

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SILENCERCO WEAPONS RESEARCH, LLC

Petitioner,

v.

HUXWRX SAFETY CO. LLC,

Patent Owner.

IPR2024-01214

Patent 8,286,750 B1

MOTION FOR *PRO HAC VICE* ADMISSION – TIMOTHY P. GETZOFF

I. INTRODUCTION

Petitioner hereby respectfully requests that the Board recognize Mr. Timothy P. Getzoff as counsel *pro hac vice* during this proceeding. Authorization for the filing of this motion is provided by The Notice of Filing Date Accorded to Petition (Paper 3) dated August 15, 2024, which authorized the parties to this proceeding to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), and noted that such motions should be filed in accordance with the “order - Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7. Petitioner seeks *pro hac vice* admission for Mr. Getzoff in this proceeding so as to avail itself of Mr. Getzoff's extensive patent litigation experience.

A. Statement of Facts

Mr. Getzoff is an experienced patent litigation attorney, with approximately twenty-nine years of experience in fact and expert discovery, Markman hearings, jury trials, and district court oral arguments in patent infringement matters.

Mr. Getzoff's biography is attached as Exhibit A to the Affidavit of Mr. Timothy P. Getzoff, attached hereto.

B. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by the required Affidavit of Mr. Timothy P. Getzoff.

II. CONCLUSION

For all these reasons, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Getzoff as counsel *pro hac vice* during this proceeding.

Respectfully submitted:

By: Philip W. Harris/
Philip W. Harris

On: March 27, 2025

For: Petitioner

Holland & Hart LLP
1800 Broadway, Suite 300
Boulder, CO 80302
Tel: 303.473.2700
Email: pwharris@hollandhart.com

**AFFIDAVIT OF MR. TIMOTHY P. GETZOFF IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Timothy P. Getzoff, being duly sworn and upon oath, hereby attest to the following:

1) I am an experienced patent litigator who has practiced in the field of patent law and litigation for approximately 29 years. I have a relationship with the Patent Owner in this proceeding who is expecting me to participate as an attorney of record in view of my experience. I also have familiarity with the subject matter at issue in this proceeding.

2) I am a member in good standing of the Bar of Colorado and Utah, as well as the following Federal Courts:

- a) U.S. Court of Appeals for the Federal Circuit;
- b) U.S. Court of Appeals for the Second Circuit;
- c) U.S. Court of Appeals for the Sixth Circuit;
- d) U.S. Court of Appeals for the Ninth Circuit;
- e) U.S. Court of Appeals for the Tenth Circuit;
- f) U.S. Court of Appeals for the Eleventh Circuit;
- g) U.S. District Court for the District of Colorado; and
- h) U.S. District Court for the Eastern District of Wisconsin.

3) I have not been suspended or disbarred from practice before any court or administrative body.

4) I have never had an application for admission to practice before any court or administrative body denied.

5) No sanction or contempt citation has been imposed against me by any court or administrative body.

6) I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

7) I will be subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8) I have applied to appear *pro hac vice* once before the Board within the past three (3) years. *See* PGR2023-00008.

9) I hereby declare 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 declare that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10-1 of Title 18 of the United States Code.



Timothy P. Getzoff

The aforementioned document described as the Affidavit of Mr. Timothy P. Getzoff in Support of Motion for *Pro Hac Vice* Admission was signed and sworn to before me on this 27th day of March, 2025 by Timothy P. Getzoff.

Megan N. Bergman
Notary Public of the State of Colorado
My Commission expires: 03/02/27



EXHIBIT A



Timothy (Tim) Getzoff

Partner

1800 Broadway, Suite 300
Boulder, CO 80302
T:303.473.2734

Tim has served as lead trial counsel in high stakes patent, trademark, and copyright litigation matters throughout the United States.

Over the last 28 years, he has handled over 150 IP litigation cases in numerous federal district and appellate courts, including trials to a jury verdict or judgment in the districts of Colorado, Utah, Delaware, S.D. New York, E.D. New York, C.D. California, Idaho, Nevada, E.D. Wisconsin, and M.D. North Carolina.

