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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. 11,905,895; 10,697,398; AND 11,143,145

WHEREAS, Plaintiff Champion Power Equipment, Inc. has asserted, among other patents, U.S. Patent Nos. 11,905,895 ("the '895 patent"), 10,697,398 ("the '398 patent"), and 11,143,145 ("the '145 patent") against the Defendants in the above-captioned action. *See* ECF No. 7.

WHEREAS, Plaintiff Champion Power Equipment, Inc. has dismissed Defendants Westinghouse Electric Company and Westinghouse Electric and Manufacturing Company, LLC from this action. *See* ECF No. 39.

WHEREAS, the remaining Defendants (namely, Midwest Equipment Sales, LLC and MWE Investments, LLC) intend to challenge the validity of the asserted claims of the '895 patent, the '398 patent, and the '145 patent based on prior art.

WHEREAS, Defendant MWE Investments, LLC ("MWE") has filed petitions for *inter partes* review ("IPR") challenging the validity of certain claims of the '895 patent (IPR2025-01384), '398 patent (IPR2025-01271), and '145 patent (IPR2025-1457) (collectively the "Subject Petitions"), including all claims asserted by Champion Power Equipment, Inc. in this action.

Defendants Midwest Equipment Sales, LLC and MWE Investments, LLC 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 Midwest Equipment Sales, LLC and MWE Investments, LLC 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 IPR2025-01384, the XP4400EH generator is covered by this stipulation. However, other systems/engines are not covered, even if similar to the XP4400EH generator.

Date: August 29, 2025

s/ T. Earl LeVere

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