sales people and/or through its distributors. On information and belief,
2 Eoptolink also imports infringing products into this district.

3 INTRADISTRICT ASSIGNMENT

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

6 AOI'S BUSINESS

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

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

19 DEFENDANT'S INFRINGING ACTIVITIES

20 18. On information and belief, Eoptolink, either directly or through other entities under
21 its control, imports, uses, offers for sale, and/or sells infringing products, including without
22 limitation the Eoptolink 400G QSFP-DD LR4, Eoptolink 400G QSFP-DD FR4, Eoptolink 400G
23 QSFP-DD DR4, Eoptolink 100G QSFP LR4 (QJ3D490147), Eoptolink 100G QSFP-DD LR4
24 (QL97099330), Eoptolink 100G QSFP DR1+, Eoptolink 100G CWDM4 (QP85060003), and
25 Eoptolink 100G CWDM4 (QMBK440002) (the "Accused Products"). *See, e.g., Exhibits G*
26 **through AA.**

27 19. On information and belief, Eoptolink infringes the Asserted Patents by engaging in
28 acts constituting infringement under 35 U.S.C. § 271, including without limitation by making,

1 using, selling and/or offering for sale in and/or importing into the United States without authority
2 one or more Accused Products that infringe one or more claims of the Asserted Patents.

3 20. On information and belief, Eoptolink promotes, sells and/or offers to sell its
4 products throughout the United States, including without limitation by offering the Accused
5 Products through its sales people.

6 **FIRST CAUSE OF ACTION**

7 (Infringement of the '367 Patent)

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

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

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

17 24. The claim chart attached hereto as **Exhibits G-I** identifies on a limitation-by-
18 limitation basis where each limitation of claim 1 of the '367 Patent is found within the exemplary
19 Accused Product. Each limitation of claim 1 is literally present in the exemplary Accused Product.
20 To the extent any limitation is found to be not present literally, such limitation is present in the
21 exemplary Accused Product under the doctrine of equivalents because the exemplary Accused
22 Product performs substantially the same function, in substantially the same way, to achieve
23 substantially the same result as claim 1 of the '367 Patent.

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

26 26. Eoptolink has knowledge and notice of the Asserted Patent and its infringement
27 since at least, and through, the filing of this Complaint.

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

28. 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.

29. On information and belief, unless enjoined by this Court, Eoptolink 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 Eoptolink.

SECOND CAUSE OF ACTION

(Infringement of the '433 Patent)

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

31. On information and belief, Eoptolink infringes, literally and/or under the doctrine of equivalents, one or more claims of the '433 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 '433 Patent.

32. Defendant has directly infringed at least, for example, claim 1 of the '433 Patent by making, using, selling, offering for sale, and/or importing into the United States without authority products, including without limitation the Accused Products.

33. The claim chart attached hereto as **Exhibits J-K** identifies on a limitation-by-limitation basis where each limitation of claims 1 and 13 of the '433 Patent is found within the exemplary Accused Product. Each limitation of claims 1 and 13 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

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1 the exemplary Accused Product performs substantially the same function, in substantially the same
2 way, to achieve substantially the same result as claims 1 and 13 of the '433 Patent.

3 34. Eoptolink does not have a license to any of Plaintiff's patents or technology,
4 including without limitation the Asserted Patents.

5 35. Eoptolink has knowledge and notice of the Asserted Patents and their infringement
6 since at least, and through, the filing of this Complaint.

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

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

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

18 **THIRD CAUSE OF ACTION**

19 (Infringement of the '470 Patent)

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

22 40. On information and belief, Eoptolink infringes, literally and/or under the doctrine
23 of equivalents, one or more claims of the '470 Patent, by making, using, selling, offering for sale,
24 and/or importing into the United States without authority products, including without limitation
25 the Accused Products, that infringe one or more claims of the '470 Patent.

26 41. Defendant has directly infringed at least, for example, claims 1, 10, 17 of the '470
27 Patent by making, using, selling, offering for sale, and/or importing into the United States without
28 authority products, including without limitation the Accused Products.

42. The claim chart attached hereto as **Exhibits L-M** identifies on a limitation-by-limitation basis where each limitation of claims 1, 10, and 17 of the '470 Patent is found within the exemplary Accused Product. Each limitation of claims 1, 10, and 17 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, 10, and 17 of the '470 Patent.

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

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

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

46. 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.

47. On information and belief, unless enjoined by this Court, Eoptolink 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 Eoptolink.

FOURTH CAUSE OF ACTION

(Infringement of the '818 Patent)

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

49. On information and belief, Eoptolink infringes, literally and/or under the doctrine of equivalents, one or more claims of the '818 Patent, by making, using, selling, offering for sale,

1 and/or importing into the United States without authority products, including without limitation
2 the Accused Products, that infringe one or more claims of the '818 Patent.

3 50. Defendant has directly infringed at least, for example, claims 1 and 10 of the '818
4 Patent by making, using, selling, offering for sale, and/or importing into the United States without
5 authority products, including without limitation the Accused Products.

