

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TRICAM INDUSTRIES, LLC  
Petitioner

v.

LITTLE GIANT LADDER SYSTEMS, LLC  
Patent Owner

Post-Grant Review of  
U.S. Patent No. 12,359,506

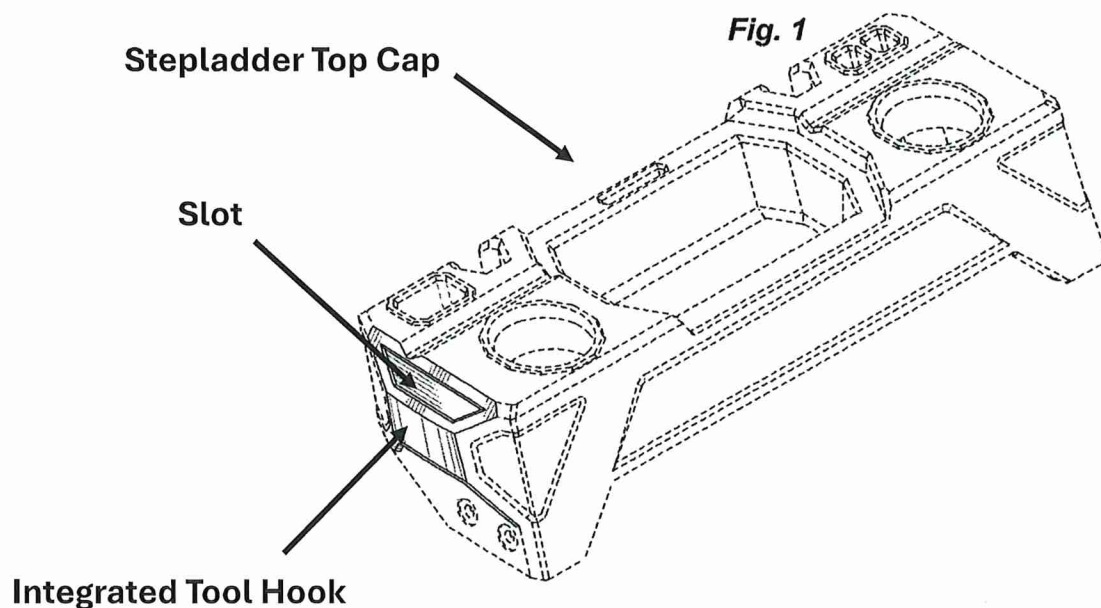
**DECLARATION OF JOSEPH P. FOLEY IN SUPPORT OF  
PETITION FOR POST GRANT REVIEW OF U.S. PATENT NO. 12,359,506**

I, Joseph P. Foley, do hereby state and declare as follows:

1. My name is Joseph P. Foley. I am over the age of 18 and competent to make this Declaration. I make this declaration based on my own personal knowledge.
2. I am Director of Product Development for Tricam Industries, LLC. In that position, I am part of Tricam's design team responsible for designing Tricam products, including Tricam's Gorilla Ladders line of products. I have a Bachelor of Science in Mechanical Engineering degree, and I have 15 years of product design experience.
3. I have reviewed the Declaration of N. Ryan Moss of June 24, 2024, the Declaration of N. Ryan Moss of November 25, 2024, and the Declaration of Brian Russell of December 2, 2024, all submitted during prosecution of the subject patent. EX1019; EX1021; EX1024. These declarations allege that Tricam "copied" the patented design by getting access to Little Giant's prints through our supplier PICA and then using them to come up with Tricam's own hinge hanger design implemented on some of Tricam's Gorilla Ladders products. These allegations are false.
4. Tricam has made efforts for many years beginning in 2014 to develop solutions for holding tools at or near the top of a ladder. We heard feedback since well before then from customers that a way to safely rest tools while at or near the

top of a ladder would be desirable, as it limits the number of trips up and down the ladder and makes the tools more easily accessible. So, we have made constant efforts to design solutions to address this need. The solutions we have explored over the years have included built-in ladder top and attached trays, separately attachable accessory trays and hooks, and storage coupled with the ladder hinge.

5. For example, in 2017, we developed a top cap for a stepladder with an integrated tool hook:



We filed a design patent application for this, and it issued as U.S. Design Patent No. D833,643. EX1025. I am one of the joint inventors on that patent. This product was commercialized initially in 2017 as our model GLXP -5, and is now included in our current model GLXF-5B:



The above image was taken from <https://gorillamade.com/product/glxf-5b/> where the product is currently advertised.

