

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

CONCURRENT VENTURES, LLC AND XTREAMEDGE, INC.,

Patent Owners.

IPR2025-00223

U.S. Patent No. 10,985,943

**PETITIONERS' REQUEST FOR REHEARING OF DECISION DENYING
INSTITUTION OF *INTER PARTES* REVIEW**

TABLE OF CONTENTS

I.	Statement of the Precise Relief Requested	1
II.	Legal Standard	3
III.	Statement of Reasons for Relief Requested	3
A.	Factor 1: Likelihood of stay pending IPR	3
B.	Factor 2: Proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision	4
C.	Factor 3: Investment in the parallel proceeding by the court and the parties	6
IV.	Conclusion	7

TABLE OF AUTHORITIES

Page(s)

Cases

Apple Inc. v. Fintiv, Inc.

IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020).....2, 3, 4

Demaray LLC v. Samsung Elecs. Co.

No. 6:20-CV-00636-ADA, 2021 WL 5316455 (W.D. Tex. July 29, 2021) 3

LED Wafer Sols. LLC v. Samsung Elecs. Co.,.....5

Parus Holdings, Inc. v. Google LLC.....5

Statutes

35 U.S.C. § 314(a) 1

Other Authorities

37 C.F.R. § 42.71(d) 3

Judge Albright's OGP, March 5, 2025.....6

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 10,985,943 (“’943 patent”)
1002	Prosecution History of the ’943 patent
1003	Declaration of Donald Alpert, Ph.D.
1004	U.S. Patent No. 10,776,142 (“Seshadri”)
1005	U.S. Patent App. Pub. No. 2018/0191642A1 (“Biederman”)
1006	U.S. Patent App. Pub. No. 2019/0095113A1 (“Atsatt-113”)
1007	Tarafdar et al., “Enabling Flexible Network FPGA Clusters in a Heterogeneous Cloud Data Center” (“Tarafdar”)
1008	U.S. Patent No. 8,015,386 (“Kulkarni”)
1009	U.S. Patent App. Pub. No. 2019/0041923A1 (“Atsatt-923”)
1010	Kuon et al., “FPGA Architecture: Survey and Challenges” (“Kuon”)
1011	Trimberger, “Three Ages of FPGAs: A Retrospective on the First Thirty Years of FPGA Technology” (“Trimberger”)
1012	Teubner & Woods, “Data Processing on FPGAs” (“Teubner”)
1013	Kean, “Secure Configuration of Field Programmable Gate Arrays” (“Kean”)
1014	Frey, “The IBM Data Center Family” (“Frey”)
1015	Desai et al., “BladeCenter system overview” (“Desai”)
1016	Hughes et al., “BladeCenter processor blades, I/O expansion adapters, and units” (“Hughes”)
1017	Caldeira et al., “IBM Power Systems S814 and S824 Technical Overview and Introduction” (Caldeira)
1018	Steffen, “Nallatech Software Tools on the Maxwell FPGA Parallel Computer” (“Steffen”)
1019	Nallatech, “H100 Series FPGA Application Accelerators” (“Nallatech”)
1020	Bassiri & Shahhoseini, “Configuration Reusing in On-Line Task Scheduling for Reconfigurable Computing Systems” (“Bassiri”)
1021	Exhibit D to Concurrent Ventures’ and XstreamEdge’s Oct. 11, 2024 Preliminary Invalidity Contentions
1022	Declaration of S. Delman re Tarafdar
1023	Chen et al., “Enabling FPGAs in the Cloud” (“Chen”)
1024	Asiatici et al., “Virtualized Execution Runtime for FPGA Accelerators in the Cloud” (“Asiatici”)

1025	Vipin & Fahmy, “FPGA Dynamic and Partial Reconfiguration: A Survey of Architectures, Methods, and Applications” (“Vipin”)
1026	Fahmy et al., “Virtualized FPGA Accelerators for Efficient Cloud Computing” (“Fahmy”)
1027	RocketBoards, “PCIe Root Port with MSI”
1028	Aldec, “High Performance Computing – Solutions”
1029	JEDEC Dictionary of Terms for Solid-State Technology, 7th Ed.
1030	IEEE 1532-2002 (“Standard for In-System Configuration of Programmable Devices”)
1031	U.S. Patent App. Pub. No. 2016/0049941A1 (“How”)
1032	Cisco, “High Speed Serial Interface (HSSI) Design Specification”
1033	PCI-SIG, “PCI Express Base Specification Revision 1.0”
1034	U.S. Patent App. Pub. No. Ex-1034 2011/0090640A1 (“Samson”)
1035	Case Docket for <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. filed March 29, 2024)
1036	Report and Recommendation of Magistrate Judge Lane (Dkt. 58) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1037	Judge Albright’s Standing Order Governing Proceedings (OGP)—Patent Cases, March 5, 2025
1038	Docket Navigator, Motion to Stay Pending Inter Partes Review success rate data for California Northern District (printed May 5, 2025)
1039	Opposed Motion to Stay Case Pending Resolution of Motion to Transfer (Dkt. 53) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1040	Docket Navigator, Motion to Stay Pending Inter Partes Review success rate data for Judge Albright (printed May 6, 2025)
1041	Judge Albright’s Next 30 Days Calendar Printout (printed May 1, 2025)
1042	Order Regarding DII Docket (Dkt. 61) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1043	Scheduling Order (Dkt. 11) in <i>Irons v. Paccar, Inc.</i> , No. 1:24-cv-01553-ADA (W.D. Tex. 2024)

