

1 **QUINN EMANUEL URQUHART & SULLIVAN, LLP**

2 David M. Grable (SBN 237765)

3 davegrable@quinnemanuel.com

4 Lauren Lindsay (SBN 280516)

5 laurenlindsay@quinnemanuel.com

6 865 South Figueroa Street, 10th Floor

7 Los Angeles, California 90017-2543

8 Telephone: (213) 443-3000

9 Facsimile: (213) 443-3100

10 Eric Huang (*pro hac vice*)

11 erichuang@quinnemanuel.com

12 295 5th Avenue

13 New York, NY 10016-7103

14 Telephone: (212) 849-7000

15 Facsimile: (212) 849-7100

16 *Attorneys for Plaintiff Harbor Freight*

17 *Tools USA, Inc.*

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

20 HARBOR FREIGHT TOOLS USA,
21 INC.,

22 Plaintiff,

23 vs.

24 CHAMPION POWER EQUIPMENT,
25 INC.,

26 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

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

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

9 WHEREAS, Harbor Freight has filed or will file shortly petitions for *inter*
10 *partes* review (“IPR”) challenging certain claims (including all asserted claims here)
11 of the ’895 patent (IPR2025-01384), ’390 patent (IPR2025-01438), ’970 patent
12 (IPR2025-01463), ’654 patent (IPR2025-1423), ’398 patent (IPR2025-01271), and
13 ’145 patent (IPR2025-1457) (“Subject Petitions”).

14 Harbor Freight hereby stipulates, broader than the stipulation made by the
15 Petitioner in *Sotera* that, if the PTAB institutes an IPR (and does not subsequently
16 vacate institution) in response to a Subject Petition, Harbor Freight will not pursue in
17 this litigation invalidity of the challenged claims for the specific patent in the
18 instituted IPR for said Subject Petition based on: (i) the specific grounds raised in
19 said petition, (ii) any other grounds that could have reasonably been raised before the
20 PTAB in that instituted proceeding (i.e., any ground that could have reasonably been
21 raised under §§ 102 or 103 on the basis of prior art patents or printed publications),
22 or (iii) any ground based on system prior art (either alone or in combination with other
23 references) that directly corresponds to a printed publication reference asserted as part
24 of a ground raised in said instituted (and not vacated) petition.

25 To be clear, this stipulation does not cover other system prior art. For example,
26 because a manual for the DuroMax XP4400EH generator is relied upon as part of a
27 ground in IPR2025-01384, the XP4400EH generator is covered by this stipulation.

1 However, other systems/engines are not covered, even if similar to the XP4400EH
2 generator.
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1 DATED: August 29, 2025

Respectfully submitted,

2 QUINN EMANUEL URQUHART &
3 SULLIVAN, LLP

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5
6 By /s/ Eric Huang

7 David M. Grable (SBN 237765)
8 davegrable@quinnemanuel.com
9 Lauren Lindsay (SBN 280516)
10 laurenlindsay@quinnemanuel.com
11 Quinn Emanuel Urquhart & Sullivan, LLP
12 865 South Figueroa Street, 10th Floor
13 Los Angeles, CA 90017-2543
14 Telephone: (213) 443-3000
15 Facsimile: (213) 443-3100

16 Eric Huang (*pro hac vice*)
17 erichuang@quinnemanuel.com
18 Quinn Emanuel Urquhart & Sullivan, LLP
19 295 5th Avenue
20 New York, NY 10016-7103
21 Telephone: (212) 849-7000
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23 *Attorneys for Plaintiff Harbor Freight*
24 *Tools USA, Inc.*

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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.*