



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

TETHRD, LLC,	)	
	)	
Plaintiff/Counterdefendant,	)	Civil Action No. 1:24-cv-00076
	)	Chief Judge Campbell
v.	)	Magistrate Judge Holmes
	)	
CRÜZR SADDLES LLC,	)	JURY DEMAND
	)	
Defendant/Counterclaimant.	)	
	)	

**DEFENDANT/COUNTERCLAIMANT CRÜZR SADDLES LLC’S
UNOPPOSED MOTION TO STAY PENDING *INTER PARTES* REVIEW OF
U.S. PATENT NO. 11,964,175**

Defendant/Counterclaimant Crüzr Saddles LLC (“Crüzr”) respectfully moves the Court to stay this action in view of the parallel *Inter Partes* Review (“IPR”) proceeding currently pending before the United States Patent & Trademark Office (“USPTO”) directed to the sole patent-in-suit in this case, United States Patent No. 11,964,175 (“the ’175 Patent”). *Crüzr Saddles LLC v. Tethrd, LLC*, IPR2025-01407 (PTAB Aug. 11, 2025). Ex. A. This Court considered similar issues in granting a stay pending a parallel IPR proceeding in *VPR Brands, LP v. MONQ, LLC*, Case No. 3:21-cv-00172 (Dkt. 64) (M.D. Tenn. Apr. 21, 2022) (Campbell, Jr., J). Ex. B.

On August 11, 2025, Crüzr timely filed a Petition for *Inter Partes* Review of the ’175 Patent with the Patent Trial & Appeal Board (“PTAB”) of the USPTO. The IPR Petition challenges the patentability (validity) of all of the claims of the ’175 Patent, the sole patent asserted by Plaintiff/Counterdefendant Tethrd, LLC (“Tethrd”) in this action for alleged patent infringement. See Dkt. 36. A copy of the IPR Petition is filed herewith as Exhibit A. Copies of all filings with the PTAB, including the IPR Petition and the 145 exhibits filed with the Petition,

are publicly available on the Internet at the PTAB's Case Tracking System (P-TACTS).¹

In accordance with the PTAB's rules and procedures, the PTAB will issue its Institution Decision within about six months (by late February 2026), and its Final Written Decision within one year after the institution (by late February 2027). In the event that the PTAB denies institution, which Crüzr believes is unlikely given the facts of this particular case, the stay, if granted, could then be lifted and this case could proceed on a revised schedule. Consistent with the Court's Order in the *VPR Brands* case, Crüzr would file a notice with the Court within 10 days of the PTAB's Institution Decision to apprise the Court of that development in the parallel IPR proceeding. *See VPR Brands*, Ex. B at 9 ("Regardless of the outcome of the [institution] decision, the parties shall file a notice with the Court within 10 days of the decision regarding institution of IPR.").

As explained in more detail in the accompanying Memorandum in Support of this Motion to Stay, Crüzr's IPR Petition raises the same claim construction (*Markman*) issues present in this case, and the PTAB applies the same claim construction standard as do the federal district courts. *See* Ex. A at 34-49; *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*). Further, Crüzr's IPR Petition raises new invalidity grounds not previously considered by the USPTO that either anticipate or render obvious *all* claims of the '175 Patent, including the seven (7) asserted claims at issue in this case (*viz.*, Claims 1-6 and 11). The PTAB is a suitable forum to resolve patent validity disputes due to its particular expertise in, *inter alia*, construing the claims of challenged patents, evaluating the scope and content of asserted prior art, assessing patent application priority claims under 35 U.S.C. § 120, and determining the status of information posted on the Internet as printed publications under 35 U.S.C. § 102(b).

¹ <https://ptacts.uspto.gov/ptacts/ui/home>

In the event that Crüzr prevails in the IPR with respect to the seven asserted claims, which Crüzr believes is likely given the evidence and analysis set forth in the IPR Petition, all of Tethrd's claims for patent infringement—Tethrd's sole cause of action (Count 1) in the First Amended and Supplemental Complaint (Dkt. 36)—will be rendered moot. Even if Crüzr prevails in the IPR with regard to only a subset of those seven claims of the '175 Patent, the scope of the present case will necessarily change, and the issues in the present case (including the claim construction issues) will be significantly simplified, while not leading to undue prejudice or tactical disadvantage for Tethrd.

As such, staying the present case pending the resolution of the parallel IPR proceeding will avoid unnecessary and potentially wasteful litigation between the parties and before this Court, and will significantly promote judicial efficiency and conservation of the Court's and the parties' resources.

Any potential downside of granting a stay would be minimal. This case is in its early stages, and the Court has not yet expended considerable time to address the merits of the parties' dispute. For example, the parties have not yet completed the pleading stage of the case, and while fact discovery has commenced, little information and few documents have yet to be exchanged by the parties. The parties have not yet filed *Markman* briefs nor have they filed any dispositive motions. Furthermore, the Court has not yet scheduled a *Markman* hearing to interpret the language of the asserted claims of the '175 Patent. While the trial date has been initially scheduled for December 8, 2026 (nearly sixteen months away) (Dkt. 47), that date could readily be extended given the slow progress of this case. Thus, the vast majority of the litigation activity in this case has yet to take place, and will likely be unnecessary in view of the probable cancelation of all claims of the '175 Patent by the PTAB.

Counsel for Crüzr has provided a draft of this proposed Motion to Stay and accompanying Memorandum to Counsel for Tethrd. Tethrd has stated as follows: “Tethrd has indicated that it will not oppose a stay of the litigation pending the Institution Decision on the IPR proceeding. However, Tethrd does not agree with Crüzr’s arguments in support of its Motion to Stay including but not limited to the merits of Tethrd’s claims, the harm and damages suffered by Tethrd, and Crüzr’s invalidity arguments raised in the instant Motion and Memorandum, in the IPR Petition, and in this action. Tethrd requests that the Court allow the parties to file a notice with the Court within 10 days of the decision regarding the institution of the IPR, and if the petition for IPR is denied or otherwise rendered moot, the Court shall lift the stay and schedule a case management conference to reset the case management deadlines. Tethrd reserves all rights.”

Accordingly, for the reasons set forth above and in the accompanying Memorandum, Crüzr respectfully requests that the Court stay the present case pending the resolution of the parallel IPR proceeding in the PTAB.

Date: August 25, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **DEFENDANT/COUNTERCLAIMANT**
CRÜZR SADDLES LLC'S UNOPPOSED MOTION TO STAY PENDING *INTER PARTES*
REVIEW OF U.S. PATENT NO. 11,964,175 was served via ECF on August 25, 2025, upon:

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