

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.

IPR2025-00478

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

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

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EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,924,596 to Beeson, et al. (“the ’596 patent”)
1002	Certified Prosecution File History for the ’596 patent (“Prosecution History”)
1003	Declaration of Dr. Samuel Russ (“Russ Declaration”)
1004	European Prosecution History for 14867963 (“European Prosecution History”)
1005	U.S. Patent No. 8,559,439 to Dongare, et al. (“Dongare”)
1006	U.S. Patent No. 8,051,227 to Gewirtz, et al. (“Gewirtz”)
1007	U.S. Patent No. 6,810,462 to Matsunami, et al. (“Matsunami”)
1008	U.S. Patent No. 7,398,528 to Khawand, et al. (“Khawand”)
1009	U.S. Patent No. 5,805,930 to Rosenthal, et al. (“Rosenthal”)
1010	U.S. Patent No. 8,028,284 to Ohkawa (“Ohkawa”)
1011	U.S. Patent No. 5,204,954 to Hammer, et al. (“Hammer”)
1012	N. Wirth, “On Multiprogramming, Machine Coding, and Computer Organization,” <i>Communications of the ACM</i> , Vol. 12, No. 9, Sept. 1969, pp. 489-498
1013	U.S. Patent No. 5,276,886 to Dror (“Dror”)
1014	J. Agron et al., “Run-Time Services for Hybrid CPU/FPGA Systems on Chip,” 2006 27th IEEE International Real-Time Systems Symposium (RTSS’06), Rio de Janeiro, Brazil, 2006, pp. 3-12
1015	John Goodacre, Andrew N. Sloss, “Parallelism and the ARM Instruction Set Architecture,” <i>Computer</i> , July 2005, pp. 42-50
1016	Shih-Hao Ou, Tay-Jyi Lin, Xiang Sheng Deng, Zhi Hong Zhuo and Chih Wei Liu, “Multithreaded coprocessor interface for multi-core multimedia SoC,” 2008 Asia and South Pacific Design Automation Conference, Seoul, Korea (South), 2008, pp. 115-116
1017	Excerpts from Plaintiffs’ Supplemental Claim Chart for the ’596 Patent
1018	<i>Concurrent Ventures LLC et al. v. Advanced Micro Devices, Inc. et al.</i> , Case No: 1:24-cv-00335-ADA, Docket No. 1 – Complaint for Patent Infringement
1019	Excerpts from “The Art of Electronics” by Paul Horowitz and Winfield Hill, cover, inside cover, copyright page, table of contents, 512

Exhibit No.	Description
1020	Excerpts from “Digital Design Principles & Practices” by John F. Wakerly, cover, inside cover, copyright page, table of contents, 590
1021	Excerpts from “Electrical Engineering An Introduction” by Schwarz & Oldham, cover, inside cover, title page, copyright page, table of contents, 435
1022	Excerpts from “Principles of Digital Design” by Daniel D. Gajski, cover, copyright page, table of contents, 268
1023	Excerpts from “Comprehensive Dictionary of Electrical Engineering”
1024	Excerpts from “Electrical Engineering Dictionary”
1025	Atmel 8-bit Microcontroller Datasheet
1026	U.S. Patent No. 5,907,485 to Van Loo, et al. (“Van Loo”)
1027	U.S. Patent No. 5,717,954 to Grieff, et al. (“Grieff”)
1028	U.S. Patent No. 8,463,958 to Mannava, et al. (“Mannava”)
1029	Plaintiffs’ Proposed Preliminary Claim Constructions served on January 23, 2025, in <i>Concurrent Ventures LLC et al. v. Advanced Micro Devices, Inc. et al.</i> , Case No: 1:24-cv-00335-ADA
1030	AMD’s Proposed Preliminary Claim Constructions served on January 23, 2025, in <i>Concurrent Ventures LLC et al. v. Advanced Micro Devices, Inc. et al.</i> , Case No: 1:24-cv-00335-ADA
1031	“Applied Micro ARM servers all over Open Compute Project” by Timothy Morgan, available at https://www.theregister.com/2013/01/17/applied_micro_arm_servers_all_over_Open_Compute_Project/ , published on January 17, 2013.
1032	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)
1033	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)
1034	Judge Albright’s Standing Order Governing Proceedings (OGP)—Patent Cases, March 5, 2025
1035	Email to Judge Albright’s Law Clerks dated May 28, 2025
1036	Docket Navigator, Motion to Stay Pending Inter Partes Review success rate data for California Northern District (printed May 5,

