

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BE SMARTER LLC and JAMES GUERRA,
Petitioner,

v.

YONDR, INC.,
Petitioner.

PGR2025-00070
Patent 12,133,078 B2

Before HYUN J. JUNG, FREDERICK C. LANEY, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

On February 10, 2026, Petitioner filed a motion requesting *pro hac vice* admission of Arthur Gollwitzer III. Paper 14 (“Motion”).¹ The Motion is supported by a corresponding declaration of Mr. Gollwitzer. Ex. 1030 (“Declaration”). Patent Owner has not opposed the Motion.

In accordance with 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 *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 Unified Patents, Inc. v. Parallel Iron, LLC*, 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* Decl. ¶¶ 1–9. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Gollwitzer.

We note that Petitioner filed a Power of Attorney including Mr. Gollwitzer in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner

¹ Paper 14 is the Corrected Motion *For Pro Hac Vice* Admission Of Arthur Gollwitzer III.

also filed Mandatory Notices identifying Mr. Gollwitzer as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 9.

In consideration of the foregoing, it is hereby:

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

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent Petitioner as lead counsel;

FURTHER ORDERED that Mr. Gollwitzer is authorized to represent Petitioner as back-up counsel only (37 C.F.R. § 42.10(c));

FURTHER ORDERED that Mr. Gollwitzer be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019))³ 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 *et seq.*⁴

² The Declaration references "Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R." Decl. ¶ 7. The correct identification is footnoted above. We deem this harmless error.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁴ The Declaration references "USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§10.20 et seq." Decl. ¶ 8. The correct identification is footnoted above. We deem this harmless error.

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