
UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D. C. 20549

FORM SD

Specialized Disclosure Report

Applied Optoelectronics, Inc.
(Exact name of Registrant as specified in its charter)

Delaware

(State or Other Jurisdiction of Incorporation or
Organization)

001-36083

(Commission File Number)

76-0533927

(I.R.S. Employer Identification No.)

13139 Jess Pirtle Blvd.
Sugar Land, TX 77478

(Address of principal executive offices and zip code)

David C. Kuo, Senior Vice President and Chief Legal Officer
(281) 295-1800

(Name and telephone number, including area code of the person to contact in connection with this Report)

Check the appropriate box to indicate the rule pursuant to which this form is being filed, and provide the period to which the information in this form applies:

- Rule 13p-1 under the Securities Exchange Act (17 CFR 240.13p-1) for the reporting period from January 1 to December 31, 2023.
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SECTION 1 – CONFLICT MINERALS DISCLOSURE

Items 1.01. Conflict Minerals Disclosure and Report

Applied Optoelectronics, Inc. (the “Company”) is filing this Form SD for the reporting period from January 1, 2023 to December 31, 2023, pursuant to Rule 13p-1 under the Securities Exchange Act of 1934. This Form SD and the Conflict Minerals Report are publicly available on the Company’s website at <https://ao-inc.com/legal/>.

Item 1.02. Exhibit

The Company is filing its Conflict Minerals Report as Exhibit 1.01 to this Form SD.

SECTION 2 – EXHIBITS

Item 2.01. Exhibits

Exhibit 1.01 [Applied Optoelectronics, Inc.’s Conflict Minerals Report for the reporting period from January 1, 2023 to December 31, 2023.](#)

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Company has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: May 23, 2024

APPLIED OPTOELECTRONICS, INC.

By: /s/ DAVID C. KUO
Name: DAVID C. KUO
Title: Senior Vice President and Chief Legal Officer

Applied Optoelectronics, Inc.
Conflict Minerals Report
For The Year Ended December 31, 2023

This report for the year ended December 31, 2023 is presented to comply with Rule 13p-1 under the Securities Exchange Act of 1934, as amended (the “Rule”). The Rule was adopted by the Securities and Exchange Commission (“SEC”) to implement reporting and disclosure requirements related to conflict minerals as directed by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The Rule imposes certain reporting obligations on SEC registrants whose manufactured products contain Conflict Minerals which are necessary to the functionality or production of their products. Conflict Minerals are defined as cassiterite, columbite-tantalite, gold, wolframite, and their derivatives, which under current guidance are limited to tin, tantalum, and tungsten (“3Ts”). These requirements apply to registrants whatever the geographic origin of the Conflict Minerals and whether or not they fund armed conflict.

1. Company Overview

This report has been prepared by the management of Applied Optoelectronics, Inc. (herein referred to as “AOI,” the “Company,” “we,” “us,” or “our”). The information includes the activities of all majority-owned subsidiaries.

AOI is a leading, vertically integrated provider of fiber-optic networking products, primarily for four networking end-markets: internet data center, cable television, or CATV, and fiber-to-the-home, or FTTH, and telecom. We design and manufacture a range of optical communications products at varying levels of integration, from components, subassemblies and modules to complete turn-key equipment. Conflict Minerals are necessary to the functionality or production of semiconductor and module products.

In designing products for our customers, we begin with the fundamental building blocks of lasers and laser components, which require the use of metals, including the 3Ts and gold (“3TG”). From these foundational products, we design and manufacture a wide range of products to meet our customers’ needs and specifications, and such products differ from each other by their end market, intended use and level of integration. We are primarily focused on the higher-performance segments within all four of our target markets, which increasingly demand faster connectivity and innovation. Therefore, the majority of our semiconductor and module products, as well as components that are part of those products, require the use of Conflict Minerals.