Exhibit No.	Description
	2025)
1037	Opposed Motion to Stay Case Pending Resolution of Motion to Transfer
1038	Docket Navigator, Motion to Stay Pending Inter Partes Review success rate data for Judge Albright (printed May 6, 2025)
1039	Lex Machina, time-to-trial data for Western District Texas (printed May 19, 2025)
1040	Judge Albright's May Calendar Printout (printed May 1, 2025)
1041	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)
1042	Scheduling Order (Dkt. 11) in <i>Irons v. Paccar, Inc.</i> , No. 1:24-cv-01553-ADA (W.D. Tex. 2024)
1043	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)
1044	Case Docket for <i>Parus Holdings, Inc. v. Google LLC</i> , No. 22-cv-07830-VC (N.D. Cal. filed June 4, 2021)
1045	Sotera Stipulation (Dkt. 78) in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. 2024)
1046	Judge Albright's June, 5 to July 5, 2025 Calendar Printout (printed June 5, 2025)
1047	Order Cancelling Markman Hearing Via Zoom (Dkt. 88) dated June 24, 2025 issued in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> ; No. 1:24-cv-00335-ADA (W.D. Tex.)
1048	Order Vacating Report and Recommendation of U.S. Magistrate Judge Mark Lane and Order for Venue Discovery (Dkt. 89) dated June 24, 2025 issued in <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> ; No. 1:24-cv-00335-ADA (W.D. Tex.)
1049	Docket Navigator, Statistics for Case Filing of '596 Patent (printed July 11, 2025)
1050	Docket Navigator, Statistics for Case Filing by Concurrent Ventures and XstreamEdge (printed July 11, 2025)
1051	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 October 19, 2025)
1052	Court's October 20, 2025 Order Setting Hearing for Petitioners'

Exhibit No.	Description
	Motion to Transfer to October 27, 2025 (Dkt. 116) for <i>Concurrent Ventures, LLC v. Advanced Micro Devices, Inc.</i> , No. 1:24-cv-00335 (W.D. Tex. filed March 29, 2024).
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-ADA (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-ADA (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/I 23 6/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-ADA (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-ADA (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-ADA (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-ADA (W.D. Tex. 2024)
2009	Declaration of Bill Lin submitted by AMC/Pensando in support

Exhibit No.	Description
	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-ADA (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-ADA (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-ADA (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-ADA (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-ADA (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-ADA (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-ADA (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-ADA (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-ADA (W.D. Tex.

Exhibit No.	Description
	2024)
2018	Petitioners' Request For Rehearing Of Decision Denying Institution Of Inter Partes Review in IPR2025-00223, Paper 10.
3102	October 16, 2025 Email Thread – Requests and Authorization to File Response and Reply to Patent Owners' Rehearing Request

I. INTRODUCTION

Rehearing should be denied because Patent Owners have not shown that the Director misapprehended or overlooked any issue. On July 31, 2025, the Director held that discretionary denial was inappropriate because “[a]ll deadlines in the parallel district court case have been stayed pending the completion of venue discovery and the district court resolving the defendants’ Opposed Motion to Transfer Venue.” Paper 10. There is no dispute the Director’s finding was correct—the district court case was stayed in June 2025 and remains stayed today.

Nearly three months after the discretionary denial decision, Patent Owners seek rehearing based solely on the district court’s September 11, 2025 scheduling order that merely changed the date of the *Markman* hearing and a few early deadlines. Importantly, the stay remains in effect and all subsequent discovery and trial deadlines are unchanged from the prior schedule considered at the time of denial. The September scheduling order does not justify reversal—especially not three months after the discretionary denial decision with the stay still in place and the motion to transfer unresolved. To hold otherwise would undercut the finality of discretionary denial decisions and invite endless rehearing requests whenever a district court changes its schedule. Worse, allowing rehearing requests under these circumstances would reward gamesmanship like Patent Owners’ attempt to manufacture a rehearing basis by soliciting a new scheduling order after the denial,

while the case is stayed. Consistent with PTAB precedent, such attempts have been properly rejected. *See, e.g., Apple Inc. v. Parus Holdings Inc.*, PTAB-IPR2020-00687, Paper 12 at 6-8 (PTAB Nov. 18, 2020) (denying rehearing request based on changes to trial schedule).¹

II. PATENT OWNERS FAIL TO SATISFY THE REQUIREMENTS FOR REHEARING

To request rehearing, a dissatisfied party “must” file within 14 or 30 days and specifically identify matters “misapprehended or overlooked.” 37 C.F.R. § 42.71. Rehearing is not for adjudicating the existence of “a fact which purportedly occurred subsequent to when the Board issued its Decision not to institute review.” *Global Tel*Link Corporation v. HLFIP Holding, Inc. d/b/a Smart Communications IP Holdings*, PTAB-IPR2021-00444, Paper 24 at 6 (PTAB Jan. 14, 2022).

