

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAC POWER SYSTEMS, INC.,
Petitioner,

v.

CHAMPION POWER EQUIPMENT, INC.,
Patent Owner.

IPR2025-01271
Patent 10,697,398

**PATENT OWNER CHAMPION POWER EQUIPMENT, INC.'S
REQUEST FOR REHEARING**

TABLE OF CONTENTS

I.	PROCEDURAL HISTORY	1
A.	The Related '034 IPR.....	1
B.	The Instant '398 IPR	2
C.	The Current Landscape and Intervening Developments.....	4
II.	LEGAL STANDARD	5
III.	ARGUMENT.....	6
IV.	CONCLUSION.....	12

TABLE OF AUTHORITIES

CASES

<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)	7
<i>e-ImageData Corp v. Digit. Check Corp.</i> , No. 16-CV-576, 2017 U.S. Dist. LEXIS 23050 (E.D. Wis. Feb. 17, 2017)	8
<i>Huawei Device Co., Ltd. v. Optis Cellular Tech., LLC</i> , IPR2018-00816, Paper 19 (P.T.A.B. Jan. 8, 2019) (precedential)	10

OTHER AUTHORITIES

Interim Director Discretionary Process, United States Patent and Trademark Office, https://www.uspto.gov/patents/ptab/interim-director-discretionary- process	5
United States Patent and Trademark Office, Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialsPr acticeGuideConsolidated	10

REGULATIONS

37 C.F.R. § 42.71(d)	5
----------------------------	---

TABLE OF EXHIBITS

Exhibit #	Description
EX2001	Docket for Champion Power Equipment, Inc. v. Firman Power Equipment Inc., Case No. 2:23-cv-02371 (D. Az.) (“Firman Case”)
EX2002	Firman Case, Case Management Order, ECF No. 33
EX2003	Firman Case, First Amended Complaint, ECF No. 24
EX2004	<i>Reserved</i>
EX2005	Firman Case, Firman’s Motion to Amend Invalidity Contentions, ECF No. 115
EX2006	Firman Case, Declaration and Exhibit, ECF No. 116
EX2007	Firman Case, Order Granting Leave to Amend, ECF No. 124
EX2008	<i>Reserved</i>
EX2009	Firman’s Nov. 2024 Subpoena to third-party Generac (Firman Case)
EX2010	<i>Reserved</i>
EX2011	Generac Case, Generac’s First Amended Answer and Counterclaims, ECF No. 30
EX2012	<i>Reserved</i>
EX2013	Defendant Generac’s Feb. 14, 2025 Subpoena to third-party Firman
EX2014	<i>Reserved</i>
EX2015	
EX2016	Docket for Harbor Freight Case (C.D. Cal.)
EX2017	Harbor Freight Case, Complaint for Declaratory Judgment, ECF No. 1
EX2018	Harbor Freight Case, Champion’s Answer and Counterclaims, ECF No. 47
EX2019	Harbor Freight Case, Harbor Freight’s Answer to Counterclaims, ECF No. 55
EX2020	Harbor Freight Case, Joint R26 Report, ECF No. 38
EX2021	<i>Reserved</i>
EX2022	
EX2023	Harbor Freight’s Mar. 10, 2025 Subpoena on third-party Firman
EX2024	<i>Reserved</i>
EX2025	
EX2026	
EX2027	
EX2028	
EX2029	Generac Case, Complaint, ECF No. 1

Exhibit #	Description
EX2030	<i>Reserved</i>
EX2031	Sept. 9, 2019 Letter from Champion to Firman
EX2032	<i>Reserved</i>
EX2033	June 23, 2020 Letter from Champion to MWE
EX2034	July 31, 2020 MWE Response Letter
EX2035	Oct. 17, 2020 MWE Responsive Letter
EX2036	July 7, 2020 Letter from Champion to Generac
EX2037	July 31, 2020 Generac Response Letter
EX2038	March 27, 2024 Letter from Champion to Harbor Freight
EX2039	June 28, 2024 Letter from Champion to Harbor Freight
EX2040	<i>Reserved</i>
EX2041	
EX2042	
EX2043	
EX2044	Kubota DF-972 Information Sheet
EX2045	<i>Reserved</i>
EX2046	
EX2047	Docket Navigator - Time to Milestones for D. Az. (Trial)
EX2048	Docket Navigator - Time to Milestones for E.D. Wis. (Trial)
EX2049	<i>Reserved</i>
EX2050	
EX2051	MWE Case, Complaint, ECF No. 1
EX2052	<i>Reserved</i>
EX2053	
EX2054	Champion's Patent Statement and Licensing Declaration Form, July 1, 2021
EX2055	Firman's August 30, 2024 Invalidity Contentions
EX2056	<i>Reserved</i>
EX2057	
EX2058	
EX2059	
EX2060	
EX2061	
EX2062	US5809979 ("Kubota Patent")
EX2063	<i>Reserved</i>
EX2064	Champion September 26, 2014 Internal Email