2. Supply Chain

The supply chain for 3TG consists of many supplier chain tiers. Before reaching AOI’s direct suppliers, 3TG will go from mines, to traders, exporters, smelters or refiners (referred to collectively as smelters), alloy producers and component manufacturers, and sometimes intermediate suppliers. Since one or more of the 3TG metals are contained in the majority of AOI’s products, a significant portion of AOI’s suppliers also use these metals in their products. AOI sources products and components from approximately 1184 first tier suppliers globally. First tier suppliers are those suppliers that AOI selected and with whom we have a direct business relationship. These first tier suppliers select their suppliers (second tier suppliers), which in turn have their own group of suppliers (third tier), and so on. AOI works with and through its first tier suppliers to investigate the deeper levels of our supply chain, in order to determine the origin of 3TG metals contained in AOI products.

Because of our size, the complexity of our products, and the depth, breadth, and constant evolution of our supply chain, it is difficult to identify actors upstream from our direct suppliers. Accordingly, we participate in a number of industry-wide initiatives as described below.

3. Conflict Minerals Policy

AOI is committed to working with our global supply chain to ensure compliance with the SEC’s conflict minerals rules. We have established a conflict minerals compliance program that is designed to follow the framework established by the Organization for Economic Co-operation and Development (“OECD”).

Pursuant to our conflict minerals compliance program, our supplier contracts include conflict mineral due diligence and reporting requirements. Any direct sourcing by AOI of tin, tungsten, tantalum and gold is sourced with the goal that it only be from Democratic Republic of Congo Conflict-Free sources, as defined in the SEC’s conflict minerals rule. As we become aware of instances where minerals in our supply chain potentially finance armed groups, as defined in the SEC’s conflict minerals rule, we work with our suppliers to find alternate conflict-free sources.

Our policy is publicly available on our website at <https://ao-inc.com/legal/>.

4. Due Diligence Overview

We conducted a survey of our supply chain by adopting the template developed by the Responsible Minerals Initiative (“RMI”) Conflict Minerals Reporting Template (“CMRT”). The CMRT was developed to facilitate disclosure and communication of information regarding smelters that provide material to a company’s supply chain. It includes questions regarding a company’s conflict-free policy, engagement with its direct suppliers, and a listing of the smelters the company and its suppliers use. In addition, the template contains questions about the origin of conflict minerals included in their products, as well as supplier due diligence. Written instructions and recorded training illustrating the use of the tool is available on RBA’s website. The CMRT is being used by many companies in their due diligence processes related to conflict minerals.

AOI does not engage directly with mines or smelters and thus AOI does not have information on 3TG country of origin. We rely on information from the Responsible Minerals Assurance Process (“RMAP”), a voluntary initiative managed by the RMI in which an independent third party audits the procurement activities of a smelter or refiner to determine, with reasonable confidence that the minerals it processes originated from conflict-free sources. Upon completion of a successful audit, the smelter or refiner is designated by the RMI as “Compliant.”

5. Due Diligence Overview

AOI has established management systems and due diligence measures as a basis for supply-chain management and disclosure compliance relating to the Conflict Minerals necessary to the functionality or production of our products and required to be reported under the Rule. Our due diligence measures have been designed to conform, in all material respects, to the five step framework in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Guidance). The design of AOI's Conflict Mineral Process includes the following:

Step #1: Establish Strong Company Management Systems

- AOI's management is committed to sourcing conflict free materials. A conflict minerals policy was adopted and is available on our website at <https://ao-inc.com/legal/>.
- Our commitment is reflected in our Quality Objective, Purchasing Agreements, Purchasing Orders and SOPs.

Step #2: Identify and Assess Risk in the Supply Chain

- AOI requests that its suppliers complete in full the CMRT. The CMRT is used to provide AOI with information regarding its suppliers' practices with respect to the sourcing of conflict minerals to enable it to comply with its requirements under the Rule.
- AOI's legal, quality assurance and supply chain departments manage the collection of information reported on the CMRT by its suppliers.
- Once AOI receives CMRTs from our supply chain, we identify high risk vendors. High risk vendors are those that use non RMI-Compliant smelters or those that do not submit a completed CMRT.

