

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

**DECLARATION OF TOM EVANS IN SUPPORT OF
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

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

Simpson Strong-Tie Company EX1048
Simpson v. Columbia
PGR2024-00050

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	DEVELOPMENT OF SIMPSON’S DU SERIES HANGERS	2
III.	DEVELOPMENT OF SIMPSON’S DG SERIES HANGERS	7
IV.	CONCLUSION.....	10

LIST OF MATERIALS CONSIDERED

Exhibit No.	Description
1073	Simpson Email (SST0012139) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1075	Simpson Email (SST0087068) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1077	Simpson Email (SST0087439) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1079	Simpson Photos of Prototype Joist Hangers (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1082	Simpson Email (SST0012140) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1083	Simpson Email (SST0012141) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1084	Simpson Email (SST0087474) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)
1085	Simpson Email (SST0037834) (PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY)

I, Tom Evans, do hereby declare as follows:

I. INTRODUCTION

1. I am a former employee of Petitioner Simpson Strong-Tie Company Inc. (“Simpson”). I have personal knowledge of the facts set forth herein and would and could competently testify thereto.

2. I started working at Simpson in 1997 as an engineer. I researched, designed, and tested structural connector products, with a primary focus on joist hangers. In and around 2010, I become a Product Manager at Simpson. Over time, as a Product Manager, I became responsible for Simpson’s entire line of hanger products. In this capacity, I was responsible both for managing Simpson’s current hanger products and for developing new hanger products. I retired in March 2020.

3. Prior to working at Simpson, I was an engineer at a manufacturer of engineered wood products. I was a civil engineer licensed in California for 33 years until I retired in 2020.

4. Based on my training and experience summarized above, I have a deep understanding of joist hangers, particularly Simpson joist hangers, and had knowledge of the development of the particular hangers at issue here (other than Simpson’s DGT and DGHT hangers, which were developed and released after I retired).

II. DEVELOPMENT OF SIMPSON'S DU SERIES HANGERS

5. Simpson introduced the DU/DHU/DHUTF product series (the “DU Hangers”) in December 2013. The DU Hangers are the commercial embodiment of, and claim the protection of, U.S. Patent No. 9,394,680 (“Bundy”). I am listed as an inventor on the Bundy patent as well as other patents owned by Simpson. I was generally not involved in the decision to pursue patents or in the application for or prosecution of patents at Simpson, and I was not involved in the application and prosecution process for the Bundy patent, other than reviewing the patent drawings.

6. As Simpson product manager for hangers at the time, I led the research and development process of the product that was ultimately released as the DU Hangers. A number of engineers worked on the project with me. These engineers included Greg Bundy, who was a Branch Engineer in the Northeast Branch based in Columbus, Ohio, who had worked on some early versions of a hanger to be used with two sheets of drywall, and Dustin Muhn, who was a more junior engineer assigned to work with me. My role leading this project included communicating with people inside and outside Simpson regarding the need for a solution, overseeing testing of the various concepts we were considering, seeking feedback and conducting fields tests regarding potential solutions, approving allowable loads assigned by the Engineering Department to the products that we

decided to take to market, and providing information regarding the new products to the marketing department.

7. At some point in late 2011 and spanning well into 2012, I began receiving communications from other Simpson employees, mainly Simpson sales representatives, regarding requests from customers for a product that could attach a wood-framed floor assembly to a two-hour fire resistive wood-framed wall assembly. My understanding at the time was that there had been changes in building codes around that time that allowed for wood to be used in Type III construction, when previously walls in Type III construction had to be made of concrete or steel. For this reason, I understood the new requested product to be an extension of the hanger market into a new area. I understood the requests that were coming into Simpson from designers and builders to be for a hanger to be used with a two-hour firewall, not for any particular construction sequence (for example, installing the hanger before or after the two layers of drywall required to construct a two-hour fire-resistive wall assembly).

8. At some point in early 2013, we decided at the Home Office, where I worked, to pursue the development of such a hanger solution.

9. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. Finally, another key aspect in Simpson's decision was the fact that Simpson had indications that the sequence that the DU Hangers required—requiring drywall to be installed before the hanger was installed rather than the typical sequence of only installing drywall when all the framing was complete—was, while not widespread, was becoming increasingly common.