1044	Lex Machina, time-to-trial data for Western District Texas (printed May 19, 2025)
1045	Case Docket for <i>Future Link Systems, LLC v. Broadcom Inc.</i> , No. 3:22-cv-02041 (N.D. Cal. filed Mar. 16, 2021)
1046	Case Docket for <i>LED Wafer Sols. LLC v. Samsung Elecs. Co.</i> , No. 3:22-cv-04809 (N.D. Cal. filed Mar. 25, 2021)
1047	Case Docket for <i>Parus Holdings, Inc. v. Google LLC</i> , No. 22-cv-07830-VC (N.D. Cal. filed June 4, 2021)
1048	Sotera Stipulation (Dkt. 78) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1049	Motion to Transfer (Dkt. 33) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1050	Order Cancelling <i>Markman</i> Hearing (Dkt. 88) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1051	Order Vacating Report and Recommendation of Magistrate Judge Lane and Staying Case (Dkt. 89) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1052	Case Docket for <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. filed March 29, 2024) (as of July 3, 2025)

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioners request rehearing of the Board’s June 12, 2025 Decision Granting Patent Owner’s Request for Discretionary Denial and Denying Institution of *Inter Partes* Review. Paper 9, “Decision.” The Board based its denial under 35 U.S.C. § 314(a), relying on the purportedly advanced stage of the parallel district court litigation¹—including a then-scheduled June 25, 2025 *Markman* hearing date (preceding the institution deadline) and a then-scheduled trial date of June 29, 2026 (slightly preceding the projected FWD deadline). Decision at 2. At the time of the Decision, Petitioners’ motion to transfer the district court litigation from WDTX to NDCA was pending. Exs-1049, 1036 (Dkt. Nos. 33, 58 in Case Docket). The Decision stated that Petitioners could request rehearing if transfer was granted within 30 days of the Decision. Decision at 3.

Much has changed since the Decision issued, warranting a different result. Judge Albright cancelled the *Markman* hearing with no new scheduled date (Ex-1050 (Dkt. 88)), vacated the magistrate judge’s transfer recommendation, and stayed all deadlines in the case until after the parties complete venue discovery, and the motion to transfer is fully briefed. Ex-1051 (Dkt. 89). Briefing of the

¹ *Concurrent Ventures, LLC v. Advanced Micro Devices, Inc*, No. 1:24-cv-00335 (W.D. Tex. filed March 29, 2024).

transfer motion will not be completed before October 1, 2025. There is no deadline for when Judge Albright will rule on the motion to transfer. Ex-1051. Under the new circumstances, the motion to transfer will not be addressed until at least several weeks after full venue briefing, meaning at least several weeks past October 1, 2025. As a result of this stay, any trial will take place more than three months later than the previously scheduled date of June 29, 2026—meaning trial will now occur after the Board’s July 15, 2026 FWD deadline.²

Because the factors underlying the Board’s denial have materially changed, the *Fintiv*³ analysis now overwhelmingly weighs against discretionary denial. For these reasons, and as discussed below, Petitioners respectfully request rehearing of the denial of institution.

² Similar analysis applies for IPR2025-00479, whose FWD deadline will now occur before any scheduled trial here and whose discretionary denial decision is still pending.

³ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential).

II. LEGAL STANDARD

“A party dissatisfied with a decision may file a single request for rehearing,” “identify[ing] all matters the party believes the Board misapprehended or overlooked.” 37 C.F.R. § 42.71(d).

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

A. Factor 1: Likelihood of stay pending IPR

This factor weighs against discretionary denial. Factor 1 evaluates whether a stay would be granted pending resolution of the PTAB trial. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential).

Judge Albright’s new venue discovery order stayed all deadlines in the district court case and ensures the case will remain stayed for over three months. Ex-1051. A stay pending IPR is also plausible. Judge Albright regularly grants stays pending instituted IPRs, having granted nine and denied three motions to stay pending IPR in 2024, and having granted fourteen and denied six in 2023. Ex-1040 (Docket Navigator statistics for WDTX).

If the case transfers to NDCA, a stay pending the IPRs in NDCA is highly likely, as NDCA judges are overwhelmingly willing to grant motions to stay pending IPR. *Demaray LLC v. Samsung Elecs. Co.*, No. 6:20-CV-00636-ADA, 2021 WL 5316455, at *5 (W.D. Tex. July 29, 2021) (WDTX court recognizing in case where four IPRs have been filed, “if this case is transferred to NDCA, it will likely be stayed pending the IPRs, and the stay would delay the trial for this case

for years.”); *see* Paper 8 at 5-6 (citing Ex-1038 (Docket Navigator statistics for NDCA)).