Step #3: Design and Implement a Strategy to Respond to Identified Risks

- Once a high risk vendor has been identified, AOI will hold an internal stakeholders meeting to discuss corrective actions to be taken.
- Such corrective actions include, but are not limited to, disengaging in trade with the high risk vendor and finding alternate vendors.

Step #4: Carry Out Independent Third-Party Audit of Supply Chain Due Diligence at Identified Points in the Supply Chain

- Given that we do not have a direct relationship with the smelters and refiners that process the conflict minerals that are present in our products, we rely on the RMI to conduct third party audits of smelters and refiners.
- AOI relies on the RBA and GeSI initiative to validate supply chain due diligence.
- AOI expects our supply chain to adhere to all local, national and international laws and requirements.

Step #5: Report on Supply Chain Due Diligence

- As a publicly traded company in the United States, AOI will submit an annual SD Report to the SEC per the Securities and Exchange Act of 1934 Section 1502 as amended by the Dodd-Frank Act of 2010.

6. Due Diligence Performed

Annually, AOI requests CMRTs from our supply chain. It is the responsibility of our supply chain to provide AOI with a CMRT and to ensure their supply chains are conflict free. Once AOI receives the completed CMRT, AOI will review the submission for completeness and consistency. AOI will then compare smelter data, made available by the RMI, concerning the country of origin. If a vendor submits a CMRT that does not contain a non RMI-Compliant smelter, then no further action will be taken by AOI.

For vendors that do not submit a CMRT, AOI will follow up with the vendor and continue to request a completed CMRT. If the vendor does not submit a CMRT after multiple requests, then corrective actions, up to and including disengaging in trade, will be taken.

For vendors that submit a CMRT containing a non RMI-Compliant smelter, AOI will request that the vendor take corrective actions and become conflict free. If the vendor does not satisfactorily implement steps to become conflict free, then corrective actions, up to and including disengaging in trade, will be taken.

AOI works with and through its first tier suppliers to investigate the deeper levels of our supply chain, in an effort to determine the origin of 3TG metals contained in AOI products.

7. Due Diligence Results

The results of our due diligence indicates that the sources of Conflict Minerals are (1) from recycled or scrap materials, (2) from within the Democratic Republic of the Congo or adjoining countries (the "Covered Countries"), or (3) from outside the Covered Countries. From the responses we have received from our direct suppliers from our supply chain survey for 2023, 168 smelters and refiners were listed within their supply chains. All 168 have been designated as of December 31, 2023 as Active or Compliant under the RMAP. The complete list of smelters and refiners is attached in Exhibit A.

AOI does not engage directly with mines or smelters and thus AOI does not have information on 3TG country of origin.

8. Conflict-Free Sourcing Continuous Improvements

As part of AOI's commitment to Conflict Minerals due diligence, AOI has taken, or will take, the following steps to further mitigate the risk that our Conflict Minerals benefit armed groups in the Covered Countries:

- Continue to engage with suppliers to obtain complete CMRTs;
- Encourage the development of supplier capabilities to perform conflict-minerals related due diligence;
- Review our supply chain quarterly to ensure new vendors are aware of the conflict-mineral free policy and to encourage existing vendors to submit their CMRTs timely;
- Provide ongoing training regarding emerging best practices and other relevant topics to legal, quality assurance and supply chain staff responsible for conflict mineral compliance.

9. Forward-looking Statements

Statements relating to due diligence improvements are forward-looking in nature and are based on our management's current expectations or beliefs. Forward-looking statements can also be identified by words such as "expects," "plans," "intends," "will," "may," and similar terms. These forward-looking statements are not a guarantee of performance and are subject to a number of uncertainties and other factors that may be outside of our control and that could cause actual events to differ materially from those expressed or implied by the statements made herein. Subsequent events may affect AOI's future determinations under Rule 13p-1.