13. I communicated with other Simpson employees who worked directly with designers and builders in the multifamily space regarding the preferred installation sequence. The responses that I received indicated that in some instances the drywall would be installed prior to the installation of any hanger. EX1073, EX1082, EX1083, and EX1079 are examples of such emails.

14. Simpson was also aware of a recent (at the time) trend in the commercial and multifamily sectors known as “pre-rocking” or “top-down” construction. Pre-rocking consists of installing a strip of drywall—or two layers of drywall if a two-hour fire wall was required—at the top of a wall prior to the completion of framing, in particular prior to the installation of the mechanical, electrical, and plumbing systems. EX1075 is an email string between me and Bob Grupe, an expert in drywall who was a longtime employee of the United States Gypsum Company, regarding, among other things, the “strong trend towards what is called ‘top down’ or ‘pre-rock’ construction.”

15. Simpson conducted field tests in which it asked participants about their preference for a hanger that installed before or after drywall. The results were inconclusive, with some respondents preferring the normal sequence and some preferring whatever made sense for their job, including the drywall-first approach, but the results certainly did not indicate widespread disapproval of the method of installing the DU-type product. EX1077 and EX1084 are examples of emails between me and other Simpson employees regarding these field tests.

16. EX1085 is an email string between me and Greg Bundy, an Engineering Manager for the Northeast Branch, who as discussed above was closely involved in the development of the DU Hangers (and is the named inventor on the Bundy patent) from August 2013 regarding, among other things, the testing

of various prototypes, the fact that Simpson was considering a number of different solutions to the question of connecting a wood-framed floor assembly to a two-hour fire-resistive wood-framed wall assembly (including solutions that did not include a hanger), Simpson's understanding that the practice of pre-rocking was becoming more commonplace, and Simpson being focused—at this late point in the development process in August 2013—on promoting a solution that required the drywall to be installed first.

17. Based on all the factors discussed above, and particularly the low cost and positive customer feedback, Simpson decided to proceed with and launch the DU Hangers.

III. DEVELOPMENT OF SIMPSON'S DG SERIES HANGERS

18. After the release of the DU Hangers, some Simpson customers began to request a product that, like the DU Hangers, could connect a floor assembly to a two-hour fire-resistive wood-framed wall assembly but that, unlike the DU Hangers, could be installed before the drywall.

19. For a period of time, Simpson was waiting to see how the DU Hangers did in the market. Although the DU Hangers sold well, I continued to be informed by Simpson sales representatives of requests from customers for a hanger solution for two-hour fire-resistive wood-framed wall assemblies that could be installed before the drywall was installed.

20. In 2015, I was directed by my new manager, Sam Hensen, to begin work on developing such a hanger. I once again led the development process for this new before-the-drywall hanger as the Product Manager for hangers. As with the DU Hangers, my role leading this project included communicating with people inside and outside Simpson regarding the need for a solution, overseeing testing of the various concepts we were considering, seeking feedback and conducting field tests regarding potential solutions, approving allowable loads assigned by the Engineering Department to the products that we decided to take to market, and providing information regarding the new products to the marketing department. With this project, I was also involved in managing the process of procuring a fire rating for the new solution and communicating with other Simpson employees (who were communicating with Simpson's outside counsel) regarding being sure that the designs we were pursuing avoided the patent claims that MiTek was pursuing.

21. I oversaw field testing of a number of solutions that we were considering. The result of that field testing was that the design that became the DG series was doable in the field.

22. Simpson's DG series hangers, as developed by my team, were not a copy or attempted copy of MiTek's FWH hangers. In fact, as noted above, I am aware that Simpson made significant efforts to design away from MiTek's patent

claims. In particular, Simpson was careful to not pursue a product that had a “fin plate” that extended through the drywall.

23. Simpson launched the DG hanger series in July 2017.

IV. CONCLUSION

In signing this Declaration, I recognize that this Declaration will be filed as evidence in a post-grant review before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required, I will appear for cross-examination within the United States during the time allotted.

I hereby declare that all statements made herein are true to the best of my knowledge and that all opinions expressed herein are my own; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on this 14th day of August 2025 at Dublin, California.

/Tom Evans/
Tom Evans