

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.

Case No. IPR2025-00478

U.S. Patent No. 8,924,596

**PATENT OWNERS' REQUEST FOR REHEARING OF THE ACTING
DIRECTOR'S DENIAL OF PATENT OWNERS' REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION
OF *INTER PARTES* REVIEW**

PATENT OWNERS' EXHIBIT LIST

Exhibit	Description
2001	Text Order Denying AMD/Pensando's Motion to Stay Case (Judge Robert Pitman) in <i>Concurrent Ventures, LLC and XstreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2002	First Amended District Court Scheduling Order (Dkt. 77) in <i>Concurrent Ventures, LLC and XstreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2003	Webpage printouts of Docket Navigator Time to Trial regarding the District Court for the Western District of Texas and Judge Alan D. Albright
2004	Webpage printout of "AMD Reports Fourth Quarter and Full Year 2024 Financial Results" dated March 4, 2025 (https://ir.amd.com/news-events/press-releases/detail/1236/amd-reports-fourth-quarter-and-full-year-2024-financial-results)
2005	AMD/Pensando's Invalidity Contentions (Cover Pleading) in <i>Concurrent Ventures, LLC and XstreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2006	AMD/Pensando's Opening Claim Construction Brief in <i>Concurrent Ventures, LLC and XstreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2007	Declaration of Dr. R. Jacob Baker submitted by AMC/Pensando in support of AMD/Pensando's Opening Claim Construction Brief in <i>Concurrent Ventures, LLC and XstreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2008	Declaration of Darrell Long submitted by AMC/Pensando in support of AMD/Pensando's Opening Claim Construction Brief in <i>Concurrent Ventures, LLC and XstreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)

2009	Declaration of Bill Lin submitted by AMC/Pensando in support of AMD/Pensando's Opening Claim Construction Brief in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2010	Declaration of Kevin Jeffay submitted by AMC/Pensando in support of AMD/Pensando's Opening Claim Construction Brief in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2011	CV/XE's Responsive Claim Construction Brief in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2012	Declaration of Dr. Paul Min submitted by CV/XE in support of CV/XE's Responsive Claim Construction Brief in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2013	AMD/Pensando's Reply Claim Construction Brief in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2014	CV/XE's Objection to the Report and Recommendation of the U.S. Magistrate Judge in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2015	AMD/Pensando's Motion for Reconsideration of Venue Order in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2016	Order denying AMD/Pensando's Motion for Reconsideration of Venue Order in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)
2017	September 11, 2025 Scheduling Order in <i>Concurrent Ventures, LLC and XtreamEdge, Inc. v. Advanced Micro Devices, Inc. and Pensando Systems, Inc.</i> , No. 1-24-cv-00335 (W.D. Tex. 2024)

2018	Petitioners’ Request For Rehearing Of Decision Denying Institution Of <i>Inter Partes</i> Review in IPR2025-00223, Paper 10.
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Concurrent Ventures, LLC (“CV”) and XstreamEdge, Inc. (“XE”) (collectively “CV/XE” or “Patent Owners”) respectfully submit this Request for Rehearing of the Director’s July 31, 2025 Decision (Paper 10, “the Decision”) to deny Patent Owners’ Request for Discretionary Denial (Paper 6) of the Petition for Inter Partes Review of U.S. Patent No. 8,924,596 (Paper 2, the “Petition”) filed by Advanced Micro Devices, Inc. (“AMD”) and Pensando Systems, Inc. (“Pensando”) (collectively “AMD/Pensando” or “Petitioners”).

The key fact relevant to the discretionary denial analysis has materially changed: the District Court in the parallel litigation recently confirmed that ***trial will begin on June 29, 2026***. Trial in the parallel proceeding will thus occur more than three months before the Final Written Decision (“FWD”) deadline in this proceeding. The Director declined to grant discretionary denial here based on Petitioners’ argument that trial would be delayed in light of the trial court’s stay order (and thus trial would likely be after the FWD deadline). But the trial court has now confirmed trial ***is*** June 29, 2026—the trial date was not delayed. Rehearing is appropriate in light of this development. Trial in the parallel proceeding will begin more than three months before the FWD deadline, and so institution should be denied under *Fintiv*.

