

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

INTEL CORPORATION and
ADVANCED MICRO DEVICES, INC.,
Petitioner,

v.

ADVANCED CLUSTER SYSTEMS, INC.,
Patent Owner.

IPR2025-00913 (Patent 11,570,034 B2)
IPR2025-00914 (Patent 12,021,679 B1)
IPR2025-00915 (Patent 11,563,621 B2)
IPR2025-00916 (Patent 11,811,582 B2)

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 Petitions to the Board

IPR2025-00913 (Patent 11,570,034 B2)
IPR2025-00914 (Patent 12,021,679 B1)
IPR2025-00915 (Patent 11,563,621 B2)
IPR2025-00916 (Patent 11,811,582 B2)

Advanced Cluster Systems, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Intel Corporation and Advanced Micro Devices, Inc. (collectively, “Petitioner”) filed an opposition (Paper 9, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

The projected final written decision due date in the Board proceedings is November 27, 2026. DD Req. 4. The district court’s scheduled trial date is November 16, 2026, and time-to-trial statistics suggest trial could begin “in late November,” or as late as July 2027. DD Req. 4–5; DD Opp. 24. As such, these considerations neither favor nor counsel against discretionary denial.

However, the challenged patents have not been in force for a significant period of time (issued in 2022, 2023, and 2025). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial as to these patents. This weighs against discretionary denial. Additionally, Patent Owner’s arguments that discretionary denial is warranted under 35 U.S.C. § 325(d) are not persuasive.

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 Petitions

¹ Citations are to papers in IPR2025-00913. The parties filed similar papers in IPR2025-00914, IPR2025-00915, and IPR2025-00916.

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are 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 Petitions are 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.

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FOR PETITIONER:

Andrew Ehmke
David McCombs
Dan Smith
Dagim Tilahun
HAYNES AND BOONE, LLP
andy.ehmke.ipr@haynesboone.com
david.mccombs.ipr@haynesboone.com
bedan.smith.ipr@haynesboone.com
dagim.tilahun.ipr@haynesboone.com

Brian Ferguson
Chaoxuan Liu
James Kappos
WINSTON & STRAWN LLP
ferguson@winston.com
ccliu@winston.com
jwk92657@gmail.com

FOR PATENT OWNER:

David Lindner
Jon Gurka
CROWELL & MORING, LLP
dlindner@crowell.com
jgurka@crowell.com

Reynaldo Barcelo
BARCELO, HARRISON & WALKER, LLP
rey@bhiplaw.com