

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BE SMARTER, LLC and JAMES GUERRA,
Petitioner,

v.

YONDER, INC.,
Patent Owner.

IPR2025-00970
Patent 9,819,788 B2

Before RICHARD H. MARSCHALL, ARTHUR M. PESLAK, and
BACH V. HOANG, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Admission *Pro Hac Vice* of Arthur Gollwitzer III
37 C.F.R. § 42.10

On July 31, 2025, Petitioner filed a motion for admission *pro hac vice* of Arthur Gollwitzer III in the above-identified proceeding. Paper 6 (“Motion”). Petitioner submitted a Declaration from Mr. Gollwitzer in support of the Motion. Ex. 1016 (“Declaration”). Patent Owner did not file opposition to the Motion.

Petitioner has submitted a Power of Attorney for Mr. Gollwitzer in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner has also submitted Mandatory Notices, in the Petition, identifying Mr. Gollwitzer as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 1, 7.

Pursuant to 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In authorizing a motion for admission *pro hac vice*, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (Paper 7) (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Gollwitzer has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Gollwitzer has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Gollwitzer meets all other requirements for admission *pro hac vice*. *See* Ex. 1016 ¶¶ 1–9.¹ Accordingly, Petitioner has

¹ Mr. Gollwitzer declares he will be “subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a),” rather than the *USPTO Rules of Professional Conduct*

established good cause for admission *pro hac vice* of Mr. Gollwitzer. Mr. Gollwitzer will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 6) for admission *pro hac vice* of Arthur Gollwitzer III is *granted*;

FURTHER ORDERED that Mr. Gollwitzer is authorized to act only as back-up counsel in this proceeding;

FURTHER ORDERED that Petitioner must continue to have a registered practitioner represent it as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Gollwitzer must be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Gollwitzer is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101–11.901.

set forth in 37 C.F.R. §§ 11.101 *et seq.* Ex. 1016 ¶ 8. We deem this to be harmless error.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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