Notably, the Director has already reached this conclusion in a related proceeding. In IPR2025-00223—which concerns a patent asserted in the same parallel proceeding—the Director initially discretionally denied the Petition based on the June 29, 2026 trial date, which fell two weeks before that proceeding’s FWD deadline. *See Advanced Micro Devices, Inc. et al., v. Concurrent Ventures LLC et al.*, IPR2025-00223, Paper 9 (June 12, 2025) (“223 Initial DD Decision”). The Director granted discretionary denial because it reasoned that “it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs.” *Id.*, 3.¹ Just so here. Trial is scheduled for more than three months before the FWD deadline in this proceeding: “it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs.” In line with its original decision, Patent Owners respectfully ask the Director reconsider the prior

¹ The Director subsequently reheard the issue and, just as in this proceeding, declined to grant discretionary denial in the -223 proceeding based on Petitioner’s argument that the June 29, 2026 trial was off the calendar. Since the trial court has now confirmed the original June 29, 2026 trial date is in effect, the Director’s original reasoning applies.

denial of discretionary denial, and order that the Petition be denied pursuant to the discretion provided by 35 USC § 314(a).²

I. Relevant Procedural Background

On April 1, 2025, the district court in the parallel proceeding scheduled trial for June 29, 2026. Ex. 2002. The Director granted discretionary denial in the related IPR2025-00223 proceeding based on that June 29, 2026 date. 223 Initial DD Decision (“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.”).

The district court subsequently ordered venue discovery, stayed the parallel proceeding, and removed the upcoming *Markman* Hearing from the calendar. Petitioners requested rehearing in the -223 proceeding, arguing that discretionary denial was no longer warranted as the trial would likely be delayed due to the venue discovery. Ex. 2018 at 4–5. Petitioners also made identical arguments in arguing against discretionary denial in this proceeding. *Compare* Paper 8 at 12-14 *with* Ex. 2018 at 4–5.

² Patent Owners have timely submitted this rehearing request within 14 days of the Board’s October 9, 2025 decision to institute. *See* 37 CFR § 42.71(d)(1).

On July 31, 2025, the Director declined to grant discretionary denial in this proceeding based on Petitioners’ arguments. In particular, the Director’s decision was focused on its understanding that trial would *not* occur on June 29, 2026 because “[a]ll 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” and the “district court also cancelled the scheduled *Markman* hearing.” Decision at 2.

The facts underlying the Director’s decision not to grant discretionary denial have now changed entirely. The parties quickly completed venue discovery and, on September 11, 2025, the district court again scheduled trial for the same exact date: June 29, 2026. Ex. 2017. Trial in the parallel litigation will thus take place long before the FWD will likely issue in this proceeding. Given this significant intervening development, reconsideration of the Director’s discretionary denial decision—and denial of the Petition—is appropriate.³

³ Given the central importance of these new developments, good cause plainly exists for consideration of the exhibits submitted with this motion. *Accord* CTPG (Nov. 2019) § II.P.

A. The *Fintiv* Factors Counsel Strongly In Favor Of Discretionary Denial

The underlying facts of the *Fintiv* analysis have fundamentally changed and now weigh strongly in favor of discretionary denial. Most importantly, ***the trial date has been set to be more than three months before any Final Written Decision will issue in this proceeding.*** Since the district court will complete trial well before [the] final written decision is due,” *Fintiv* Factor Two “weighs strongly in favor of exercising discretion to deny the Petition.” *Cipla Ltd. v. Gilead Sciences, Inc.*, IPR2025-00033, Paper 22 at 10 (PTAB May 15, 2025); *see also Cisco Sys., Inc. v. Portsmouth Network Corp.*, IPR2024-00503, Paper 7 at 11- 12 (PTAB Aug. 6, 2024) (the scheduled trial date being before the statutory deadline for a final written decision weighed in favor of discretionary denial where the trial date and the statutory deadline were two months apart); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 13 (PTAB May 13, 2020) (informative) (“Because the currently scheduled District Court trial is scheduled to begin two months before our deadline to reach a final decision, this factor weighs somewhat in favor of discretionary denial in this case”); *Next Caller Inc. v. TrustID, Inc.*, IPR2019-00961, Paper 10 at 8-16 (PTAB Oct. 16, 2019) (denying institution where trial was scheduled to conclude “several months before a final decision would be due”).