10. Conflict Minerals Disclosure

This Conflict Minerals Report and our Conflict Minerals Policy are available on our web site at <https://ao-inc.com/legal/>.

Exhibit A

List of Smelters and Refiners

Metal	Smelter Name	Smelter ID
Gold	Pan Pacific Copper Co Ltd.	CID000937
Gold	Tanaka Kikinzoku Kogyo K.K	CID001875
Gold	Materion	CID001113
Gold	CCR Refinery - Glencore Canada Corporation	CID000185
Gold	Metalurgica Met-Mex Penoles, S.A. De C.V	CID001161
Gold	Royal Canadian Mint	CID001534
Gold	Asahi Refining Canada Ltd.	CID000924
Gold	Heraeus Metals Hong Kong Ltd.	CID000707
Gold	Kennecott Utah Copper LLC	CID000969
Gold	Metalor USA Refining Corporation	CID001157
Gold	Agosi AG	CID000035
Gold	AngloGold Ashanti Corrego do Sitio Mineracao	CID000058
Gold	Argor-Heraeus S.A.	CID000077
Gold	Aurubis AG	CID000113
Gold	Boliden AB	CID000157
Gold	C. Hafner GmbH + Co. KG	CID000176
Gold	Chimet S.p.A.	CID000233
Gold	Dowa	CID000401
Gold	Heimerle + Meule GmbH	CID000694
Gold	Istanbul Gold Refinery	CID000814
Gold	Asahi Refining USA Inc.	CID000920
Gold	Kojima Chemicals Co., Ltd.	CID000981
Gold	Metalor Technologies (Hong Kong) Ltd.	CID001149
Gold	Metalor Technologies S.A.	CID001153
Gold	PAMP S.A.	CID001352
Gold	Shandong Zhaojin Gold & Silver Refinery Co., Ltd.	CID001622
Gold	Umicore S.A. Business Unit Precious Metals Refining	CID001980
Gold	United Precious Metal Refining, Inc.	CID001993
Gold	Eco-System Recycling Co., Ltd. East Plant	CID000425
Gold	Western Australian Mint (T/a The Perth Mint)	CID002030
Gold	LS-NIKKO Copper Inc.	CID001078
Gold	Solar Applied Materials Technology Corp.	CID001761

Gold	WIELAND Edelmetalle GmbH	CID002778
Gold	Metalor Technologies (Singapore) Pte., Ltd.	CID001152
Gold	Metalor Technologies (Suzhou) Ltd.	CID001147
Gold	Ogussa Osterreichische Gold- und Silber-Scheideanstalt GmbH	CID002779
Gold	Metalurgica Met-Mex Penoles S.A. De C.V.	CID001161
Gold	Bangko Sentral ng Pilipinas (Central Bank of the Philippines)	CID000128
Gold	Heraeus Germany GmbH Co. KG	CID000711
Gold	Aida Chemical Industries Co., Ltd.	CID000019
Gold	Asahi Pretec Corp.	CID000082
Gold	Asaka Riken Co., Ltd.	CID000090
Gold	Ishifuku Metal Industry Co., Ltd.	CID000807
Gold	JX Nippon Mining & Metals Co., Ltd.	CID000937
Gold	Matsuda Sangyo Co., Ltd.	CID001119
Gold	Mitsubishi Materials Corporation	CID001188
Gold	Mitsui Mining and Smelting Co., Ltd.	CID001193
Gold	Nihon Material Co., Ltd.	CID001259
Gold	Sumitomo Metal Mining Co., Ltd.	CID001798
Gold	Tanaka Kikinzoku Kogyo K.K.	CID001875
Gold	Tokuriki Honten Co., Ltd.	CID001938
Gold	United Precious Metal Refining, Inc.	CID001993
Gold	Metalor Switzerland	CID001153
Gold	L'Orfebre S.A.	CID002762
Gold	Heraeus Precious Metals GmbH & Co. KG	CID000711
Gold	Ohura Precious Metal Industry Co., Ltd.	CID001325
Gold	Shandong Gold Smelting Co., Ltd.	CID001916
Gold	Zhongyuan Gold Smelter of Zhongjin Gold Corporation	CID002224
Gold	T.C.A S.p.A	CID002580
Tantalum	Metallurgical Products India Pvt., Ltd.	CID001163
Tantalum	H.C. Starck Inc.	CID002548
Tantalum	F & X	CID000460
Tantalum	Global Advanced Metals Boyertown	CID002557
Tantalum	Hengyang King Xing Lifeng New Materials Co., Ltd.	CID002492
Tantalum	Jiangxi Tuohong New Raw Material	CID002842
Tantalum	JiuJiang JinXin Nonferrous Metals Co., Ltd.	CID000914

