

From: [Director Discretionary Decision](#)
To: [Lindner, David](#); [Director Discretionary Decision](#)
Cc: [Andy Ehmke IPR](#); [David McCombs IPR](#); [David ODell IPR](#); [Gregory Huh IPR](#); [Gurka, Jon](#); [Rey Barcelo](#)
Subject: RE: IPR2025-00794 and IPR2025-00795, Intel Corporation v. Advanced Cluster Systems, Inc. - Request for Authorization to File Reply Briefs in Support of Discretionary Denial
Date: Tuesday, July 22, 2025 4:54:07 PM

Patent Owner is authorized to file a 7-page reply in IPR2025-00794 and IPR2025-00795, due no later than Friday, July 25, 2025, limited to addressing the arguments raised below.

From: Lindner, David <DLindner@crowell.com>
Sent: Tuesday, July 22, 2025 3:13 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
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Subject: IPR2025-00794 and IPR2025-00795, Intel Corporation v. Advanced Cluster Systems, Inc. - Request for Authorization to File Reply Briefs in Support of Discretionary Denial

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Dear Honorable Acting Director and the Honorable Board,

Pursuant to FAQ #16 of the USPTO's Interim Processes for PTAB Workload Management (<https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management>) and 37 C.F.R. § 42.23(b), Patent Owner, Advanced Cluster Systems, Inc., respectfully requests authorization to file a reply brief in each of IPR2025-00794 and IPR2025-00795 in response to Petitioner's July 17, 2025 Opposition to Patent Owner's Request for Discretionary Denial (IPR2025-00794, Paper 10 and IPR2025-00795, Paper 10).

Patent Owner submits that good cause exists because several sections of Petitioner's opposition briefs raise new arguments that were not included in the Petitions and are not responsive to the discretionary denial points raised in Patent Owner's June 17, 2025 briefs. These include:

- **Section II**, which introduces a new "family weakness" theory based on institution of prior IPRs—none of which reached a final written decision;
- **Section IV**, which raises new arguments invoking "compelling economic and national security interests" as grounds to avoid discretionary denial;
- **Section V**, which asserts a new theory that Patent Owner lacks any "settled

expectations” in maintaining the patent;

- **Section VIII**, which addresses Petitioner’s extensive reliance on expert testimony in a new argument attempting to refute why the intensive factual and technical questions at issue are not better resolved in an Article III court;
- **Section IX**, which addresses the presence of parallel petitions in a new argument attempting to refute that such multiple petitions do not support denial;
- **Section X**, which for the first time raises Administrative Procedure Act and due process objections to the March 2025 Director Memorandum and its discretionary denial framework despite the Memorandum issuing prior to the filing of the Petition.

These sections go beyond the scope of the Petitions and are not properly responsive to the discretionary denial grounds presented in Patent Owner’s June 17 Request for Discretionary Denial briefs. Petitioner has chosen to raise a host of new affirmative arguments for the first time in its opposition, depriving Patent Owner of any opportunity to address them. The only fair and orderly path forward is to authorize Patent Owner a targeted reply. Anything less would frustrate the purpose of the process and contradict the basic procedural safeguards embodied in 37 C.F.R. § 42.23 and principles of due process.

Pursuant to the March 26, 2025 Interim Processes for PTAB Workload Management and 37 C.F.R. § 42.24, Patent Owner respectfully requests authorization to file a reply brief of up to 5,600 words in each of IPR2025-00794 and IPR2025-00795, limited to responding to the new arguments presented in Sections II, IV, V, VIII, IX, and X of Petitioner’s July 17 opposition briefs.

Counsel for the parties have conferred, and Petitioner does not object to this request.

Respectfully,

Counsel for Advanced Cluster Systems, Inc.

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