Tim's IP litigation practice includes actions for temporary restraining orders and preliminary injunctions, practicing before the International Trade Commission, proceedings before the Patent Trial and Appeal Board, the Trademark Trial and Appeal Board, and appeals before the Federal, Second, Sixth, Ninth, Tenth, and Eleventh Circuit Court of Appeals.

In conjunction with his litigation practice, Tim counsels clients on all aspects of intellectual property protection, enforcement, and dispute resolution, with a focus on strategies to avoid unnecessary disputes and maximize the chances of success when litigation is necessary.

Tim currently serves on the firm's five partner Management Committee, an elected position that oversees the firm's management and strategic direction.

Client Results

Trademark Litigation

- The Beauty Collective, Ltd. v. Burlington Stores, Inc. (D. Colo 2024) lead counsel for plaintiff in trademark and trade dress case concerning consumer home goods products, case settled.

- Christine Martin v. SGT Inc., f/k/a TGT Inc. (D. Utah 2022) lead counsel for defendant in case concerning rights to artwork, terminating and monetary sanctions against plaintiff obtained for discovery violations.

- Floyd's 99 Holdings, LLC v. Diesel Barbershop, LLC (W.D. Texas 2018) lead counsel for plaintiff in trade dress case concerning interior design, case settled.

- Hero Nutritionals v. Nutraceutical Corp. (C.D. Calif. 2013) lead counsel for defendant in bench trial, obtained judgment of non-infringement on all claims and products.

- Aceto Agricultural Chem. v. Bayer Crop Sciences (S.D.N.Y. 2012) lead counsel for defendant in bench trial, obtained non-infringement judgment on all claims and products, affirmed by Second Circuit (2013).

- SCJohnson & Co. v. Nutraceutical Corp. (E.D. Wis. 2013) lead counsel for defendant in bench trial, obtained judgment of common-law nationwide trademark rights, remainder of issues decided for client on appeal.

- Nature's Life v. Renew Life Formula (D. Utah 2006) lead counsel for plaintiff, defeated defendant's motion for preliminary injunction.

- Unique Sports Products, Inc. v. Babolat VS, et al. (N.D. Georgia 2006) lead counsel for defendant in jury trial concerning alleged trade dress rights in color, case settled during trial

- AutoZone v. RadioShack, Inc. (M.D. Tenn. 2001) co-lead counsel for defendant, obtained summary judgment of non-infringement, affirmed by Sixth Circuit (2004).

Patent Litigation

- In re: Certain Pillows and Seat Cushions, Investigation No. 337-TA-1328, U.S.

- Purple Innovation, LLC v. Chuang Fan Handicraft Co., Ltd., et al. (D. Utah 2022) co-lead counsel for petitioner/plaintiff in enforcing patent, trademark and trade dress rights against foreign infringers

- LMT Mercer Group, Inc. v. Homeland Vinyl Products, Inc. (D. New Jersey 2020) lead counsel for defendant regarding vinyl fencing technology, successfully invalidated patent before PTAB resulting in dismissal of litigation.

- Warming Trends, LLC f/k/a Flaherty Holdings, LLC v. Ray Stone, et al. (D. Colo. 2019) lead counsel for defendants in gas burner technology, obtained summary judgment dismissing nearly all claims.

- Honeywell International Inc., et al. v. The Code Corporation (D. Delaware 2017) co-lead counsel for defendant/respondent in bar code scanner technology, case settled shortly before ITC trial.

- Bridgestone Americas Tire Operations, LLC v. Bridgeport-Schrader et al, (D. Delaware 2015) lead counsel for defendants in two-week jury trial, obtained verdict of non-infringement against all products and claims.

- Server Technologies, Inc. v. American Power Co. (D. Nevada 2014) co-lead counsel for plaintiff in two-week jury trial, obtained \$13 million verdict of infringement and validity against all accused products and claims, case currently on appeal.

