

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

JOINT MOTION TO EXPUNGE CONFIDENTIAL DOCUMENTS

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I. INTRODUCTION

Petitioner Simpson Strong-Tie Company Inc. and Patent Owner Columbia Insurance Company (collectively “the parties”) respectfully submit this Joint Motion to Expunge the confidential versions of the Patent Owner’s Response (Paper 18), Petitioner’s Reply (Paper 43), Patent Owner’s Sur-Reply (Paper 56), Patent Owner’s Reply in Support of Patent Owner’s Contingent Motion to Amend (Paper 58), and Exhibits 1047–1049, 1052, 1055, 1068, 1073–1077, 1079–1080, 1082–1085, 1089, 2050–2051, 2055, 2059, 2064, 2066, 2068–2069, 2071–2072, 2075, 2086–2090, 2092–2131, 2136–2139, 2141, 2151, 2159, 2165, and 2197–2199 (collectively “the Confidential Documents”), from the record, per 37 C.F.R. § 42.56. The Confidential Documents contain confidential information relating to sales, revenue, market share, and pricing information; research and development; identification of, and communications with, customers; and business strategies.

As this proceeding was terminated pursuant to a settlement between the parties, the Confidential Documents were not relied upon in any Board decision. Further, the public’s interests are served by the redacted versions of Patent Owner’s Response (Paper 22), Petitioner’s Reply (Paper 44), Patent Owner’s Sur-Reply (Paper 55), Patent Owner’s Reply in Support of Patent Owner’s Contingent Motion to Amend (Paper 57), and Exhibits 1047–1049, 1052, 1055, 1068, 2050–2051, 2055, 2059, and 2197–2199. Thus, the parties’ interest in expunging the

Confidential Documents outweighs the public's interest in maintaining them in the record.

II. AUTHORIZATION FOR THE MOTION

The Board authorized this motion in an e-mail dated January 7, 2026.

III. PROCEDURAL BACKGROUND

On May 27, 2025, Patent Owner filed a Motion to Seal several documents, including an unredacted version of the Patent Owner's Response and unredacted versions of Exhibits 2050, 2051, 2055, and 2059; and Exhibits 2064, 2066, 2068, 2069, 2071, 2072, 2075, 2086–2090, 2092–2131, 2136–2139, 2141, 2151, 2159, and 2165. Paper 20. The Board granted that Motion and the parties' Joint Motion for entry of the Stipulated Protective Order on June 3, 2025. Paper 23.

On August 18, 2025, Petitioner filed a Motion to Seal several documents, including an unredacted version of the Petitioner's Reply and Exhibits 1047, 1048, 1049, 1052, 1055, 1068, 1073–1077, 1079, 1080, 1082–1085, and 1089. Paper 46. The Board granted that Motion on September 10, 2025. Paper 51.

On October 20, 2025, Patent Owner filed a Motion to Seal several documents, including the unredacted version of Patent Owner's Reply in Support of its Contingent Motion to Amend Under 37 C.F.R. § 42.221; the unredacted version of Patent Owner's Sur-Reply to the Petition for Post Grant Review; and unredacted versions of Exhibits 2197–2199. The Board granted that Motion on

October 22, 2025. Paper 61.¹

IV. ARGUMENTS

37 C.F.R. § 42.56 provides: “[a]fter denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record.” The Board has previously explained that a party moving to expunge has to show that i) “any information sought to be expunged constitutes confidential information” and ii) the movant’s interest in expunging the information “outweighs the public’s interest in maintaining a complete and understandable file history.” *RPX Corp. v. Virnetx Inc.*, IPR2014-00171, Paper 62 at 3 (P.T.A.B. Sept. 9, 2014). The rules identify confidential information as including “a trade secret or other confidential research, development, or

¹ On December 1, 2025, the parties filed under seal a copy of the settlement agreement between the parties as Exhibit 1090, along with a Joint Request to Keep the Settlement Agreement Confidential. Paper 68. On December 2, 2025, the Board granted that Request, ordering that Exhibit 1090 “be kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).” Paper 69 at 3. For that reason, the parties have omitted Exhibit 1090 from the instant Motion to Expunge.

commercial information.” 37 C.F.R. §§ 42.54(a)(7) and 42.2. And the Board must 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.” 37 C.F.R. § 42.54(a); 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012).