Tantalum	TANIOBIS Co., Ltd.	CID002544
Tantalum	TANIOBIS GmbH	CID002545
Tantalum	TANIOBIS Japan Co., Ltd.	CID002549
Tantalum	TANIOBIS Smelting GmbH & Co. KG	CID002550
Tantalum	XIMEI RESOURCES (GUANGDONG) LIMITED	CID000616
Tantalum	Yanling Jincheng Tantalum & Niobium Co., Ltd.	CID001522
Tantalum	Changsha South Tantalum Niobium Co., Ltd.	CID000211
Tantalum	D Block Metals, LLC	CID002504
Tantalum	F&X Electro-Materials Ltd.	CID000460
Tantalum	Global Advanced Metals Aizu	CID002558
Tantalum	Ulba Metallurgical Plant JSC	CID001969
Tantalum	Ningxia Orient Tantalum Industry Co., Ltd.	CID001277
Tantalum	Mitsui Mining and Smelting Co., Ltd.	CID001192
Tantalum	H.C. Starck Inc.	CID002548
Tantalum	Jiujiang Tanbre Co., Ltd.	CID000917
Tantalum	Jiujiang Zhongao Tantalum & Niobium Co., Ltd.	CID002506
Tantalum	H.C. Starck Hermsdorf GmbH	CID002547
Tantalum	Taki Chemical Co., Ltd.	CID001869
Tantalum	NPM Silmet AS	CID001200
Tin	Fenix Metals	CID000468
Tin	PT ATD Makmur Mandiri Jaya	CID002503
Tin	White Solder Metalurgia e Mineracao Ltda.	CID002036
Tin	EM Vinto	CID000438
Tin	PT Mitra Stania Prima	CID001453
Tin	Tin Smelting Branch of Yunnan Tin Co., Ltd.	CID002180
Tin	PT Prima Timah Utama	CID001458
Tin	Alpha	CID000292
Tin	Gejiu Non-Ferrous Metal Processing Co., Ltd.	CID000538
Tin	China Tin Group Co., Ltd.	CID001070
Tin	Yunnan Chengfeng Non-ferrous Metals Co., Ltd.	CID002158
Tin	Guangdong Hanhe Non-Ferrous Metal Co., Ltd.	CID003116
Tin	O.M. Manufacturing (Thailand) Co., Ltd.	CID001314
Tin	Metallic Resources, Inc.	CID001142
Tin	Jiangxi New Nanshan Technology Ltd.	CID001231
Tin	Metallo Spain S.L.U.	CID002774
Tin	Chenzhou Yunxiang Mining and Metallurgy Co., Ltd.	CID000228
Tin	Tin Technology & Refining	CID003325
Tin	Dowa	CID000402

