

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

TETHRD, LLC,	)	
	)	
PLAINTIFF,	)	Civil Action No. 1:24-cv-00076
	)	Chief Judge Campbell
v.	)	Magistrate Judge Holmes
	)	
CRÜZR SADDLES LLC,	)	JURY DEMAND
	)	
DEFENDANT.	)	
	)	

DEFENDANT CRÜZR SADDLES LLC’S INITIAL NON-INFRINGEMENT CONTENTIONS

Pursuant to the Initial Case Management Order (“ICMO”) (Dkt. No. 46), the First Modified Case Management Order (Dkt. No. 49), and the Second Modified Case Management Order (Dkt. No. 52), Defendant Crüzr Saddles LLC (“Defendant”) provides its Initial Non-infringement Contentions for the asserted claims of United States Patent No. 11,964,175 (“the ’175 Patent”).

These Initial Non-infringement Contentions are based on information currently available to Defendant. Defendant’s investigation of Plaintiff Tethrd LLC’s (“Plaintiff”) allegations is in the early stages, and no substantive discovery in this action has occurred. Plaintiff’s Initial Infringement Contentions lack sufficient details and/or explanation for Defendant to properly discern the nature of Plaintiff’s contentions. Defendant therefore reserves the right to amend and/or supplement these initial non-infringement contentions. Plaintiff’s Initial Infringement Contentions also fail to comply with the requirements set forth in ICMO, including its failure to identify whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the accused products. Thus, nothing herein shall be construed as a waiver of Defendant’s right to seek more detailed infringement contentions, or a waiver of any claims or defenses in this case.

As briefly set forth in the attached claim chart, Defendant does not infringe, either literally or under the doctrine of equivalents, any claims of the '175 Patent under 35 U.S.C. § 271(a), including each of the seven (7) asserted claims (*viz.*, Claims 1-6 and 11).

Plaintiff's allegations of willful infringement are entirely without merit, continuing to ignore Defendant's detailed pre-litigation response letters to Plaintiff's demand letters, as Defendant has repeatedly explained in its filings with the Court. *See, e.g.*, Crüzr's Motion to Dismiss (Dkt. No. 39) at 1-3; Crüzr's Reply in Support of its Motion to Dismiss (Dkt. No. 45) at 1-3. Crüzr's pre-litigation letters explain (in part) why none of Crüzr's products satisfy the "engaged" and "adjacent ends" claim limitations. Thus, Defendant has always and consistently maintained a well-reasoned and factually supported understanding that its products do not infringe any of the claims of the '175 patent.

Defendant may further rely upon the advice-of-counsel in defense of Plaintiff's allegations of willful infringement. Defendant will timely make that determination, and notify Plaintiff accordingly, at the appropriate stage of this case.

Plaintiff's allegations of infringement and willful infringement continue to demonstrate a lack of good faith and investigation into the facts of this case. Defendant maintains that Plaintiffs' conduct in asserting and maintaining this meritless action warrant a determination by the Court of an exceptional case under 35 U.S.C. § 285, entitling Defendant to an award of its costs, expenses, disbursements, and reasonable attorney fees under 35 U.S.C. § 285 and all other applicable statutes, rules, and common law. In addition, Plaintiff's conduct in bringing and maintaining this action reveals that Plaintiff failed to conduct a reasonable and proper investigation of alleged infringement before filing suit, and continues to maintain this action nonetheless, further entitling Defendant to an award of its costs, expenses, disbursements, and reasonable attorney fees.

