

U.S. Patent No. 12,359,506
Petitioner's Supplemental Opposition Brief In Response To
Patent Owner's Request For Discretionary Denial

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRICAM INDUSTRIES, LLC
Petitioner

v.

LITTLE GIANT LADDER SYSTEMS, LLC
Patent Owner

PGR Trial No. PGR2026-00044
U.S. Patent No. 12,359,506

**PETITIONER'S SUPPLEMENTAL OPPOSITION BRIEF IN RESPONSE
TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL**

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TABLE OF AUTHORITIES

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PETITIONER’S EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 12,359,506 (the “‘506 Patent”)
1002	Prosecution history of U.S. Application No. 18/490,715 which led to the issuance of the ‘506 Patent
1003	Declaration of Jon Ver Halen
1004	Declaration of Joseph Foley
1005	Declaration of Ben Williams
1006	U.S. Patent No. 8,186,481 (“Moss ‘481”)
1007	U.S. Patent No. 7,967,111 (“Meyers”)
1008	Provisional Patent Application No. 63/382,174
1009	U.S. Patent No. 12,523,097
1010	U.S. Patent No. 4,407,045 (“Boothe”)
1011	American National Standard for Ladders – Portable Metal – Safety Requirements ANSI-ASC A14.2-2007
1012	U.S. Patent No. 594,303
1013	U.S. Patent No. 3,811,151
1014	U.S. Patent No. 4,210,224
1015	U.S. Patent No. 4,216,844
1016	U.S. Patent No. 4,697,305
1017	U.S. Patent Publication No. 2018/0274296 A1
1018	Declaration Of David Smith, June 17, 2024
1019	Declaration Of N. Ryan Moss, June 24, 2024

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Exhibit	Description
1020	Declaration Of Paul Junius, June 25, 2024
1021	Declaration Of N. Ryan Moss, November 25, 2024
1022	Declaration Of Paul Junius, November 26, 2024
1023	Declaration Of B. Scott Maxfield, November 27, 2024
1024	Declaration Of Brian Russell, December 3, 2024
1025	U.S. Design Patent No. D833,643
1026	U.S. Patent No. 11,191,373
1027	Meeting Notes and Sketches
1028	U.S. Patent No. 11,505,994
1029	Email chain of July 13, 2023
1030	<i>Little Giant Ladder Sys., LLC. V. Tricam Indus., Inc.</i> , 2026 WL 305021 (Fed. Cir. Feb. 5, 2026)

A. Argument

The instant Petition for Post Grant Review (PGR) was filed on April 14, 2026. Paper 2. Patent Owner filed a Request for Discretionary Denial on June 22, 2026, and Petitioner duly filed its Opposition Brief In Response To Patent Owner's Request For Discretionary Denial on July 21, 2026, pursuant to the procedure established in the memorandum entitled Interim Processes for PTAB Workload Management, March 25, 2025. Paper 10; Paper 15. On the same day, Patent Owner filed its Patent Owner Preliminary Response (POPR). Paper 14.

The memorandum establishes a “bifurcated” process in which the Director decides whether to discretionarily deny a petition for PGR based on certain factors, and if referred after such consideration, the Patent Trial and Appeal Board decides whether to institute trial based on the merits of the challenge. Recently, however, it appears that merits consideration by the Director has also been made part of the discretionary denial process. *See, e.g.*, IPR2026-00245, Paper 12; IPR2026-00151, Paper 16; IPR2026-00175, Paper 15; IPR2026-00183, Paper 17.

Here, the POPR has raised a claim construction issue that was not foreseeable by Petitioner surrounding the term “second button body” and distorts Petitioner's merits argument. In that no procedure exists to address such issues as they may affect merits consideration in the discretionary denial phase, and in that

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Patent Owner has raised issues bearing on the merits that were unforeseeable, Petitioner submits this Supplemental Opposition Brief In Response To Patent Owner's Request For Discretionary Denial so that Petitioner is fully and fairly heard, and requests that it be entered and considered by the Director.

