

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

TB Holding Company LLC v. J&S Siding Company, LLC

Case No. 4:22-cv-00307-BLW (D. Idaho Apr. 11, 2026) · No. 4:22-cv-00307-BLW · Decided April 11, 2026

SUMMARY

The United States District Court for the District of Idaho addresses several evidentiary and trial-management issues in a patent infringement action involving three TB Holding patents. The court takes judicial notice of the patents, permits TB Holding to present reasonable-royalty evidence without expert testimony, and conditionally allows admission of sublicense agreement signature pages. The court excludes evidence of the purchase price of a log attachment at that stage, permits renewal of that request after TB Holding’s case-in-chief, and allows both parties to call Ryan Reed-Baum as a witness.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	B. Lynn Winmill
JURISDICTION	United States District Court for the District of Idaho
DECIDED	April 11, 2026
DOCKET	4:22-cv-00307-BLW
DISPOSITION	other
PROCEDURAL POSTURE	Pretrial memorandum decision and order resolving evidentiary issues before a patent-infringement trial.
STANDARD OF REVIEW	The court applied the Federal Rules of Evidence, including Rules 201(b)(2) and 901(a), and weighed probative value against prejudice and jury confusion under the evidence rules.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum decision and order addressing pretrial evidentiary issues.

TOPICS

- patent infringement
- damages
- authentication
- judicial notice
- evidence

PRACTICE AREAS

- patent law
- patent infringement
- evidence
- damages
- civil procedure

QUESTIONS PRESENTED

1. Whether the court could take judicial notice of the three patents and admit them without certified, self-authenticating copies from the Patent and Trademark Office.
2. Whether exclusion of TB Holding's damages expert required disclosure of a new damages theory or precluded TB Holding from presenting reasonable-royalty evidence without expert testimony.
3. Whether signature pages from sublicense agreements, together with a standard form agreement and testimony concerning uniform, unmodified terms, were sufficiently authenticated for admission.
4. Whether evidence of J&S's \$8,950 purchase price for a log attachment was relevant and admissible to establish a reasonable royalty.
5. Whether J&S and TB Holding could call Ryan Reed-Baum as a live trial witness.

HOLDINGS

1. The court may take judicial notice of publicly accessible patents whose accuracy is not reasonably questioned, and certified copies from the Patent and Trademark Office were not required here. The three patents were judicially noticed and the objection to their admission was overruled.
2. TB Holding was not required to disclose a new damages theory after exclusion of its damages expert and could present evidence concerning reasonable royalties for its utility patents without expert testimony.
3. A template agreement, executed signature pages, and testimony that the template was standard and unmodified are sufficient under Federal Rule of Evidence 901(a) to authenticate the signature pages, subject to the witness's testimony.
4. Evidence of the \$8,950 price J&S paid for the log attachment was excluded as more prejudicial than probative for determining a reasonable royalty, although J&S could renew the request after TB Holding's case-in-chief with a detailed proffer.
5. J&S could call Ryan Reed-Baum as a live witness, and TB Holding could also call him in its case-in-chief. J&S could exceed the scope of TB Holding's direct examination on cross-examination.

KEY QUOTATIONS

"In short, the exclusion of Mr. Harrington's expert testimony did not require TB Holding to disclose a new damages theory. Nor does the lack of expert testimony foreclose its damages claim." (Section B)

"Rule 901(a) is a low bar." (Section C)

"A reasonable royalty compensates for the value of the infringer's use of the patented technology, not the price the patentee chose to charge for a piece of equipment." (Section D)

FACTUAL BACKGROUND

TB Holding alleged that J&S infringed U.S. Patent Nos. 9,283,604 and 9,732,529 and U.S. Design Patent No. D602,612. TB Holding sought at least a reasonable royalty for infringement of the utility patents and intended to rely on a hypothetical-negotiation framework without damages-expert testimony after its damages expert's report

was excluded. The parties disputed the authenticity of incomplete sublicense agreements, the relevance of J&S's \$8,950 payment for a log attachment, and whether J&S could call Ryan Reed-Baum as a trial witness.

PROCEDURAL HISTORY

TB Holding sued J&S Siding for infringement of two utility patents and one design patent. After a pretrial conference, the court invited supplemental briefing on several evidentiary issues, including authentication of patents and license agreements, disclosure and proof of reasonable-royalty damages, relevance of a purchase price, and witness testimony. The court ruled on the objections and trial-management issues in advance of the scheduled trial.

DISPOSITION

other

CASES CITED

- *Hoganas AB v. Dresser Industries, Inc.*, 9 F.3d 948, 954 n.27 (Fed. Cir. 1993)
- *Hollis v. Commissioner of Social Security*, 2015 WL 357133, at *19 (E.D. Mich. Jan. 27, 2015)
- *AstraZeneca AB v. Apotex Corp.*, 782 F.3d 1324, 1334 (Fed. Cir. 2015)
- *Rite-Hite Corp. v. Kelley Co., Inc.*, 56 F.3d 1538, 1554 (Fed. Cir. 1995)
- *Aqua Shield v. Inter Pool Cover Team*, 774 F.3d 766, 770 (Fed. Cir. 2014)
- *Maxwell v. J. Baker, Inc.*, 86 F.3d 1098, 1109 (Fed. Cir. 1996)
- *Georgia-Pacific Corp. v. United States Plywood Corp.*, 318 F. Supp. 1116, 1120 (S.D.N.Y. 1970)
- *Unisplay, S.A. v. American Electric Sign Co.*, 69 F.3d 512, 517 (Fed. Cir. 1995)
- *Dow Chemical Co. v. Mee Industries, Inc.*, 341 F.3d 1370, 1381-82 (Fed. Cir. 2003)
- *Exmark Manufacturing Co. Inc. v. Briggs & Stratton Power Products Group, LLC*, 879 F.3d 1332, 1350 (Fed. Cir. 2018)
- *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1327-28 (Fed. Cir. 2014)
- *Plexxikon Inc. v. Novartis Pharmaceuticals Corp.*, No. 17-CV-04405-HSG, 2021 WL 2577536, at *7 (N.D. Cal. June 23, 2021)
- *Thorne Research, Inc. v. Xymogen*, No. 2:13-CV-784 TS, 2018 WL 1136079, at *4 (D. Utah Feb. 28, 2018)
- *Kaneka Corp. v. SKC Kolon PI, Inc.*, No. CV 11-3397 JGB (RZX), 2015 WL 12696109, at *3 (C.D. Cal. Nov. 5, 2015)
- *Elsevier B.V. v. UnitedHealth Group, Inc.*, 784 F. Supp. 2d 286, 291-92 (S.D.N.Y. 2011)
- *American Federation of Musicians of United States & Canada v. Paramount Pictures Corp.*, 903 F.3d 968, 976 (9th Cir. 2018)
- *Brumfield, Trustee for Ascent Trust v. IBG LLC*, 97 F.4th 854, 876 (Fed. Cir. 2024)