

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.

IPR2025-00479
Patent 10,944,634 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 7, “DD Opp.”).

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. The co-pending district court litigation has been stayed pending the completion of venue discovery and the district court resolving the defendants’ Opposed Motion to Transfer Venue. Ex. 1029. The district court also cancelled the scheduled *Markman* hearing. Ex. 1028. Additionally, the challenged patent issued in 2021, and Patent Owner has not developed strong settled expectations that favor discretionary denial. On balance, these circumstances do not warrant discretionary denial.

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 cases 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.

IPR2025-00479
Patent 10,944,634 B1

FOR PETITIONER:

Harper Batts
Christopher Ponder
Jeffrey Liang
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
hbatts@sheppardmullin.com
cponder@sheppardmullin.com
jliang@sheppardmullin.com

FOR PATENT OWNER:

Michael Matulewicz-Crowley
Christine Lehman
Peter Park
REICHMAN JORGENSEN LEHMAN & FELDBERG LLP
mmatulewicz-crowley@reichmanjorgensen.com
clehman@reichmanjorgensen.com
ppark@reichmanjorgensen.com