

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GETTATTLE, INC.,
Petitioner,

v.

AFTERWORDS, INC.,
Patent Owner.

IPR2025-00677
Patent 10,430,811 B1

Before LINDA E. HORNER, MATTHEW S. MEYERS, and
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of J. Todd Timmerman
37 C.F.R. § 42.10

On April 28, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of J. Todd Timmerman. Paper 6 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from J. Todd Timmerman in support of the Motion. Mot. 8–11 (“Declaration”).¹ Patent Owner represents that Petitioner does not oppose the Motion. Mot. 1. For the reasons provided below, Patent Owner’s Motion is *conditionally granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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 *pro hac vice* admission, 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* 37 C.F.R. § 42.10(c)(1); Paper 5, 3–4.

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Timmerman has sufficient qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Declaration. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Timmerman. Mr. Timmerman will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

¹ Patent Owner filed the Declaration as part of the Motion. We excuse this mistake on this occasion, but remind Patent Owner that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

Upon review of the record before us, we note that Patent Owner has not filed a Power of Attorney including Mr. Timmerman in accordance with 37 C.F.R. § 42.10(b). In view of this, and for the reasons set forth below, Patent Owner's Motion is *conditionally granted*. Mr. Timmerman's *pro hac vice* admission will become effective upon filing by Patent Owner of a Power of Attorney appointing Mr. Timmerman as back-up counsel.

Patent Owner has filed a Mandatory Notice identifying Mr. Timmerman as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 4, 2.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for *pro hac vice* admission of J. Todd Timmerman (Paper 6) is *conditionally granted*;

FURTHER ORDERED that his admission as back-up counsel will become effective provided that within ten business days of the date of this order, Patent Owner submits a Power of Attorney appointing Mr. Timmerman as back-up counsel in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Timmerman is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Timmerman be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with the Board's Rules of

² Available at www.uspto.gov/TrialPracticeGuideConsolidated.

IPR2025-00677
Patent 10,430,811 B1

Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Timmerman 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 *et seq.*

FOR PETITIONER:

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