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2 Including Professional Corporations

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10 Attorneys for Advanced Micro Devices, Inc. and

11 Pensando Systems, Inc.

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

15 CONCURRENT VENTURES, LLC AND
16 XTREAMEDGE, INC.,

17 Plaintiffs,

18 v.

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

21 Defendants.

Case No. 4:25-cv-09567-JST

**DECLARATION OF HARPER S. BATTS
IN SUPPORT OF DEFENDANTS'
MOTION REGARDING ENFORCEMENT
OF SOTERA STIPULATION**

Date: May 28, 2026

Time: 2:00 p.m.

Crtrm: 6, 2nd Floor (Zoom Webinar)

Judge: Honorable Jon S. Tigar

1 I, Harper S. Batts, hereby declare:

2 1. I am a partner in the law firm of Sheppard Mullin Richter & Hampton LLP,
3 counsel for Defendants Advanced Micro Devices, Inc. and Pensando Systems, Inc.
4 (“Defendants”). I submit this supplemental declaration in support of Defendants’ Motion
5 regarding Enforcement of Sotera Stipulation.

6 2. Defendants met and conferred with counsel for Plaintiffs Concurrent Ventures,
7 LLC and XtremeEdge, Inc. (“Plaintiffs”) on March 16, 2026, and again on March 18, 2026. The
8 meet-and-confers were attended by myself and other attorneys on behalf of Defendants. During
9 the March 16 meet-and-confer, the following exchanges took place:

10 i. Throughout the meet-and-confer, Defendants and Plaintiffs disagreed as to whether
11 Defendants’ invalidity contentions violated the Sotera stipulation.

12 ii. Defendants reiterated that the disputed art would not be pursued absent the Director
13 de-instituting any of the IPRs. In an effort to resolve the dispute, Defendants asked
14 if Plaintiffs agreed to stop seeking termination of the IPRs if Defendants amended
15 the contentions to remove the disputed art. Plaintiffs would not commit to an
16 answer. Also, Plaintiffs could not explain why the new stipulation did not address
17 any concerns they had. Plaintiffs could not provide an answer to the questions and
18 instead said they would need to see a proposed draft of the contentions.

19 iii. Defendants also asked whether the list provided in Defendants’ second stipulation
20 (Dkt. 138) provided sufficient detail and what, if any, concerns about a purported
21 violation remained after Defendants filed that second stipulation. Plaintiffs again
22 could not provide a response, only saying that the stipulation was not enough and
23 that there were certain other portions of the contentions that were not acceptable,
24 but refused to identify what those portions were.

25 iv. Plaintiffs stated that they intended to move to strike the portions of Defendants’
26 invalidity contentions that Plaintiffs contend violate the Sotera stipulation.
27 Defendants asked whether Plaintiffs would still seek to strike those portions if the
28 Director de-instituted the IPRs. Plaintiffs responded that they would.

1 3. Defendants met and conferred again with counsel for Plaintiffs on March 18, 2026.
2 During the March 18 meet-and-confer, the following exchanges took place:

- 3 i. Plaintiffs asked why Defendants intended to file the present motion and whether
4 Defendants intended to seek an injunction preventing the PTO from de-instituting
5 the IPRs. Defendants responded that the purpose of the present motion is to obtain
6 a ruling from this Court that Defendants have not violated the Sotera stipulation.
7 ii. Plaintiffs stated that a parallel proceeding to determine compliance with the Sotera
8 stipulation would be a waste of resources and asked why the Director could not
9 make that determination alone. Defendants responded that interpretation and
10 enforcement of a litigation stipulation filed in this district court action falls within
11 this Court's authority.
12 iii. Defendants noted that there is substantial supporting case law and that the PTO has
13 consistently stated that the PTO is not the appropriate forum to interpret and
14 enforce district-court litigation stipulations (including Sotera stipulations).
15 iv. The parties did not reach agreement. Plaintiffs maintained their position that the
16 Director should decide the issue, and Defendants maintained their intention to
17 proceed with the present motion.

18 4. Attached as **Exhibit 1** is a true and correct copy of Plaintiffs' Letter Regarding
19 Invalidity Contentions Deficiencies dated February 20, 2026.

20 5. Attached as **Exhibit 2** is a true and correct copy of an email from Plaintiffs'
21 counsel, dated March 9, 2026, with the subject line "IPR2025-00223; IPR2025-00478; IPR2025-
22 00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate
23 the Proceeding."

24 6. Attached as **Exhibit 3** is a true and correct copy of an email chain between
25 Plaintiffs and Defendants, dated March 9 through March 13, 2026, with the subject line "RE:
26 IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to
27 Vacate the Institution Decision and Terminate the Proceeding."
28

7. Attached as **Exhibit 4** is a true and correct copy of *Advanced Micro Devices, Inc. & Pensando Sys., Inc. v. XtremeEdge, Inc.*, IPR2025-00223, IPR2025-00478, IPR2025-00486, Paper 25 (P.T.A.B. Dir. Rev. Mar. 13, 2026) (Director’s Order initiating sua sponte review and authorizing motion to vacate and terminate the proceedings).

8. Attached as **Exhibit 5** is a true and correct copy of the Corrected Brief for Intervenor—Acting Director of the United States Patent and Trademark Office, filed in the United States Court of Appeals for the Federal Circuit in the matter captioned *Carolyn W. Hafeman v. Google LLC, Microsoft Corporation*, Nos. 24-1600, 24-1601, 24-1602, 24-1603, 24-1604, 24-1605 (Fed. Cir. Dec. 30, 2024).

9. Attached as **Exhibit 6** is a true and correct copy of Defendants’ Response Letter to Plaintiffs’ Letter Regarding Invalidity Contentions Deficiencies, dated March 9, 2026.

10. Attached as **Exhibit 7** is a true and correct copy of an email from Plaintiffs’ counsel, dated March 17, 2026, with the subject line “RE: Concurrent v. AMD et al./Meet & Confer re Plaintiffs’ Rog Responses.”

11. Attached as **Exhibit 8** is a true and correct copy of excerpts of Defendants’ Invalidity Contentions & Accompanying Document Production, served on February 13, 2026.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this declaration this 20th day of March 2026 at Menlo Park, California.

March 20, 2026

/s/ Harper S. Batts
HARPER S. BATTS