

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 PGR2024-00050
U.S. Patent No. 11,920,339

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Mail Stop "PATENT BOARD"
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 2003–2007, 2009, 2012–2023, 2016–2029, and 2034–2047, which Patent Owner (“Columbia Insurance”) filed with the Patent Owner's Preliminary Response on December 20, 2024. *See* Paper 10, Exhibit List. Simpson Strong-Tie objects to these Exhibits on the following grounds.

I. Exhibit 2003

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.

II. Exhibit 2004

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.

III. Exhibit 2005

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2005 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 2006

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2006 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.

V. Exhibit 2007

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2007 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.

VI. Exhibit 2009

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2009 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.

VII. Exhibit 2012

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2012 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.

VIII. Exhibit 2013

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2013 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.

IX. Exhibit 2014

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2014 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.

X. Exhibit 2015

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2015 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.

XI. Exhibit 2016

F.R.E. 401, 402, and 403: Exhibit 2016 is dated June 2023, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2016 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XII. Exhibit 2017

F.R.E. 401, 402, and 403: Exhibit 2017 is dated November 6, 2024, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2017 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of

unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XIII. Exhibit 2018

F.R.E. 401, 402, and 403: Exhibit 2018 is dated November 6, 2024, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2018 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XIV. Exhibit 2019

F.R.E. 401, 402, and 403: Exhibit 2019 is dated June 5, 2023, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2019 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XV. Exhibit 2020

F.R.E. 401, 402, and 403: Exhibit 2020 is dated June 2018, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2020 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair

prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XVI. Exhibit 2021

F.R.E. 401, 402, and 403: Exhibit 2021 is dated June 4, 2018, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2021 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XVII. Exhibit 2022

F.R.E. 401, 402, and 403: Exhibit 2022 is dated December 2017, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2022 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XVIII. Exhibit 2023

F.R.E. 401, 402, and 403: Exhibit 2023 is dated 2019, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2023 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair

prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

XIX. Exhibit 2026

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2026 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.

XX. Exhibit 2027

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2027 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.

XXI. Exhibit 2028

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2028 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.

XXII. Exhibit 2029

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2029 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.

XXIII. Exhibit 2034

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2034 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.

XXIV. Exhibit 2035

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2035 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.

XXV. Exhibit 2036

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2036 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.

XXVI. Exhibit 2037

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2037 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.

XXVII. Exhibit 2038

F.R.E. 801 and 802: Exhibit 2038 contains hearsay because Exhibit 2038 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2038 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2038 is a true and accurate copy of the 2012 International Building Code.

F.R.E. 1002 and 1003: Exhibit 2038 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 the 2012 International Building Code, missing at least pages 1 through 149 and 159 through 653. The exhibit is thus not a copy that completely and accurately represents the original.

XXVIII. Exhibit 2039

F.R.E. 801 and 802: Exhibit 2039 contains hearsay because Exhibit 2039 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2039 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2039 is a true and accurate copy of Christine Beal, “Fire Ratings of Masonry Walls,” (The Aberdeen Group, 1989).

XXIX. Exhibit 2040

F.R.E. 801 and 802: Exhibit 2040 contains hearsay because Exhibit 2040 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2040 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2040 is a true and accurate copy of David Bilow *et al.*, “Fire and Concrete Structures,” (Am. Soc’y Civil Engineers, 2008).

XXX. Exhibit 2041

F.R.E. 801 and 802: Exhibit 2041 contains hearsay because Exhibit 2041 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2041 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2041 is a true and accurate copy of “Fire Protection and Safety with Concrete,” (Irish Concrete Federation Ltd., 2007)

XXXI. Exhibit 2042

F.R.E. 801 and 802: Exhibit 2042 contains hearsay because Exhibit 2042 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2042 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2042 is a true and accurate copy of the 2012 International Building Code.

F.R.E. 1002 and 1003: Exhibit 2042 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 the 2012 International Building Code, missing at least pages 1 through 20 and 22 through 653. The exhibit is thus not a copy that completely and accurately represents the original.

XXXII. Exhibit 2043

F.R.E. 801 and 802: Exhibit 2043 contains hearsay because Exhibit 2043 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2043 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2043 is a true and accurate copy of “Structural Design for Fire Safety.”

F.R.E. 1002 and 1003: Exhibit 2043 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 Andrew H. Buchanan, “Structural Design for Fire Safety,” (Wiley & Sons Ltd., 2008), missing at least pages 1 through 6, 34 through 106, 126 through 326, and 367 through 371. The exhibit is thus not a copy that completely and accurately represents the original.

XXXIII. Exhibit 2044

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2044 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.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2044 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2044 is a true and accurate copy of online press releases by MiTek dating back to 2013.

XXXIV. Exhibit 2045

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2045 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.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2045 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2045 is a true and accurate copy of an online article published by Business Wire on the date asserted.

XXXV. Exhibit 2046

F.R.E. 401, 402, and 403: Exhibit 2046 is dated June 2015, past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2046 thus includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2046 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2046 is a true and accurate copy of the product catalog released by MiTek in June 2015.

XXXVI. Exhibit 2047

F.R.E. 801 and 802: Exhibit 2047 contains hearsay because Exhibit 2047 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Columbia Insurance has not produced evidence sufficient to support a finding that Exhibit 2047 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2047 is a true and accurate copy of “Wood-Frame House Construction.”

F.R.E. 1002 and 1003: Exhibit 2047 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 6 of Gerald E. Sherwood *et al.*, “Wood-Frame House Construction,” Agriculture Handbook 73 (U.S. Dep’t of Agriculture, 1989), missing at least pages 1 through 166 and 191 through 245. The exhibit is thus not a copy that completely and accurately represents the original.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Michelle K. Holoubek, Reg. # 54,179/

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Date: March 12, 2025
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CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

The undersigned hereby certifies that March 12, 2025, 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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Respectfully submitted,

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Michelle K. Holoubek (Reg. No. 54,179)
Attorney for Petitioner
Simpson Strong-Tie Company Inc.

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