

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

DECLARATION OF WALTER ERNEST POWER, II

IPR2025-01407
Patent No. 11,964,175

I am over the age of 18, and I am competent and have the personal knowledge to make the statements herein, hereby declarant that:

1. My name is Walter Ernest Power, II. I am the CTO and co-founder of Tethrd LLC.
2. I am an inventor of U.S. Patent No. 11,964,175 (“175 Patent”) and U.S. Reissue Patent Application No. 19/331,004 (“Reissue Application”).
3. At the time of filing, Tethrd intended for the application for the 175 Patent (*i.e.*, U.S. Patent Application No. 17/867,553, “553 Application”) to properly claim priority to U.S. Patent Application No. 16/736,345 (“345 Application”) such that the 175 Patent would be entitled to a January 7, 2020 priority date (*i.e.*, the filing date of the 345 Application).
4. At the time of filing the 553 Application, Tethrd believed that its prosecution counsel, Kaufhold & Dix Patent Law (“Kaufhold”) made a proper priority claim in the Application Data Sheet for the 553 Application.
5. At the time that the 175 Patent issued, Tethrd believed that the 175 Patent properly claimed priority to the 345 Application.
6. After Crüzr Saddles LLC (“Cruzr”) served its invalidity contentions on July 2, 2025, Kaufhold reviewed the relevant contentions and informed us that they did not understand why Cruzr was alleging that the 175 Patent included an improper

priority claim. The invalidity contentions did not explain the basis for Cruzr's claim. *See* Ex. 1137, p. 14 (alleging that the 175 Patent included a "break in continuity" but not explaining the alleged break).

7. Until Cruzr filed the Petition requesting *inter partes* review of the 175 Patent on August 11, 2025 ("IPR Petition"), Tethrd believed that the 175 Patent properly claimed priority to the 345 Application.

8. Between July 2, 2025 and August 11, 2025 (*i.e.*, the filing data of the Reissue Application), Tethrd did not make a deliberate choice to delay filing the Reissue Application because Tethrd believed that the 175 Patent properly claimed priority to the 345 Application.

9. After Cruzr filed the IPR Petition, Kaufhold confirmed the improper priority claim in the Application Data Sheet for the 553 Application.

10. After Cruzr filed the IPR Petition, Tethrd asked Kaufhold to correct the priority claim for the 553 Application by filing the Reissue Application.

11. Between August 11, 2025 and September 17, 2025, Tethrd worked diligently, first with Kaufhold and then Bradley Arant Boult Cummings LLP, to prepare the 67-page filing package for the Reissue Application and the 23-page Information Disclosure Statement that disclosed over 80 prior art references cited by the IPR Petition.

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12. In addition to the Reissue Application, Tethrd filed a second reissue application, U.S. Reissue Patent Application No. 19/330,989, on September 17, 2025, to correct priority for U.S. Patent No. 11,504,556, which is a parent of the 175 Patent. The second reissue application included a 66-page filing package and a 23-page information Disclosure Statement that disclosed the over 80 prior art references cited by the IPR Petition.

13. At no point between August 11, 2025 and September 17, 2025 (*i.e.*, the filing date of the Reissue Application) did Tethrd make a deliberate choice to not file or delay filing the Reissue Application.

I declare under penalty of perjury under the law of the United States that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Walter Ernest Power, II
Walter Ernest Power, II

Date: 11/6/2025 | 11:29 AM CST