Exhibit #	Description
EX2065	Firman Case, Champion’s Motion to Amend Infringement Contentions, ECF No. 198
EX2066	<i>Reserved</i>
EX2067	
EX2068	
EX2069	
EX2070	Generac Case, Exhibit 3 – webpage, ECF No. 30-03
EX2071	Wayback Machine, http://pgmaonline.com/members.asp , dated July 29, 2013
EX2072	<i>Reserved</i>
EX2073	Firman Case, Order, ECF No. 141
EX2074	Generac’s April 23, 2025 Responses to Plaintiff’s First Set of Interrogatories
EX2075	Screenshots from Honda EU20i LPG video, https://www.youtube.com/watch?v=yBpq33aJmR0
EX2076	YouTube Video, HONDA EU20i LPG, https://www.youtube.com/watch?v=yBpq33aJmR0
EX2077	US3384059 (“Kopa”)
EX2078	<i>Reserved</i>
EX2079	
EX2080	
EX2081	
EX2082	File History of U.S. Patent App. No. 14/925,441
EX2083	August 29, 2025 Stipulation from MWE
EX2084	August 29, 2025 Stipulation from Harbor Freight
EX2085	September 2, 2025 Stipulation from Generac
EX2086	US10221780 (“the ’780 Patent”)
EX2087	Declaration of Scott P. Amy in Support of Patent Owner's Notice of Intent to Designate a Provisionally Recognized PTAB Attorney as Backup Counsel
EX2088	US9435273 (“the ’273 Patent”)
EX2089	<i>Reserved</i>
EX2090	
EX2091	
EX2092	
EX2093	
EX2094	Generac Case, Affidavit of Service, ECF No. 4

Exhibit #	Description
EX2095	<i>Reserved</i>
EX2096	
EX2097	<i>Reserved</i>
EX2098	Excerpts from File History of U.S. Patent No. 11,143,120
EX2099	Generac Case, Amended Scheduling Order, ECF No. 59
EX2100	<i>Reserved</i>
EX2101	
EX2102	
EX2103	
EX2104	
EX2105	
EX2106	
EX2107	
EX2108	
EX2109	
EX2110	Harbor Freight Case, HFT's Opening Claim Construction Brief
EX2111	<i>Reserved</i>
EX2112	US5419291 ("Kimata")
EX2113	Generac Case, Generac's Supplemental Preliminary Invalidity Contentions, dated 2025-09-25 (redacted)
EX2114	<i>Reserved</i>
EX2115	
EX2116	
EX2117	
EX2118	
EX2119	
EX2120	
EX2121	
EX2122	
EX2123	
EX2124	Harbor Freight Case, HFT's Supplemental Claim Construction Brief, ECF 101
EX2125	Generac Case, Exhibit H-03 to Generac's Invalidity Contentions

GLOSSARY

Abbreviation	Term
'034 Patent	U.S. Patent No. 10,393,034
'034 IPR	IPR2025-00805
'101 IPR	IPR2025-00951
'398 Patent	U.S. Patent No. 10,697,398
'398 IPR	IPR2025-01271
Board	Patent Trial and Appeal Board
Firman	Firman Power Equipment, Inc.
HFT	Harbor Freight Tools USA, Inc.
MWE	MWE Investments, LLC
Patent Owner or Champion	Champion Power Equipment, Inc.
Petition	Petition for Inter Partes Review of U.S. Patent No. 10,697,398 (Paper 4)
Petitioner or Generac	Generac Power Systems, Inc.
POSITA	Person of Ordinary Skill in the Art
USPTO	United States Patent & Trademark Office

Patent Owner respectfully seeks rehearing of the USPTO’s decision not to deny institution in the instant proceeding on discretionary factors. Paper 18 (“after review of discretionary considerations, the following proceedings will be reviewed for merits and non-discretionary consideration.”). Specifically, Patent Owner’s request is based on significant new developments—including the denial of institution in *eleven* related IPRs and the resolution of district court proceedings regarding two former petitioners—which occurred *after* Patent Owner and Petitioner filed discretionary denial briefs. Paper 9; Paper 12. In light of the changed circumstances, Patent Owner respectfully asserts that discretionary denial is appropriate.

