

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.

IPR2025-00478
Patent 8,924,596 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
Referring the Petition to the Board

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.”). With authorization, Patent Owner filed a reply. Paper 9.

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, Patent Owner and Petitioner are involved in a parallel district court proceeding in the Western District of Texas. DD Req. 4. All deadlines in the parallel district court proceeding have been stayed pending the completion of venue discovery and the district court resolving the defendants’ Opposed Motion to Transfer Venue. DD Opp. 1; Ex. 1048. The district court also cancelled the scheduled *Markman* hearing. DD Opp. 1; Ex. 1047. As a result, there is currently no concern of inconsistent outcomes and duplication of efforts resulting from two proceedings operating in parallel.

The challenged patent has been in force for over ten years, creating strong settled expectations for Patent Owner. Petitioner argues that it did not have any reason to believe the challenged patent was relevant to Petitioner’s products or technology, as Patent Owner has not commercialized, marked, licensed, or otherwise applied the challenged patent in Petitioner’s technology space. DD Opp. 24–25 (noting the parallel district court proceeding is the first and only instance the challenged patent has been

asserted). Petitioner has not provided enough information to weigh these circumstances in favor of referral.

However, the parallel district court proceeding between Petitioner and Patent Owner involves other patents that have been referred to the Board. *See Advanced Micro Devices, Inc., v. Concurrent Ventures LLC*, IPR2025-00486, Paper 9 (Director July 17, 2025) (denying Patent Owner's request for discretionary denial); *Advanced Micro Devices, Inc., v. Concurrent Ventures LLC*, IPR2025-00479, Paper 10 (Director July 10, 2025) (denying Patent Owner's request for discretionary denial). Under these circumstances, it is an efficient use of Board resources to address the challenged patent as well.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

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

FURTHER ORDERED that the Petition is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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