

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIMPSON STRONG-TIE COMPANY INC.
Petitioner

v.

COLUMBIA INSURANCE COMPANY
Patent Owner

Case PGR2023-00049
U.S. Patent No. 11,649,626

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner Simpson Strong-Tie Company Inc. ("Simpson Strong-Tie") objects to the admissibility of Exhibits 2002–2006, which Patent Owner (“Columbia Insurance”) filed with the Patent Owner's Response on June 14, 2024. *See* Paper 9, Exhibit List. Simpson Strong-Tie objects to these Exhibits on the following grounds.

I. Exhibit 2002

F.R.E. 1002 and 1003: Exhibit 2002 appears to be incomplete, and is thus not a “duplicate” as defined by F.R.E. 1001(e) insofar as the exhibit is not “a copy . . . which accurately reproduces the original.” The exhibit appears to be a copy of only of a select number of pages of Chapter 7 of a manual, missing at least pages 1-3 through 7-416, 7-420 through 7-546, and 7-548 through 7-563. The exhibit is thus not a copy that completely and accurately represents the original.

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2002 as irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

II. Exhibit 2003

F.R.E. 1002 and 1003: Exhibit 2003 appears to be incomplete, and is thus not a “duplicate” as defined by F.R.E. 1001(e) insofar as the exhibit is not “a copy . . . which accurately reproduces the original.” The exhibit appears to be a copy of only Chapters 6 and 7 of a book. The exhibit is thus not a copy that completely and accurately represents the original.

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2003 as irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

III. Exhibit 2004

F.R.E. 1002 and 1003: Exhibit 2004 appears to be incomplete, and is thus not a “duplicate” as defined by F.R.E. 1001(e) insofar as the exhibit is not “a copy . . . which accurately reproduces the original.” The exhibit appears to be a copy of only a select number of pages in Chapters 6, 7, and 18 of a book. The exhibit is thus not a copy that completely and accurately represents the original.

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2004 as irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

IV. Exhibit 2005

F.R.E. 401, 402, and 403: Exhibit 2005 is dated October 2019, well past the priority date of the '626 patent and thus irrelevant to patentability. Exhibit 2005 thus lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent Exhibit 2005 has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

V. Exhibit 2006

F.R.E. 401, 402, and 403: Exhibit 2006 is dated 2021, well past the priority date of the '626 patent and thus irrelevant to patentability. Exhibit 2006 thus lacks any tendency to make a fact that is of consequence in determining the action more

or less probable than it would be without this document. In addition, to the extent Exhibit 2006 has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Respectfully submitted,
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CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

The undersigned hereby certifies that on June 24, 2024, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE** was electronically served via e-mail in its entirety upon the following Attorneys for Patent Owner:

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