Tin	Malaysia Smelting Corporation (MSC)	CID001105
Tin	Mineracao Taboca S.A.	CID001173
Tin	Minsur	CID001182
Tin	Mitsubishi Materials Corporation	CID001191
Tin	Operaciones Metalurgicas S.A.	CID001337
Tin	PT Artha Cipta Langgeng	CID001399
Tin	PT Babel Inti Perkasa	CID001402
Tin	PT Refined Bangka Tin	CID001460
Tin	PT Stanindo Inti Perkasa	CID001468
Tin	PT Timah Tbk Kundur	CID001477
Tin	PT Timah Tbk Mentok	CID001482
Tin	Rui Da Hung	CID001539
Tin	Thaisarco	CID001898
Tin	O.M. Manufacturing Philippines, Inc.	CID002517
Tin	Metallo Belgium N.V.	CID002773
Tin	PT Menara Cipta Mulia	CID002835
Tin	PT Bangka Serumpun	CID003205
Tin	Minsur	CID001182
Tin	White Solder Metalurgia e Mineracao Ltda.	CID002036
Tin	Metallic Resources, Inc.	CID001142
Tin	Mitsubishi Materials Corporation	CID001191
Tin	Metallo Belgium N.V.	CID002773
Tin	Guangdong Hanhe Non-Ferrous Metal Co., Ltd.	CID003116
Tin	PT Timah Tbk Mentok	CID001482
Tin	PT Timah Tbk Kundur	CID001477
Tin	Gejiu Non-Ferrous Metal Processing Co., Ltd.	CID000538
Tin	China Tin Group Co., Ltd.	CID001070
Tin	PT Mitra Stania Prima	CID001453
Tin	Mineracao Taboca S.A.	CID001173
Tin	PT Menara Cipta Mulia	CID002835
Tin	Magnu's Minerails Metais e Ligas Ltda.	CID002468
Tin	PT Bukit Timah	CID001428
Tin	PT Sariwiguna Binasentosa	CID001463
Tin	Chifeng Dajingzi Tin Industry Co., Ltd.	CID003190
Tin	PT Rajawali Rimba Perkasa	CID003381
Tin	Luna Smelter, Ltd.	CID003387

Tin	PT Babel Surya Alam Lestari	CID001406
Tin	PT Cipta Persada Mulia	CID002696
Tungsten	Masan High-Tech Materials	CID002543
Tungsten	Kennametal Huntsville	CID000105
Tungsten	Global Tungsten & Powders Corp.	CID000568
Tungsten	A.L.M.T. Corp.	CID000004
Tungsten	H.C. Starck Tungsten GmbH	CID002541
Tungsten	Niagara Refining LLC	CID002589
Tungsten	Jiangxi Yaosheng Tungsten Co., Ltd.	CID002316
Tungsten	Jiangxi Gan Bei Tungsten Co., Ltd.	CID002321
Tungsten	Wolfram Bergbau und Hutten AG	CID002044
Tungsten	Jiangxi Xinsheng Tungsten Industry Co., Ltd.	CID002317
Tungsten	TANIOBIS Smelting GmbH & Co. KG	CID002542
Tungsten	Jiangwu H.C. Starck Tungsten Products Co., Ltd.	CID002551
Tungsten	Hunan Chenzhou Mining Co., Ltd.	CID000766
Tungsten	Guangdong Xianglu Tungsten Co., Ltd.	CID000218
Tungsten	Chenzhou Diamond Tungsten Products Co., Ltd.	CID002513
Tungsten	Ganzhou Seadragon W & Mo Co., Ltd.	CID002494
Tungsten	Chongyi Zhangyuan Tungsten Co., Ltd.	CID000258
Tungsten	Japan New Metals Co., Ltd.	CID000825
Tungsten	Xiamen Tungsten Co., Ltd.	CID002082
Tungsten	Xiamen Tungsten (H.C.) Co., Ltd.	CID002320
Tungsten	Jiangxi Tonggu Non-ferrous Metallurgical & Chemical Co., Ltd.	CID002318
Tungsten	Ganzhou Jiangwu Ferrotungsten Co., Ltd.	CID002315
Tungsten	Kennametal Fallon	CID000966
Tungsten	Malipo Haiyu Tungsten Co., Ltd.	CID002319
Tungsten	Philippine Chuangxin Industrial Co., Inc.	CID002827
Tungsten	Lianyou Metals Co., Ltd.	CID003407