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

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Pursuant to 37 C.F.R. § 42.14 and according to the terms of the Protective Order entered in this proceeding by the Board on June 3, 2025 ("the Protective Order") (Paper 23), 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 Reply in Support of its Contingent Motion to Amend Under 37 C.F.R. § 42.221 ("Patent Owner's Reply in Support of the Motion to Amend"); the unredacted version of Patent Owner's Sur-Reply to the Petition for Post Grant Review ("Patent Owner's Sur-Reply"); and unredacted versions of Exhibits 2197-2199. These documents are being filed concurrently with this motion.

Prior to the entry of the Protective Order, Patent Owner had conferred with Petitioner, 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 Petitioner's counsel in an attempt to resolve any dispute about this Motion. Petitioner did not oppose.

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 Trial and Appeal Board Consolidated Trial Practice Guide November 2019 ("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 Sur-Reply and Patent Owner's Reply in Support of the Motion to Amend and

Portions of Patent Owner's Sur-Reply and Patent Owner's Reply in Support of the Motion to Amend 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's Sur-Reply and Patent Owner's Reply in Support of the Motion to Amend 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 Sur-Reply and Patent Owner's Reply in Support of the Motion to Amend 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

Patent Owner's Exhibit 2198 is an expert declaration of Richard Kaczkowski that contains 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 Exhibit 2198 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 Exhibit 2198 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

Patent Owner's Exhibits 2197 and 2199 are deposition transcripts that contain discussions of Petitioner's information including references to sales figures; the research and development; identification of, and communications with, customers; and business strategies. 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 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 unredacted versions of the following documents under seal: Patent Owner's Reply in Support of the Motion to Amend; Patent Owner's Sur-Reply; and Exhibits 2197-2199.

Dated: October 20, 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 October 20, 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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