

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GETTATTLE, INC.
Petitioner

v.

AFTERWORDS, INC.
Patent Owner

U.S. Patent No. 10,430,811
IPR Case No.: 2025-00677

**AFTERWORDS, INC.’S UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION
OF J. TODD TIMMERMAN
UNDER 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED.

Under 37 C.F.R. 42.10(c) and this Board’s “Order — Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (JSB), Paper No. 7 (Oct. 15, 2013) (the “***Representative Order***”), Patent Owner AfterWords, Inc. (“***AfterWords***”) respectfully requests the *pro hac vice* admission of attorney J. Todd Timmerman, Esq. in this proceeding. AfterWords has conferred with counsel for GetTattle, Inc. (“***Petitioner***”), and Petitioner does not oppose this motion.

II. LEGAL STANDARD.

Under 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 and to any other conditions the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established legal familiarity with the subject matter at issue in the proceeding.

The Representative Order further provides that motion for *pro hac vice* admission under section 42.10(c) must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:
 - i. Membership in good standing of the Bar of at least one State or the District of Columbia;
 - ii. No suspensions or disbarments from practice before any court or administrative body;
 - iii. No application for admission to practice before any court or administrative body ever denied;
 - iv. No sanctions or contempt citations imposed by any court or administrative body;
 - v. The individual seeking to appear has 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.;
 - vi. The individual will be subject to the USPTO 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);
 - vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
 - viii. Familiarity with the subject matter at issue in the proceeding.
- c. Where the affiant or declarant is unable to provide any of the information

requested above in part 2(b) or make any of the required statements or representations under oath, the individual should provide a full explanation of the circumstances as part of the affidavit or declaration.

Id. at 3-4. As set forth below, and in the accompanying Declaration of J. Todd Timmerman in Support of Unopposed Motion for Admission *Pro Hac Vice* (“*Timmerman Decl.*”), each of these requirements is satisfied.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE J. TODD TIMMERMAN, ESQ. *PRO HAC VICE* IN THIS PROCEEDING.

There is good cause for recognizing J. Todd Timmerman (“*Attorney Timmerman*”) *pro hac vice* in this case. Attorney Timmerman has been admitted to practice law in the State of Florida since 1992 and is in good standing, and is admitted to practice in the United States District Courts for the Middle and Southern Districts of Florida, Northern District of Illinois, and Eastern District of Michigan, and the United States Courts of Appeals for the Ninth, Tenth, Eleventh, and Federal Circuits. *See Timmerman Decl.* ¶ 3. Attorney Timmerman is AV® Peer Review Rated by Martindale-Hubbell and has been recognized by World Trademark Review’s WTR1000 as one of the top trademark practitioners in the world, by Best Lawyers, Florida Super Lawyers, Florida Legal Elite, and was named by Best Lawyers as “Tampa Lawyer of the Year in Intellectual Property Litigation” in 2017 and “Tampa Lawyer of the Year in Patent Litigation” in 2019 and 2023. *Id.* ¶ 4.

Attorney Timmerman is a 1989 graduate of Dartmouth College, and a 1992 graduate of the University of Florida Levin College of Law, where he was a member of the Trial Competition Team. *Id.* ¶ 5. Attorney Timmerman has practiced in the area of intellectual property since he started practicing law in 1992, and practices almost exclusively in the area of

intellectual property today. *Id.* ¶ 6. In 2000, when Attorney Timmerman was admitted to the partnership as an equity partner, he founded Shumaker's Intellectual Property Law practice group, which he chaired for more than 20 years. *Id.* ¶ 7. From 2009 to 2014, Attorney Timmerman served on Shumaker's national Management Committee, including as Vice Chair of the Committee and Tampa office Managing Partner. *Id.* ¶ 8.

Attorney Timmerman is certified as an Intellectual Property Law Specialist by the Florida Bar Board of Legal Specialization and Education. *Id.* ¶ 9. Certification is the highest level of recognition by The Florida Bar of the competency and experience of attorneys in the area of Intellectual Property Law. *Id.* In order to become board certified, applicants must undergo a complex application process, including providing recommendations from others in the intellectual property field, as well as sit for a day long comprehensive examination. *Id.* Currently, there are only 134 lawyers in the State of Florida Board Certified in Intellectual Property Law. *Id.*

Attorney Timmerman has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 10. No application of Attorney Timmerman for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 11. Nor has any court or administrative body imposed sanctions or contempt citations against Attorney Timmerman. *Id.* ¶ 12. Attorney Timmerman has read, fully understands, 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 Title 37 of the C.F.R. *Id.* ¶ 13. Attorney Timmerman acknowledges and agrees that he will be subject to the USPTO 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). *Id.* ¶ 14. Attorney Timmerman

has not has applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years. *Id.* ¶ 14.