I. PROCEDURAL HISTORY

The instant IPR is one of a series of related proceedings challenging thirteen Champion patents. To date, eleven of the proceedings have been denied, on both discretionary and substantive grounds.

A. The Related ’034 IPR

Petitioner Generac Power Systems, Inc. and former petitioners Harbor Freight Tools USA, Inc. and MWE Investments, LLC previously filed IPR2025-00805 challenging Champion’s U.S. Patent No. 10,393,034 on April 29, 2025. IPR2025-00805, Paper 4. The ’034 Patent is the child of the ’398 Patent that is at issue here. The Board entered an order denying Patent Owner’s request for discretionary denial

(*i.e.*, referring the '034 IPR for a decision on the merits) on September 19, 2025. *See e.g.*, '034 IPR at Paper 8, Paper 14, Paper 20. The Board's stated rational was that "[b]ecause the litigation between the parties [(*i.e.*, Patent Owner, Petitioner, and former petitioners HFT and MWE)] would proceed to several district court trials in different jurisdictions, resolving the dispute between the parties at the Office would be more efficient." '034 IPR at Paper 20.

B. The Instant '398 IPR

Months later, Patent Owner filed its Request for Discretionary Denial in the instant proceeding (Paper 9) and Petitioner (and former petitioners HFT and MWE) filed an Opposition. Paper 12. At that time, the '034 IPR and related '101 IPR had been instituted, and Petitioner's eleven remaining IPRs were still pending. In its Opposition, Petitioner argued that "[d]iscretionary denial is appropriate here for the same reasons" as the '034 and '101 IPRs—namely that "Petitioners filed thirteen IPRs challenging all patents asserted across the three litigations against Petitioners" and "consolidating invalidity arguments across three litigations into a single set of IPRs is an efficient use of resources." Paper 12 at 1-2. Petitioner also argued that:

- "Allowing this IPR (and the Related IPRs) to proceed represents the *epitome* of efficient and appropriate use of Office resources." *Id.* at 3-4.¹

¹ All emphasis added unless otherwise noted.

- “[T]he alternative is having three different jury trials proceed to assess invalidity of the asserted patents in three different district courts.” *Id.* at 4.
- “Such *piecemeal adjudication* creates a high likelihood of inconsistent outcomes.” *Id.*
- “Compared to presenting broad invalidity cases to three different juries, the Board is much better positioned to grasp and efficiently handle a *single set of challenges* to so many patents from two different families involving complicated aspects of multi-fuel engine/generator designs.” *Id.*
- “The vast efficiencies gained by consolidating the three Petitioner district court invalidity proceedings into a *single set of proceedings* before the PTAB is a highly appropriate use of Office resources, and reason enough by itself to refuse discretionary denial.” *Id.*
- “This IPR should be instituted to realize those efficiency gains.” *Id.*
- “Petitioners filed IPR petitions against all 13 patents to streamline the invalidity challenges in a single set of IPRs and ensure consistent invalidity determinations.” *Id.* at 5.
- “The Petitions thus represent a *greatly streamlined invalidity case*.” *Id.*

In short, Petitioner’s arguments largely revolved around potential efficiencies gained by (1) addressing invalidity challenges regarding *thirteen* related patents

before a single tribunal, and (2) consolidating invalidity challenges from *three* distinct district court proceedings.

C. The Current Landscape and Intervening Developments

After the parties filed their discretionary denial briefing, the landscape changed dramatically. First, the Director *reversed* the institution decisions in the '034 and '101 IPRs. IPR2025-00805, Paper 40; IPR20205-00951, Paper 38. Second, institution was *denied* in an additional nine IPRs (11 total) on both discretionary and merits-based grounds. *See e.g.*, IPR2025-01099, IPR2025-01121, IPR2025-01185, IPR2025-01228, IPR2025-01272, IPR2025-01384, IPR2025-01423, IPR2025-01438, and IPR2025-01463. Third, the HFT and MWE litigations were resolved, and both HFT and MWE withdrew as petitioners. Papers 13-17. Finally, the USPTO granted institution in the instant proceeding on March 3, 2026. Paper 19.

