

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

OPTOLUM, INC.,
Plaintiff-Appellant

v.

CREE, INC.,
Defendant-Appellee

2022-1511

Appeal from the United States District Court for the Middle District of North Carolina in No. 1:17-cv-00687-WO-JLW, Judge William L. Osteen, Jr.

Decided: June 12, 2023

LEIGH JOHN MARTINSON, McCarter & English, LLP, Boston, MA, argued for plaintiff-appellant. Also represented by LEAH R. MCCOY; JACOB STEVEN WHARTON, Womble Bond Dickinson LLP, Winston-Salem, NC.

BLANEY HARPER, Jones Day, Washington, DC, argued for defendant-appellee. Also represented by EDWIN GARCIA; PETER DANIEL SIDDOWAY, Sage Patent Group, Raleigh, NC.

Before LOURIE, TARANTO, and HUGHES, *Circuit Judges*.

PER CURIAM.

OptoLum, Inc. (“OptoLum”) asks us to reverse a district court decision finding prosecution history disclaimer and estoppel, in addition to excluding certain expert testimony. Although there is room for debate regarding the statements made during prosecution that sit at the core of this case, prosecution history disclaimer and estoppel are legal questions on which we agree with the district court. We have considered OptoLum’s remaining arguments but find them unpersuasive. For the foregoing reasons, the decision of the district court is *affirmed*.

AFFIRMED