

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 2050-2060, 2062-2076, 2086-2141, 2143-2159, and 2165, which Patent Owner (“Columbia Insurance”) filed with the Patent Owner's Response on May 27, 2025. *See* Paper 18, Exhibit List. Simpson Strong-Tie objects to these Exhibits on the following grounds.

I. Exhibit 2050

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to at least paragraphs 197 to 372 of Exhibit 2050 for including information that is irrelevant. These paragraphs lack 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. Simpson Strong-Tie also objects to paragraphs 32, 37-61, 82, 93, 95-98, 121-123, 125-128, 135-136, 170-177, 180, 188, 197-199, 239-243, 265-268, and 282 of Exhibit 2050 as irrelevant under FRE 401, 402, and 403 because they have not been relied upon in support of any argument made in the Patent Owner Response.

F.R.E. 703: Simpson Strong-Tie objects to at least paragraphs 197 to 372 of Exhibit 2050 for including opinions based on information that is not of the type facts or data that experts in the field reasonably rely on in forming an opinion.

II. Exhibit 2051

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to at least paragraphs 222 to 387 of Exhibit 2051 for including information that is irrelevant. These paragraphs lack 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. Simpson Strong-Tie also objects to paragraphs 61-73, 78-80, 94-97, 104-108, 118, 122-123, 130, 143, 183-184, 209-210, 222-225, 306, 328-331, and 396-399 of Exhibit 2051 as irrelevant under FRE 401, 402, and 403 because they have not been relied upon in support of any argument made in the Patent Owner Response.

F.R.E. 703: Simpson Strong-Tie objects to at least paragraphs 222 to 387 of Exhibit 2051 for including opinions based on information that is not of the type facts or data that experts in the field reasonably rely on in forming an opinion.

III. Exhibit 2052

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2052 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. 602: Simpson Strong-Tie objects to Exhibit 2052 under FRE 602 because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Irmiter's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2052 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Irmiter's Declaration.

IV. Exhibit 2053

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2053 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. 602: Simpson Strong-Tie objects to Exhibit 2053 under FRE 602 because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Baranyk's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2053 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Baranyk's Declaration.

V. Exhibit 2054

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2054 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. 602: Simpson Strong-Tie objects to Exhibit 2054 under FRE 602

because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Alley's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2054 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Alley's Declaration.

F.R.E. 801 and 802: Exhibit 2054 contains hearsay because Exhibit 2054 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

VI. Exhibit 2055

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2055 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. 602: Simpson Strong-Tie objects to Exhibit 2055 under FRE 602

because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Duncan's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2055 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Duncan's Declaration.

VII. Exhibit 2056

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2056 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. 602: Simpson Strong-Tie objects to Exhibit 2056 under FRE 602 because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Church's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2056 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Church's Declaration.

VIII. Exhibit 2057

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2057 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. 602: Simpson Strong-Tie objects to Exhibit 2057 under FRE 602 because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Dunkle's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2057 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Dunkle's Declaration.

IX. Exhibit 2058

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2058 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. 602: Simpson Strong-Tie objects to Exhibit 2058 under FRE 602 because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Holmes's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2058 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Holmes's Declaration.

X. Exhibit 2059

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2059 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. 602: Simpson Strong-Tie objects to Exhibit 2059 under FRE 602 because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Nelson's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2059 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Nelson's Declaration.

XI. Exhibit 2060

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2060 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. 602: Simpson Strong-Tie objects to Exhibit 2060 under FRE 602

because Columbia Insurance did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed in Horwitz's Declaration.

F.R.E. 701: Simpson Strong-Tie objects to Exhibit 2060 as improper opinion testimony by a lay witness under FRE 701. Columbia Insurance has not established the declarant as an expert witness in the subject matter discussed in Horwitz's Declaration.