Attorney Timmerman also has an established familiarity with the subject matter at issue in this proceeding. Attorney Timmerman has been actively involved as lead counsel for AfterWords in the related district court litigation between the Petitioner and AfterWords, *AfterWords, Inc. v. GetTattle, Inc.*, Case No. 8:24-cv-01286-TPB-CPT, pending in the Tampa Division of the Middle District of Florida. *Id.* ¶ 16. U.S. Patent No. 10, 480,811 (“**811 patent**”), which is at issue in this proceeding, is the patent asserted by AfterWords in the District Court litigation. *Id.* Attorney Timmerman has been actively involved in AfterWords’ factual investigation and development of its claim construction, validity, and infringement positions regarding the claims of the ’811 patent at issue here. *Id.*

In view of Attorney Timmerman’s extensive knowledge of the subject matter at issue in this proceeding, and in view of the interrelatedness of this proceeding and the related District Court litigation, AfterWords has a substantial need for Attorney Timmerman’s *pro hac vice* admission and his involvement in the continued prosecution of this proceeding. In addition, admission of Attorney Timmerman *pro hac vice* will enable Afterwords to avoid unnecessary expense and duplication of work between this proceeding and the district court litigation. *See* 77 Fed. Reg. 48,612, 48,661 (Aug. 14, 2012) (Office’s comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel litigation).

IV.CONCLUSION

For the foregoing reasons, AfterWords respectfully requests that Attorney Timmerman be admitted *pro hac vice* in this proceeding.

Dated: April 21, 2025

Respectfully submitted,

/s/ Jeffrey B. Fabian

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Counsel for Patent Owner, AfterWords, Inc.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing AfterWords, Inc.'s Unopposed Motion for *Pro Hac Vice* Admission of J. Todd Timmerman Under 37 C.F.R. § 42.10(c) and accompanying Declaration of J. Todd Timmerman in Support of Unopposed Motion for Admission *Pro Hac Vice* by delivering a copy of each via email on this April 21, 2025 to counsel of record for the Petitioner at the following email addresses:

Timothy J. Bechen, timothy.bechen@woodsrogers.com

Josh Long, josh.long@woodsrogers.com

Nathan Evans, nathan.evans@woodsrogers.com

Dated: April 21, 2025

Respectfully submitted,

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I, J. TODD TIMMERMAN, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of eighteen (18) years and am competent to execute this Declaration.

2. I am a partner at Shumaker, Loop & Kendrick, LLP (“***Shumaker***”), which represents Patent Owner AfterWords, Inc. (“***AfterWords***”) in the above-captioned *inter partes review* proceeding (the “***Proceeding***”). I submit this Declaration in support of my motion for permission to appear *pro hac vice* on behalf of AfterWords in this Proceeding.

3. I have been admitted to practice law in the State of Florida since 1992 and am in good standing, and am admitted to practice in the United States District

Courts for the Middle and Southern Districts of Florida, Northern District of Illinois, and Eastern District of Michigan, and the United States Courts of Appeals for the Ninth, Tenth, Eleventh, and Federal Circuits.

4. I am AV® Peer Review Rated by Martindale-Hubbell and have been recognized by World Trademark Review's WTR1000 as one of the top trademark practitioners in the world, by Best Lawyers, Florida Super Lawyers, Florida Legal Elite, and was named by Best Lawyers as "Tampa Lawyer of the Year in Intellectual Property Litigation" in 2017 and "Tampa Lawyer of the Year in Patent Litigation" in 2019 and 2023.

5. I am a 1989 graduate of Dartmouth College, and a 1992 graduate of the University of Florida Levin College of Law, where I was a member of the Trial Competition Team.

6. I have practiced in the area of intellectual property since I started practicing law in 1992, and practice almost exclusively in the area of intellectual property today.

7. In 2000, when I was admitted to the partnership as an equity partner, I founded Shumaker's Intellectual Property Law practice group, which I chaired for more than 20 years.

8. From 2009 to 2014, I served on Shumaker's national Management Committee, including as Vice Chair of the Committee and Tampa office Managing Partner.

9. I am certified as an Intellectual Property Law Specialist by the Florida Bar Board of Legal Specialization and Education. Certification is the highest level of recognition by The Florida Bar of the competency and experience of attorneys in the area of Intellectual Property Law. In order to become board certified, applicants must undergo a complex application process, including providing recommendations from others in the intellectual property field, as well as sit for a day long comprehensive examination. Currently, there are only 134 lawyers in the State of Florida Board Certified in Intellectual Property Law.

10. I have never been suspended or disbarred from practice before any court or administrative body.

11. I have never been denied application for admission to practice before any court or administrative body.

12. No court or administrative body has imposed sanctions or contempt citations against me.

13. I have read, fully understand, 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 Title 37 of the C.F.R.

14. I acknowledge and agree that I will be subject to the USPTO 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).

15. I have not appeared in any other proceedings before the Office for which I have applied to appear *pro hac vice* in the last three (3) years.

16. I have been actively involved as lead counsel for AfterWords in the related district court litigation between the Petitioner and AfterWords, *AfterWords, Inc. v. GetTattle, Inc.*, Case No. 8:24-cv-01286-TPB-CPT, pending in the Tampa Division of the Middle District of Florida. U.S. Patent No. 10, 480,811 (“**811 patent**”), which is at issue in this proceeding, is the patent asserted by AfterWords in the District Court litigation. I have been actively involved in AfterWords’ factual investigation and development of its claim construction, validity, and infringement positions regarding the claims of the ’811 patent at issue here.

17. This Declaration was executed in the United States.

FURTHER DECLARANT SAYETH NAUGHT.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on the 21st day of April, 2025.

/s/ J. Todd Timmerman
J. Todd Timmerman