

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.

PGR2019-00063
Patent 10,316,510 B2

Record of Oral Hearing
Held: January 14, 2021

Before SCOTT A. DANIELS, NEIL T. POWELL, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

PGR2019-00063
Patent 10,316,510 B2

APPEARANCES:

ON BEHALF OF PETITIONER:

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The above-entitled matter came on for hearing 1:00 p.m., EDT on Thursday, January 14, 2021, by video/by telephone.

1 PROCEEDINGS

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3 JUDGE BELISLE: Good afternoon. This is a hearing conducted by
4 video conference for PGR 2019-00063 involving U.S. Patent No.
5 10,316,510 B2. Petitioner is Simpson Strong-Tie Company Inc. Patent
6 Owner is Columbia Insurance Company.

7 I am Judge Belisle and I am joined by Judges Daniels and Powell.
8 Each of us has a copy of both party's demonstrative exhibits.

9 Now an important point. Because we are conducting this hearing by
10 video conference, please speak clearly and deliberately and take extra care
11 not to speak over each other. This will help the court reporter and improve
12 the clarity of the record. When counsel is referring to material appearing on
13 a slide from your demonstrative exhibits, please provide the page number of
14 that slide, again so that the record is clear.

15 And as everybody can hear right now, if you're not speaking, please
16 put yourself on mute so that we don't get a lot of background noise from
17 multiple microphones. Now having said that, when you speak please
18 remember to take yourself off mute so that we don't have to continue to sort
19 of pause and get people back onto the microphones.

20 So pursuant to our hearing order, each party has 60 minutes to present
21 its argument. Each party may reserve up to 20 minutes solely to rebut the
22 opposing party's arguments. You may not use the rebuttal to address an
23 issue for the first time during the hearing. Petitioner will proceed first
24 because it bears the burden of proving unpatentability. So I will keep time
25 and try to provide updates on the remaining time during the hearing. Please

1 do feel free to ask about your remaining time if there's a question about it.

2 For the record, please introduce yourselves and anyone else listening
3 to the hearing who is associated with your client and we'll begin with
4 counsel for Petitioner.

5 MS. HOLOUBEK: Thank you, Your Honor. May it please the
6 Board. My name is Michelle Holoubek and I represent Petitioner, Simpson
7 Strong-Tie. I am joined, I believe on the audio line, by my colleagues Ali
8 Allawi also from Sterne Kessler and Joe Mauch from the law firm of
9 Shartsis Friese all of record on behalf of Petitioner.

10 At the outset, I would like to reserve 20 minutes for rebuttal. And
11 should I pause to allow Patent Owner to introduce themselves or should I --

12 JUDGE BELISLE: Yes.

13 MS. HOLOUBEK: -- jump in?

14 JUDGE BELISLE: Yes. So counsel for Patent Owner, please
15 introduce yourselves and anyone else on the line.

16 MR. JAMES: Hello. Yes, this is Kurt James, counsel for the Patent
17 Owner, and with me here in the room is John Schroeder also counsel of
18 record. Listening to this proceeding are also Scott Eidson and Steven Levitt
19 who are of record in this case.

20 JUDGE BELISLE: Thank you. Is there anyone else on the line either
21 by video or merely by telephone line whose name has not been entered into
22 the record as being part of this call?

23 (No response.)

24 JUDGE BELISLE: Okay. Thank you. Petitioner's counsel, you may
25 begin. You have --

1 MS. HOLOUBEK: Thank you, Your Honor.

2 JUDGE BELISLE: -- and you have 40 minutes.

3 MS. HOLOUBEK: Thank you. So today we are here to talk about
4 very simple technology, a metal joist hanger that connects a floor joist or a
5 roof truss to a wall in a way that fits over sheathing such as drywall. This is
6 a predictable art that makes use of well-known mechanical principles to
7 carry a load.

8 Now, it is a common and unfortunate occurrence in patents that an
9 inventor may have invented something very specifically and designed to
10 address a very specific purpose, but in an effort not to limit the patent in the
11 future, the claims are drafted more broadly than that specific-use case.

12 In that breath, claims often cover more than what the inventor may
13 have intended, and this case is no different. Despite the Patent Owner's
14 attempts to impart some special definitions to very common claim terms and
15 cabin those claims to a very particular use case or idealized requirements
16 that are not recited in the claims, claims are not so putting (phonetic).

17 As the Board noted in your Institution Decision, all these claims are
18 concerned with is the structure of a hanger. A hanger structure does not
19 include a wall, does not include sheathing, recites no limitation on the size of
20 any sheathing cutout. Today we plan to show that the hanger as actually
21 claimed in the '510 Patent is nothing more than a combination of well-
22 known prior art elements combined according to known methods to yield
23 predictable results.

24 We'd like to first walk through the claim language and talk about what
25 the actual language of the claims is/is not, limited to. This includes a

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