Date: April 21, 2025

Respectfully submitted,

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Initial Non-infringement Charts of U.S. Patent No. 11,964,175

Claim 1	Defendant's Response
A bridge rope assembly configured to couple together a tree rope to a first bridge loop and a second bridge loop on a harness, the bridge rope assembly including:	
a main body comprising a rope having a first end and a second end,	
the main body having a splice therein to form an eye loop in the main body,	
the eye loop being configured to engage the first bridge loop,	The accused products lack “the eye loop being configured to engage the first bridge loop[.]” <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10; <i>see, e.g., id.</i> at at 7-8 (“[T]he main body (or bridge) of its products is attached to the bridge loop in a very different manner than the claimed ‘engagement,’ specifically, by a ‘girth hitch’”); CRUZR0000585. This understanding is consistent with the entirety of the disclosure of the ’175 patent, as well as the commercial embodiment in Tethrd’s original “Phantom” saddle. <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10.
the main body comprising a first portion including the first end and a second portion including the second end, the first portion extending through the second portion of the main body such that the first end is positioned within the second portion adjacent to the second end; and	The accused products lack “the first end is positioned within the second portion adjacent to the second end[.]” <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10; <i>see, e.g., id.</i> at 9 (“[T]he ends of Crüzr’s bridge are nearly 6 inches apart, nowhere near ‘adjacent’ to each other as described and claimed in the ’175 Patent.”); CRUZR0000545. This understanding is consistent with the entirety of the disclosure of the ’175 patent, as well as Tethrd’s original commercial “Phantom” saddle. <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10.
a friction hitch being positioned on the main body between the second end and the eye loop,	
the friction hitch being configured to engage the second bridge loop,	The accused products lack “the friction hitch being configured to engage the second bridge

Claim 1	Defendant's Response
	loop[.]” <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10; <i>see, e.g., id.</i> at 5 (“[T]he corrected ’175 Patent repeatedly explains how a “friction hitch” also “engages” a second bridge loop of the saddle on the opposite side.”); CRUZR0000585. This understanding is consistent with the entirety of the disclosure of the ’175 patent, as well as Tethrd’s original commercial “Phantom” saddle. <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10.
the friction hitch comprising a closed loop.	

Claim 2	Defendant's Response
The bridge rope assembly according to claim 1, wherein the rope has a length from the first end to the second end between 72.0 inches and 126.0 inches.	The response to Claim 1 is hereby incorporated by reference.

Claim 3	Defendant's Response
The bridge rope assembly according to claim 1, wherein a distance of the eye loop to the second end is between 24.0 inches and 40.0 inches.	The response to Claim 1 is hereby incorporated by reference. The accused products lack “a distance of the eye loop to the second end is between 24.0 inches and 40.0 inches.” In Crüzr’s products, the distance from the base of the eye loop to the second end is 42.25”, and the distance from the tip of the eye loop to the second end is 48.25”. Tethrd incorrectly measures a shorter length by including the stop knot in its measurement, which is not contemplated by the claim and fails to account for the length of the main body comprising the stop knot.

Claim 4	Defendant's Response
The bridge rope assembly according to claim 3, wherein the main body includes a stop knot in the second portion adjacent to the second end.	The responses to Claim 1 and Claim 3 are hereby incorporated by reference.

Claim 5	Defendant's Response
The bridge rope assembly according to claim 4, further including a securing member being positioned on the main body at a juncture of the first and second ends to retain the first and second ends at a static position relative to each other.	The responses to Claim 1, Claim 3, and Claim 4 are hereby incorporated by reference. The accused products lack “a securing member being positioned on the main body at a juncture of the first and second ends to retain the first and second ends at a static position relative to each other.” <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10; <i>see, e.g., id.</i> at 10 (“[U]nlike the bridge harness with “adjacent ends” claimed in the ’175 Patent, in Crüzr’s products, only one end of the main body passes through the stop knot and the shrink wrap at the very end of the main body[.]”); . This understanding is consistent with the entirety of the disclosure of the ’175 patent, as well as Tethrd’s original commercial “Phantom” saddle. <i>E.g.</i>, Crüzr’s Motion to Dismiss (Dkt. No. 39) at 4-10.

Claim 6	Defendant's Response
The bridge rope assembly according to claim 4, wherein the closed loop comprises a single rope being formed into the closed loop.	The responses to Claim 1, Claim 3, and Claim 4 are hereby incorporated by reference.

Claim 11	Defendant's Response
The bridge rope assembly according to claim 1, wherein the main body is comprised of UHMWPE.	The response to Claim 1 is hereby incorporated by reference.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via email on April 21, 2025, upon:

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