Patent Owners do not cite any matters that the Director “misapprehended or overlooked” in the July 2025 discretionary denial decision. Patent Owners acknowledge, as the Director found, that the district court case was stayed at the time of the discretionary denial decision (and remains stayed today). Br. 5. While Patent Owners cite the September 2025 scheduling order, the Director did not

¹ Good cause exists for consideration of Exhibits 1062-1063 because they establish that the district court case remains stayed and the venue transfer motion is still pending. *See* CTPG (Nov. 2019) § II.P.

“misapprehend or overlook” that order because it did not exist in July 2025. *See, e.g., Global Tel*Link*, PTAB-IPR2021-00444, Paper 24 at 8 (PTAB Jan. 14, 2022) (“We could not have . . . overlooked facts which had not yet occurred.”).

Patent Owners argue that the factors in the discretionary denial decision would be weighed differently today based on the modified scheduling order. But, as the Board held in *Apple Inc. v. Parus Holdings Inc.*, a request for rehearing is “improper and insufficient” when a party “does not argue that [the Board] misapprehended or overlooked any argument or evidence that it presented previously” but instead “argues that we should re-evaluate our Decision in light of ‘new facts’ that have arisen in the Texas court after our Decision.” PTAB-IPR2020-00687, Paper 12 at 4-5 (PTAB Nov. 18, 2020).

Patent Owners’ rehearing request is also improper here because it comes nearly three months (76 days) after the decision that Patent Owners seek to challenge. Under 37 C.F.R. § 42.71(d), Patent Owners were required to file the request within 30 days of the decision. *Id.* (“Any request **must** be filed. . .”).²

² Patent Owners rely on the Director’s statement in the discretionary denial decision that “neither party shall file a request for rehearing or Director Review” until a decision on institution. Paper 10 at 3. The Director, however, did not have

III. THE *FINTIV* FACTORS WEIGH AGAINST DISCRETIONARY DENIAL

Even if the Director were to grant rehearing, the *Fintiv* factors still weigh against discretionary denial.

First, the district court case remains stayed pending resolution of Petitioners' motion to transfer venue to the Northern District of California. Ex-1048 (Dkt. 89); Ex-1051, 14-18. The parties finished briefing the motion in September and oral argument is set for October 27, 2025.³ See Paper 8 at 3-4 (PTAB July 7, 2025); Ex-1033 (Dkt. 58), 18; Ex-1052 (Dkt. 116). If the case is transferred—as the Magistrate Judge previously found proper—trial will occur long after any final written decision.

Second, even if transfer is denied, trial in June 2026 is unlikely. The *Markman* hearing is currently scheduled for October 29, 2025. Given the lengthy stay (four months and counting), it is not realistic for the parties to complete fact

authority to extend the deadline for a rehearing request absent a showing from Patent Owners of “good cause.” See 42 C.F.R. § 42.75.

³ Petitioners moved to transfer on August 9, 2024. Ex-1051, 8. Magistrate Judge Lane issued a Report and Recommendation granting the motion on February 26, 2025. Ex-1033. The case was re-assigned to Judge Alan Albright, who vacated the decision, stayed the case, and ordered venue discovery. Ex-1048.

and expert discovery by the original dates (January 21, 2026 and March 18, 2026, respectively). *See* Ex-2002 (Dkt. 77); Ex-2017 (Dkt. 106). Judge Albright’s exemplary schedule calls for trial 52 weeks after the *Markman* hearing—*i.e.*, in October 2026, at the earliest. Ex-1034 (Judge Albright’s OGP, March 5, 2025). Once the stay is lifted and the *Markman* order is issued, Defendants will seek a revised schedule that will likely move all deadlines, including trial, further out.

Third, the case remains at an early procedural stage, with minimal party investment and no substantive activity since institution. *See* Paper 8 at 15-18.

Petitioners’ positions on *Fintiv* Factors 4-6—the overlap of issues, party identity, and other circumstances—remain unchanged. *See* Paper 8 at 18-26.

IV. OTHER FACTORS WEIGH AGAINST DISCRETIONARY DENIAL

Additional factors set forth in the Memorandum on Interim Processes for PTAB Workload Management (March 26, 2025) do not justify discretionary denial. *See* Paper 8 at 26-27. The validity of the ’596 patent has not been adjudicated elsewhere, the Petition relies on substantial prior art—not just expert testimony, and no settled expectations exist. *Id.* at 24-27.

V. CONCLUSION

Petitioners respectfully request that rehearing be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 22, 2025, true and correct copies of the Petitioners' Opposition to Patent Owners' Request for Rehearing Following the Acting Director's Denial of Discretionary Denial of Institution of Inter Partes Review, together with Exhibits 1051-1052, were served in their entirety via email on all parties to this proceeding at the addresses indicated:

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