IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HARBOR FREIGHT TOOLS USA, INC.,

GENERAC POWER SYSTEMS, INC., and

MWE INVESTMENTS, LLC,

Petitioners

v.

CHAMPION POWER EQUIPMENT, INC.,

Patent Owner

Patent No. 10,393,034

Issued: August 27, 2019

Title: FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE

Inter Partes Review No. IPR2025-00805

DECLARATION OF ERIC HUANG

EX1059
HARBOR FREIGHT TOOLS
IPR2025-01121

I, Eric Huang, declare as follows:

1. I am a member of the bar of the State of New York and a partner at Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for petitioner Harbor Freight Tools USA, Inc. ("Harbor Freight"). I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify as set forth below.

2. Pending in the U.S. District Court for the Central District of California is *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, in which patent owner Champion Power Equipment Inc. ("Champion") has asserted 13 patents including U.S. Patent No. 10,393,034 ("the '034 patent"). In that litigation, Harbor Freight has asserted invalidity of each of the patents-in-suit, including the '034 patent. I am counsel of record for Harbor Freight in that litigation.

3. On July 22, 2025, I sent a stipulation relating to the '034 patent via email to Champion. In my email, I also informed Champion of Harbor Freight's intent to file petitions for *inter partes* review for all patents-in-suit and to seek a stay of the litigation in its entirety pending final resolution of all pending IPRs on the merits. I attach a true and correct copy of the transmittal email and attachment as **Exhibit A** to this Declaration.

4. The parties met and conferred about the proposal for a stay on August 5, 2025. During the meet-and-confer, I clarified that Harbor Freight intends to seek a stay pending final resolution of the last petition for *inter partes* review on the patents-in-suit, including appeal from final written decision, and asked for Champion's position whether they would agree to a stay pre-institution. Champion's counsel stated it did not have a position on the stay yet and would wait for the outcome of the first decision on their requests for discretionary denial of institution, with an openness to agreeing to move to stay the litigation should the first decision not grant a discretionary denial.

5. Attached hereto as **Exhibit B** is a true and correct copy of a chart taken from the webpage docketnavigator.com (accessed on August 15, 2025 at 5:34 PM PT) showing the outcomes in the United States District Court for the Central District of California of motions to stay litigation pending *inter partes* review since 2012. The chart shows that the motions were granted in full or in part in 66% of the cases.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 28th day of August, 2025, at New York, New York.

Eric Huang

EXHIBIT A

Eric Huang

From:	Eric Huang
Sent:	Tuesday, July 22, 2025 11:00 PM
To:	HB - Champion; Tim Ziolkowski; Ahmed, Sharif; Jacob Fritz; Robyn Templin; Hitchens, A. Lauren
Cc:	QE-HarborFreight-Champion; Houston, Michael R.; Dodd, Kimberly K.
Subject:	HFT v. Champion
Attachments:	Plaintiff Sotera Stip re 034 Patent.pdf

Counsel,

As you are aware, Harbor Freight has filed a petition for *inter partes* review ("IPR") challenging certain claims of U.S. Patent 10,393,034. With regard to the prior art grounds in that petition and in this litigation, Harbor Freight stipulates to the following, as provided in the attached stipulation:

"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 Harbor Freight's petition against Plaintiff's U.S. Patent No. 10,393,034 in IPR2025-00805, Harbor Freight will not pursue in this litigation invalidity of the claims challenged in that petition based on: (i) the specific grounds raised in IPR2025-00805, (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 IPR2025-00805 (e.g., the DF-972 engine, which directly corresponds to the DF-972 workshop manual). To be clear, this stipulation does not cover other system prior art. For example, because a manual for the Kubota DF-972 engine is relied upon as part of a ground in IPR2025-00805, the DF-972 engine is covered by this stipulation. However, other systems/engines are not covered, even if similar to the DF-972 engine."

As you are also aware, Harbor Freight has also filed IPR petitions on U.S. Patent Nos. 11,143,120; 10,598,101; 11,306,667; 10,221,780; and 11,905,896, which are all pending institution decisions, and Harbor Freight intends to petition for IPRs on the remaining patents-in-suit in short order: U.S. Patent Nos. 10,697,398; 11,143,145; 11,530,654; 11,492,985; 11,840,970; 11,905,895; and 11,761,390. I confirm that Harbor Freight intends to stipulate to the same scope for each of the pending IPR petitions as well as subsequent IPR petitions on patents-in-suit in the above captioned case.

I also write to confirm that Harbor Freight intends to seek a stay of this litigation in its entirety pending final resolution of all pending IPRs on the patents-in-suit.

Please advise us of your position and whether Champion will agree to such a stay.

Thank you.

