

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MWE INVESTMENTS, LLC,
HARBOR FREIGHT TOOLS USA, INC., and
GENERAC POWER SYSTEMS, INC.,

Petitioners,

v.

CHAMPION POWER EQUIPMENT, INC.,

Patent Owner.

Patent No. 10,221,780

Issued: March 5, 2019

Title: DUAL FUEL SELECTOR SWITCH

Inter Partes Review No. IPR2025-01185

**UNOPPOSED MOTION TO WITHDRAW MWE INVESTMENTS, LLC
AS A NAMED PETITIONER**

UPDATED EXHIBIT LIST

Exhibit No.	Description
Ex.1001	U.S. Patent No. 10,221,780 (“the ’780 Patent”)
Ex.1002	File History of the ’780 Patent (“the ’780 File History”)
Ex.1003	Declaration of Dr. Mahdi Shahbakhti (“Decl.”)
Ex.1004	DuroMax XP4400EH Operator’s Manual (“DuroMax”)
Ex.1005	U.S. Patent No. 5,718,265 to Elsdon (“Elsdon”)
Ex.1006	U.S. Patent No. 4,492,207 to Hallberg (“Hallberg”)
Ex.1007	U.S. Patent No. 10,337,399 to Rumao (“Rumao”)
Ex.1008	U.S. Patent No 1,931,698 to Holzapfel (“Holzapfel”)
Ex.1009	<i>Cambridge Dictionary</i> , https://dictionary.cambridge.org/dictionary/english/couple (last visited July 8, 2025).
Ex.1010	U.S. Patent Publication No. 2011/0100335 A1 to Parlatore (“Parlatore”)
Ex.1011	Champion’s Claim Construction Brief CV-23-2371-PHX-DWL
Ex.1012	Declaration of David Raskin (dated May 7, 2025)
Ex.1013	https://www.youtube.com/watch?v=Ip7ckWAZ3xQ
Ex.1014	<i>American Heritage Dictionary of the English Language</i> (3d ed. 1996).
Ex.1015– Ex.1037	Reserved.
Ex.1038	Champion’s Infringement Contentions for U.S. Patent No. 10,221,780 as Asserted Against Generac Model DF3500E et al. (served Apr. 15, 2025)
Ex.1039– Ex.1054	Reserved.
Ex.1055	Order on Defendant/Counter-Claimant’s Motion for Partial Stay, <i>FaceTec, Inc. v. iProov, Ltd.</i> , No. 21-cv-2252, Dkt. 188 (D. Nev., order dated June 18, 2025)
Ex.1056	Docket Navigator Statistics Regarding Judge Adelman’s Grant

	Rate for Motions to Stay
Ex.1057	Docket Navigator Statistics Regarding Grant Rate for Motions to Stay in Eastern District of Wisconsin
Ex.1058	Docket Navigator Statistics Regarding Motions to Stay in District of Nevada
Ex.1059	Declaration of Eric Huang (dated Sept. 12, 2025)
Ex.1060	Order, <i>Parsons Xtreme Golf LLC v. Taylor Made Golf Co.</i> , No. 17-cv-3125, Dkt. 187 (D. Ariz., order dated Nov. 29, 2018)
Ex.1061	Email from Taylor R. Stemler to Jennifer Hoekel et al. (Aug. 13, 2025)
Ex.1062	Docket Navigator Statistics Regarding Grant Rate for Uncontested Motions to Stay in Eastern District of Wisconsin
Ex.1063	Docket Navigator Statistics Regarding Grant Rate for Uncontested Motions to Stay in District of Nevada
Ex.1064	Docket Navigator Time to Trial Statistics for District of Nevada
Ex.1065	Docket Navigator Time to Milestone Statistics for Judge Adelman
Ex.1066	Docket Navigator Time to Milestone Statistics for Eastern District of Wisconsin
Ex.1067	Docket Navigator Time to Milestone Statistics for Central District of California
Ex.1068– Ex.1069	Reserved.
Ex.1070	Memorandum in Support of Plaintiff’s Motion to Sever Defendant’s Counterclaims for Infringement or in the Alternative for Leave to File an Amended Answer and Counter-Counterclaim, <i>Champion Power Equipment, Inc. v. Generac Power Systems, Inc.</i> , No. 24-cv-1281, Dkt. 38 (E.D. Wis. July 3, 2025)
Ex.1071– Ex.1079	Reserved.
Ex.1080	Champion Dual Fuel Generator Model 100153 Operator’s Manual

Ex.1081– Ex.1082	Reserved.
Ex.1083	Amended Scheduling Order, <i>Champion Power Equipment, Inc. v. Generac Power Systems, Inc.</i> , No. 24-cv-01281, Dkt. 59 (E.D. Wis. Sept. 17, 2025)
Ex.1084	Harbor Freight’s Opening Claim Construction Brief, Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc., No. 24-cv-8722, Dkt. 84 (C.D. Cal., Sept. 9, 2025)
Ex.1085	Excerpts from Generac’s Supplemental Preliminary Invalidity Contentions (Sept. 25, 2025)
Ex.1086	Order Giving Leave for Parties to File Supplemental Briefing on Tentative Claim Constructions, Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc., No. 24-cv-8722, Dkt. 98 (C.D. Cal., October 15, 2025)
Ex.1087– Ex.1089	Reserved.
Ex.1090	Settlement Agreement

I. INTRODUCTION

In email messages dated January 5, 2026, and January 9, 2026, the Board authorized Petitioners Harbor Freight Tools USA, Inc. (“Harbor Freight”) and MWE Investments, LLC (“MWE”) to file motions to withdraw from the petitions for inter partes review IPR2025-00805, -00951, -01099, -01121, -01185, -01228, -01271, -01272, -01384, -01423, -01438, -01457, -01463.