6. For another example, in 2018 we developed the concept of an articulated ladder with a hinge-attached tray/top cap. The tray serves as the top cap when the ladder is configured as a stepladder, but inverts to be on the bottom of a tread when the ladder is configured as an extension ladder. We filed a patent application for this in October of 2018, which eventually issued as U.S. Patent No. 11,505,994. EX1028. I am also one of the joint inventors on that patent. This innovation is embodied in the Gorilla Ladders GLMPXT-15 model:

**Top Cap Faces Up As A  
Tool Rest When Used  
As Stepladder**



**GLMPXT-15 Stepladder Configuration**

**Top Cap Inverts, Exposing  
Tread When Ladder Is  
Extended**

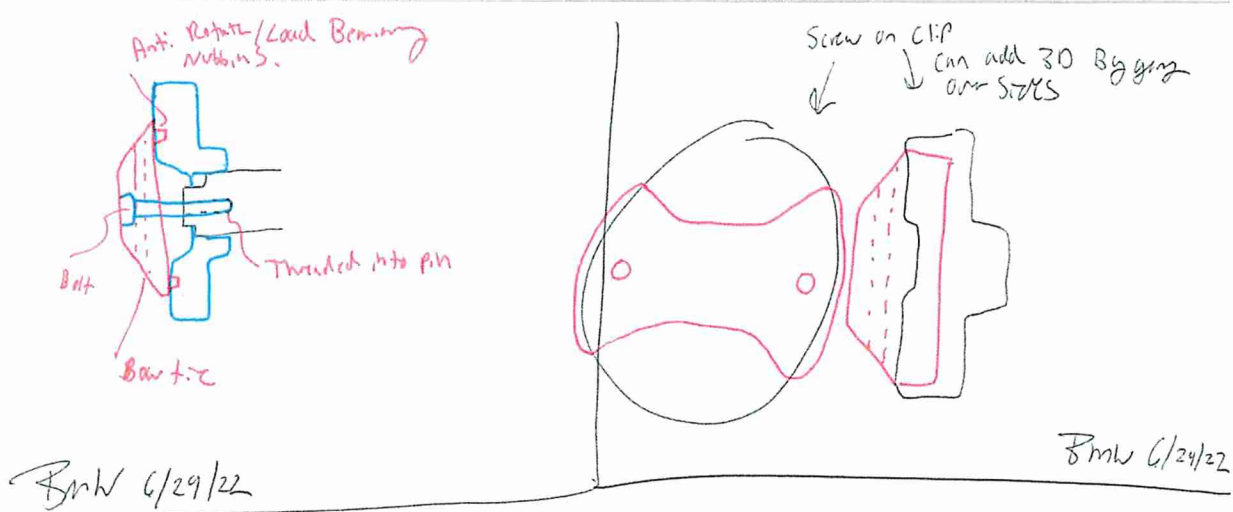


**GLMPXT-15 Extension Configuration**

The above images were taken from <https://gorillamade.com/product/glmpxt-15/> where the GLMPXT-15 product is currently advertised.

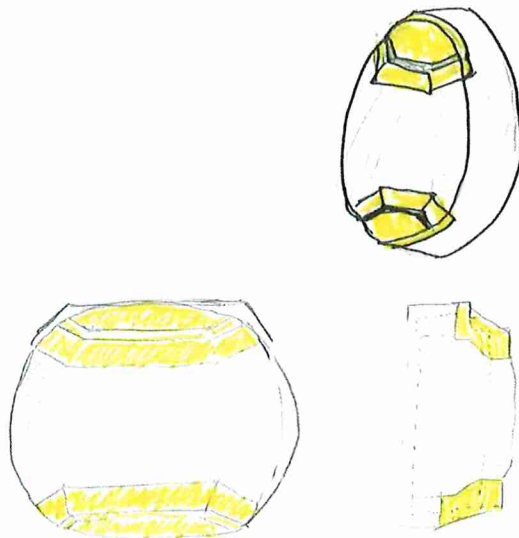
7. Beginning in the spring of 2022, we started efforts to develop features for resting tools near the ladder top on articulating combination ladders, such as from the ladder hinge, as that location would offer the benefit of not obstructing the ladder rungs or ladder top. On June 29, 2022, we had a team brainstorming session. Upon learning in February 2026 of the allegations by Mr. Moss and Mr. Russell in their declarations, I reviewed my files and gathered the sketches that make up

EX1027 to the Petition. These ideas included the “Bow Tie” or “Button Hook” embodied in current Gorilla Ladders products, such as the model GMPXA-18(C):



**June 29, 2022 Sketches With “Bow-Tie” Clip**

3 piece Button Hook



**June 29, 2022 Sketches With “3 Piece Button Hook”**

EX1027, pp. 2, 6.