Eric

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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 '034 PATENT** Hon. Stephen V. Wilson Hon. Alka Sagar

WHEREAS, Defendant Champion Power Equipment, Inc. ("Champion") has asserted U.S. Patent No. 10,393,034 ("the '034 patent") against Plaintiff Harbor Freight Tools USA, Inc. ("Harbor Freight");

WHEREAS, Harbor Freight has alleged that the asserted claims of the '034 patent are invalid based on prior art;

WHEREAS, Harbor Freight has filed a petition for *inter partes* review ("IPR") challenging certain claims of U.S. No. Patent 10,393,034, IPR2025-00805.

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 Harbor Freight's petition against Champion's U.S. Patent No. 10,393,034 in IPR2025-00805, Harbor Freight will not pursue in this litigation invalidity of the claims challenged in that petition based on: (i) the specific grounds raised in IPR2025-00805, (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 IPR2025-00805 (e.g., the DF-972 engine, which directly corresponds to the DF-972 workshop manual).

To be clear, this stipulation does not cover other system prior art. For example, because a manual for the Kubota DF-972 engine is relied upon as part of a ground in IPR2025-00805, the DF-972 engine is covered by this stipulation. However, other systems/engines are not covered, even if similar to the DF-972 engine.

DATED: July 22, 2025

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By *\/s/ Eric Huang*

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Attorneys for Plaintiff Harbor Freight Tools USA, Inc.

CERTIFICATE OF SERVICE

I, Eric Huang, hereby certify that on July 22, 2025, a copy of the foregoing **STIPULATION REGARDING INVALIDITY GROUNDS FOR THE '034 PATENT** was served via email on all attorneys of record.

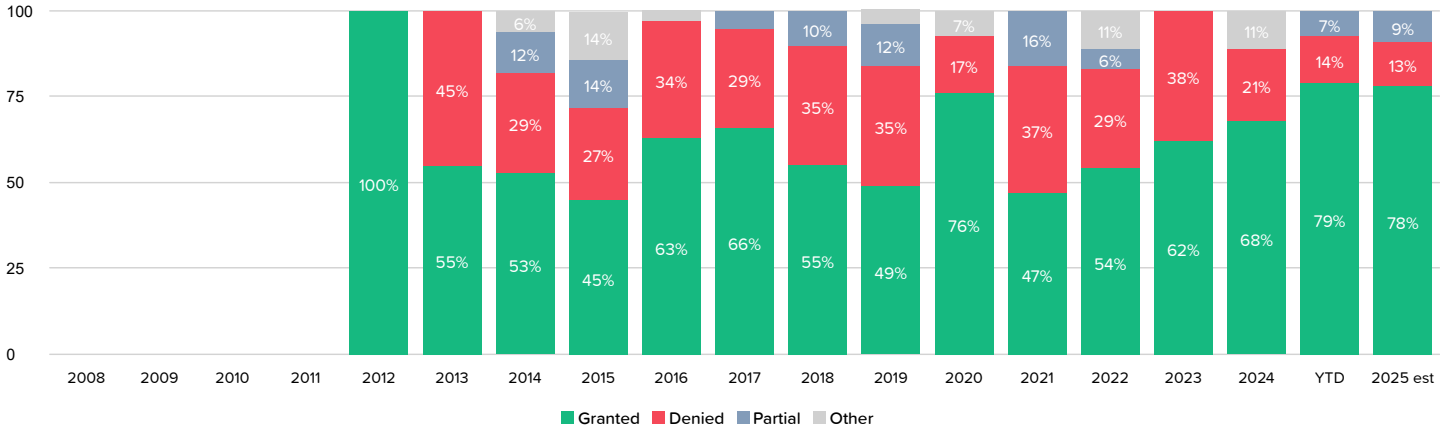
/s/ Eric Huang
Eric Huang
Attorney for Plaintiff Harbor Freight Tools USA, Inc.

EXHIBIT B

Motion Success

Types of Document: Motion to Stay Pending Inter Partes Review **Courts:** California Central District (all districts)

Motion Success by Year



This chart shows the outcomes of decisions on motions of the specified type(s) by year. Estimated current year totals are computed by assuming new decisions will be issued, and will reach the same proportionate outcomes, as decisions which have already occurred this year to date.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	YTD	2025 est
Granted	0	0	0	0	1	6	9	10	18	14	17	13	35	9	19	10	13	11	18
Denied	0	0	0	0	0	5	5	6	10	6	11	9	8	7	10	6	4	2	3
Partial	0	0	0	0	0	0	2	3	0	1	3	3	0	3	2	0	0	1	2
Other	0	0	0	0	0	0	1	3	1	0	0	1	3	0	4	0	2	0	
Total	0	0	0	0	1	11	17	22	29	21	31	26	46	19	35	16	19	14	23