This is confirmed by the 223 Initial DD Decision, in which the Director found that the June 29, 2026 trial date weighed in favor of discretionary denial even though

in that proceeding the trial was only two weeks before the anticipated FWD date. *Advanced Micro Devices, Inc. et al., v. Concurrent Ventures LLC et al.*, IPR2025-00223, Paper 9 at 2 (June 12, 2025). Here, the trial is more than three months before the anticipated FWD date.

Further, in the 223 Initial DD Decision, the Director credited the parties “meaningful investment in the district court proceeding.” *Id.* at 2. In the four months that have elapsed since the 223 Initial DD Decision, those investments have only deepened, with extensive additional venue discovery and fact discovery taking place, and the *Markman* hearing imminent. *See* EX2017 (scheduling *Markman* hearing for October 29, 2025).

As to the possibility of transfer, it is even more speculative now than it was when the Director labelled it “speculative and not sufficiently persuasive to overcome the aforementioned considerations favoring discretionary denial.” 223 Initial DD Decision at 3. The magistrate’s R&R that Petitioners previously relied upon has been vacated, and there is no indication that the district court will grant transfer.

Finally, since the Decision, the Board has denied institution on the merits in IPR2025-00479. *Advanced Micro Devices, Inc. et al., v XtreamEdge, Inc.*, IPR2025-00479, Paper 12 (August 29, 2025). Consequently, two of the five patents asserted

in the district court litigation indisputably will **not** be subject to PTAB review.⁴ In the Decision, the Director held that the “strong settled expectations for Patent Owner” were overcome by the fact that “the parallel district court proceeding between Petitioner and Patent Owner involves other patents that have been referred to the Board.” Decision at 2-3 (“Under these circumstances, it is an efficient use of Board resources to address the challenged patent as well.”). Now, two patents asserted in the parallel litigation are not before the Board, and at most two **might** be.⁵ The mere *chance* that the same number of patents could be before the Board as not provides no reason to devote Board resources to this proceeding. That is

⁴ Petitioners chose not to file an IPR petition as to one of the patents asserted in the district court litigation.

⁵ Patent Owner has requested rehearing of the Director’s decision not to discretionarily deny IPR2025-00486 on a similar basis as in this proceeding. *See Advanced Micro Devices, Inc. et al., v. Concurrent Ventures LLC et al.*, IPR2025-00486, Paper 13 (October 14, 2025). The Board has not yet issued an institution decision in IPR2025-00223. *See Advanced Micro Devices, Inc. et al., v. Concurrent Ventures LLC et al.*, IPR2025-00223, Paper 13 (October 9, 2025). If instituted, Patent Owner intends to request rehearing on the same basis.

particularly true in light of Patent Owners' long settled expectations from the fact that the '596 patent issued more than ten years ago. Paper 6 at 3, 5, 15, 17.

B. Conclusion

For all of the foregoing reasons, Patent Owners respectfully ask the Director to reconsider the prior Decision regarding discretionary denial, and order that the Petition be denied pursuant to 35 USC § 314(a).

Dated: October 15, 2025

By: /s/Michael Matulewicz-Crowley
Michael Matulewicz-Crowley
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*Counsel for Patent Owners
Concurrent Ventures, LLC and
XtreamEdge, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that pursuant to 37 C.F.R. §42.6(e)(1), a copy of the foregoing **PATENT OWNERS' REQUEST FOR REHEARING OF THE ACTING DIRECTOR'S DENIAL OF PATENT OWNERS' REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION OF INTER PARTES REVIEW** was served on October 15, 2025 by filing this document through the Patent Trial and Appeal Board's P-TACTS System as well as delivering a copy via electronic mail upon the following attorneys of record for Petitioners:

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Dated: October 15, 2025

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