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Sent: Friday, August 15, 2025 4:17 PM
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Subject: Champion v. Westinghouse - D. Nev. 3:25-cv-00239 - Additional Invalidity Stipulations

Counsel,

As you are aware, MWE Investments, LLC ("MWE") has filed petitions for *inter partes* review ("IPR") challenging certain claims of U.S. Patent Nos. 11,143,120; 10,598,101; 11,306,667; 10,221,780; and 11,905,896 (collectively, the "Referenced Petitions"), in addition to U.S. Patent 10,393,034 (the "'034 patent"). Consistent with their prior stipulation as to the '034 patent, Defendants stipulate to the following with regard to the prior art grounds in the Refenced Petitions, as provided in the attached stipulations.

Regarding U.S. Patent Nos. 10,598,101; 11,306,667; and 11,905,896:

> WHEREAS, Defendant MWE Investments, LLC ("MWE") has submitted petitions for *inter partes* review ("IPR") challenging, *inter alia*, all of the asserted claims of the '101 patent, the '667 patent, and the '896 patent in IPR Nos. IPR2025-00951, IPR2025-01099, and IPR2025-01228, respectively (the "Subject Petitions").
>
> Defendants hereby stipulate, broader than the stipulation made by the Petitioner in *Sotera Wireless, Inc. v. Masimo Corp.,* that, if the Patent Trial and Appeal Board institutes an IPR in response to a Subject Petition (and does not subsequently vacate institution), Defendants will not pursue in this litigation invalidity of the challenged claims for the specific patent in the instituted IPR for said Subject Petition based on: (i) the specific grounds raised in said petition, (ii) any other grounds that could have reasonably been raised before the Patent Trial and Appeal Board in that instituted proceeding (i.e., any ground that could have reasonably been raised under 35 U.S.C. §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on system prior art (either alone or in combination with other references) that directly corresponds to a printed publication reference asserted as part of a ground raised in said instituted (and not vacated) petition.

Regarding U.S. Patent Nos. 10,221,780; 11,143,120; and 11,492,985:

> WHEREAS, Defendant MWE Investments, LLC ("MWE") has submitted petitions for inter partes review ("IPR") challenging, inter alia, all of the asserted claims of the '780 patent, the '120 patent, and the '985 patent in IPR Nos. IPR2025-01185, IPR2025-01121, and IPR2025-01272, respectively (the "Subject Petitions").
>
> Defendants hereby stipulate, broader than the stipulation made by the Petitioner in *Sotera Wireless, Inc. v. Masimo Corp*., that, if the Patent Trial and Appeal Board institutes an IPR in response to a Subject Petition (and does not subsequently vacate institution), Defendants will not pursue in this litigation invalidity of the challenged claims for the specific patent in the instituted IPR for said Subject Petition based on: (i) the specific grounds raised in said petition, (ii) any other grounds that could have reasonably been raised before the Patent Trial and Appeal Board in that instituted proceeding (i.e., any ground that could have reasonably been raised under 35 U.S.C. §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on system prior art (either alone or in combination with other references) that directly corresponds to a printed publication reference asserted as part of a ground raised in said instituted (and not vacated) petition.

MWE intends to file petitions for *inter partes* review of the remaining patents-in-suit shortly, namely: U.S. Patent Nos. 10,697,398; 11,143,145; and 11,905,895. I confirm that Defendants intend to provide stipulations of the same scope for each of the forthcoming IPR petitions on these remaining patents-in-suit.

Regards,

Earl

Best Lawyers in America's 2022 "Lawyer of the Year" for Patent Litigation in Columbus, Ohio
Best Lawyers in America's 2019 "Lawyer of the Year" for Trademark Law in Columbus, Ohio
Best Lawyers in America's 2017 "Lawyer of the Year" for Patent Litigation in Columbus, Ohio
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Thank you.
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA, NORTHERN DIVISION

CHAMPION POWER EQUIPMENT INC.,	:	
Plaintiff,	:	Case No. 3:25-cv-00239
v.	:	Judge Anne R. Traum
WESTINGHOUSE ELECTRIC CORP., *et al.*,	:	
Defendants.	:	

DEFENDANTS' STIPULATION REGARDING INVALIDITY GROUNDS FOR U.S. PATENT NOS. 10,598,101; 11,306,667; AND 11,905,896

WHEREAS, Plaintiff Champion Power Equipment, Inc. has asserted U.S. Patent Nos. 10,598,101 ("the '101 patent"), 11,306,667 ("the '667 patent"), and 11,905,896 ("the '896 patent") against the Defendants in the above-captioned action. *See* ECF No. 7.

WHEREAS, Defendants intend to assert that the asserted claims of the '101 patent, the '667 patent, and the '896 patent are invalid based on prior art.

WHEREAS, Defendant MWE Investments, LLC ("MWE") has submitted petitions for *inter partes* review ("IPR") challenging, *inter alia*, all of the asserted claims of the '101 patent, the '667 patent, and the '896 patent in IPR Nos. IPR2025-00951, IPR2025-01099, and IPR2025-01228,

respectively (the "Subject Petitions").

Defendants hereby stipulate, broader than the stipulation made by the Petitioner in *Sotera Wireless, Inc. v. Masimo Corp.,* that, if the Patent Trial and Appeal Board institutes an IPR in response to a Subject Petition (and does not subsequently vacate institution), Defendants will not pursue in this litigation invalidity of the challenged claims for the specific patent in the instituted IPR for said Subject Petition based on: (i) the specific grounds raised in said petition, (ii) any other grounds that could have reasonably been raised before the Patent Trial and Appeal Board in that instituted proceeding (i.e., any ground that could have reasonably been raised under 35 U.S.C. §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on system prior art (either alone or in combination with other references) that directly corresponds to a printed publication reference asserted as part of a ground raised in said instituted (and not vacated) petition.

To be clear, this stipulation does not cover other system prior art. For example, because a manual for the DuroMax XP4400EH generator is relied upon as part of a ground in IPR2025-00951, the XP4400EH generator is covered by this stipulation. However, other systems/engines are not covered, even if similar to the XP4400EH generator.

Respectfully submitted,

s/ T. Earl LeVere

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