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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLIED OPTOELECTRONICS, INC.,

Plaintiff,

v.

EOPTOLINK TECHNOLOGY USA INC.,

Defendant.

CASE NO. 5:24-cv-08165-NW

**JOINT ADMINISTRATIVE MOTION TO
STAY PENDING IPR INSTITUTION
DECISIONS**

I. INTRODUCTION

Plaintiff Applied Optoelectronics, Inc. (“AOI”) and Defendant Eoptolink Technology USA, Inc. (“Eoptolink”) hereby jointly move to stay this action pending institution decisions on four *inter partes* review (IPR) petitions recently filed by Eoptolink, as well as Eoptolink’s intention to file two requests for *ex parte* reexamination on the remaining two patents asserted in this action, as explained below. The parties are submitting this as a joint administrative motion to bring this request to the Court’s attention on an expedited basis given that claim construction exchanges and proceedings are beginning. The parties’ joint request and proposed order tracks the provisions of the pre-institution stay in view of IPRs recently ordered by Judge Gilliam in a co-pending case, *Applied*

1 *Optoelectronics, Inc. v. Accelight Technologies, Inc.*, Case No.: 4:24-cv-09041-HSG, Dkt. 57 (Order
2 staying action).

3 **II. SUMMARY OF RELEVANT FACTS**

4 In this action, AOI has asserted six patents against Eoptolink. Dkt. 16. Per the Court's
5 Scheduling Order, the parties are due to exchange preliminary claim constructions and extrinsic
6 evidence on December 19, 2025, file a Joint Claim Construction and Prehearing Statement and
7 Expert Reports by January 13, 2026, and begin claim construction briefing in February 2026. Dkt.
8 40.

9 Beginning in October 2025, Eoptolink filed IPR petitions challenging the patentability of the
10 asserted claims of four of the six patents asserted in this action, and Eoptolink further plans to file
11 requests for *ex parte* reexamination against the remaining two patents that AOI has asserted in this
12 action. More specifically:

13 On October 10, 2025, Eoptolink filed an IPR petition in IPR2026-00019 challenging the
14 patentability the asserted claims of U.S. Patent No. 9,448,367 ("the '367 patent"). On November 5,
15 2025, Eoptolink filed an IPR petition in IPR2026-00094 challenging the asserted claims of U.S.
16 Patent No. 10,578,818 ("the '818 patent"). On November 25, 2025, Eoptolink filed an IPR petition in
17 IPR2026-00122 challenging the asserted claims in U.S. Patent No. 10,714,890 ("the '890 patent").
18 And on December 1, 2025, Eoptolink filed an IPR in IPR2026-00123 challenging the asserted claims
19 in U.S. Patent No. 11,177,887 ("the '887 patent"). As mentioned, Eoptolink also plans to file
20 requests for *ex parte* reexamination of the other two patents that AOI has asserted in this action, U.S.
21 Patent Nos. 9,509,433 ("the '433 Patent") and 10,230,470 ("the '470 Patent").

22 AOI has filed two similar patent infringement actions in this district, both of which have been
23 stayed in view of pending IPR petitions. In *Applied Optoelectronics, Inc. v. Cambridge Industries*
24 *USA, Inc.*, Case No. 3-24-cv-01010, Judge Donato stayed that case on April 4, 2025 in view of IPRs
25 that Cambridge Industries USA ("Cambridge") had filed on some of the patents asserted in that case.
26 *Id.*, Dkt. 41 (Order staying action). AOI's district court case against Cambridge remains stayed. In
27 *Applied Optoelectronics, Inc. v. Accelight Technologies, Inc.*, Case No.: 4:24-cv-09041-HSG, Judge
28 Gilliam stayed that case on October 9, 2025 in view of three IPR petitions filed on three of the

1 asserted patents and Accelight Technologies, Inc.’s (“Accelight”) stated plans to file additional IPRs
 2 on two more of the asserted patents (which have since been filed). *Id.*, Dkt. 57 (Order staying
 3 action). AOI’s district court case against Accelight also remains stayed.

4 This case is at an early stage. No interrogatories or document requests have been propounded
 5 by either party. And the claim construction process has not yet commenced.

6 **III. ARGUMENT**

7 The parties believe there is good cause and that it will serve the interests of judicial economy
 8 if the Court stays this case pending institution decisions on the above-referenced four IPR petitions
 9 recently filed by Eoptolink. As mentioned, the parties are due to exchange preliminary claim
 10 constructions and extrinsic evidence on December 19, 2025, file a Joint Claim Construction and
 11 Prehearing Statement and Expert Reports by January 13, 2026, and begin claim construction briefing
 12 in February 2026. Dkt. 40.