F.R.E. 801 and 802: Exhibit 2060 contains hearsay because Exhibit 2060 contains out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

XII. Exhibit 2062 and 2063

F.R.E. 401, 402, and 403: Exhibits 2062 and 2063 are deposition transcripts of Petitioner's Expert Declarant Andy Fennell from a different proceeding (PGR2021-00109) directed to U.S. Patent No. 11,021,867. Exhibits 2062 and 2063 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. Exhibits 2064-2072, 2143, 2151

F.R.E. 401, 402, and 403: Exhibits 2064-2072, 2143, and 2151 are deposition transcripts from a district court litigation (*Columbia Insurance Co. and Mitek Inc. v. Simpson Strong-Tie Company, Inc.*, Case No. 3:19-cv-04683-TSH (N.D. Cal.)) directed to U.S. Patent No. 10,316,510. Exhibits 2064-2072, 2143, and 2151 thus include 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. 801 and 802: Exhibits 2064-2072, 2143, and 2151 contain hearsay because Exhibits 2064-2072, 2143, and 2151 contain out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

XIV. Exhibit 2073

F.R.E. 401, 402, and 403: Exhibit 2073 is a declaration from Petitioner's Expert Declarant Andy Fennell from a different proceeding (PGR2021-00109) directed to U.S. Patent No. 11,021,867. Exhibit 2073 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. Exhibits 2074-2076

F.R.E. 401, 402, and 403: Exhibits 2074-2076 are declarations and expert reports from a district court litigation (*Columbia Insurance Co. and Mitek Inc. v. Simpson Strong-Tie Company, Inc.*, Case No. 3:19-cv-04683-TSH (N.D. Cal.)) directed to U.S. Patent No. 10,316,510. Exhibits 2074-2076 thus include 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. 801 and 802: Exhibits 2074-2076 contain hearsay because Exhibits 2074-2076 contain out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

XVI. Exhibits 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165

F.R.E. 401, 402, and 403: Exhibits 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165 are emails and internal documents exchanged by employees of Simpson Strong-Tie that were produced in a district court litigation (*Columbia Insurance Co. and Mitek Inc. v. Simpson Strong-Tie Company, Inc.*, Case No. 3:19-cv-04683-TSH (N.D. Cal.)) directed to

U.S. Patent No. 10,316,510. Exhibits 2087-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165 thus include 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. 801 and 802: Exhibits 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165 contain hearsay because Exhibits 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165 contain out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Exhibits 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165 are not properly authenticated and do not qualify as evidence that is self-authenticating.

XVII. Exhibits 2090-2091, 2093, 2118-2123, 2125, and 2139

F.R.E. 401, 402, and 403: Exhibits 2090-2091, 2093, 2118-2123, 2125, and 2139 are emails and internal documents exchanged by employees of Mitek that were produced in a district court litigation (*Columbia Insurance Co. and Mitek Inc. v. Simpson Strong-Tie Company, Inc.*, Case No. 3:19-cv-04683-TSH (N.D. Cal.)) directed to U.S. Patent No. 10,316,510. Exhibits 2090-2091, 2093, 2118-2123, 2125, and 2139 thus include 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. 801 and 802: Exhibits 2090-2091, 2093, 2118-2123, 2125, and 2139 contain hearsay because Exhibits 2090-2091, 2093, 2118-2123, 2125, and 2139 contain out-of-court statements offered to prove the truth of the matter asserted to which no exclusion or exception applies.

F.R.E. 901: Exhibits 2086-2089, 2092, 2094-2117, 2124, 2126-2130, 2136-2137, 2140-2141, 2159, and 2165 are not properly authenticated and do not qualify as evidence that is self-authenticating.

XVIII. Exhibit 2131

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2131 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. 801 and 802: Exhibit 2131 contains hearsay because Exhibit 2131 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 2131 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2131 is a true and accurate copy of the USP Structural Connectors FWH Series Fire Wall Hangers Technical Bulletin.