In this case, Patent Owner and Petitioner have already demonstrated, and the Board already agreed, that the sealed documents contain highly confidential, competitively sensitive business information. *See* Order Granting Patent Owner’s Motion to Seal, Paper 23 (The Board finding that Patent Owner had shown good cause to seal confidential information that included “commercially sensitive information.”); Order Granting Petitioner’s Motion to Seal, Paper 51 (The Board finding that Petitioner had shown good cause to seal confidential information that included “commercially sensitive information.”); Order Granting Patent Owner’s Motion to Seal, Paper 61 (The Board finding that Patent Owner had shown good cause to seal confidential information that included “commercially sensitive information.”) Specifically, the parties demonstrated that the information they seek to expunge consists of confidential technical and financial information, including sales, revenue, market share, pricing information, research and development, and communications with customers. *See, e.g.*, Patent Owner’s Motion to Seal, Paper 20, 2-5; Petitioner’s Motion to Seal, Paper 46, 3; Patent Owner’s Motion to Seal, Paper 54, 2-6. Therefore, public disclosure of the sealed documents would cause

significant competitive harm to the Parties. There has been no change in the sensitivity or confidentiality of the information contained in the sealed documents since they were filed. Thus, the Parties have met their burden in showing that “any information sought to be expunged constitutes confidential information.” *RPX Corp.*, IPR2014-00171, Paper 62 at 3.

The Parties’ interest in expunging the sealed documents “outweighs the public’s interest in maintaining a complete and understandable file history.” *Id.* The parties have filed publicly available, redacted versions of all sealed papers, declarations, transcripts of depositions conducted for this proceeding, and demonstrative exhibits created for this proceeding.² As such, the public has sufficient information to have a complete and understandable history of this proceeding.

² Deposition transcripts, an expert report, and internal party documents that were produced through discovery under a protective order from *Columbia Insurance Co., et al v. Simpson Strong-Tie Company Inc.*, 3:19-CV-04683 (N.D. Cal) were filed under seal as exhibits without redactions due to the limited non-confidential information within such transcripts, expert report, or documents and impracticality of redacting the confidential information in such documents that were originally prepared or created outside of this proceeding.

Additionally, no final written decision was issued in this case, and all sealed, confidential documents were submitted after trial was instituted. The confidential documents submitted during the trial thus have no effect on the determinations made in the institution decision, nor do they provide any understanding of the final result. Therefore, there is no public interest in seeing these confidential documents.

Accordingly, the public's access to the redacted versions of the sealed documents fulfills the public's interest in maintaining a complete and understandable record, and the expungement of the sealed documents from the record will not diminish the public's understanding of the Final Written Decision.

V. CONCLUSION

For the foregoing reasons, the parties respectfully request that the Board expunge the confidential versions of the Patent Owner's Response (Paper 18), Petitioner's Reply (Paper 43), Patent Owner's Sur-Reply (Paper 56), Patent Owner's Reply in Support of Patent Owner's Contingent Motion to Amend (Paper 58), and Exhibits 1047–1049, 1052, 1055, 1068, 1073–1077, 1079–1080, 1082–1085, 1089, 2050–2051, 2055, 2059, 2064, 2066, 2068–2069, 2071–2072, 2075, 2086–2090, 2092–2131, 2136–2139, 2141, 2151, 2159, 2165, and 2197–2199.

Respectfully submitted,

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

I certify that the above-captioned **JOINT MOTION TO EXPUNGE
CONFIDENTIAL DOCUMENTS** was served in its entirety on January 9, 2026
upon the following parties via electronic mail:

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