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Attorneys for Plaintiff Harbor Freight Tools USA, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

HARBOR FREIGHT TOOLS USA, INC.,

Plaintiff,

vs.

CHAMPION POWER EQUIPMENT, INC.,

Defendant.

Case No. 2:24-cv-08722-SVW-AS

PLAINTIFF HARBOR FREIGHT TOOLS USA, INC.'S STIPULATION REGARDING INVALIDITY GROUNDS FOR THE '895, '390, '970, '654, '398, AND '145 PATENTS

JURY TRIAL DEMANDED

Hon. Stephen V. Wilson

Hon. Alka Sagar

WHEREAS, Defendant Champion Power Equipment Inc. ("Champion") has asserted U.S. Patent Nos. 11,905,895 ("the '895 patent"), 11,761,390 ('the '390 patent"), 11,840,970 ("the '970 patent"), 11,530,654 ("the '654 patent"), 10,697,398 ("the '398 patent"), and 11,143,145 ("the '145 patent"), among other patents, against Plaintiff Harbor Freight Tools USA, Inc. ("Harbor Freight") (Dkt. 47).

WHEREAS, Harbor Freight has alleged that the asserted claims of the '895 patent, '390 patent, '970 patent, '654 patent, '398 patent, and '145 patent are invalid based on prior art (Dkt. 55).

WHEREAS, Harbor Freight has filed or will file shortly petitions for *inter partes* review ("IPR") challenging certain claims (including all asserted claims here) of the '895 patent (IPR2025-01384), '390 patent (IPR2025-01438), '970 patent (IPR2025-01463), '654 patent (IPR2025-1423), '398 patent (IPR2025-01271), and '145 patent (IPR2025-1457) ("Subject Petitions").

Harbor Freight hereby stipulates, broader than the stipulation made by the Petitioner in *Sotera* that, if the PTAB institutes an IPR (and does not subsequently vacate institution) in response to a Subject Petition, Harbor Freight 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 PTAB in that instituted proceeding (i.e., any ground that could have reasonably been raised under §§ 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.

DATED: August 29, 2025

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By /s/ Eric Huang

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CERTIFICATE OF SERVICE

I, Jason Williams, hereby certify that on this August 29, 2025, a copy of the foregoing **Plaintiff Harbor Freight Tools USA, Inc.'s Stipulation Regarding Invalidity Grounds for the '895, '390, '970, '654, '398, and '145 Patents** was served via email on all attorneys of record.

/s/ Jason Williams
Jason Williams

Attorneys for Plaintiff Harbor Freight Tools USA, Inc.