XIX. Exhibit 2132

F.R.E. 401, 402, and 403: Exhibit 2132 is dated in the year 2019, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2132 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. 801 and 802: Exhibit 2132 contains hearsay because Exhibit 2132 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 2132 is what Columbia Insurance claims it is. For

example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2132 is a true and accurate copy of the Mitek USP Structural Connectors Fire Wall Hangers FWH Series Bulletin.

XX. Exhibit 2133

F.R.E. 401, 402, and 403: Exhibit 2133 is dated June 1, 2018, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2133 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. 801 and 802: Exhibit 2133 contains hearsay because Exhibit 2133 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 2133 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2133 is a true and accurate copy of the Simpson Strong-Tie Fire Wall Hanger Bulletin.

XXI. Exhibit 2134

F.R.E. 401, 402, and 403: Exhibit 2134 is dated May 1, 2019, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2134 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. 801 and 802: Exhibit 2134 contains hearsay because Exhibit 2134 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 2134 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2134 is a true and accurate copy of the Simpson Strong-Tie Fire Wall Hanger Bulletin.

XXII. Exhibit 2135

F.R.E. 401, 402, and 403: Exhibit 2135 is dated in the year 2024, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2135 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. 801 and 802: Exhibit 2135 contains hearsay because Exhibit 2135 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 2135 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2135 is a true and accurate copy of the Simpson Strong-Tie DGT/DGHT Fire Wall Hangers Bulletin.

XXIII. Exhibit 2138

F.R.E. 401, 402, and 403: Simpson Strong-Tie objects to Exhibit 2138 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. 801 and 802: Exhibit 2138 contains hearsay because Exhibit 2138 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 2138 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2138 is a true and accurate copy of a document titled Simpson Cantilever Drywall Hanger Testing.

F.R.E. 1002 and 1003: Exhibit 2138 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 counterpart . . . that accurately reproduces the original.”

XXIV. Exhibit 2144

F.R.E. 801 and 802: Exhibit 2144 contains hearsay because Exhibit 2144 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 2144 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2144 is a true and accurate copy of the 2012 International Building Code.

F.R.E. 1002 and 1003: Exhibit 2144 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 counterpart . . . that accurately reproduces the original.” The exhibit appears to be a copy of only a select number of pages of the 2012 International Building Code, missing at least pages 1 through 48, 50 through 90, and 92 through 106. The exhibit is thus not a copy that completely and accurately represents the original.

XXV. Exhibit 2145

F.R.E. 801 and 802: Exhibit 2145 contains hearsay because Exhibit 2145 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 2145 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2145 is a true and accurate copy of the 2000 International Building Code.

F.R.E. 1002 and 1003: Exhibit 2145 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 counterpart . . . that accurately reproduces the original.” The exhibit appears to be a copy of only a select number of pages of the 2000 International Building Code,

missing at least pages 1 through 35 and 39 through 86. The exhibit is thus not a copy that completely and accurately represents the original.

XXVI. Exhibit 2146

F.R.E. 401, 402, and 403: Exhibit 2146 is dated in the year 2020, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2146 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. 801 and 802: Exhibit 2146 contains hearsay because Exhibit 2146 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 2146 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2146 is a true and accurate copy of the Mitek USP Product Catalog.

F.R.E. 1002 and 1003: Exhibit 2146 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 counterpart . . . that accurately reproduces the original.” The exhibit appears to be a

copy of only a select number of pages of the Mitek USP Product Catalog, missing at least pages 1 through 194. The exhibit is thus not a copy that completely and accurately represents the original.

XXVII. Exhibit 2147

F.R.E. 801 and 802: Exhibit 2147 contains hearsay because Exhibit 2147 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 2147 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2147 is a true and accurate copy of “Timber Construction Manual.”

F.R.E. 1002 and 1003: Exhibit 2147 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 counterpart . . . that accurately reproduces the original.” The exhibit appears to be a copy of only a select number of pages of American Institute of Timber Construction, “Timber Construction Manual,” (John Wiley & Sons, Inc., 1994), missing at least pages 1.1 through 7.09. The exhibit is thus not a copy that completely and accurately represents the original.

