
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	B. Scott Maxfield	
Appln. No.:	18/490,715	Confirmation No.: 5970
Filing Date:	19 October 2023	Examiner: Shiref M Mekhaeil
Title:	MULTIFUNCTION BUTTON FOR LADDER ADJUSTMENT	Group Art Unit: 3634

DECLARATION UNDER 37 C.F.R. §1.132

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

I, Brian B. Russell, declare that:

1. I have deep knowledge and experience in the ladder industry, including over 15 years of developing ladder and ladder accessories in the engineering department at Little Giant Ladder Systems, LLC. I am also a member of the American National Standards Institute (ANSI) A14 and the American Ladder Institute (ALI). I am currently the Director of Engineering and Innovations at Little Giant Ladder Systems, LLC. I have actively contributed to, and have been listed as an inventor on, more than 20 ladder and climbing equipment patents, with other patents pending.

2. I am familiar with the disclosure of the present application (U.S. Patent Application 18/490,715) and its relationship to other ladder products in the current marketplace and marketplaces of the past.

3. There was a long-felt, unmet need for hanging objects from articulating

ladders that was not met by the magnetic button of U.S. Patent Application Publication No. 2009/0229918 to Moss, as explained in detail in the Declaration Under 376 C.F.R. §1.132 by B. Scott Maxfield, which is being submitted herewith.

4. The Moss hinge button was an attempt and failure to serve that long-felt need, as also described in the accompanying Maxfield Declaration.

5. The Moss hinge button would not have been obvious to modify in view of the bracket of U.S. Patent No. 11,191,373 to Ng for the reasons described in the accompanying Maxfield Declaration. Furthermore, it would not have been obvious to modify a palm button that is hand-operated to include corners like those that would be introduced by the Ng bracket since the inclusion of pointed corners would hinder user comfort.

6. I have knowledge of the events in the following timeline, which is presented as evidence of copying (or near simultaneous invention) of our invention by a competitor (Gorilla Ladders):

- a. March-May 26, 2022: The project started for hinge button assembly with storage features, initial prototyping set in motion;
- b. May 26, 2022: Blueprints of the hinge button assembly of the present application were sent to ZCAL, a manufacturing partner of Little Giant Ladder Systems in China;
- c. June 12, 2022: Similar blueprints were sent to PICA, another manufacturing partner of ours in China;
- d. July 12, 2022: Tooling was started by ZCAL. By this time, we decided to not move forward with PICA on the hinge button assembly;

- e. September 2022: First articles of the hinge button assembly were received for inspection by Little Giant Ladder Systems;
- f. December 2022: Blueprints for the entire ladder were sent to ZCAL to start production;
- g. April 17, 2023: Produced ladders with hinge button assembly were first shipped to our customer and retail sales partner;
- h. May 2023: while visiting PICA, I saw the Gorilla Ladder hinge button assembly. It had plastic components including a button with a slender slot as shown, for example, in the Gorilla Ladder “18 ft Reach MPXA Aluminum Multi-Position Ladder with Tool Hangers.”¹ For reasons further explained below, it was immediately apparent to me that the Gorilla “Tool Hanger” button had copied the feature from our invention as inspired by the blueprints sent to PICA in July 2022;
- i. Fall 2023: the Gorilla Ladder with “Tool Hangers” appears in retail stores.

7. The Gorilla Ladder with “Tool Hangers” was not to my knowledge invented or known prior to Little Giant’s blueprint disclosure to PICA in July 2022.

8. Gorilla Ladder works with PICA as a manufacturing partner, as evidenced by the presence of the “Tool Hanger” button I saw at the PICA facility in May 2023.

¹ See Gorilla Ladder website product page for MPXA 2.0 Aluminum Multi-Position Ladder with Integrated Tool Hangers (<https://gorillamade.com/product/glmpxa-18-2/>) and related Home Depot product website (<https://www.homedepot.com/p/Gorilla-Ladders-18-ft-Reach-MPXA-Aluminum-Multi-Position-Ladder-with-Tool-Hangers-300-lbs-Load-Capacity-GLMPXA-18-2/325168129>), accessed Nov. 2024.

9. Gorilla Ladder has a long history of copying innovations and infringing intellectual property of Little Giant Ladder Systems. This circumstantially indicates Gorilla Ladder's intent to copy the features of our claimed hinge button assemblies because they have done in multiple times in the past.

10. Based on my years of experience, engineering a hinge button assembly to have the features I saw in the Gorilla Ladder button would have taken several weeks of design time and weeks of beta testing, gathering feedback, and iterating a design. If Gorilla Ladder copied our features after gaining knowledge of them at PICA, it makes sense that their first sales would have come several months after our first sales (*i.e.*, in Fall 2023, after our first sales in Spring 2023).

11. The hinge button assemblies of the present application led to sales improvements and commercial success on the ladders on which they are offered. Ladders with the "Hinge Holster" feature included had a significant 19% improvement in sales volume to our retail customer on a year-over-year basis when comparing the year prior to first sales of the improved ladder (April 2022-March 2023) and the year after first sales of the improved ladder (April 2023-March 2024). Ladder models 16517-803 and 16522-803 were sold between April 2022-March 2023, and ladder models 16502T-803 and 16507T-803 (which each include "Hinge Holsters") were sold between April 2023-March 2024. The hinge button assemblies have been a commercial success in an important product segment for our company.

12. I further 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, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: 12/2/2024

B. Russell
Brian B. Russell