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Filed on behalf of:

Petitioner

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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 No. 11,964,175

**PETITIONER'S MOTION FOR ENTRY OF DEFAULT
PROTECTIVE ORDER, MOTION TO SEAL EXHIBIT 1157, AND
REQUEST FOR *IN CAMERA* REVIEW OF EXHIBIT 1157**

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Pursuant to 37 C.F.R. § 42.63(e), Petitioner Crüzr Saddles LLC hereby submits its exhibit list associated with the above-captioned *inter partes* review of U.S. Patent No. 11,964,175.

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I. INTRODUCTION

Petitioner Crüzr Saddles LLC (“Crüzr”) respectfully requests (a) entry of the Default Protective Order, attached to this motion as **Appendix A**, (b) that **Exhibit 1157**, Crüzr’s Confidential Search Disclosure Declaration (SDD), be sealed under ¶ 6.A.i of the Default Protective Order, and (c) that the Board review Exhibit 1157 *in camera* pursuant to 37 C.F.R. § 42.14. Good cause exists to seal Exhibit 1157 because it contains highly confidential information that is protected by the attorney-client privilege and the work product doctrine, thereby requiring a protective order. The information that Crüzr seeks to be sealed and reviewed by the Board *in camera* has not been made public.

II. AUTHORIZATION FOR THIS MOTION

Prior Board authorization is not required for “motions where it is impractical for a party to seek prior Board authorization” Consolidated Trial Practice Guide (Nov. 20, 2019), at 37 (“Consolidated Trial Practice Guide”). “Motions where it is not practical to seek prior Board authorization include motions to seal” *Id.*

On November 17, 2025, Director Squires issued a Memorandum entitled “Voluntary Search Disclosure Declarations as a Favorable Factor in Institution Decisions” (“SDD Memo”), which allows petitioners to voluntarily submit a Search Disclosure Declaration (SDD) that explains, in detail:

- the databases and repositories in which the asserted prior art was located,
- the general search approach, search terms, filters, queries, or classification pathways employed,
- other analytics or publicly accessible resources consulted,
- the amount of time spent on the search, and
- the amount of time spent reviewing search results.

SDD Memo at 1.

The SDD Memo further states that for an IPR or PGR petition has already been filed, a petitioner may file an SDD within seven business days of the date of the Memo, which is November 26, 2025. *Id.* at 2.

Furthermore, the SDD Memo permits a petitioner to file its SDD with a motion to seal and an accompanying request for in camera review under 37 C.F.R. § 42.14. *Id.* Any proposed protective order must indicate that the Office may use the information in an SDD for internal training, improving examination processes, and analytics. *Id.*

III. MOTION FOR ENTRY OF THE DEFAULT PROTECTIVE ORDER

Crüzr respectfully requests entry of the Default Protective Order attached to this Motion as **Appendix A**, which is the PTAB's standard Default Protective Order (Consolidated Trial Practice Guide, Appx. B, at 105-22), as supplemented in Paragraph 2 in accordance with the Director's SDD Memo. *See* SDD Memo at 2.

Crüzr’s request for an entry of the Default Protective Order in the context of submitting a confidential SDD conforms with the guidance provided by the Director. *Id.*

IV. MOTION TO SEAL EXHIBIT 1157 (CRÜZR’S SDD)

Crüzr respectfully requests that the Board seal Exhibit 1157 (Crüzr’s SDD) pursuant to the Default Protective Order, ¶ 6.A.i. The Board may issue protective orders for good cause to protect a party from disclosing confidential information. *See Consolidated Trial Practice Guide*, at 19-20; 37 C.F.R. §§ 42.54. In deciding whether to grant a motion to seal, the Board must find “good cause,” and must “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Garmin Int’l, Inc. et al. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 36 at 4 (PTAB April 5, 2013). Crüzr’s request to seal Exhibit 1157 (Crüzr’s SDD) conforms with the guidance provided by the Director. SDD Memo at 2.

Under 37 C.F.R. § 42.54, “Confidential Information” is identified in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), “which provides for protective orders for trade secret or *other confidential research*, development, or commercial information.” 37 C.F.R. § 42.54 (emphasis added).

