IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CONCURRENT VENTURES, LLC AND XTREAMEDGE, INC., *Plaintiffs,*	§	
v.	§	**CIVIL ACTION NO. 1:24-CV-335-ADA**
ADVANCED MICRO DEVICES, INC. AND PENSANDO SYSTEMS, INC., *Defendants.*	§	

ORDER

Before the Court is Defendants Advanced Micro Devices, Inc. and Pensando Systems, Inc.'s Opposed Motion for Reconsideration (ECF No. 90). Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, Defendants request the Court reconsider its Order (ECF No. 89) vacating the Report and Recommendation of United States Magistrate Judge Mark Lane (ECF No. 58) and ordering venue discovery. Rule 54(b) "allows parties to seek reconsideration of interlocutory orders and authorizes the district court to 'revise[] at any time' 'any order or other decision . . . [that] does not end the action.'" *Austin v. Kroger Texas, L.P.*, 864 F.3d 326, 336 (5th Cir. 2017) (quoting Fed. R. Civ. P. 54(b)). Defendants argue that reconsideration is warranted because (1) Plaintiffs previously chose to forego venue discovery; and (2) the Court incorrectly applied *de novo* review instead of the "clearly erroneous and contrary to law" standard concerning non-dispositive pretrial issues. *See generally* ECF No. 90. Neither argument persuades the Court to reconsider its Order.

The Court does not fault Plaintiffs for choosing not to seek opposed venue discovery when this case was before Judge Pitman. In the Court's view, Plaintiffs made a strategic decision

at the time in front of a different District Judge with a different practice. Moreover, the reassignment of this case was outside the parties' control. The situation the parties find themselves in now is entirely caused by the Court's desire to determine the appropriate venue for this case on a fulsome record—nothing attributable to the parties' actions or omissions prior to the reassignment of this case. Thus, Defendants' first argument is not persuasive.

Defendants' second argument concerning the appropriate standard of review fares no better. Even accepting Defendants' position that venue transfer is a non-dispositive pretrial matter, Rule 4(a) in Appendix C of the Local Rules of this Court permits the District Judge to reconsider *sue sponte* any non-dispositive matter considered by the Magistrate Judge. To avoid all doubt, the Court, pursuant to Rule 4(a) in Appendix C of the Local Rules of this Court and applying Defendants' position that venue transfer is a non-dispositive pretrial matter, hereby *sua sponte* reconsiders Defendants' Opposed Motion to Transfer Venue (ECF No. 33) and reaches the same conclusion that venue discovery is warranted.

It is therefore **ORDERED** that Defendants' Motion for Reconsideration (ECF No. 90) is **DENIED.**

SIGNED this 16th day of July, 2025.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE