

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIMPSON STRONG-TIE COMPANY INC.  
Petitioner

v.

COLUMBIA INSURANCE COMPANY  
Patent Owner

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Case PGR2024-00050  
Patent No. 11,920,339

**DECLARATION OF RYAN HOLMES**

I, Ryan Holmes, hereby declare as follows:

1. I am the President of Accel Framing, Inc. I make this declaration in connection with the above-referenced PGR proceedings on behalf of patent owner Columbia Insurance Company.
2. I am a licensed general contractor with more than 38 years in the building industry. My experience includes 12 years as a General Manager at HNR Framing Systems, Inc., and about two years as Vice President of Operations, Southern California Framing, at SelectBuild. During this time, our operations were involved in the construction of approximately 3,000 single and multifamily homes and/or living units per year. For the past 18 years, I have been the President of Accel Framing, Inc. Accel Framing provides general contracting and

framing services for residential and light commercial (multi-use and multi-family) construction in Southern California.

3. Throughout my years in the construction industry, I have become familiar with many structural connector products offered by both Simpson Strong-Tie Company and MiTek.

4. Relevant to this matter, I have significant experience in Type III construction requiring fire barriers, having participated in the construction of dozens if not hundreds of buildings that include fire rated assemblies of this nature.

5. In Type III construction, local building codes require fire-rated walls for fire safety and to prevent the spread of fire and smoke between units. Typically, the building code will require a 2-hour fire-resistance rated wall between units and on exterior walls. Moreover, any steel I-beams used in construction must be fire protected.

6. Prior to MiTek's introduction of the FWH, achieving the necessary fire rating in Type III construction projects was typically accomplished through one of two methods: either using fire-rated gypsum board or applying intumescent paint.

7. Intumescent paint is a specialized coating that when exposed to high temperatures (as in the case of a fire) undergoes a chemical reaction that slows heat transfer and prevents or delays structural failure. Although effective, the use of intumescent paint to achieve the fire rating created significant delays and additional expenses to our projects. In many cases, the application of this material requires that no personnel be present in the area during spraying, which disrupts workflow and extends project timelines. Intumescent paint is acceptable in projects involving a substantial number of steel I-beams. However, it is inefficient and expensive when there are only a few steel I-beams in the structure.

8. Before the FWH, another method we used to achieve the necessary structural and fire ratings to achieve the required fire-rating was to install drop beams and additional framing elements.

9. The FWH hanger and MiTek's innovative installation method (the "FWH Method") has transformed our approach to constructing fire-resistive wall assemblies by improving efficiency, reducing delays, and providing superior structural solutions compared to traditional methods.

10. With the FWH Method, my framing crews can complete the framing before drywall arrives, which expedites the path to complete a weather-tight build and permits us to achieve "roof dry-in" status quickly and efficiently.

11. In my professional experience, achieving "roof dry-in" status is one of the most critical elements in construction scheduling. The roof weather-barrier must be completed before drywall installation can begin, as drywall materials should not be exposed to moisture. Moisture exposure can damage the drywall and lead to mold formation on the drywall. With the FWH Method, we can achieve roof dry-in prior to drywall installation, which directly improves our overall project schedule and allows subsequent interior work to commence sooner.

12. The FWH Method also allows our framing crews to use flush beams instead of drop beams, which significantly improves the construction process. Flush beams are often preferable to drop beams because drop beams create challenges with ceiling heights and cause complications with mechanical systems and throughputs.

13. One notable example where we used the FWH Method was on a 55,000 square foot, two-story senior center that included large commercial spaces with residential units. Using the FWH and the FWH Method allowed our teams to progress with floor and roof framing at

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steel W beam locations with a 3x top nailer while the drywallers installed their work after roof dry-in. The photo below shows the FWH as installed on this project:



14. Using the FWH Method was critical for reduced cost-path-to-completion without exposure to mold issues. Because of the FWH, the drywallers could install a lower-cost, double layer of 5/8" type X board (non- dense-glass) after the structure was complete.

15. I have been willing to pay more for the FWH hanger because the extra expense of the hanger itself can be offset in many circumstances. The efficiency gains and schedule improvements provided by this installation sequence often justify the additional cost of the premium hardware.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of May, 2025 by:

Ryan Holmes

President, Aecal Framing, Inc