- Cellport Systems, Inc. v. Peiker acoustic GmbH (D. Colo. 2013) lead counsel for defendant in two-week bench trial, obtained judgment of non-infringement against bulk of plaintiff's claims.

- Alcohol Monitoring Systems v. BI, Inc. (D. Colo. 2013) lead counsel for defendant, obtained summary judgment of non-infringement on all claims and products (6 F. Supp.3d 1184), argued and affirmed by Federal Circuit (2015).

- K-TEC v. VitaMix Corp. (D. Utah 2010) member of trial team for plaintiff in two-week jury trial, obtained verdict of infringement and validity against all products and claims, \$22 million judgment affirmed by Federal Circuit (2012).

- Balivi Chemical v. Chemical Supply Co. (D. Idaho 2004) co-lead counsel for

defendant in 8-day jury trial, obtained verdict of non-infringement on all claims.

Copyright Litigation

- Christine Martin v. SGT Inc., f/k/a TGT Inc. (D. Utah 2022) lead counsel for defendant in case concerning rights to artwork, terminating and monetary sanctions against plaintiff obtained for discovery violations.

- DCM Systems v. IntelliTec College (D. Mass. 2014) lead counsel for defendant, obtained jurisdictional dismissal for defendant, case not re-filed.

- Gowan Corp. v. Aceto Agricultural Corp. (D. Arizona 2009) lead counsel for defendant, after defeating plaintiff's motion for preliminary injunction, case settled on terms favorable to our client.

- IQ Group v. Wiesner Publishing (D. New Jersey 2006) lead counsel for defendant, obtained summary judgment against bulk of plaintiff's copyright and DCMA claims, case settled.

Experience

Tim's experience involves managing and solving IP disputes for clients in a wide range of technologies and industries, including:

- Remote sensor technology
- Natural resources services and technology
- GPS and embedded firmware applications
- Computer data storage hardware and software
- WiFi design and deployment
- Telecommunications technology
- CPG including food, beverage, and nutritional supplements
- Sporting goods and sports equipment
- Media and publishing
- Pesticide products and pesticide application methods
- Electronics and on-line retailers

Prior to practicing with Holland & Hart, Tim was a law clerk for the Honorable Zita L. Weinshienk, Senior Judge, United States District Court for the District of Colorado.

Media Mentions

January 1, 2025

Tim Getzoff Quoted in Law360's "Colorado Cases To Watch In 2025"

Law360

December 15, 2023

Christopher Jackson and Tim Getzoff Quoted in Law360's "Biggest Colorado Decisions Of 2023"

Law360

December 14, 2023

Tim Getzoff Quoted in Law360's "The Biggest Patent Rulings Of 2023"

Law360

December 5, 2023

Tim Getzoff Quoted in IPWatchdog's "Intel's Fed Circ Triumph Over VLSI: An Object Lesson in the Doctrine of Equivalents and Insufficient Evidence"

IPWatchdog

July 5, 2023

Tim Getzoff Quoted in Westlaw Today's "Supreme Court conforms with international trademark norms, attorneys say"

June 30, 2023

Tim Getzoff Shares Insights on High Court's Ruling Limiting Lanham Act to Domestic Commerce

February 28, 2023

Tim Getzoff Quoted in IPWatchdog's "Solicitor General to Participate in Oral Arguments in Abitron v. Hetronic on Extraterritorial Applications of the Lanham Act"

01/06/2023

New MCOM Members Featured in Law360's "Longtime Holland & Hart Litigators Take Leadership Roles"

November 7, 2022

Tim Getzoff Quoted in Law360's "Justices Set Sights On Reach Of US Trademark Law"

July 27, 2022

Tim Getzoff Quoted in World IP Review's "Q&A: Tim Getzoff on Puma and Skechers' TM Disputes"

May 9, 2022

Tim Getzoff Quoted in Bloomberg Law's "Overseas Trademark Damages 'Messiness' Ripe for High Court Look"

May 20, 2021

Law Street Quotes Tim Getzoff Discussing Product and Reverse Confusion Exemplified in Recent Trademark Lawsuit