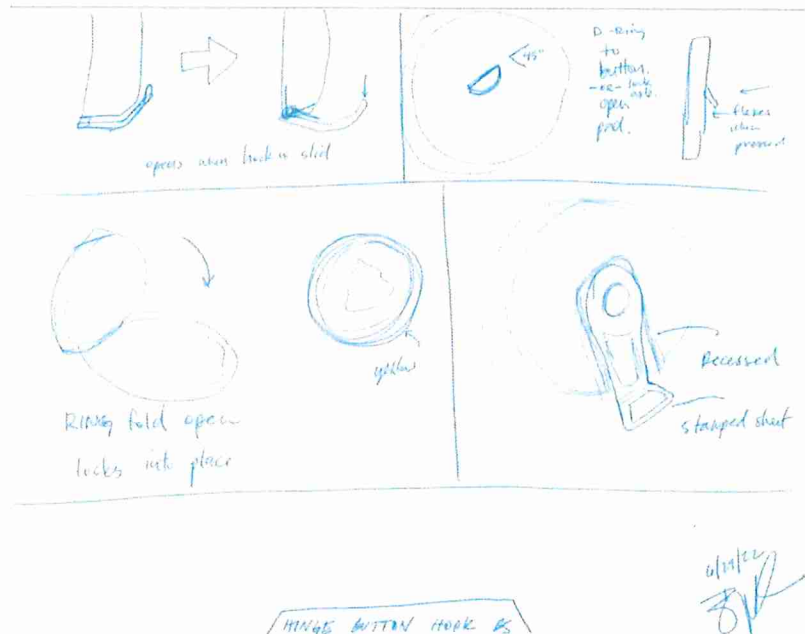
**Gorilla Ladders GMPXA-18(C) Hinge Button  
With “3 Piece Button Hook” Tool Hanger**

The above images were taken from <https://gorillamade.com/product/gmpxa-18c/> where the GMPXA-18(C) product is advertised.

8. It is no accident that this “3 Piece Button Hook” bears a strong resemblance to our previous tool clip design applied to the model GLXF-5B - it seemed to be natural to apply a similar design to a hinge button since it was known from our previous work designing tool storage solutions that can be located near the top of a ladder. In particular, the tool slot on the side of the GLXF-5B top cap could be transferred to the hinge button of the GLMPXT-15 ladder.
9. Also at the June 29, 2022 meeting, we came up with another “hanger clip” design, development of which continued into August 2022. This design was

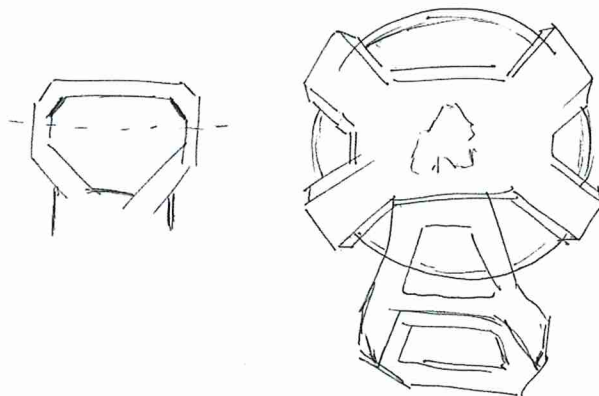
described and depicted in Tricam's U.S. Provisional Patent Application No.

63/382,174 filed November 3, 2022:



**June 29, 2022 Sketches**

EX1027, p. 1.



8/5/2022

*[Signature]*

**August 3, 2022 Sketch**

EX1027, p. 7.

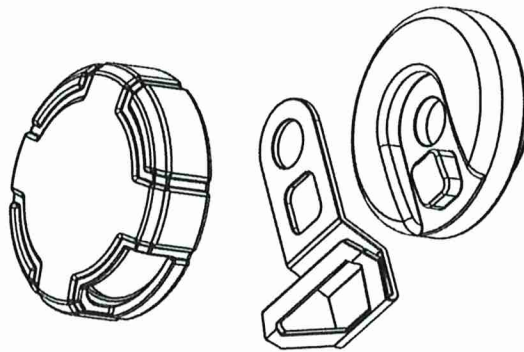


FIG. 15

**November 3, 2022 Provisional Patent Application**

EX1008, FIG. 15.

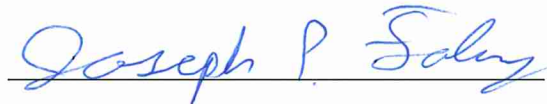
10. Subsequently, we filed a non-provisional patent application for this invention, which has issued as U.S. Patent No. 12,523,097. EX1009. I am one of the joint inventors on the provisional and non-provisional applications.

11. Contrary to the claims of Mr. Moss and Mr. Russell in their declarations, I did not have any knowledge of Little Giant's efforts to design a ladder hinge tool hanger when these designs were conceived. And to my knowledge, nor did anyone else on Tricam's design team. We did not view any Little Giant prints or receive any information about Little Giant designs from PICA or anyone else. In fact, as shown by the email chain attached to the Petition, the first knowledge we had of Little Giant's competing product was on July 13, 2023, when Tom Ruban, our Vice President of Sales, noticed an 18' Little Giant model for sale by Lowes. EX1029. The designs of the GLXF-5B and GMPXA-18(C) products, and the designs

disclosed in U.S. Design Patent No. D833,643, U.S. Patent No. 11,505,994, and U.S. Patent No. 12,523,097 were entirely conceived by me and other joint inventors named in those patents.

12. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: April 14, 2026



Joseph P. Foley