

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 SIMPSON STRONG-TIE COMPANY INC.'S
MOTION TO SEAL**

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I. INTRODUCTION

Petitioner Simpson Strong-Tie Company Inc. (“Petitioner” or “Simpson”) respectfully submits this Motion to Seal Unredacted Version of Paper 43 (Petitioner’s Reply) and Exhibits 1047, 1048, 1049, 1052, 1055, 1068, 1073-1077, 1079, 1080, 1082-1085, and 1089 according to the terms of the Protective Order entered in this proceeding by the Board on June 3, 2025 (“the Protective Order”). *See* Paper 23.

Prior to the entry of the Protective Order, Petitioner had conferred with Patent Owner, and the parties jointly filed a Motion for Entry of Stipulated Protective Order. Paper 17. A copy of the Protective Order was filed by Patent Owner as Exhibit 2048. Pursuant to 37 C.F.R. § 42.54(a), Petitioner’s counsel conferred in good faith with Patent Owner’s counsel in an attempt to resolve any dispute about this Motion. Patent Owner did not oppose.

II. GOVERNING RULES AND PTAB GUIDANCE

In determining whether to grant a Motion to Seal, the Board must find “good cause,” 37 C.F.R. § 42.54(a), and “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information,” Consolidated Trial Practice Guide, November 2019 (“TPG”), 19. The Board identifies confidential information in a manner “consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which

provides for protective orders for ... confidential research, development, or commercial information.” TPG, 19.

III. IDENTIFICATION OF CONFIDENTIAL INFORMATION AND CERTIFICATION THAT THE CONFIDENTIAL INFORMATION SOUGHT TO BE PROTECTED HAS NOT BEEN MADE PUBLICLY AVAILABLE

Based on the procedure provided in the TPG, Petitioner seeks to prevent the disclosure of sensitive information contained in the following documents:

1. Paper 43 Petitioner’s Reply
2. EX1047 Declaration of Sam Hensen
3. EX1048 Declaration of Tom Evans
4. EX1049 Michael Nelson Deposition Transcript
5. EX1052 Richard Kazckowski Deposition Transcript
6. EX1055 Paul Tucker Deposition Transcript
7. EX1068 Supplemental Declaration of W. Andrew Fennell
(Unredacted)
8. EX1073 Simpson Email (SST0012139)
9. EX1074 Simpson Email (SST0037770)
10. EX1075 Simpson Email (SST0087068)
11. EX1076 Simpson Email (SST0087225)
12. EX1077 Simpson Email (SST0087439)
13. EX1079 Simpson Photos of Prototype Joist Hangers
14. EX1080 Simpson Email (SST0008420)
15. EX1082 Simpson Email (SST0012140)
16. EX1083 Simpson Email (SST0012141)
17. EX1084 Simpson Email (SST0087474)

18. EX1085 Simpson Email (SST0037834)
19. EX1089 Simpson Email (SST0086165)

These documents meet the “good cause” standard under 37 C.F.R. § 42.54(a) for the reasons explained below, and therefore, should remain under seal.

A. Petitioner’s Reply

Portions of Petitioner’s Reply contain discussions of documents of both Simpson and MiTek—Patent Owner’s real-party-in interest. 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 Petitioner’s Reply 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.” TPG at 19. There is good cause for keeping the proposed redacted information contained in

Petitioner's Reply 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 Simpson and MiTek at a competitive disadvantage in the marketplace.

B. Petitioner's Declarations

Portions of Petitioner's Exhibits 1047, 1048, and 1068 are declarations that contain discussions of documents of both Simpson and MiTek—Patent Owner's real-party-in interest. 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 declarations 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." TPG at 19. There is good cause for keeping the proposed redacted information contained in Petitioner's Declarations 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 Simpson and MiTek at a competitive disadvantage in the marketplace.

C. Deposition Transcripts

Portions of Petitioner's Exhibits 1049, 1052, and 1055 are deposition transcripts that contain discussions of documents of both Simpson and MiTek—Patent Owner's real-party-in interest. 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 declarations 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." TPG at 19. There is good cause for keeping the proposed redacted information contained in the Deposition Transcripts 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.

D. Simpson documents that it designated as confidential

The following Exhibits to Petitioner's Reply were designated as confidential under the district court protective order governing the parties in the '510 Litigation: 1073-1077, 1079, 1080, 1082-1085, and 1089. 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 Northern 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." TPG 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.

IV. CERTIFICATION OF NONPUBLICATION

Undersigned counsel, on behalf of Petitioner, certifies that the information sought to be sealed has not, to their knowledge, been published or otherwise made public by Petitioner.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board seal Paper 43 (Petitioner's Reply) and Exhibits 1047, 1048, 1049, 1052, 1055, 1068, 1073-1077, 1079, 1080, 1082-1085, and 1089 according to the terms of the Protective Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PETITIONER SIMPSON STRONG-TIE COMPANY INC.'S MOTION TO SEAL** was served in its entirety on August 18, 2025, upon the following parties via electronic mail:

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