

From: [Director_PTABDecision_Review](#)
To: ["Eric A. Caligiuri"; Bhattacharyya, Arpita \(PAO\); Jo Dale Carothers; McCauley, Robert \(PAO\); Rose, Kate \(Perkins Coie\)](#)
Subject: RE: IPR2026-00093: Request for authorization to file a new exhibit with Request for Director Review
Date: Thursday, April 2, 2026 1:49:00 PM

Counsel,

Petitioner's request for authorization to submit additional evidence in support of its request for Director Review is denied.

Thanks.

IPR2026-00093
Ex. 3100

From: Eric A. Caligiuri <ECaligiuri@weintraub.com>
Sent: Wednesday, April 1, 2026 6:38 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; Bhattacharyya, Arpita (PAO) <ABhattacharyya@perkinscoie.com>; Jo Dale Carothers <JCarothers@weintraub.com>; McCauley, Robert (PAO) <RMcCauley@perkinscoie.com>; Rose, Kate (Perkins Coie) <KateRose@perkinscoie.com>
Subject: RE: IPR2026-00093: Request for authorization to file a new exhibit with Request for Director Review

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Dear All,

Patent Owner Applied Optoelectronics, Inc. opposes Petitioner's request for Director Review of the discretionary denial decision in IPR2026-00093 in view of the Director's recent memorandum titled "Additional Discretionary Institution Considerations - U.S. Manufacturing and Small Business Use of AIA Proceedings" issued on March 11, 2026 (the "March 11 Memo"). The March 11 Memo specifically says it "applies to all IPRs and PGRs in which the due date for a patent owner discretionary brief has not yet elapsed." See March 11 Memo at p. 3.

Patent Owner's due date for filing a discretionary brief in IPR2026-00093 was on or about January 13, 2026. See Paper 7. Indeed, on February 13, 2026, Petitioner filed an opposition to Patent Owner's discretionary brief. See Paper 9. And, on March 3, 2026, the Director issued a discretionary decision denying institution of IPR2026-00093. See Paper 10. All of these occurred before the March 11 Memo became applicable. Thus, there is no intervening change in the guidance for discretionary denial considerations as to IPR2026-00093 based on the March 11 Memo.

Therefore, the March 11 Memo is not applicable to IPR2026-00093, and further Director Review of the discretionary denial decision in IPR2026-00093 is not warranted.

Sincerely,
Eric Caligiuri
Counsel for Patent Owner Applied Optoelectronics, Inc.

From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Sent: Tuesday, March 31, 2026 3:26 PM
To: Bhattacharyya, Arpita (PAO) <ABhattacharyya@perkinscoie.com>; Jo Dale Carothers <JCarothers@weintraub.com>; McCauley, Robert (PAO) <RMcCauley@perkinscoie.com>; Rose, Kate (Perkins Coie) <KateRose@perkinscoie.com>; Eric A. Caligiuri <ECaligiuri@weintraub.com>
Subject: [EXTERNAL] RE: IPR2026-00093: Request for authorization to file a new exhibit with Request for Director Review

Counsel,

Patent Owner may respond with its position as to Petitioner's request via email by Wednesday, April 1st.

Thank you.

From: Bhattacharyya, Arpita (PAO) <ABhattacharyya@perkinscoie.com>
Sent: Tuesday, March 31, 2026 5:07 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: McCauley, Robert (PAO) <RMcCauley@perkinscoie.com>; Rose, Kate (Perkins Coie) <KateRose@perkinscoie.com>
Subject: IPR2026-00093: Request for authorization to file a new exhibit with Request for Director Review

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Dear Director and the Patent Trial and Appeal Board,

Petitioner intends to request Director Review of the discretionary denial decision in IPR2026-00093 in view of the Director's recent memorandum titled "Additional Discretionary Institution Considerations - U.S. Manufacturing and Small Business Use of AIA Proceedings" issued on March 11, 2026. Petitioner respectfully requests authorization to submit a declaration attesting to Petitioner's small business status along with the request. Submission of this new declaration is warranted here because of the intervening change in the guidance for discretionary denial considerations.

Thank you.

Sincerely,

Arpita Bhattacharyya
Counsel for Petitioner, Accelight Technologies, Inc.

Arpita Bhattacharyya, Ph.D.

PARTNER

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