July 23, 2020

Tim Getzoff Discusses the Uptick in Design Patent Infringements with Denver Business Journal



March 3, 2025

Holland & Hart Shortlisted for Managing IP Americas Awards 2025

January 30, 2025

World Trademark Review 1000 ranks Holland & Hart Nationally and Gold in Colorado in 2025

January 16, 2025

5280 Names Holland & Hart Attorneys to Denver's Top Lawyers 2025

November 20, 2024

Holland & Hart Partners Named IAM Global Leaders 2025

September 9, 2024

Holland & Hart Attorneys Recognized in the 2025 Lawdragon 500 Leading Litigators in America

August 15, 2024

249 Holland & Hart Lawyers Named to 2025 Best Lawyers

June 6, 2024

Holland & Hart Receives 105 Individual and 43 Practice Rankings in Chambers USA 2024

June 5, 2024

Holland & Hart's Patent Team Recognized in 2024 IAM Patent 1000

June 3, 2024

Holland & Hart Partners Recognized as Leading Practitioners in IP STARS 2024 by Managing IP

March 6, 2024

Holland & Hart Shortlisted for Managing IP Americas Awards 2024

March 1, 2024

Holland & Hart Attorneys Named to 2024 Colorado Super Lawyers

February 13, 2024

World Trademark Review 1000 ranks Holland & Hart Nationally and Gold in Colorado in 2024

January 19, 2024

Holland & Hart Represents Sovos in its Acquisition of Aatrix Software

January 9, 2024

5280 Names 21 Holland & Hart Attorneys to Denver's Top Lawyers 2024

November 17, 2023

Holland & Hart Partners Named IAM Global Leaders 2024

August 17, 2023

255 Holland & Hart Lawyers Named to 2024 Best Lawyers

June 27, 2023

Holland & Hart's Patent Team Recognized in 2023 IAM Patent 1000

June 7, 2023

Holland & Hart Partners Recognized as Leading Practitioners in IP STARS 2023 by Managing IP

June 1, 2023

Holland & Hart Receives 108 Individual and 40 Practice Rankings in Chambers USA 2023

March 14, 2023

Holland & Hart Shortlisted for Managing IP Americas Awards 2023

March 3, 2023

Holland & Hart Attorneys Named to 2023 Colorado Super Lawyers

02/10/2023

World Trademark Review 1000 ranks Holland & Hart Nationally and Gold in Colorado

January 5, 2023

5280 Names 23 Holland & Hart Attorneys to Denver's Top Lawyers 2023

January 3, 2023

Holland & Hart Announces New Firm Leadership in 2023

December 1, 2022

Holland & Hart Intellectual Property Attorneys Named IAM Global Leaders 2023

August 18, 2022

250 Holland & Hart Lawyers Named to 2023 Best Lawyers®

July 7, 2022

Holland & Hart's Intellectual Property Team Recognized in 2022 IAM Patent 1000

June 2, 2022

Holland & Hart Partners Recognized as Leading Practitioners in IP STARS 2022 by Managing IP

June 1, 2022

Holland & Hart Receives 107 Individual and 39 Practice Rankings in Chambers USA 2022

March 4, 2022

Holland & Hart Attorneys Named to 2022 Colorado Super Lawyers

March 3, 2022

Holland & Hart Receives Gold Ranking in 2022 World Trademark Review 1000

February 17, 2022

Holland & Hart Shortlisted for Managing IP Americas Awards 2022

01/18/2022

5280 Names 22 Holland & Hart Attorneys to Denver's Top Lawyers 2022

December 9, 2021

Holland & Hart Intellectual Property Attorneys Named IAM Global Leaders 2022

August 19, 2021

235 Holland & Hart Attorneys Named to 2022 Best Lawyers®

August 9, 2021

IAM Patent Recognizes Holland & Hart's Intellectual Property Team in the 2021 IAM Patent 1000

April 30, 2021

Eleven Holland & Hart Attorneys Recognized as 2021 IP Stars by Managing Intellectual Property