On page 16 of its POPR, Patent Owner has lifted the figure from page 47 of the Petition showing Petitioner's proposed combination of Moss '481 and Meyers, and added its own characterization of the components in red annotations, implying that its characterization accurately represents Petitioner's argument, and further advancing an implicit specific construction of "second button body." Paper 14 at 14-18. In fact, Patent Owner misleadingly distorts Petitioner's argument, and applies an implicit claim construction that is inconsistent with how the term is used in the '506 Patent, in an apparent attempt to manufacture an inconsistency with Petitioner's analysis of claims 8-11, which it then attacks. *Id.* at 18-22.

Patent Owner claims that "in Tricam's proposed combination, there is no second axially facing surface that meets claim 1," because, somehow, the "cap" that is part of the Moss '481 button remains a "second button body" even after it is suitably secured to the "actuation button" of Moss '481, and therefore the "second axially facing surface" is part of the "second button body," not the "first button

body.” Paper 14 at 17-18. This is merely another sophistic dodge similar to those contained in Patent Owner's Request For Discretionary Denial.

Petitioner's identification of claim elements after combination of Moss '481 and Meyers, as set forth in the Petition, is as follows:

*The second button body (the Meyers mount plate) would have a first axially-facing surface (the inside surface of the mount plate as depicted above) partially spaced axially outward (via the “first and second stand-off plates”) from **a second axially-facing surface of the first button body (the outer surface of the cap on the main body)** by at least one gap (the space defined by the mount plate on the outside of the cap) configured to receive an object hanging from the second button body.*

Paper 2 at 50 (italics in original)(emphasis added). That is, once the “cap” is secured to the actuation button (e.g. “fastened to the button by appropriate means such as adhesive, screws, rivets, etc.”), it becomes part of the “first button body,” and the mount plate of Meyers is the “second button body.” See EX1003, ¶ 86.

It is important to note that “second button body” is not defined or even mentioned in the specification of the '506 Patent. Rather, the '506 Patent describes a “button body 138” and a “button plate 140.” EX1001, col. 7, ll. 20-26; FIG. 2. Having chosen this broad and undefined term (“second button body”) and having failed to identify a clear correspondence to structure described in the specification, Patent Owner now seeks to limit how the term can be applied to the prior art,

insisting that if the “cap” is once identified as the “second button body” in the unmodified Moss ‘481 button, it cannot then be part of the “first button body” when secured to the actuation button in the combination as proposed. Paper 14 at 14-18. But there is nothing in the ordinary meaning of the term itself, or in the way it is used in the claim, that requires such a rigid and exclusive construction of the term. Having chosen a term that admits of some fluidity in the structures to which it may apply, Patent Owner should not be permitted now to implicitly construe it narrowly to avoid the prior art.

Patent Owner then argues that there is “inconsistency” with Petitioner’s claim mapping by comparing its distorted interpretation of Petitioner’s claim 1 argument with the claim 8-11 arguments. Paper 14 at 18-22. There is no inconsistency. Petitioner has argued in the Petition regarding claim 1 that the “cap” of Moss ‘481 would be secured to its actuation button (thereby making it part of the “first button body”), and the mount plate of Meyers would be secured to the outer surface of that “cap,” making it the claimed “second button body.” Paper 2 at 43-51. The claim 8-11 arguments propose the same combination and identification of components. *Id.* at 65-70. Patent Owner is simply attempting to introduce confusion where there is none.

B. Conclusion

Patent Owner's POPR argument mischaracterizes Petitioner's arguments in the Petition and implicitly advances an unsupported and incorrect claim construction for "second button body" that was not foreseeable. Accordingly, to the extent the Director considers the merits in making a discretionary denial decision, Petitioner offers this clarification to dispel the confusion introduced by Patent Owner. Petitioner respectfully requests that this paper be entered and considered by the Director.

Dated: August 5, 2026

Respectfully submitted,

By: /Bradley J Thorson/

Bradley J. Thorson, Reg. No. 52,288
Eric H. Chadwick, Reg. No. 41,664
Dewitt LLP
901 Marquette Avenue
Suite 2100
Minneapolis, MN 55402
Tel: (612) 305-1400

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via email to the following addresses:

jessica@evialaw.com

steven@evialaw.com

Dated: August 5, 2026

Respectfully submitted,

By: /Bradley J Thorson/

Bradley J. Thorson, Reg. No. 52,288
Dewitt LLP
901 Marquette Avenue
Suite 2100
Minneapolis, MN 55402
Tel: (612) 305-1400