Crüzr seeks to seal Exhibit 1157 because it contains highly confidential information relating to Crüzr's prior art searching in the context of ongoing patent litigation (currently stayed) and this subsequent IPR. *Tethrd, LLC v. Crüzr Saddles LLC*, Case No. 1:24-cv-00076 (M.D. Tenn.). Exs. 1007, 1009. Crüzr's prior art searching is protected by the attorney-client privilege and the work product doctrine. The disclosure of the contents of Exhibit 1157 to another party or non-party would create a substantial risk of serious harm that could not be avoided by less restrictive means. The information sought to be sealed has not been made public. Furthermore, on balance, an interest in maintaining confidentiality of information in Exhibit 1157 outweighs the strong public interest in having an open record. *Argentum Pharm. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27 at 2–3 (PTAB Jan. 19, 2018) (informative); *see also Corning Optical Communications RF, LLC, v. PPC Broadband, Inc.*, IPR2014- 00440, Paper 47 at 3 (PTAB Apr. 14, 2015).

Accordingly, there is good cause to grant Crüzr's Motion to Seal.

V. REQUEST FOR *IN CAMERA* REVIEW OF EXHIBIT 1157 (CRÜZR'S SDD)

Crüzr respectfully requests that the Board review Exhibit 1157 (Crüzr's SDD) *in camera* pursuant to 37 C.F.R. § 42.14. Crüzr's request for *in camera* review of Exhibit 1157 conforms with the guidance provided by the Director. SDD Memo at 2. The Board may wish to review Exhibit 1157 in the context of,

inter alia, evaluating Patent Owner’s Motion for Discretionary Denial (Paper 14) and Crüzr’s opposition thereto (Paper 18). “The voluntary submission of an SDD will be considered as a non-exclusive, nondispositive **favorable discretionary factor** supporting institution, particularly where the SDD reveals new or underutilized pathways relevant to Office search practice.” SDD Memo at 2 (emphasis in original).

VI. CONCLUSION

For the foregoing reasons, Crüzr respectfully requests that the Board (a) grant Crüzr’s motion for entry of the Default Protective Order, (b) seal Exhibit 1157 (Crüzr’s SDD) pursuant to ¶ 6.A.i of the Default Protective Order, and (c) review Exhibit 1157 *in camera* pursuant to 37 C.F.R. § 42.14.

Respectfully submitted,

STERLINGTON, PLLC

Dated: November 25, 2025

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APPENDIX A

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 No. 11,964,175

DEFAULT PROTECTIVE ORDER
(AS SUPPLEMENTED BY DIRECTOR'S SDD MEMO)

This Protective Order governs the treatment and filing of confidential information, including documents and testimony. This Protective Order is the PTAB's standard Default Protective Order (Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), Appx. B, at 105-22), as supplemented in Paragraphs 2 and 3 by the Director's SDD Memo.

1. Designation of Confidential Information. Confidential information shall be clearly marked "**PROTECTIVE ORDER MATERIAL.**"

2. SDD Memo Supplementation. In accordance with the guidance set forth in the November 17, 2025 Memorandum from Director Squires entitled "Voluntary Search Disclosure Declarations as a Favorable Factor in Institution Decisions" ("SDD Memo"), the Office may use "**PROTECTIVE ORDER MATERIAL**" in the Search Disclosure Declaration ("SDD") (Exhibit 1157) for internal training, improving examination processes, and analytics. SDD Memo at 2. Access to the SDD is limited to the Filing Party (Crüzr) and the Board. *Id.*

3. Persons Entitled to Access to Confidential Information. Subject to the additional restrictions set forth in Paragraph 2 above, a party receiving confidential information shall strictly restrict access to that information to the following individuals who first have signed and filed an Acknowledgement as provided herein:

- A. Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.
- B. Party Representatives. Representatives of record for a party in the proceeding.
- C. Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.
- D. In-house counsel. In-house counsel of a party.
- E. Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

F. The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

4. Employees (*e.g.*, corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in 3.A. - 3.E., shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

5. Protection of Confidential Information. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

- A. Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
- B. Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
- C. Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
- D. Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

6. Treatment of Confidential Information. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

A. Documents and Information Filed With the Board.

- i. A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.
- ii. Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the

public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

B. Documents and Information Exchanged Among the Parties.

Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “**PROTECTIVE ORDER MATERIAL**” and shall be produced in a manner that maintains its confidentiality.

