

From: [Director Discretionary Decision](#)
To: [Lindner, David](#); [Director Discretionary Decision](#)
Cc: [Gurka, Jon](#); [Rey Barcelo](#); [Ferguson, Brian E.](#); [Liu, Charles](#); [Kappos, James](#)
Subject: RE: IPR2025-00862 and -00863, Advanced Micro Devices Inc. v. Advanced Cluster Systems, Inc. - PO Request for Authorization to File Reply Briefs in Support of Discretionary Denial
Date: Thursday, August 21, 2025 10:08:01 AM

Patent Owner is authorized to file a 5-page reply in IPR2025-00862 and IPR2025-00863, due no later than Monday, August 25, 2025, limited to addressing the arguments raised below. Petitioner is authorized to file a 5-page sur-reply, due no later than Wednesday, August 27, 2025.

From: Lindner, David <DLindner@crowell.com>
Sent: Wednesday, August 20, 2025 7:53 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Gurka, Jon <JGurka@crowell.com>; Rey Barcelo <rey@bhiplaw.com>; Ferguson, Brian E. <BEFerguson@winston.com>; Liu, Charles <CCLiu@winston.com>; Kappos, James <JKappos@winston.com>
Subject: IPR2025-00862 and -00863, Advanced Micro Devices Inc. v. Advanced Cluster Systems, Inc. - PO 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 short reply brief in each of IPR2025-00862 and IPR2025-00863 in response to Petitioner's August 18, 2025 opposition to Patent Owner's discretionary denial submissions (IPR2025-00862, Paper 11 and IPR2025-00863, Paper 11).

Good cause exists because several sections of Petitioner's opposition briefs raise new arguments to which Patent Owner should be entitled to respond. These include:

- **Section II**, which raises new arguments invoking "compelling economic, national security, and public health interests" as grounds to avoid discretionary denial;
- **Section III**, which introduces a new "family weakness" theory based on institution of prior IPRs;
- **Section V**, which raises new theories and ignores facts that settled expectations have not been created for the '768 Patent;
- **Section VIII**, which misrepresents that Patent Owner did not challenge Dr. Bajaj's testimony.

These sections go beyond the scope of the Petitions and raise new affirmative arguments for the first time in 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.

Patent Owner respectfully requests authorization to file a reply brief of up to 7 pages in each of IPR2025-00862 and IPR2025-00863, limited to responding to the new arguments presented in Sections II, III, V, and VIII of Petitioner's August 18 briefs.

Counsel for the parties have conferred, and Petitioner has provided the below position. With respect to Petitioner's position, Patent Owner defers to the Acting Director and the Board and takes no position with respect to Petitioner's request.

Respectfully,
-David Lindner
Counsel for Advanced Cluster Systems, Inc.

Petitioner's Position:

Petitioner opposes Patent Owner's request because arguments regarding compelling economic, national security, and public health interests were foreseeable from publicly available documents regarding Petitioner's products. Patent Owner also could have reasonably foreseen that Petitioner would raise the other issues Patent Owner identifies, including previous IPR institution decisions regarding patents in the same family and why Patent Owner does not have settled expectations. Patent Owner should have therefore addressed these issues in its opening briefs. If Patent Owner is granted leave to address the issues it raises, then Petitioner respectfully requests that it be granted an opportunity to file equal length sur-reply briefs in the two IPRs.

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