

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHAMPION POWER EQUIPMENT,
INC.

Plaintiff / Counter-Defendant

Case No. 24-cv-1281

v.

JURY TRIAL DEMANDED

GENERAC POWER SYSTEMS, INC.

Defendant / Counter-Plaintiff.

DEFENDANT’S STIPULATION REGARDING INVALIDITY CONTENTIONS

WHEREAS, Champion has asserted U.S. Patent Nos. 10,221,780 (“the ’780 patent”), 11,143,120 (“the ’120 patent”), and 11,492,985 (“the ’895 patent”) against Generac;

WHEREAS, Generac has alleged that the asserted claims of the ’780 patent, the ’120 patent, and the ’985 patent are invalid based on prior art;

WHEREAS, Generac has submitted petitions for *inter partes* review (“IPR”) challenging certain claims (including all asserted claims here) of the ’780 patent, the ’120 patent, and the ’985 patent in IPR Nos. IPR2025-01185, IPR2025-01121, and IPR2025-01272, respectively (“Subject Petitions”).

Generac 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, Generac will not pursue in this litigation invalidity of the claims for the specific patent challenged in the instituted IPR for said Subject Petition based on: (i) the specific grounds raised in the 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 Subject Petition for the instituted (and not vacated) IPR.

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 IPR2025-01185, the XP4400EH generator is covered by this stipulation. However, other systems/engines are not covered, even if similar to the XP4400EH generator.

Respectfully submitted,

Dated: August 13, 2025

By: /s/ Thomas J. Leach

Thomas J. Leach (MN # 0311844)
Michael Erbele (MN # 0393635)
Joe Dubis (MN # 0398344)
MERCHANT & GOULD P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402

(612) 332-5300
tleach@merchantgould.com
merbele@merchantgould.com
jdubis@merchantgould.com

**REINHART BOERNER VAN
DEUREN, S.C.**

Paul J. Stockhausen

Monica A. Mark

REINHART BOERNER VAN DEUREN,
S.C.

22 East Mifflin Street, Suite 700

Madison, WI 53703

Tel.: 608-229-2200

Fax: 608-229-2100

pstockhausen@reinhartlaw.com

mmark@reinhartlaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Taylor Stemler, hereby certify that on August 13, 2025 I caused a true and correct copy of the foregoing document to be served upon the following counsel for Plaintiff via email service:

Thomas P. Heneghan (WI # 1024057)
33 East Main Street, Suite 300
Madison, Wisconsin 53703
Telephone: 608.255.4440
Facsimile: 608.258.7138
Tom.Heneghan@huschblackwell.com

Jennifer E. Hoekel (MO # 45880)
8001 Forsyth Blvd, Suite 1500
St. Louis, MO 63105
Telephone: 314.480.1500
Facsimile: 314.480.1505
Jennifer.Hoekel@huschblackwell.com

Timothy J. Ziolkowski, 1020984
Jacob M. Fritz, 1094547
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC
136 South Wisconsin Street
Port Washington, WI 53074
Telephone: 262.268.8100
Facsimile: 262.268.8185
tjz@zpatents.com
jmf@zpatents.com

Attorneys for Plaintiff Champion Power Equipment, Inc.

/s/ Taylor R. Stemler _____
Taylor R. Stemler