

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRÜZR SADDLES LLC,

Petitioner,

v.

TETHRD, LLC,

Patent Owner

Case No. IPR2025-01407

Patent 11,964,175

Filing Date: November 6, 2025

**PATENT OWNER'S BRIEF OPPOSING THE MOTION TO TERMINATE
OR STAY THE REISSUE APPLICATION**

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Patent Owner, Tethrd LLC (“Tethrd”), submits this Brief opposing Petitioner’s, Crüzr Saddles LLC (“Cruzr”), Motion to Terminate or Stay U.S. Reissue Patent Application No. 19/331,004 (“Reissue Application”). Tethrd requests that Cruzr’s Motion be denied, at the very least, because “it is [Tethrd’s] desire that the [Reissue Application] be examined at that time.” (*quoting* MPEP 1442.02(D)).

I. THE OFFICE AUTHORIZES PATENT OWNERS TO FILE REISSUE APPLICATIONS AFTER SERVICE OF A PETITION REQUESTING *INTER PARTES REVIEW*

The U.S. Patent & Trademark Office (“Office”) authorizes patent owners to file reissue applications to correct defective priority claims, as Tethrd has done here. *See Apple Inc. v. e-Watch, Inc.*, IPR2015-00414, Final Decision at *15 (Paper 34) (PTAB June 22, 2016) (“Patent Owner was aware of the [defective priority claim] at least from the time of the service of the Petition. It could have sought a certificate of correction or reissue.”); *see also* MPEP Section 1442.02. Cruzr argues—incorrectly—that a patent owner must seek permission from the Board to file a reissue application. Rather than cite to authorities supporting its proposition, Cruzr cites to authorities indicating that a patent owner must seek permission from the Board to request a certificate of correction, not a reissue application. *See* MPEP 1485 (“If the patent is involved in an interference or a trial before the Patent Trial and Appeal Board, a certificate of correction will not be issued unless a

corresponding motion has been granted by the administrative patent judge.”) (internal citations omitted). Moreover, *Honeywell International Inc. v. Arkema Inc.*, 939 F.3d 1345, 1347 (Fed. Cir. 2019), cited by Cruzr, involved a patent owner seeking a certificate of correction after trial was instituted, unlike this case where the Board has not issued a decision instituting trial, and the Director has the opportunity to deny the IPR Petition in its discretion pursuant to the Director’s October 17, 2025 memorandum regarding Institution of AIA Trial Proceedings.

II. TETHRD DID NOT DELAY FILING THE PRIORITY PETITION

Tethrd did not delay in filing the Reissue Application and the Petition to Accept an Unintentionally Delayed Claim of Priority (“Priority Petition”). Until Cruzr filed the IPR Petition on August 11, 2025, Tethrd believed that the 175 Patent properly claimed priority to its parent application. Ex. 2014, ¶ 3–8. Because Tethrd believed that the 175 Patent properly claimed priority to its parent application, Tethrd could not have made a deliberate choice to delay filing the Reissue Application and the Priority Petition. Once Cruzr filed the IPR Petition, Tethrd worked diligently to prepare and ultimately file the Reissue Application and the Priority Petition on September 17, 2025, less than 6 weeks later. *Id.*, ¶ 9–13. The Reissue Application included a 67-page filing package, a 23-page Information Disclosure Statement, and was filed along with a second reissue application to

correct priority in a parent application for the 175 Patent. Thus, there was no delay in filing the Reissue Application and the Priority Petition.

III. THE REISSUE APPLICATION CONSERVES OFFICE RESOURCES

The priority issue was caused by Tethrd's prosecution counsel improperly filling out the Application Data Sheet for the application for the 175 Patent. *Id.*, ¶ 3, 9. Given the administrative nature of the priority issue, the Reissue Application should be allowed to proceed. Addressing the priority issue through the Reissue Application will conserve the Office's limited resources. *See* Paper 14, Patent Owner's Brief Requesting Discretionary Denial, Section III.1. Although Cruzr cites several Board decisions staying a parallel reissue proceeding, all of these decisions involved the patent owner seeking to amend claims or introduce new claims. *See Stride Rite Children's Grp. v. Shoes by Firebug*, IPR2017-01810 (Paper 23) (PTAB Jul. 12, 2018); *Unified Patents v. Harry Heslop*, IPR2016-01464 (Paper 13) (PTAB Feb. 10, 2017); *Legend3D v. Prime Focus Creative Servs. Canada*, IPR2016-00806 (Paper 38) (PTAB Feb. 2, 2017); *Acrux DDS PTY Ltd. v. Kaken Pharm. Co., Ltd.*, IPR2017-00190, Paper 31, at 3 (PTAB Aug. 31, 2017). Unlike these cases, Tethrd is not seeking to amend the claims of the 175 Patent or introduce new claims, but to correct its priority claim which will render Ground 1 of the IPR Petition moot. For the reasons discussed herein, Tethrd asks that Cruzr's Motion be denied.

Respectfully submitted,

Bradley Arant Boult Cummings LLP

Date: November 6, 2025

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CERTIFICATE OF PAGE COUNT UNDER 37 CFR § 42.24(d)

The undersigned certifies service pursuant to 37 C.F.R. § 42.24(d) that the foregoing brief contains 3 pages, excluding the cover page, the table of contents, the table of authorities, the table of cited exhibits, and the required certifications, according to the page count tool in Microsoft Office.

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CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e)(4) on Petitioner, Crüzr Saddles LLC, by emailing an electronic copy of this Brief at the following email address:

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