Now, only two of the thirteen originally-filed IPRs² remain pending, and Generac is the sole remaining Petitioner. Papers 13-17. In district court, Generac has raised dozens of discrete invalidity challenges to the eleven Champion patents asserted against it. *See e.g.*, EX2113, 26-35. Generac's district court invalidity arguments are based on a wide variety of alleged prior art references, including many

² IPR2025-01271, regarding U.S. Patent No. 10,697,398 and IPR2025-01457, regarding U.S. Patent No. 11,143,145.

of the references at issue here, and system art not covered by Generac's *Sotera* stipulation. *Id.* at 15-17. Generac has also incorporated by reference the analysis in each of its now-defunct IPR petitions, as well as contentions from the Firman, HFT, and MWE litigations. *Id.* at 35-37. Finally, Generac also raised numerous invalidity theories based on 35 U.S.C. § 112. *Id.* at 37-55. In short, Generac has presented a fulsome and robust invalidity challenge in parallel district court litigation.

II. LEGAL STANDARD

“A party dissatisfied with a decision may file a single request for rehearing without prior authorization from the Board. The burden of showing a decision should be modified lies with the party challenging the decision. The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, a reply, or a sur-reply.” 37 C.F.R. § 42.71(d).

“If the Director issues a decision determining that discretionary denial is not appropriate, a party should file a single request for rehearing or Director Review after the Board panel issues its decision.” Interim Director Discretionary Process, §V.C (accessible via <https://www.uspto.gov/patents/ptab/interim-director-discretionary-process>). “A party may raise changed circumstances, for example, a change in trial date, in a request for rehearing or a request for Director Review filed within the applicable time period.” *Id.* at §V.D.

III. ARGUMENT

Patent Owner seeks rehearing of the USPTO's discretionary denial determination in light of two material developments that occurred *after* Patent Owner and Petitioner filed discretionary denial briefs. Paper 9; Paper 12. First, the district court proceedings regarding former petitioners HFT and MWE were resolved, leaving Generac as the sole remaining petitioner. Second, the USPTO has since denied institution in eleven related IPRs, including six IPRs involving patents asserted against Generac that are related to the '398 Patent.³ Generac's invalidity challenges for each of those patents will now be resolved by the district court.

The Board's rationale against discretionary denial in the related '034 IPR was that "resolving the dispute between the parties at the Office would be more efficient" than proceeding with "several district court trials in different jurisdictions." '034 IPR at Paper 20. Now, following the termination of the HFT and MWE proceedings, there are no longer "several district court trials in different jurisdictions" and those efficiencies no longer exist. Likewise, Petitioner's primary argument against discretionary denial—*i.e.*, that "Petitioners filed IPR petitions against all 13 patents to streamline the invalidity challenges in a single set of IPRs and ensure consistent

³ See *e.g.*, IPR2025-01121, IPR2025-01185, IPR2025-01272, IPR2025-01384, IPR2025-01423, and IPR2025-01463.

invalidity determinations”—no longer holds true due to the *denial* in 11 of the related proceedings. Paper 12 at 5. As such, and contrary to Petitioner’s representations, “[t]he Petitions [no longer] represent a greatly streamlined invalidity case.” *Id.*

Petitioner previously argued that “[t]his is the quintessential case for institution” because “[a]ll *Fintiv* factors weigh against discretionary denial.” Paper 12 at 11; *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, at 5-6 (P.T.A.B. Mar. 20, 2020). However, following the changed circumstances identified herein, Petitioner’s *Fintiv* analysis should be reexamined.⁴

Factor 1 – Likelihood of a Stay: With the resolution of the HFT and MWE cases, the sole remaining question is whether there is a likelihood that the Generac litigation will be stayed following institution of (at most) two IPRs. Patent Owner asserts that a stay *is not* likely to occur. Specifically, Patent Owner alleged infringement of eleven patents in the Generac litigation, but institution has already

⁴ *Fintiv* factors 2, 5, and 6 are not impacted by the changed circumstances underlying the instant request for rehearing. Nevertheless, discretionary denial remains appropriate for the reasons set forth in Patent Owner’s prior briefing. Paper 9 at 11, 15.

been denied in nine of the relevant proceedings. Petitioner’s evidence—which was questionable at best at the outset—is entirely moot in light of new developments.