6 51. The claim charts attached hereto as **Exhibit N-U** identifies on a limitation-by-
7 limitation basis where each limitation of claims 1 and 10 of the '818 Patent is found within the
8 exemplary Accused Product. Each limitation of claims 1 and 10 is literally present in the
9 exemplary Accused Product. To the extent any limitation is found to be not present literally, such
10 limitation is present in the exemplary Accused Product under the doctrine of equivalents because
11 the exemplary Accused Product performs substantially the same function, in substantially the
12 same way, to achieve substantially the same result as claims 1 and 10 of the '818 Patent.

13 52. Eoptolink does not have a license to any of Plaintiff's patents or technology,
14 including without limitation the Asserted Patents.

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

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

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

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FIFTH CAUSE OF ACTION

(Infringement of the '890 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, Eoptolink infringes, literally and/or under the doctrine of equivalents, one or more claims of the '890 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 '890 Patent.

58. Defendant has directly infringed at least, for example, claim 1 of the '890 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 V-W** identifies on a limitation-by-limitation basis where each limitation of claim 1 of the '890 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 '890 Patent.

60. Eoptolink 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 Eoptolink'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, Eoptolink 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

1 would afford AOI adequate relief for such future and continuing acts. AOI does not have an
2 adequate remedy at law to compensate it for injuries threatened. Thus, AOI is entitled to an
3 injunction against further infringement by Eoptolink.

4 **SIXTH CAUSE OF ACTION**

5 (Infringement of the '887 Patent)

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

8 65. On information and belief, Eoptolink infringes, literally and/or under the doctrine
9 of equivalents, one or more claims of the '887 Patent, by making, using, selling, offering for sale,
10 and/or importing into the United States without authority products, including without limitation
11 the Accused Products, that infringe one or more claims of the '887 Patent.

12 66. Defendant has directly infringed at least, for example, claims 1 and 10 of the '887
13 Patent by making, using, selling, offering for sale, and/or importing into the United States without
14 authority products, including without limitation the Accused Products.

15 67. The claim chart attached hereto as **Exhibit X-AA** identifies on a limitation-by-
16 limitation basis where each limitation of claims 1 and 10 of the '887 Patent is found within the
17 exemplary Accused Product. Each limitation of claims 1 and 10 is literally present in the
18 exemplary Accused Product. To the extent any limitation is found to be not present literally, such
19 limitation is present in the exemplary Accused Product under the doctrine of equivalents because
20 the exemplary Accused Product performs substantially the same function, in substantially the
21 same way, to achieve substantially the same result as claims 1 and 10 of the '887 Patent.

22 68. Eoptolink does not have a license to any of Plaintiff's patents or technology,
23 including without limitation the Asserted Patents.

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

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

71. On information and belief, unless enjoined by this Court, Eoptolink 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 Eoptolink.

PRAYER FOR RELIEF

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

- A. For judgment that Eoptolink has infringed and continues to infringe the '367 Patent;
- B. For judgment that the '367 Patent is valid and enforceable;
- C. For a preliminary and permanent injunction prohibiting Eoptolink, and all persons or entities acting in concert with Eoptolink, from infringing the '367 Patent;
- D. For judgment that Eoptolink has infringed and continues to infringe the '433 Patent;
- E. For judgment that the '433 Patent is valid and enforceable;
- F. For a preliminary and permanent injunction prohibiting Eoptolink, and all persons or entities acting in concert with Eoptolink, from infringing the '433 Patent;
- G. For judgment that Eoptolink has infringed and continues to infringe the '470 Patent;
- H. For judgment that the '470 Patent is valid and enforceable;
- I. For a preliminary and permanent injunction prohibiting Eoptolink, and all persons or entities acting in concert with Eoptolink, from infringing the '470 Patent;
- J. For judgment that Eoptolink has infringed and continues to infringe the '818 Patent;
- K. For judgment that the '818 Patent is valid and enforceable;
- L. For a preliminary and permanent injunction prohibiting Eoptolink, and all persons or entities acting in concert with Eoptolink, from infringing the '818 Patent;

1 M. For judgment that Eoptolink has infringed and continues to infringe the '890
2 Patent;

3 N. For judgment that the '890 Patent is valid and enforceable;

4 O. For a preliminary and permanent injunction prohibiting Eoptolink, and all persons
5 or entities acting in concert with Eoptolink, from infringing the '890 Patent;

6 P. For judgment that Eoptolink has infringed and continues to infringe the '887
7 Patent;

8 Q. For judgment that the '887 Patent is valid and enforceable;

9 R. For a preliminary and permanent injunction prohibiting Eoptolink, and all persons
10 or entities acting in concert with Eoptolink, from infringing the '887 Patent;

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

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

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

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

19 **JURY DEMAND**

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

22
23 Dated: November 19, 2024

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN

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25 By: /s/ Jo Dale Carothers
Jo Dale Carothers

26 Attorneys for Plaintiff Applied Optoelectronics, Inc.
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