13 The Court has discretion to stay this action pending the PTAB’s decisions to institute IPRs,
 14 as Judge Gilliam did in *Apple Inc. v. Alivecor, Inc.*, No. 22-cv-07608-HSG (N.D. Cal. Dec. 29,
 15 2023), Dkt. 89. As Judge Gilliam wrote in the order staying that case:

16 “Courts have inherent power to manage their dockets and stay proceedings,
 17 including the authority to order a stay pending [IPR].” *Ethicon, Inc. v. Quiggin*,
 18 849 F.2d 1422, 1426–27 (Fed. Cir. 1988) (internal citations omitted); *IXI Mobile*
 19 *(R & D) Ltd. v. Samsung Elecs. Co.*, No. 15-cv-03752-HSG, 2015 WL 7015415, at
 20 *2 (N.D. Cal. Nov. 12, 2015). Courts consider three factors in determining
 21 whether to grant a stay pending IPR: “(1) whether discovery is complete and
 22 whether a trial date has been set; (2) whether a stay will simplify the issues in
 23 question and trial of the case; and (3) whether a stay would unduly prejudice or
 24 present a clear tactical disadvantage to the nonmoving party.” *IXI Mobile (R & D)*
 25 *Ltd.*, 2015 WL 7015415, at *2 (quoting *Evolutionary Intelligence, LLC v.*
 26 *Facebook, Inc.*, No. 13-cv-04202-SI, 2014 WL 261837, at *1 (N.D. Cal. Jan. 23,
 27 2014)). The moving party bears the burden of demonstrating that a stay is
 28 appropriate. *DSS Tech. Mgmt., Inc. v. Apple, Inc.*, No. 14-cv-05330-HSG, 2015
 WL 1967878, at *2 (N.D. Cal. May 1, 2015).

Courts in this district have often recognized “a liberal policy in favor of granting
 motions to stay” pending IPR. *See Pragmatus AV, LLC v. Facebook, Inc.*, No. 11–
 cv–02168–EJD, 2011 WL 4802958, at *2 (N.D. Cal. Oct. 11, 2011); *IXI Mobile*
(R & D) Ltd., 2015 WL 7015415, at *2. Courts, however, must evaluate stay
 requests on a case-by-case basis. *See GoPro, Inc. v. C&A Marketing, Inc.*, No. 16–
 cv-03590-JST, 2017 WL 2591268, at *2 (N.D. Cal. June 15, 2017). Ultimately,
 whether to issue a stay is a matter of the Court’s discretion.

1 *Apple*, No. 22-cv-07608-HSG, Dkt. 89. Judge Gilliam also recently granted a joint administrative
 2 motion to stay in view of IPR petitions (similar to this joint administrative motion) filed in *Applied*
 3 *Optoelectronics, Inc. v. Accelight Technologies, Inc.*, Case No.: 4:24-cv-09041-HSG, Dkt. 57 (Order
 4 granting parties' joint administrative motion and staying case).

5 The parties believe that all three factors support their jointly requested stay. As mentioned,
 6 this case is at an early stage. No interrogatories or document requests have been propounded and
 7 claim construction process has not yet started. IPRs may simplify the issues and/or trial, and as
 8 evidenced by this joint motion, neither party contends that it would be prejudiced by the requested
 9 stay. And as mentioned, the parties believe that a stay would further the interests of judicial
 10 economy.

11 **IV. CONCLUSION**

12 The parties respectfully request that the Court grant a stay pending the PTAB's institution
 13 decisions on the IPRs that Eoptolink has filed. This joint motion is accompanied by the parties'
 14 proposed order that tracks the stay order recently entered by Judge Gilliam in *Applied*
 15 *Optoelectronics, Inc. v. Accelight Technologies, Inc.*, Case No.: 4:24-cv-09041-HSG, Dkt. 57 (Order
 16 granting stay).

17 Respectfully submitted,

18 Dated: December 5, 2025

PERKINS COIE LLP

20 By: /s/ Robert F. McCauley

21 Robert F. McCauley

22 Attorneys for Defendant
 Eoptolink Technology USA Inc.

23 Dated: December 5, 2025

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 COLEMAN GRODIN

26 By: /s/ Jo Dale Carothers

27 Jo Dale Carothers

28 Attorneys for Plaintiff
 Applied Optoelectronics, Inc.

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Robert F. McCauley, attest that concurrence in the filing of this document has been obtained.

Dated: December 5, 2025

/s/ Robert F. McCauley

Robert F. McCauley