B. Factor 2: Proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision

This factor now strongly weighs against discretionary denial because the district court trial date will occur well after the Board’s projected statutory deadline for a FWD. If the trial date is earlier than the projected statutory deadline, factor 2 favors denial. *Fintiv* at 9. Here, that is no longer the case.

With the stay of the case, all district court case deadlines have already been pushed back until the parties complete venue briefing by October 1, 2025 (over three months later), and the court resolves Petitioners’ motion to transfer. As a result, the earliest possible trial date will be several weeks after October 5, 2026—well past the projected FWD date for this IPR (July 15, 2026).

Further trial delay is also likely even if the court denies transfer after the parties complete venue discovery and briefing. Judge Albright frequently schedules multiple trials on the same day and moves trial dates when there are conflicts. Additionally, Judge Albright recently relocated from Waco to Austin, Texas (*see* Paper 8 at 12), and on January 31, 2025, was assigned 40% of the Austin Division’s DII Docket—hundreds of cases, including this one. Ex-1042 (Order Regarding DII Docket). He continues to manage the Waco docket until a successor is appointed. *See* Ex-1036, 16 (Magistrate Judge Lane’s

Recommendation); *see also* Ex-1041 (Judge Albright’s May 2025 Calendar Printout). This significantly increased caseload further increases the likelihood of additional trial delays.

If the case transfers to NDCA, even greater delays are likely, as the trial date will likely be reset according to NDCA’s slower scheduling practices. *See* Paper 8 at 5-7. In *LED Wafer Sols. LLC v. Samsung Elecs. Co.*,⁴ the case was originally in WDTX before Judge Albright, who set a trial date of February 16, 2023 by third amended scheduling order. Ex-1046, 7 (Dkt. 57 in Case Docket). After transfer to NDCA and reassignment to Judge Chhabria on August 22, 2022, the trial date was reset to October 7, 2024—over 1.5 years later. Ex-1046, 11-12, 14 (Dkt. Nos. 94, 116, 133). Moreover, NDCA’s liberal policy in favor of granting motions to stay pending IPR is illustrated in *Parus Holdings, Inc. v. Google LLC*,⁵ where after transfer from WDTX on December 12, 2022, the NDCA granted a stay pending IPR a month later, and the case remains stayed. Ex-1047, 11, 13, 15 (Dkt. Nos. 79, 94, 109 in Case Docket).

⁴ No. 3-22-cv-04809 (N.D. Cal. filed Mar. 25, 2021).

⁵ No. 22-cv-07830-VC (N.D. Cal. filed June 4, 2021).

C. Factor 3: Investment in the parallel proceeding by the court and the parties

Factor 3 now weighs strongly against discretionary denial. Judge Albright's cancelled the *Markman* hearing referenced in the Decision and stayed all case deadlines until the court resolves Petitioners' transfer motion. This will not occur until full briefing is completed no earlier than October 1, 2025 (Exs-1050, 1051)—the district court litigation will remain at an early stage by the July 15, 2025 statutory institution deadline.

To date, *no* depositions have occurred, *no* expert reports have been exchanged, no claim construction hearing occurred, all case deadlines have been stayed more than three months, fact discovery will now not close until after April 21, 2026, and expert discovery will now not close until after June 18, 2026. Ex-1051; *see* Ex-2002 (First Amended District Court Scheduling Order). Moreover, Judge Albright will not hold a claim construction hearing or issue a claim construction order before the July 15, 2025 institution deadline. Ex-1051; Br. 13. As reflected in Judge Albright's OGP, Judge Albright will rule on any transfer motion before having a *Markman* hearing, or otherwise postpone the hearing. *See* Paper 8 at 5-7 (discussing Ex-1037, 6 (Judge Albright's OGP, March 5, 2025)). This approach was confirmed here when Judge Albright cancelled the June 25, 2025 scheduled *Markman* hearing that the Board cited in its original decision.

IV. CONCLUSION

With the significant developments that have occurred since the original decision, Petitioners respectfully request that the Board reconsider its Decision and institute *inter partes* review of the '943 patent.

Respectfully submitted,

SHEPPARD, MULLIN,
RICHTER & HAMPTON LLP

/Harper Batts/

Harper Batts (Reg. No. 56,160)
Attorneys for Petitioners

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on July 3, 2025, a copy of PETITIONER'S REQUEST FOR REHEARING was served upon the below listed counsel by electronic mail:

Michael Matulewicz-Crowley
mmatulewicz-
crowley@reichmanjorgensen.com
Christine E. Lehman
clehman@reichmanjorgensen.com;
myohannes@reichmanjorgensen.com

Peter J. Park
ppark@reichmanjorgensen.com

SHEPPARD, MULLIN,
RICHTER & HAMPTON LLP

/Harper Batts/
Harper Batts (Reg. No. 56,160)
Attorneys for Petitioners

Date: July 3, 2025

1540 El Camino Real Suite 120
Menlo Park, CA 94025
Tel: (650) 815-2673