

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
MOTION TO SEAL AND FOR ENTRY OF A JOINT PROPOSED
AMENDED PROTECTIVE ORDER**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Champion Power Equipment, Inc. (“Patent Owner”) hereby files this motion to seal and request for entry of a joint proposed amended protective order and respectfully requests that the following exhibit being filed concurrently herewith, be filed under seal consistent with the Joint Proposed Amended Protective Order attached as Appendix A: Exhibit 2132.

I. MOTION TO SEAL

In support of Patent Owner’s Response, Patent Owner submits Exhibit 2132, designated as “PROTECTIVE ORDER MATERIAL,” pursuant to the Joint Proposed Amended Protective Order attached herewith. This material consists of third-party licensed information that cannot be publicly disclosed pursuant to the terms of the license agreement.

II. REASONS FOR RELIEF AND STATEMENT OF FACTS

A. Good cause exists for sealing the requested exhibit.

The Office Patent Trial Practice Guide provides that “[t]he rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). Patent Owner submits this Motion to Seal to protect third party sensitive information, while not

significantly impacting the public's interest in maintaining a complete and understandable file history.

B. The requested exhibit includes confidential information and public disclosure would result in concrete harm.

Exhibit 2132 consists of the 2014 Edition of the NFPA 58 Liquefied Petroleum Gas Code is designated by Patent Owner as “PROTECTIVE ORDER MATERIAL” and should be sealed or redacted in its entirety because it consists of confidential third-party information procured pursuant to a license agreement which prohibits public disclosure. The information that Patent Owner seeks to have sealed is not necessary to provide the public with a complete and understandable record of this proceeding.

III. PATENT OWNER'S REQUEST FOR ENTRY OF A MODIFIED PROTECTIVE ORDER

Patent Owner respectfully requests that the Board enter the unopposed Joint Proposed Amended Protective Order attached as Appendix A to protect the confidential information contained in Exhibit 2132. In comparison to the Default Protective Order, the Joint Proposed Amended Protective Order allows for “PROTECTIVE ORDER MATERIAL” filed in this proceeding to also be filed in co-pending IPR2025-01457 regarding a related patent, as well as co-pending district court litigation between the parties, so long as comparably strict confidentiality designations are in place. *See* Appendix B (redline version showing changes to the

Default Protective Order). This modification is necessary to ensure consistency between the parties' positions among and between the various proceedings.

Petitioner does not oppose Patent Owner's motion to file Exhibit 2132 under seal. Likewise, Petitioner does not oppose entry of the Joint Proposed Amended Protective Order attached as Appendix A. Accordingly, entry of the Joint Proposed Amended Protective Order is justified and Patent Owner respectfully requests that the Board accept and enter the Joint Proposed Amended Protective Order attached as Appendix A.

IV. CONCLUSION

For the reasons set forth above, Patent Owner respectfully requests the Board grant its motion to seal Exhibit 2132 and enter the Joint Proposed Amended Protective Order.

Dated: May 26, 2026

Respectfully submitted,

By: /Thomas F. Finch/

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

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6, the undersigned certifies that on May 26, 2026, a complete and entire copy of the foregoing Patent Owner's Motion to Seal and for Entry of a Joint Proposed Amended Protective Order, was served on counsel of record for Petitioner, as follows:

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Taylor R. Stemler, Reg. No. 79,777
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Dated: May 26, 2026

Respectfully submitted,

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

Appendix A

Filed on Behalf of: Generac Power Systems, Inc. and Champion Power Equipment, Inc.

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JOINT PROPOSED AMENDED PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”

2. Access to confidential information is limited to the following persons or entities who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Attorneys affiliated with the law firms of record in *inter partes* review No. IPR2025-01457 (the “Co-Pending IPR”) or the district court case *Champion Power Equipment, Inc. v. Generac Power Systems, Inc.*, Case No. 24-cv-1281 (E.D. Wis.) (the “1281 Litigation”), Administrative assistants, clerical staff, court reporters and other support personnel of the

foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

4. Persons and entities receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

5. Persons and entities receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be

made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the

Board shall be clearly marked as “PROTECTIVE ORDER MATERIAL” and shall be produced in a manner that maintains its confidentiality.

6. The access, disclosure, and use of the confidential information in the Co-Pending IPR or the '1281 Litigation is expressly permitted under this Protective Order, provided that such material is designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the protective order in the '1281 Litigation (Dkt. 58) and as confidential Protective Order Material under the protective orders in the Co-Pending IPR, and such material is accessed, disclosed, and used as permitted by the protective orders in said proceedings. The confidential information shall be used solely for the above-captioned *inter partes* review, the Co-Pending IPR, the '1281 Litigation, and any related appeals.

7. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

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**ACKNOWLEDGEMENT FOR ACCESS TO
PROTECTIVE ORDER MATERIAL**

Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding, IPR2025-01457 (“the Co-Pending IPR”), and the district court case *Champion Power Equipment, Inc. v. Generac Power Systems, Inc.*, Case No. 24-cv-1281 (E.D. Wis.) (the “1281 Litigation”), and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding, the Co-Pending IPR, and the 1281 Litigation; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Signature

Date

Appendix B

Filed on Behalf of: Generac Power Systems, Inc. and Champion Power Equipment, Inc.

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~~DEFAULT JOINT PROPOSED AMENDED~~ PROTECTIVE ORDER

~~The following Default Protective Order will govern the filing and treatment of confidential information in the proceeding:~~

Default Protective Order

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”

2. Access to confidential information is limited to the following **individuals persons or entities** who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

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court case *Champion Power Equipment, Inc. v. Generac Power Systems, Inc.*, Case No. 24-cv-1281 (E.D. Wis.) (the “1281 Litigation”), Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in ~~(d)~~(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the

burden of proving that such person should be restricted from access to confidential information.

4. Persons and entities receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

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Signature

Date