March 9, 2021

Holland & Hart Attorneys Named to 2021 Colorado Super Lawyers

February 24, 2021

Holland & Hart Shortlisted for Managing IP Americas Awards 2021

February 12, 2021

Holland & Hart Receives Gold Ranking in 2021 World Trademark Review 1000

January 4, 2021

19 Holland & Hart Attorneys Named to 5280's Top Lawyers 2021

November 24, 2020

Holland & Hart Intellectual Property Attorneys Named IAM Global Leaders 2021

August 20, 2020

Holland & Hart Attorneys Named to 2021 Best Lawyers®

July 1, 2020

IAM Patent Recognizes Holland & Hart's Intellectual Property Team in the 2020 IAM Patent 1000

June 23, 2020

Ten Holland & Hart Attorneys Recognized as 2020 IP Stars by Managing Intellectual Property

March 13, 2020

Holland & Hart Attorneys Named to the 2020 Colorado Super Lawyers List

Publications

January 25, 2024

Two Critical Takeaways From VLSI's Appellate Loss of Patent Mega-Verdict
IAM

1996

Dazed and Confused in Colorado: The Relationship Among Abuse of Process, Malicious Prosecution, and the Noerr-Pennington Doctrine
University of Colorado Law Review, Vol. 67

Speaking Engagements and Events

2010

Copyright Law 101
National Business Institute Teleconferences

April 2006

Re-examining the Patent System
Panelist, Silicon Flatirons Conference, University of Colorado School of Law

February 2001

Understanding Basic Trademark Law: Trademark Infringement Primer
Continuing Legal Education Seminar, Denver, CO

May 2000

Trade Secret Audits: Top 10 Ways To Protect Trade Secrets
Seminar given to American Corporate Counsel Association, Denver, CO

Professional and Civic Affiliations

- American, Colorado, Denver, & Boulder Bar Associations, Member
- International Trademark Association (INTA), Member
- American Intellectual Property Law Association (AIPLA), Member

Recognition

- Managing Intellectual Property, IP Star, 2013-2024
- Chambers USA, Intellectual Property, 2022-2024
- Colorado Super Lawyers®, Intellectual Property Litigation, 2020-2024
- The Best Lawyers in America®, Litigation - Intellectual Property, 2016-2025; Trade Secrets Law, 2018-2025
- IAM Patent 1000 – The World’s Leading Patent Practitioners, Litigation – Gold, 2015-2023
- IAM Global Leaders, 2020-2025
- World Trademark Review (WTR) 1000 - The World’s Leading Trademark Professionals, Colorado, Bronze Band, 2017, 2018; Silver Band, 2019-2025
- 5280 Magazine Top Lawyers, Intellectual Property: Litigation, 2021-2025
- The Best Lawyers in America® Lawyer of the Year, Litigation - Intellectual Property – Boulder, 2022

“Timothy Getzoff carries out all trademark instructions with impressive effectiveness – he is an expert negotiator, litigator and portfolio strategist, who is extremely successful in satisfying his clients’ needs.” (WTR 1000-2024)

Practices

Intellectual Property Litigation

Intellectual Property

Education

University of Colorado Law School

J.D., 1996

- Order of the Coif
- Law Review Editorial Board

University of California - Berkeley

B.A., 1990

- Political Science

Bar Admissions

Colorado

Utah (pending)

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of Petitioner's MOTION FOR PRO HAC VICE ADMISSION – TIMOTHY P. GETZOFF has been electronically¹ served, as of the date noted below on counsel for Patent Owner as follows:

Brent Bumgardner (brent@nelbum.com)

David DeZern (david@nelbum.com)

Hux-IPR (Hux-IPR@nelbum.com)

NELSON BUMGARDNER CONROY PC

Respectfully submitted:

By: /Philip W. Harris/

Philip W. Harris

On: March 27, 2025

For: Petitioner

Holland & Hart LLP

1800 Broadway, Suite 300

Boulder, CO 80302

Tel: 303.473.2700

Email: pwharris@hollandhart.com

¹ Pursuant to 37 CFR 42.105, the parties have agreed to electronic service.