7. Confidential Testimony. Any person providing testimony in a proceeding may, on the record during the testimony, preliminarily designate the entirety of the person’s testimony and all transcriptions thereof as confidential,

pending further review. Within ten days of the receipt of the transcript of the testimony, that person, or that person's representative, shall advise the opposing party of those portions of the testimony to which a claim of confidentiality is to be maintained, and the reasons in support of that claim. Such portions shall be treated as confidential and maintained under seal in any filings to the Board unless, upon motion of a party, the Board determines that some or all of the redacted information does not qualify for confidential treatment.

8. Other Restrictions Imposed By the Board. In addition to the foregoing, the Board may, in its discretion, include other terms and conditions in a Protective Order it enters in any proceeding.

9. Requirement of Acknowledgement. Any person receiving confidential information during a proceeding before the Board shall, prior to receipt of any confidential information, first sign an Acknowledgement, under penalty of perjury, stating the following:

- A. The person has read the Protective Order and understands its terms;
- B. The person agrees to be bound by the Protective Order and will abide by its terms;

- C. The person will use the confidential information only in connection with that proceeding and for no other purpose;
- D. The person shall only extend access to the confidential information to support personnel, such as administrative assistants, clerical staff, paralegals, and the like, who are reasonably necessary to assist him or her in the proceeding.

The person shall inform such support personnel of the terms and requirements of the Protective Order prior to disclosure of any confidential information to such support personnel and shall be personally responsible for their compliance with the terms of the Protective Order; and
- E. The person agrees to submit to the jurisdiction of the Office for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

10. Filing of Proposed Protective Order. The party filing a Motion to Seal shall include with its supporting papers a copy of a proposed Protective Order and shall certify that the party accepts and agrees to the terms of the Protective Order. Prior to the receipt of confidential information, any other party to the proceeding also shall certify that the party accepts and agrees to the terms of the proposed

Protective Order. The proposed Protective Order shall remain in effect until superseded by a Protective Order entered by the Board. If the parties agree to accept the terms of the Default Protective Order, they are not required to provide a copy but must certify that they accept and agree to its terms.

11. Duty To Retain Acknowledgements. Each party to the proceeding shall maintain a signed Acknowledgement from each person acting on its behalf who obtains access to confidential information after signing an Acknowledgement, as set forth herein, and shall produce such Acknowledgements to the Office upon request.

12. Motion to Seal. A party may file an opposition to the motion that may include a request that the terms of the proposed Protective Order be modified including limiting the persons who are entitled to access under the Order. Any such opposition shall state with particularity the grounds for modifying the proposed Protective Order. The party seeking the modification shall have the burden of proving that such modifications are necessary. While the motion is pending, no disclosure of confidential information shall be made to the persons for whom disclosure is opposed, but the filing of the motion shall not preclude disclosure of the confidential information to persons for whom disclosure is not opposed and shall not toll the time for taking any action in the proceeding.

13. Other Proceedings. Counsel for a party who receives confidential information in a proceeding will not be restricted by the Board from representing that party in any other proceeding or matter before the Office. Confidential information received in a proceeding, however, may not be used in any other Office proceeding in which the providing party is not also a party.

14. Disposal of Confidential Information. Within 60 days after final termination of a proceeding, including any appeals, or within 60 days after the time for appeal has expired, each party shall assemble all copies of all confidential information it has received, including confidential information provided to its representatives and experts, and shall return or destroy the confidential information and provide a certification of destruction to the party who produced the confidential information.

15. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

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 No. 11,964,175

**STANDARD ACKNOWLEDGEMENT FOR ACCESS
TO PROTECTIVE ORDER MATERIAL**

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on _____, 20____

[Signature]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **PETITIONER’S
MOTION FOR ENTRY OF DEFAULT PROTECTIVE ORDER, MOTION
TO SEAL EXHIBIT 1157, AND REQUEST FOR *IN CAMERA* REVIEW OF
EXHIBIT 1157** is being served on November 25, 2025, electronically via P-
TACTS and via electronic mail to the email addresses below:

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Dated: November 25, 2025

/ Brenton R. Babcock /
Brenton R. Babcock (Reg. No. 39,592)
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