

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. 10,697,398

Issued: Jun. 30, 2020

Title: BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF

Inter Partes Review No. IPR2025-01271

**PETITIONER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Petitioner Generac Power Systems, Inc. (“Generac”) objects under 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”) to the admissibility of the following exhibits submitted by Patent Owner Champion Power Equipment, Inc. (“Champion”) in its Request for Discretionary Denial, filed on November 17, 2025 (Paper No. 9): EX2003, EX2005, EX2006, EX2017, EX2018, EX2019, EX2034, EX2035, EX2037, EX2051, EX2055, EX2065, EX2110, and EX2124

Generac further objects under the same authority to the admissibility of the following exhibits submitted by Champion in its Preliminary Response, filed on December 16, 2025 (Paper No. 11): EX2110, EX2114.

The Board instituted IPR on March 3, 2026. Generac’s objections are timely under 37 C.F.R. § 42.64(b)(1). Generac serves Champion with these Objections to provide notice that Generac will move to exclude the above-identified exhibits as improper evidence.

I. Generac objects to Champion’s EX2034, EX2035, and EX2037 as inadmissible under Fed. R. Evid. 408.

Champion’s exhibits EX2034, EX2035, and EX2037 are cease-and-desist settlement communications. Champion cited to these exhibits in an attempt to and argue the validity of its claims, including, for example, that it has settled expectations in the validity of its ’398 Patent. *See, e.g.*, Paper 9 at 4-5 (“MWE alleged it was ‘aware of and/or in possession of prior art that will support invalidation’ and was ‘prepared to present this evidence in litigation or in an Inter Partes Review

proceeding if it becomes necessary.’ EX2034. MWE provided a detailed list of prior art and claim charts it asserted would ‘be fatal to’ Champion’s rights in multi-fuel generators. EX2035. . . . Importantly, the art identified by MWE *is not* the basis of the current Petition.”), 5 (“Generac likewise asserted that ‘the claims of the ’101 patent are invalid.’ EX2037. . . . However, despite these early threats, neither MWE nor Generac filed suit”). But settlement offers and communications are inadmissible under Federal Rule of Evidence 408 inadmissible to show “the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or contradiction.” Fed. R. Evid. 408(a). Indeed, EX2034 and EX2035 explicitly state on their face that they are subject to Rule 408. Generac objects to Champion’s inadmissible use of EX2034, EX2035, and EX2037.

II. Generac objects to Champion’s exhibits that are not evidence.

Generac also objects to Champion’s exhibits EX2003, EX2005, EX2006, EX2017, EX2018, EX2019, EX2051, EX2055, EX2065, EX2110, and EX2124 because they constitute irrelevant attorney argument that is not evidence. These exhibits are pleadings or contentions from Champion’s litigation with Firman Power Equipment Inc. (“Firman”) (*see* EX2003, EX2005, EX2006, EX2055, EX2065), Champion’s litigation with Harbor Freight Tools USA, Inc. (“Harbor Freight”) (*see* EX2017, EX2018, EX2019, EX2110, EX2124), and Champion’s litigation with MWE Investments, LLC (“MWE”) (*see* EX2051). But Firman’s arguments from the

Firman case are irrelevant because Firman is not a party to this IPR. Likewise, Harbor Freight's arguments from the Harbor Freight case and MWE's arguments from the MWE case are irrelevant, as Harbor Freight and MWE are no longer parties to the IPRs. Moreover, Firman, Harbor Freight and MWE's litigation positions are not necessarily Generac's positions. Generac objects to Champion's inadmissible use of exhibits EX2003, EX2005, EX2006, EX2017, EX2018, EX2019, EX2051, EX2055, EX2065, EX2110, and EX2124.

Date: March 17, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 17, 2026, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE** was filed through the P-TACTS system along with service to the email addresses listed below:

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