

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 PGR2019-00063
Patent 10,316,510

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c), 142, 329 and 37 C.F.R. §§ 90.2(a), 90.3(a), 90.3(b)(1) notice is hereby given that Patent Owner Columbia Insurance Company (“Columbia”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) in PGR2019-00063 entered on March 11, 2021 (Paper No. 52).¹

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Columbia states that the issues on appeal include, but are not limited to:

1. the Board’s failure to observe procedure required by law, including, but not limited to, 5 U.S.C. §§ 554, 556, and 557, 35 U.S.C. § 316;
2. the Board’s violation of Columbia’s Due Process rights under U.S. Constitution Amendment V by failing to provide requisite notice and a full and fair opportunity to respond;
3. that the Board exceeded its statutory authority, including by basing its Final Written Decision on facts and/or law other than those advanced by either Columbia or Petitioner Simpson Strong-Tie Company Inc. (“Simpson”) within their respective briefs;

¹ Simpson filed a Request for Rehearing on April 12, 2021 (Paper No. 53), which was denied by the Board on May 21, 2021 (Paper No. 54), thus resetting the time for appeal pursuant to 37 C.F.R. § 90.3(b)(1).

4. the Board's determination that Simpson met its burden of proving by a preponderance of the evidence that claims 1-11, 13-18, and 20 of U.S. Patent No. 10,316,510 ("the '510 patent") are unpatentable under 35 U.S.C. § 103;
5. the Board's determination that Simpson met its burden of proving by a preponderance of the evidence that original claims 1-19 and contingent amended claims 21-39 were unpatentable under 35 U.S.C. § 112;
6. the Board's determination that Simpson met its burden of proving by a preponderance of the evidence that original claims 1-19 were unpatentable under 35 U.S.C. § 102;
7. the Board's claim construction of original claims 1-20 and contingent amended claims 21-40 of the '510 patent; and
8. any findings or determinations supporting or related to the aforementioned issues as well as all other issues decided adversely to Columbia in any orders, decisions, rulings, and/or opinions.

Simultaneously with this submission, Columbia is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required

Case PGR2019-00063
U.S. Patent No. 10,316,510

docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit, as described in the accompanying Certificate of Filing.

Dated: July 16, 2021

Respectfully submitted,
/Kurt F. James/
Kurt F. James, Reg. No. 33,716
STINSON LLP
7700 Forsyth Boulevard, Suite 1100
St. Louis, MO 63105
T: 314-345-7010; F: 314-863-9388
Email: kurt.james@stinson.com

/Scott Eidson/
B. Scott Eidson, Reg. No. 68,702
STINSON LLP
7700 Forsyth Boulevard, Suite 1100
St. Louis, MO 63105
T: 314-863-0800; F: 314-863-9388
Email: scott.eidson@stinson.com

*Counsel for Patent Owner, Columbia
Insurance Company*

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through Patent Trial and Appeal Board's End to End (E2E) system, a true and correct copy of the **PATENT OWNER'S NOTICE OF APPEAL** is being filed with the Director on July 16, 2021, by Federal Express, postage prepaid, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22313

The undersigned also hereby certifies that a true and correct copy of the **PATENT OWNER'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on July 16, 2021.

Dated: July 16, 2021

Respectfully submitted,
/Kurt F. James/
Kurt F. James, Reg. No. 33,716

*Counsel for Patent Owner, Columbia
Insurance Company*

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on July 16, 2021, a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was served via email on the following:

Michelle K. Holoubek (Reg. No. 54,179)
Sean C. Flood (Reg. No. 64,378)
Ali H. Allawi (Reg. No. 70,904)
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
T: 202-371-2600
F: 202-371-2540
holoubek-PTAB@sternekessler.com
sflood-PTAB@sternekessler.com
aallawi-PTAB@sternekessler.com
PTAB@sternekessler.com

Joseph V. Mauch
Shartsis Friese LLP
One Maritime Plaza, Eighteenth Floor
San Francisco, CA 94111
Tel.: 415-421-6500 / Fax: 415-421-2922
jmauch@sflaw.com

By: /Kurt F. James/
Lead Counsel for Patent Owner
Kurt F. James
Reg. No. 33,716