

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
Patent No. 11,920,339

**PATENT OWNER'S MOTION TO FILE UNDER SEAL
PURSUANT TO 37 C.F.R. § 42.14**

Pursuant to 37 C.F.R. § 42.14 and the Parties' Proposed Stipulated Protective Order, Patent Owner Columbia Insurance Company ("Columbia") respectfully submits this Patent Owner's Motion to File Under Seal, requesting that the following documents remain under seal: the unredacted version of Patent Owner's Response; unredacted version of Exhibit 2050, 2051, 2055, and 2059; and Exhibit 2064, 2066, 2068-2069, 2071-2072, 2075, 2086-2090, 2092-2131, 2136-2139, 2141, 2151, 2159, and 2165. These documents are being filed concurrently with this motion.

Patent Owner and Petitioner have conferred and jointly filed Petitioner and Patent Owner's Agreed Motion for Entry of Stipulated Protective Order (Paper 17). A copy of the Proposed Stipulated Joint Protective Order was submitted as Exhibit 2048. Patent Owner respectfully requests that the Board enter the Proposed Stipulated Joint Protective Order (Paper 17) and grant the present Patent Owner's Motion to File Under Seal.

A. There is good cause for the below documents to remain under seal.

For good cause, the Board may "issue an order to protect a party or person from disclosing confidential information." 37 C.F.R. § 42.54. The rules "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." Patent

(“Consolidated Trial Practice Guide”) at 19. Each of the categories of documents listed below meet this standard and for the reasons explained there is good cause for why those documents should remain under seal.

1. Patent Owner’s Response

Portions of Patent Owner’s Response contain discussions of documents of both MiTek—Patent Owner’s real-party-in interest—and Simpson. The discussions of Patent Owner’s information include references to the following categories of confidential documents: sales, revenue, market share, and pricing information; research and development; identification of, and communications with, customers; and business strategies. The discussions of Simpson’s information include similar information and the source documents have been designated by Simpson as confidential under the protective order (previously submitted as Exhibit 2049) in *Columbia Insurance Co., et al v. Simpson Strong-Tie Company Inc.*, 3:19-CV-04683 (N.D. Cal) (the “510 Litigation”). A redacted version of the Patent Owner Response will be filed as soon as possible after this motion.

All of the proposed redacted information fits within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as “confidential research, development, or commercial information.” Consolidated

Trial Practice Guide at 19. There is good cause for keeping the proposed redacted information contained in Patent Owner's Response under seal. Publicly revealing sales, revenue, market share, and pricing information; research and development; identification of, and communications with, customers; and business strategies could put MiTek and Simpson at a competitive disadvantage in the marketplace.

2. Patent Owner's Expert Declarations

Portions of Patent Owner's Exhibit 2050, 2051, and 2055 are expert declarations that contain discussions of documents of both MiTek—Patent Owner's real-party-in interest—and Simpson. The discussions of Patent Owner's information include references to the following categories of confidential documents: sales, revenue, market share, and pricing information; research and development; identification of, and communications with, customers; and business strategies. The discussions of Simpson's information include similar information and the source documents have been designated by Simpson in the '510 Litigation as confidential under the protective order in that case. A redacted version of the Patent Owner Response will be filed as soon as possible after this motion.

All of the proposed redacted information fits within the kinds of information that the Trial Practice guide considers to be "confidential information," such as "confidential research, development, or commercial information." Consolidated Trial Practice Guide at 19. There is good cause for keeping the proposed redacted

information contained in Patent Owner's Response under seal. Publicly revealing sales, revenue, market share, and pricing information; research and development; identification of, and communications with, customers; and business strategies could put MiTek and Simpson at a competitive disadvantage in the marketplace.

3. Patent Owner's Financial Information

Exhibit 2059 to Patent Owner's Response is a declaration of a MiTek employee that contains confidential financial information regarding Patent Owner, including financial data attached as exhibits thereto. For example, portions of the documents discuss sales, revenue, market share, pricing, and/or commercial strategy information regarding MiTek's fire wall hanger products. A redacted version of Exhibit 2059 will be filed shortly after this motion.

All of the proposed redacted information fits within the kinds of information that the Trial Practice guide considers to be "confidential information," such as "confidential research, development, or commercial information." Consolidated Trial Practice Guide at 19. There is good cause for keeping the proposed redacted information contained in these Exhibits under seal. Publicly revealing sales, revenue, market share, pricing, and commercial strategy information could put MiTek at a competitive disadvantage in the marketplace.

4. Patent Owner's Design and Customer Information

The following Exhibits to Patent Owner's Response contain confidential research and development or sensitive business information regarding MiTek and/or MiTek's customers: Exhibit 2069, 2071, 2072, 2075, 2090, 2093, 2118-2123, 2125, 2131, 2139, 2151. For example, these documents discuss product development strategies and information related to accounts and relationships with customers.

The entirety of the documents fit within the kinds of information that the Trial Practice guide considers to be "confidential information," such as "confidential research, development, or commercial information." Consolidated Trial Practice Guide at 19. There is good cause for keeping the information contained in these Exhibits under seal. Publicly revealing research and development; identification of, and communications with, customers; and business strategies could put MiTek at a competitive disadvantage in the marketplace.

5. Simpson documents that it designated as confidential

The following Exhibits to Patent Owner's Response were designated as confidential under the district court protective order governing the parties in the '510 Litigation: 2064, 2066, 2068, 2071, 2075, 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2138, 2141, 2151, 2159, and 2165. For example, portions of these documents discuss sales, revenue, market share, pricing, and/or

commercial strategy information regarding Simpson's fire wall hanger products; product development strategies, and/or information related to accounts and relationships with customers.

Because Petitioner has designated these documents as confidential under the Norther District of California protective order, it appears there is good cause for keeping the information contained in these Exhibits under seal. Further, the information contained in these documents appears to fit within the kinds of information that the Trial Practice guide considers to be "confidential information," such as "confidential research, development, or commercial information." Consolidated Trial Practice Guide at 19. Presumably, publicly revealing sales, revenue, market share, pricing information, research and development, identification of, and communications with, customers, and business strategies could put Simpson at a competitive disadvantage in the marketplace.

B. Conclusion

Patent Owner respectfully requests that the Board grant this Motion to File Under Seal, and keep the following documents under seal: the unredacted version of Patent Owner's Response; unredacted version of Exhibit 2050, 2051, 2055, and 2059; and Exhibit 2064, 2066, 2068-2069, 2071-2072, 2075, 2086-2090, 2092-2131, 2136-2139, 2141, 2151, 2159, and 2165.

Dated: May 27, 2025

Respectfully submitted,

/Kurt F. James/

Kurt F. James, Reg. No. 33,716

Counsel for Columbia Insurance Company

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on May 27, 2025, a copy of the foregoing Patent Owner's Motion to File Under Seal Pursuant to 37 C.F.R. § 42.14 was served via email on the following:

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