UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BE SMARTER, LLC AND JAMES GUERRA,

Petitioners

v.

YONDR, INC.,

Patent Owner

Case PGR202-00070
U.S. Patent No. 12,133,078 b2
Issue Date: October 29, 2024

DECLARATION OF ARTHUR GOLLWITZER III IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Arthur Gollwitzer III, declare as follows:

1. I am an experienced litigating attorney with over thirty (30) years of experience. I have been litigating patent cases for more than twenty-five (25) years, and I have served as trial counsel in more than eighty-five (85) patent infringement lawsuits.

2. I am a member in good standing of the State Bars of Illinois, New York, Texas, and Wisconsin (inactive) and am admitted to practice in the United States District Courts for the Northern, Southern, Western, and Eastern Districts of Texas, the Central and Northern Districts of Illinois, the Eastern and Western Districts of Wisconsin, the Northern District of Indiana, and the Southern District of New York, the United States Courts of Appeals for the Second, Fifth, and Seventh Circuits, and the United States Court of Appeals for the Federal Circuit.

3 I have never 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. I have had no sanctions or contempt citations imposed against me by any court or administrative body.

6. I am familiar with the subject matter at issue in this PGR proceeding. Namely, I am familiar with the ’078 Patent, its prosecution history, prior art relied on by Petitioners Be Smarter, LLC and James Guerra in this PGR proceeding, and other related subject matter relevant to this proceeding. Moreover, I represent Petitioners Be Smarter, LLC and James Guerra in pending litigation, *Yondr, Inc.. v.*

Be Smarter, LLC and James Guerra, No. 1:24-cv-01326-ADA (W.D. Tex.) (filed October 31, 2024) ("related litigation"), which involves the '078 Patent at issue in this PGR proceeding. In the related litigation, I have been actively involved in analyzing Patent Owner's positions regarding alleged infringement of and invalidity of the '078 Patent.

7. 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.

8. I agree to 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).

9. I applied to appear *pro hac vice* in proceeding number IPR2025-00970 before the USPTO on July 31, 2025. I also appeared as Lead Counsel for Petitioners during the Oral Argument held in *M&P Golf LLC d/b/a Cool Clubs; Roger Dunn Inc.; Golfsmith International, Inc., and Golftec Enterprises, LLC v. Max Out Golf, LLC,* IPR Nos. IPR2016-00784 and IPR2016-00785.

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 that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1746 of Title 28 of the United States Code.

Dated: February 10, 2026

/s/ Arthur Gollwitzer III
Arthur Gollwitzer III