Because Generac Power Systems, Inc. (“Generac”) also is a Petitioner, and because Generac does not independently seek to withdraw the Petition, this will not result in the termination of IPR2025-00805, -00951, -01099, -01121, -01185, -01228, -01271, -01272, -01384, -01423, -01438, -01457, -01463, directed, respectively, to U.S. Patent Nos. 10,393,034 (“’034 Patent”); 10,598,101 (“’101 Patent”); 11,306,667 (“’667 Patent”); 11,143,120 (“’120 Patent”); 10,221,780 (“’780 Patent”); 11,905,896 (“’896 Patent”); 10,697,398 (“’398 Patent”); 11,492,985 (“’985 Patent”); 11,905,895 (“’895 Patent”); 11,530,654 (“’654 Patent”); 11,761,390 (“’390 Patent”); 11,143,145 (“’145 Patent”); and 11,840,970 (“’970 Patent”) (collectively, the “Challenged Patents”).

MWE and Champion Power Equipment, Inc. (“Champion” or “Patent Owner”) reached an agreement (the “Settlement Agreement”) to resolve their disputes. Pursuant to 37 C.F.R. § 42.74(b), the Settlement Agreement is in writing, and a true and correct copy is being filed as Confidential Exhibit 1090. The

Settlement Agreement is being filed electronically with access to “Board Only.” A “*Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74*” is filed concurrently with this Unopposed Motion to Withdraw, to treat the Settlement Agreement as business confidential information and to keep it separate from the files of the involved patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

On December 30, 2025, in the related litigation¹ between Patent Owner and MWE, the court granted a dismissal with prejudice of Champion’s complaint asserting, *inter alia*, the Challenged Patents. Generac was not a named party in the MWE Litigation and is still a defendant in a separate litigation² filed by Champion asserting, *inter alia*, the Challenged Patents. Generac intends to remain as Petitioner in IPR2025-00805, -00951, -01099, -01121, -01185, -01228, -01271, -01272, -01384, -01423, -01438, -01457, -01463.

MWE respectfully requests the Board withdraw MWE as a Petitioner for *inter partes* review, leaving Generac as Petitioner in IPR2025-01185. Patent Owner does not oppose.

¹ *Champion Power Equipment Inc. v. Westinghouse Elec. Corp. et al.*, 2:25-cv-00844 (D. Nev.) (the “MWE Litigation”).

² *Champion Power Equipment Inc. v. Generac Power Systems Inc.*, 24-cv-01281-LA (E.D. Wis.) (the “Generac Litigation”).

Pursuant to 37 C.F.R. §42.10(e), MWE further requests the withdrawal of its counsel, Thomas A. Walsh, Thomas A. Rammer, and Alexas D. Siliunas. Per the Power of Attorney already on file (Paper 3), the remaining Petitioner, Generac, designates the following as lead counsel and backup counsel in this proceeding going forward:

New Lead Counsel	Back-Up Counsel
Thomas J. Leach Reg. No. 53,188 MERCHANT & GOULD P.C. 150 South Fifth Street, Suite 2200 Minneapolis, MN 55402 Phone: 612-336-4665 Fax: 612-332-9081 tleach@merchantgould.com USPTO Reg. No. 53,188	Taylor R. Stemler Reg. No. 79,777 MERCHANT & GOULD P.C. Minneapolis, MN 55402 150 South Fifth Street, Suite 2200 Phone: 612-371-5215 Fax: 612-332-9081 TStemler@MerchantGould.com USPTO Reg. No. 79,777

II. ARGUMENT

Patent Owner will not be prejudiced by withdrawal of MWE. Generac remains a Petitioner and Patent Owner will still receive the same briefing opportunities on the same schedule as before. The lack of any such prejudice is evidenced by Patent Owner's non-opposition to the filing of this motion to withdraw MWE as a named Petitioner.

III. CONCLUSION

MWE respectfully requests to withdraw from the petition for inter partes

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U.S. Patent No. 10,221,780

review of IPR2025-01185, respectfully requests the withdrawal of its counsel, Thomas A. Walsh, Thomas A. Rammer, and Alexas D. Siliunas, and respectfully requests the substitution of new lead counsel.

Date: January 12, 2026

Respectfully submitted,

By: /Thomas A. Walsh/

Thomas A. Walsh
Registration No. 45,196
ICE MILLER LLP
One American Square, Suite 2900
Indianapolis, IN 46282
Counsel for Petitioner MWE
Lead Counsel for Co-Petitioners

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 12, 2026, a true and correct copy of the foregoing **UNOPPOSED MOTION TO WITHDRAW MWE INVESTMENTS, LLC AS A NAMED PETITIONER** was filed through the P-TACTS system along with service to the email addresses listed below:

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Date: January 12, 2026

By: /Thomas A. Walsh/

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