

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

CRÜZR SADDLES LLC,
Petitioner,

v.

TETHRD, LLC,
Patent Owner.

IPR2025-01407
Patent 11,964,175 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

Crüzr Saddles LLC (“Petitioner”) filed a Petition requesting review of claims 1–14 of U.S. Patent No. 11,964,175 (“the ’175 patent”). Paper 2 (“Petition” or “Pet.”). Tethrd, LLC waived its preliminary response. Paper 17. After considering the arguments presented and the record, and in view of all relevant considerations, denial of institution was appropriate in this proceeding. *See* Paper 25 (“Notice”), 2. This determination was based on the totality of the evidence and arguments presented, only a select portion of which is discussed in the following opinion identified as forthcoming in the Notice. *See id.*

Petitioner raises three separate grounds of unpatentability, each of which addresses claims 1–14 of the ’175 patent. Pet. 9–13. Each ground relies on online YouTube videos, with the Petition setting forth claim chart tables with two columns in support of each ground. Pet. 65–94 (ground 1), 95–125 (ground 2), 139–169 (ground 3). In the left column, the Petition sets forth claim limitations, many reciting multiple elements. In the right column, the Petition sets forth still images from the online videos, transcript excerpts from the audio accompanying the videos, and/or excerpts from online forum posts. *See, e.g.*, Pet. 66–94 (table for ground 1).

In general, a petitioner may base challenges on online content and may format its grounds as it sees fit. *See, e.g., NxtGen Toys, LLC v. ZipString, LLC*, IPR2024-01213, Paper 6 (PTAB Feb. 24, 2025). Nevertheless, by merely juxtaposing lengthy claim limitations with still image excerpts of video, audio transcript, and forum posts, the Petition here fails to point out and explain how aspects of the online content correspond to specific limitations of claims 1–14. Further, Petitioner has not annotated the still images, and some of the images are blurred or include depictions of

elements that are not discernable. “It is of the utmost importance that petitioners in the IPR proceedings adhere to the requirement that the initial petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim.’” *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (quoting 35 U.S.C. § 312(a)(3)). Regardless of the technology, a petitioner is required to point out how the prior art discloses or renders obvious each limitation of the challenged claims. Although some claim limitations might not require much explanation (*see, e.g.*, Pet. 74–76 (table for dependent claim 3)), for many others, the explanation is inadequate. *See, e.g.*, Pet. 67–70 (table for one limitation of independent claim 1). Because the Petition fails to meet the particularity requirements of 35 U.S.C. § 312(a)(3), it does not set forth a reasonable likelihood of prevailing under 35 U.S.C. § 314(a), and is denied. *See Adaptics Ltd. v. Perfect Co.*, IPR2018-01596, Paper 20 at 20 (PTAB Mar. 6, 2019) (informative).

Accordingly, it is

ORDERED that the Petition is *denied*, and no trial is instituted.

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