First, Petitioner argued that “Judge Adelman has granted contested motions to stay 70% of the time, which is comparable to the district’s average grant rate of 73%.” Paper 12 at 11 (citing EX1056; EX1057). However, Petitioner references Judge Adelman’s orders on *all* motions to stay, *not just* motions to stay pending IPR proceedings, presumably because Judge Adelman does not appear to have ruled on this issue. *Compare* EX1056 (“Type of Document: Stay”) *with* EX1057 (“Type of Document: Motion to Stay Pending Inter Partes Review”). And, other courts in the Eastern District of Wisconsin have articulated that “[w]hether a stay would simplify the issues depends, of course, on whether the petitions are granted and some or all of the challenged claims are determined to be invalid.” *e-ImageData Corp v. Digit. Check Corp*, No. 16-CV-576, 2017 U.S. Dist. LEXIS 23050, at *7 (E.D. Wis. Feb. 17, 2017). Here, there is no doubt that the vast majority of the relevant petitions *have not been granted*, meaning that any stay *will not significantly simplify the issues*. As such, a stay is not likely.

Second, Petitioner’s representations regarding Patent Owner’s alleged “openness to a stay” are both overstated and, more importantly, moot in light of the numerous denied petitions.

Factor 3 – Investment in the Parallel Proceeding: Petitioner relies solely on the fact that—on July 3, 2025—Champion represented that the Generac litigation was in its infancy in connection with a motion to sever certain of Generac’s counterclaims. Paper 12 at 14 (citing EX1070 at 13-15). Regardless of the status of the Generac litigation at that time, nine months of litigation have occurred since Champion made that statement. The status of the HFT and MWE proceedings is no longer relevant, and the interim investment by the parties in the Generac litigation (coupled with the substantial forthcoming investment associated with the nine asserted patents where IPR has been denied) supports denial on discretionary grounds.

Factor 4 – Overlap in the Parallel Proceeding: Petitioner previously argued that its “broad *Sotera*-plus stipulations ... will eliminate overlap between the district court proceedings and this IPR (as well as the Related IPRs)” and provide “a true alternative to district court for determining invalidity.” Paper 12 at 15-16. Now, however, the Generac court is necessarily tasked with resolving Generac’s invalidity arguments regarding the *nine* asserted Champion patents where IPR has already been denied. Similar questions of fact are implicated by the instant IPR and Generac’s district court invalidity arguments.

For example, Generac alleged certain claims of U.S. Patent No. 11,840,970 were anticipated or otherwise rendered obvious by the Kubota Workshop Manual

(“Workshop Manual”) in parallel district court proceedings. EX2113, 29; *see also* EX2125.⁵ Meanwhile, the Petition argues Claim 1 of the ’398 Patent is anticipated by the exact same reference. Pet., 1, 12-16, 22-34. Patent Owner acknowledges there are differences in scope between the claims of the ’398 and ’970 Patents. However, the claimed subject matter is sufficiently related to create overlapping questions of fact which—if the instant IPR is instituted—must be separately resolved by each tribunal, creating the possibility of inconsistent outcomes.

As an example, Petitioner argues that the Workshop Manual discloses Element [1.3] (“a carburetor attached to an intake of the engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel source”) by referencing several

⁵ Good cause exists to consider Generac’s district court invalidity positions regarding the related ’970 Patent, which only became relevant when IPR2025-01463 regarding the ’970 Patent was denied on January 27, 2026. “Absent a showing of “good cause” prior to filing the request for rehearing or in the request for rehearing itself, new evidence will not be admitted.” Consolidated Trial Practice Guide, 90 (citing *Huawei Device Co., Ltd. v. Optis Cellular Tech., LLC*, IPR2018-00816, Paper 19, slip op. at 4 (P.T.A.B. Jan. 8, 2019) (precedential)). “[A] party may argue ‘good cause’ exists in the rehearing itself.” *Id.* As such, Patent Owner could not have addressed the overlapping subject matter in prior papers.

images and figures from the Workshop Manual. Pet., 25-29 (citing EX1012, 65, 68, 115, 119). Meanwhile, in district court Generac argues that the same reference discloses Claim 1(a)(2) (“a carburetor attached to an intake of the engine to mix air and fuel and connect the liquid fuel line to the intake”) and Claim 2 (“wherein the carburetor connects the gaseous fuel line to the intake”) of the ’970 Patent with reference to the *exact same four pages* of the Workshop Manual. EX2125, 5-9, 14-18.

