

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.,
Petitioner,

v.

ADVANCED CLUSTER SYSTEMS, INC.,
Patent Owner.

IPR2025-00862 (Patent 10,333,768 B2)
IPR2025-00863 (Patent 10,333,768 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
Denying Institution of *Inter Partes* Review

Advanced Cluster Systems, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 9, “DD Req.”) in the above-captioned case, and Advanced Micro Devices, Inc. (“Petitioner”) filed an opposition (Paper 11, “DD Opp.”).¹ With authorization, Patent Owner filed a Reply (Paper 12), and Petitioner filed a Sur-reply (Paper 13).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

Although the parties are engaged in a parallel proceeding involving the challenged patent, it is unclear whether a final written decision in these proceedings will issue after the district court trial occurs. The projected final written decision due date in these proceedings is November 16, 2026.² *See* DD Req. 8. The district court’s scheduled trial date is also November 16, 2026, and the parties offer different time-to-trial statistics that suggest trial could begin between November 2026 and July 2027. *Id.* at 6–7; DD Opp. 23–25. As such, these considerations neither favor nor counsel against discretionary denial.

Other considerations weigh in favor of discretionary denial. In particular, the challenged patent has been in force for approximately six years, creating settled expectations for Patent Owner. Additionally, the

¹ Citations are to papers in IPR2025-00862. The parties filed similar papers in IPR2025-00863.

² Petitioner filed motions for joinder to IPR2025-00794 and IPR2025-00795, respectively; however, those proceedings have been denied institution. As such, this decision will address the discretionary considerations for these Petitions on their own.

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challenged patent was involved in two prior Board proceedings. In those prior proceedings, the Board denied institution finding that the petitions did not present a reasonable likelihood that a challenged claim was unpatentable. Paper 12, 3; *NVIDIA Corp. v. Advanced Cluster Sys., Inc.*, IPR2021-00019, Paper 9 (PTAB May 5, 2021) (decision denying institution); *NVIDIA Corp. v. Advanced Cluster Sys., Inc.*, IPR2021-00020, Paper 9 (PTAB May 5, 2021) (decision denying institution). Even absent road mapping, repeated prior challenges weigh against institution.

Petitioner also argues that national security interests weigh against discretionary denial. DD Opp. 2–6. In particular, Petitioner states that its products “are at the heart of AI, supercomputers, and healthcare applications—all technologies recognized by the U.S. government as vital to the country.” *Id.* at 2. Petitioner, however, does not explain in sufficient detail why review of the challenged patents is in the interest of national security. That is, Petitioner’s arguments are not narrowly-tailored towards particular products, and Petitioner does not sufficiently explain how national security interests warrant review of the specific patents challenged in these proceedings.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s request for discretionary denial is *granted*; and

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FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

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