

From: [Trials](#)
To: [Thomas Finch](#); [Taylor R. Stemler](#); [Director Discretionary Decision](#); [Trials](#)
Cc: [alek.siliunas@icemiller.com](#); [Gundersen, Jeff](#); [thomas.walsh@icemiller.com](#); [Dodd, Kimberly K.](#); [tom.rammer@icemiller.com](#); [GeneracIPR](#); [Joe Staley](#); [Tim Ziolkowski](#); [Scott Amy](#); [Champion Power Litigation](#); [Jacob Fritz](#); [Litigation Contact Generac Foley](#)
Subject: RE: IPR2025-00951 (U.S. Patent No. 10,598,101) - Petitioners' Request for Authorization to file a Reply to the POPR
Date: Thursday, September 25, 2025 1:53:21 PM
Attachments: [image001.png](#)

Counsel:

A conference call on this issue is not necessary.

Petitioner's request for authorization to file a preliminary response is *granted*. Any submission is limited to five substantive pages addressing the issues below and due on October 3, 2025.

Patent Owner is *authorized* to file a preliminary sur-reply. Any submission is limited to five substantive pages addressing the preliminary reply and due on October 17, 2025.

The filings may include exhibits supporting arguments on the identified issues. No further briefing is authorized at this time.

Further, for any future issues requesting additional briefing or a conference call with the panel, please send one jointly drafted email with both sides' positions on the issue(s). This promotes efficiency in resolution of issues and helps ensure a robust meet-and-confer process.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Thomas Finch <t.finch@pkhip.com>
Sent: Wednesday, September 24, 2025 6:37 PM
To: Taylor R. Stemler <TStemler@MerchantGould.com>; [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>; [Trials](#) <Trials@USPTO.GOV>

Cc: alek.siliunas@icemiller.com; Gundersen, Jeff <JGundersen@foley.com>; thomas.walsh@icemiller.com; Dodd, Kimberly K. <KDodd@foley.com>; tom.rammer@icemiller.com; GeneracIPR <GeneracIPR@merchantgould.com>; Joe Staley <j.staley@pkhip.com>; Tim Ziolkowski <tjz@zpatents.com>; Scott Amy <s.amy@pkhip.com>; Champion Power Litigation <championlit@pkhip.com>; Jacob Fritz <jmf@zpatents.com>; Litigation Contact Generac Foley <HarborFreight-Champion-IPRs@foley.com>

Subject: RE: IPR2025-00951 (U.S. Patent No. 10,598,101) - Petitioners' Request for Authorization to file a Reply to the POPR

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board/Director:

Patent Owner disagrees with Petitioner's assertion that Patent Owner's Preliminary Response raises claim construction arguments, and denies that good cause for a reply exists. In light of the Board's prohibition on argument, Patent Owner is willing to provide further details in a follow-up email, a phone conference with the Board, or as otherwise requested.

Sincerely,

Thomas Finch
Counsel for Patent Owner

Tom Finch | Senior Associate
Perilla Knox & Hildebrandt LLP
5871 Glenridge Drive | Suite 350 | Atlanta, GA 30328
O: (470) 942-5039 | F: (877) 389-6779
www.pkhip.com

From: Taylor R. Stemler <TStemler@MerchantGould.com>
Sent: Wednesday, September 24, 2025 5:38 PM
To: Director_Discretionary_Decision@USPTO.gov; Trials <trials@uspto.gov>
Cc: alek.siliunas@icemiller.com; Gundersen, Jeff <JGundersen@foley.com>; thomas.walsh@icemiller.com; Dodd, Kimberly K. <KDodd@foley.com>; tom.rammer@icemiller.com; GeneracIPR <GeneracIPR@merchantgould.com>; Thomas Finch <t.finch@pkhip.com>; Joe Staley <j.staley@pkhip.com>; Tim Ziolkowski <tjz@zpatents.com>; Taylor R. Stemler <TStemler@MerchantGould.com>; Scott Amy <s.amy@pkhip.com>; Champion Power Litigation <championlit@pkhip.com>; Jacob Fritz <jmf@zpatents.com>; Litigation Contact Generac Foley <HarborFreight-Champion-IPRs@foley.com>
Subject: IPR2025-00951 (U.S. Patent No. 10,598,101) - Petitioners' Request for Authorization to file a Reply to the POPR

Dear Board/Director,

I am counsel for Petitioner, Generac Power Systems, Inc., writing on behalf of Petitioners in the above captioned matter.

Petitioner seeks authorization to file a motion seeking leave to file a 5-page reply to the Patent Owner's Preliminary Response ("POPR") pursuant to 37 C.F.R. § 42.108(c). The reply will address the following issues in the POPR:

- "selector switch" as requiring "a single component" (see Paper 13 at 25); and
- "valve handle ... mechanically coupled to the first fuel valve and the second fuel valve" as requiring a single valve handle mechanically coupled to both the first fuel valve and the second fuel valve. See *id.* at 27-28.

Petitioner states that good cause exists to address these three points because Patent Owner raises new claim construction arguments, which are contradicted by the specification and the claims of the '101 Patent. The issues sought to be addressed in the reply, if authorized, are relevant to both the discretionary denial decision requested by Patent Owner, as well as an institution decision, if reached. Given the prohibition on argument being included in emails to the Board, Petitioners have kept this description brief, but can provide further details regarding the same in a follow-up email, a phone conference with the Board, or as otherwise requested.

Petitioner can file the motion seeking leave for the reply within five business days of being authorized to do so, or by whatever other deadline the Director/Board may prescribe.

Petitioner has discussed this issue with Patent Owner. Patent Owner indicated that it opposes Petitioner's request, but requests leave to file a sur-reply of an equal number of pages to whatever Petitioner receives if Petitioner's request is granted.

If a teleconference is desired, the parties will confer and provide times of availability for a call.

Best regards,

Taylor Stemler
Counsel for Petitioners

Taylor R. Stemler

Attorney
Merchant & Gould P.C.
150 South Fifth Street
Suite 2200

Minneapolis, MN 55402-4247
USA

Telephone (612) 371-5215

Fax (612) 332-9081

merchantgould.com

PROUDLY CELEBRATING 125 YEARS OF INNOVATION AND CLIENT SUCCESS

GUARDIANS OF GREAT IDEAS®

Note: This email message is confidential and may be privileged or otherwise protected by law. If you are not the intended recipient, please: (1) reply via email to the sender; (2) destroy this communication entirely, including deletion of all associated text files from all individual and network storage devices; and (3) refrain from copying or disseminating this communication by any means whatsoever.

Operating as Merchant & Gould, LLP, in California.

Please consider the environment before printing this email. Thank you