

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

ADVANCED MICRO DEVICES, INC. AND
PENSANDO SYSTEMS, INC.,
Petitioner,

v.

CONCURRENT VENTURES, LLC AND XTREAMEDGE, INC.,
Patent Owner.

IPR2025-00223
Patent 10,985,943 B1

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION

Granting Patent Owner's Request for Discretionary Denial
and Denying Institution of *Inter Partes* Review

Concurrent Ventures, LLC and XtreamEdge, Inc. (collectively, “Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and Advanced Micro Devices, Inc. and Pensando Systems, Inc. (collectively, “Petitioner”) filed an opposition (Paper 8, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date is July 15, 2026. DD Req. 11; DD Opp. 11. The district court’s scheduled trial date is June 29, 2026. DD Req. 11; Ex. 2002. As such, it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs. Also, the parties have made meaningful investment in the district court proceeding. DD Req. 12–13. For example, the parties have exchanged infringement and invalidity contentions, have already conducted over seven months of fact discovery, and a *Markman* hearing is scheduled to occur before the due date for an institution decision. *Id.*

Notably, the parties offer conflicting time-to-trial statistics that suggest trial could begin as early as April 2026 or as late as September 2026. *See* Ex. 1044; Ex. 2002; Ex. 2003; DD Req. 11 n.5; DD Opp. 13. Even though a district court trial date that occurs after a projected final written decision date reduces the possibility of conflicting decisions, that benefit does not outweigh the efficiencies gained by avoiding parallel proceedings in this instance because of the parties’ meaningful investment in the district court proceeding discussed above.

Petitioner's arguments based on the likelihood of the district court granting its motion to transfer are speculative and not sufficiently persuasive to overcome the aforementioned considerations favoring discretionary denial. If the district court does grant Petitioner's motion to transfer within 30 days of this Decision, Petitioner may file a request for rehearing or Director Review.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*;

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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