

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. IPR2025-00486
U.S. Patent No. 10,873,753

**PATENT OWNERS' REPLY BRIEF IN SUPPORT 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)

Petitioners' Opposition (Paper 8) to Patent Owners' Request for Discretionary Denial (Paper 6) is predicated on two wholly unwarranted assumptions: (1) that Judge Albright's Order on venue discovery (EX1061, "the Order") cancelled or moved the trial currently scheduled to begin June 29, 2026, even though it did not change the existing scheduling order or even discuss the trial date, and (2) that the trial will be pushed back a full four months from its current June 29, 2026 date.

In fact, the Order did four things, none of which changed the trial date: (1) it expressly vacated Magistrate Judge Lane's Report and Recommendation (the "R&R") on transfer, (2) ordered commencement of a brief venue discovery period, (3) ordered a condensed briefing schedule for venue briefing that only authorized two additional briefs (Plaintiffs' response and Defendants' reply), and (4) stayed "all other deadlines" pending resolution of the venue issue. EX1061at 2-3. A scheduled trial, of course, is not a "deadline" and Judge Albright thus never cancelled or continued the trial. Consequently, it is Petitioners whose position is grounded in speculation. It is speculation that the June 29, 2026 trial will even move, and it is even more so speculation that the trial will move *more than three months*, to fall after this proceeding's October 7, 2026¹ statutory deadline. The *Fintiv* analysis still

¹ Patent Owners timely filed their POPR on July 7, 2025; thus, the institution decision is expected by October 7, 2025, and the FWD by October 7, 2026.

weighs heavily in favor of discretionary denial for the core reasons set forth in Patent Owners' request.

I. The June 2026 Trial Date Remains in Place and Petitioners' Contention That It Will Be Moved—And Moved Four Months—Is Pure Assumption and Speculation

Petitioners' opposition is based on multiple layers of assumption and speculation. Petitioners assume that the trial date will be moved, assume that venue discovery will take the maximum amount of time permissible, and speculate that trial will necessarily be delayed “nearly four months” as a result. Paper 8, 4-7.

None of this is justified. As discussed at the outset, the Order did *not* cancel or continue the trial date. That conclusion is confirmed by the very order cancelling the *Markman* hearing that Petitioners rely upon. EX1060. Plainly, Judge Albright did not understand the Order's stay of “deadlines” to cancel the scheduled *Markman* hearing—if he had, the separate order he issued cancelling the *Markman* hearing would have been superfluous. The same applies in spades to a scheduled trial date. That Judge Albright chose not to issue a separate order cancelling or continuing the trial date, or to otherwise expressly move the trial date, establishes that the existing June 29, 2026 trial date remains in force.

Petitioners' assumption that two months of venue discovery will necessitate a change in trial date—much less the speculative substantial change that Petitioners treat as an established fact—is similarly unfounded. The Order's deadlines for venue

discovery provide a ceiling, not a floor, on the amount of time permitted for venue discovery, and Patent Owners have every intention of expediting venue discovery and briefing. Patent Owners have already served written discovery, Petitioners have responded, and depositions have been scheduled. Venue discovery is well on its way to being completed significantly before the Court's deadline. There is no reason to assume that resolution of Petitioners' transfer motion will take four months.

Moreover, there is every indication that Judge Albright will move quickly to resolve Petitioners' transfer motion once venue discovery is completed. For example, Petitioners recently filed a motion for reconsideration of Judge Albright's Order vacating the R&R, and Judge Albright denied that motion less than twenty-four hours after Patent Owners filed their opposition to it. EXs. 2015, 2016.

Further, the pre-existing case schedule—which was unusually lengthy for the Western District of Texas—provides ample cushion for even the full venue discovery and briefing period permitted in the Order. The parties have already produced thousands of pages of documents, exchanged infringement and invalidity contentions, and fully briefed claim construction. The Order thus leaves plenty of time to conclude fact discovery and conduct expert discovery before a June 26, 2026 trial. Even if the parties and the Court determine that a modest change to the trial date is advisable, there is no reason to assume (as Petitioners do) that it will be “nearly four months.” Paper 8, 6. Notably, even a three-month delay would still place

the trial before the October 7, 2026 statutory deadline. There is no basis to think the trial will be delayed past the October 7, 2026 statutory deadline.

Finally, Petitioners' continued reliance on the possibility of transfer to the Northern District of California is pure speculation. Remarkably, Petitioners grasp on to the vacated R&R² in support of this argument (Paper 8, 4-7)—even though Judge Albright has already fully considered and flatly rejected it. EX1061 (“After that thorough review, the Court is persuaded that the Magistrate Judge’s findings and recommendation should be VACATED.”). Petitioners plainly have no confidence that Judge Albright’s *de novo* review of the transfer issue will end up in their favor—they went so far as to file a motion for rehearing of the very Order they rely upon here, which Judge Albright summarily denied. EXs. 2015, 2016. The notion that Judge Albright will transfer the case after expressly rejecting the R&R recommending transfer is pure speculation.

II. The *Fintiv* Analysis Continues to Favor Discretionary Denial.

Factor 1. Nothing in the Order suggests Judge Albright is likely to grant a stay if this IPR is instituted. Instead, Judge Albright’s brief venue discovery stay makes

² Petitioners falsely state that “Patent Owners failed to mention, even once, Magistrate Judge Lane’s Recommendation to transfer the case” characterizing it as “a glaring omission and a lack of candor.” Paper 8, 4. Patent Owners expressly addressed the R&R on page 2 of the request for discretionary denial and correctly forecast that it would not be adopted. Paper 6, 2 n.1.

a stay in view of IPR *less likely*, as further delay will only amplify the prejudice to Patent Owners. A stay is particularly unlikely here because (1) Petitioners have not challenged all patents asserted in the Litigation, so even complete success for Petitioners at the Patent Office would not account for all asserted patents, (2) the Director has already discretionarily denied Petitioners' petition in IPR2025-00223, and (3) the case for discretionary denial in IPR2025-00478 is exceptionally strong because of Petitioners' delay in filing the Petition, the disparity in size between the parties, and Patent Owners' settled expectations given that the challenged patent has been in force for over 10 years. Accordingly, at least one and likely multiple asserted patents will still be asserted in the litigation regardless of what happens in this proceeding.

Factor 2. Petitioners' argument here hinges on the assumption that "the earliest possible trial date will be weeks after October 1, 2026." Paper 8, 10. This is flat wrong for all of the reasons discussed above.

Factor 3. The parties' investment in the parallel proceeding continues to favor discretionary denial. The parties' investment thus far has been massive, Paper 6, 10-13, and additional venue discovery only adds to that investment.

Factors 4, 5, & 6. Nothing in the Order changes the analysis for these factors.

Dated: July 17, 2025

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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' REPLY BRIEF IN SUPPORT OF PATENT OWNERS' REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION OF *INTER PARTES* REVIEW** was served on July 17, 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: July 17, 2025

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