XXVIII. Exhibit 2148

F.R.E. 401, 402, and 403: Exhibit 2148 is dated in the year 2021, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2148 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. 801 and 802: Exhibit 2148 contains hearsay because Exhibit 2148 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 2148 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2148 is a true and accurate copy of the Simpson Strong-Tie Wood Construction Connectors Catalog.

F.R.E. 1002 and 1003: Exhibit 2148 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 counterpart . . . that accurately reproduces the original.” The exhibit appears to be a copy of only of a select number of pages of the Simpson Strong-Tie Wood

Construction Connectors Catalog, missing at least pages 1 through 237. The exhibit is thus not a copy that completely and accurately represents the original.

XXIX. Exhibit 2149

F.R.E. 801 and 802: Exhibit 2149 contains hearsay because Exhibit 2149 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 2149 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2149 is a true and accurate copy of the Uniform Building Code 1967 Edition.

XXX. Exhibit 2150

F.R.E. 801 and 802: Exhibit 2150 contains hearsay because Exhibit 2150 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 2150 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2150 is a true and accurate copy of the PS2-92 Performance Standard for Wood-Based Structural-Use Panels.

XXXI. Exhibit 2152

F.R.E. 801 and 802: Exhibit 2152 contains hearsay because Exhibit 2152 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 2152 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2152 is a true and accurate copy of the article, Fisette, Paul “The Evolution of Engineered Wood I-Joists,” University of Massachusetts Amherst.

XXXII. Exhibit 2153

F.R.E. 801 and 802: Exhibit 2153 contains hearsay because Exhibit 2153 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 2153 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2153 is a true and accurate copy of the article, Yeh, Borjen *et al.* “Performance Standard Considerations For I-Joists Used In Residential Floor Construction,” The Engineered Wood Association.

XXXIII. Exhibit 2154

F.R.E. 801 and 802: Exhibit 2154 contains hearsay because Exhibit 2154 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 2154 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2154 is a true and accurate copy of the catalog, “Fire-Rated Systems Design/Construction Guide,” The Engineered Wood Association.

XXXIV. Exhibit 2155

F.R.E. 401, 402, and 403: Exhibit 2155 is dated December 2024, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2155 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. 801 and 802: Exhibit 2155 contains hearsay because Exhibit 2155 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 2155 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2155 is a true and accurate copy of the ICC-ES Evaluation Report of Mitek Top Mount Hangers for Wood Framed Construction.

XXXV. Exhibit 2156

F.R.E. 401, 402, and 403: Exhibit 2156 is dated April 2024, well past the priority date of the '339 patent and thus irrelevant to patentability. Exhibit 2156 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. 801 and 802: Exhibit 2156 contains hearsay because Exhibit 2156 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 2156 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2156 is a true and accurate copy of the ICC-ES Evaluation Report of Mitek Fire Wall Hangers.

XXXVI. Exhibit 2157

F.R.E. 801 and 802: Exhibit 2157 contains hearsay because Exhibit 2157 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 2157 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2157 is a true and accurate copy of the article, “Standard Test Method for Fire Tests of Through–Penetration Fire Stops,” American Society Testing of Materials

XXXVII. Exhibit 2158

F.R.E. 401, 402, and 403: Exhibit 2158 is dated May 2023, well past the priority date of the ’339 patent and thus irrelevant to patentability. Exhibit 2158 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. 801 and 802: Exhibit 2158 contains hearsay because Exhibit 2158 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 2158 is what Columbia Insurance claims it is. For example, Columbia Insurance has not produced testimony sufficient to support a finding that Exhibit 2158 is a true and accurate copy of the Mitek FWH Fire Wall Hanger Installation Instructions.

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

The undersigned hereby certifies that June 3, 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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