

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.

IPR2025-00223
Patent 10,985,943 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
Granting Petitioner's Request for Rehearing

Advanced Micro Devices, Inc. and Pensando Systems, Inc. (collectively, “Petitioner”) filed a request for rehearing of the Decision granting Patent Owner’s request for discretionary denial and denying institution (Paper 9, “Decision”), and Concurrent Ventures, LLC and XstreamEdge, Inc. (collectively, “Patent Owner”) filed an authorized opposition. *See* Paper 10 (“Reh’g Req.”); Paper 11 (“Reh’g Opp.”).

In the Decision, discretionary denial was appropriate based on a holistic assessment of the considerations, including a district court trial date scheduled prior to the projected final written decision due date. Decision 2. In its rehearing request, Petitioner contends that significant developments have occurred since the Decision that warrant reconsideration. Reh’g Req. 1. For example, in the co-pending litigation, the district court has stayed all deadlines in the case pending the completion of venue discovery and the district court resolving the defendants’ Opposed Motion to Transfer Venue. *Id.*; Ex. 1051. The district court also cancelled the scheduled *Markman* hearing. Reh’g Req. 1; Ex. 1050. These changed circumstances do not favor discretionary denial. Additionally, the challenged patent issued in 2021, and Patent Owner has not developed strong settled expectations that favor discretionary denial.

Patent Owner argues that “Petitioner’s rehearing request is based on multiple layers of assumptions and speculation.” Reh’g Opp. 2. Patent Owner’s arguments are not persuasive in view of the evidence Petitioner presented regarding the district court staying all deadlines in the case and cancelling the *Markman* hearing. Ex. 1050; Ex. 1051.

Therefore, after reconsidering 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.

Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

Absent good cause, the Board shall issue a decision on institution within 60 days of this decision.

In consideration of the foregoing, it is:

ORDERED that Petitioner's request for rehearing is *granted*;

FURTHER ORDERED that the Decision denying institution of *inter partes* review (Paper 9) is vacated;

FURTHER 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.

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