Similarly, Petitioner also argues that the Workshop Manual discloses Element [1.5] (“a gaseous fuel valve positioned along a gaseous fuel line coupling the gaseous fuel source to the carburetor”), identifying the Workshop Manual’s LPG Cut Off Solenoid as the alleged valve. Pet., 30-31 (citing EX1012, 65, 68). Meanwhile, in district court Generac argues that the Workshop Manual discloses Claims 20(b) (“a gaseous fuel valve coupled to an inlet of the gaseous fuel line and connectable to the pressurized fuel source”) of the ’970 Patent, with reference to the same LPG Cut Off Solenoid. EX2125, 24-25. In each instance, Petitioner cites the same portions of the same reference as allegedly disclosing similar claim limitations.

Not only is the district court necessarily tasked with resolving Generac’s prior art-based invalidity challenges regarding the related ’970 Patent, it is also tasked with resolving Generac’s system art-based invalidity challenges regarding the instant ’398 Patent. EX2113, 15-17, 27. As such, the Generac court will necessarily

analyze both (1) the claims of the '398 Patent, and (2) the very prior art raised in the Petition. The only question that remains is whether Generac's prior art-based challenges to the validity of the '398 Patent are more properly resolved before the Board (in a vacuum) or before the district court (along with its robust analysis of Generac's related challenges). Because of the overlapping subject matter and similar invalidity allegations, the instant IPR no longer presents "a true alternative to district court for determining invalidity," but rather results in duplication of effort with the potential for inconsistent results. Paper 12 at 15-16. As such, in light of the changed circumstances following Patent Owner's discretionary denial briefing, institution should be denied.

IV. CONCLUSION

Simply put, Petitioner advanced a number of arguments against discretionary denial based on the efficiencies gained from "consolidating invalidity agreements across three litigations into a single set of IPRs." Paper 12 at 1-2; *see also id.* at 3-4 ("this IPR ... represents the epitome of efficient and appropriate use of Office resources"); *id.* at 4 ("piecemeal adjudication creates a high likelihood of inconsistent outcomes"); *id.* (arguing that "the Board is much better positioned to grasp and efficiently handle a single set of challenges to so many patents from two different families involving complicated aspects of multi-fuel engine/generator designs" when "[c]ompared to presenting broad invalidity cases to three different

juries”); *id.* (“[t]he vast efficiencies gained by consolidating the three Petitioner district court invalidity proceedings into a single set of proceedings before the PTAB is a highly appropriate use of Office resources, and reason enough by itself to refuse discretionary denial”).

Those arguments, however, are now moot. There is no increased efficiency gained by carving out resolution of Generac’s invalidity challenges with respect to the ’398 Patent from the district court, particularly when that same court is necessarily tasked with resolving many of the factual disputes present in the instant IPR. Patent Owner respectfully asserts that the USPTO’s Institution Decision should be reversed and institution should be denied.

Dated: March 17, 2025

Respectfully submitted,

By: /Thomas F. Finch/

Joseph W. Staley, Reg. No. 60,732

Scott P. Amy (Admitted *pro hac vice*)

Thomas F. Finch, Reg. No. 82,341

PERILLA KNOX & HILDEBRANDT LLP

5871 Glenridge Dr.

Suite 350

Atlanta, Georgia 30328

Tel: (770) 927-7802

Fax: (877) 389-6779

Email:

j.staley@pkhip.com

s.amy@pkhip.com

t.finch@pkhip.com

Timothy J. Ziolkowski, Reg. No. 38,368

Jacob M. Fritz, Reg. No. 71,459

**ZIOLKOWSKI PATENT SOLUTIONS
GROUP, SC**

136 South Wisconsin Street

Port Washington, WI 53074

(262) 268-8100 Tel

(262) 268-8185 Fax

Email:

tjz@zpatents.com

jmf@zpatents.com

Counsel for Patent Owner

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on March 17, 2026, a complete and entire copy of the foregoing Request for Rehearing, including the exhibits relied upon, was served on counsel of record for Petitioner, as follows:

Thomas J. Leach, Reg. No. 53,188
Taylor R. Stemler, Reg. No. 79,777
MERCHANT & GOULD P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
Tel: 612-336-4665
Tel: 612-371-5215
TLeach@merchantgould.com
TStemler@MerchantGould.com

Dated: March 17, 2026

Respectfully submitted,

By: /Thomas F. Finch/
Joseph W. Staley, Reg. No. 82,341
Counsel for Patent Owner