IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAC POWER SYSTEMS, INC.,

HARBOR FREIGHT TOOLS USA, INC., and

MWE INVESTMENTS, LLC,

Petitioners,

v.

CHAMPION POWER EQUIPMENT, INC.,

Patent Owner.

Patent No. 11,761,390

Issued: February 20, 2024

Inter Partes Review No. IPR2025-01438

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

UPDATED EXHIBIT LIST

Exhibit No.	Description
EX1001	U.S. Patent No. 11,761,390 ("the '390 Patent")
EX1002	File History for U.S. Patent No. 11,761,390 ("the '390 File History")
EX1003	Declaration of Dr. Eric S. Winkel (dated August 28, 2025)
EX1004	JP2005330867 (Original) ("Fujisawa")
EX1005	Certified Translation of JP2005330867 ("Fujisawa")
EX1006	Duro Max XP4400EH Operator's Manual ("DuroMax")
EX1007	Declaration of David Raskin (dated May 7, 2025)
EX1008	JPS61283734A (Original) ("Nakafushi")
EX1009	Certified Translation of JPS61283734A ("Nakafushi")
EX1010	U.S. Patent No. 5,301,644 ("Olmr")
EX1011	U.S. Patent No. 7,481,087 ("DeVries")
EX1012	U.S. Patent No. 1,931,698 ("Holzapfel")
EX1013	U.S. Patent No. 9,435,273 ("the '273 Patent")
EX1014	*Switch*, MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/switch (last updated Mar. 31, 2025)
EX1015	*Selector Switch*, MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/selector%20switch (last visited Apr. 8, 2025)
EX1016	*Switch*, CAMBRIDGE DICTIONARY, https://dictionary.cambridge.org/us/dictionary/english/switch (last visited Apr. 4, 2025)
EX1017	*Switch*, THE FREE DICTIONARY, https://www.thefreedictionary.com/switch (last visited Apr. 14, 2025)
EX1018	RUDOLF F. GRAF, MODERN DICTIONARY OF ELECTRONICS (Charlie Buffington & Jack Davis eds., Butterworth-Heinemann 6th ed. 1997) (1984)
EX1019	TONY ATKINS & MARCEL ESCUDIER, OXFORD DICTIONARY OF MECHANICAL ENGINEERING (2013)
EX1020	S.B. CHOPRA, ANMOL'S DICTIONARY OF MECHANICAL ENGINEERING (1989)
EX1021	MCGRAW-HILL DICTIONARY OF MECHANICAL AND DESIGN ENGINEERING (Sybil P. Parker et al. eds., 1984)

EX1022	G.H.F. NAYLER, DICTIONARY OF MECHANICAL ENGINEERING (rev. ed. 2006)
EX1023	[intentionally omitted]
EX1024	[intentionally omitted]
EX1025	U.S. Patent No. 4,492,207 ("Hallberg")
EX1026	[intentionally omitted]
EX1027	U.S. Patent No. 10,598,101 ("the '101 Patent")
EX1028	File History for U.S. Patent No. 10,598,101 ("the '101 File History")
EX1029	Castell Safety Int'l Ltd., *Castell Interlocks: How They Work*, YOUTUBE (Apr. 14, 2009), https://www.youtube.com/watch?v=CpNy6u5GssA
EX1030	Screenshots and Video Transcript of Castell Safety Int'l Ltd., *Castell Interlocks: How They Work*, YOUTUBE (Apr. 14, 2009), https://www.youtube.com/watch?v=CpNy6u5GssA
EX1031	U.S. Patent No. 9,175,601 ("Markoski")
EX1032	FORD MOTOR CO., 2004 SERVICE MANUAL: POWERTRAIN CONTROL/EMISSIONS DIAGNOSIS: ON BOARD DIAGNOSTICS BI-FUEL LPG TRUCK (Aug. 2003)
EX1033	U.S. Patent No. 1,827,214 ("Sturm")
EX1034	U.S. Patent No. 4,641,625 ("Smith")
EX1035	U.S. Patent No. 6,276,345 ("Nelson")
EX1036	U.S. Patent No. 2,645,570 ("Anderson")
EX1037	[intentionally omitted]
EX1038	Champion's Infringement Contentions for U.S. Patent No. 11,761,390 as Asserted Against Harbor Freight Model 70476 (served Apr. 24, 2025)
EX1039	U.S. Patent No. 8,040,663 ("Czarnecki")
EX1041	Neil B. Hampson & Jennette L. Zmaeff, *Carbon Monoxide Poisoning from Portable Electric Generators*, 28 AM. J. PREVENTIVE MED. 123 (2005)
EX1042	H. Windawi, *Controlling the Exhaust Emissions from Alternative Fuel Vehicles: New Opportunity for Platinum Metals Catalysts*, 36 PLATINUM METALS REV. 185 (1992)

EX1043	MARTY AHRENS, NAT'L FIRE PROT. ASS'N, U.S. VEHICLE FIRE TRENDS AND PATTERNS (2010)
EX1044	*Selector Switch*, THE FREE DICTIONARY https://www.thefreedictionary.com/selector+switch (last visited Apr. 14, 2025)
EX1045	Engineering Explained, *Why Cars Backfire - Afterfire - Explained*, YOUTUBE (Feb. 13, 2013), https://www.youtube.com/watch?v=bgS3PA5r0vY
EX1046	Screenshots and Video Transcript of Engineering Explained, *Why Cars Backfire - Afterfire - Explained*, YOUTUBE (Feb. 13, 2013), https://www.youtube.com/watch?v=bgS3PA5r0vY
EX1047	Shivansh Sabhadiya, *What Causes Backfire in an Engine?*, ENGINEERING CHOICE, https://www.theengineeringchoice.com/what-causes-car-backfire/ (last visited Apr. 15, 2025)
EX1048	U.S. Patent No. 4,489,699 ("Poehlman")
EX1049	U.S. Patent Application Publication No. 2007/0137591 ("Sugimoto")
EX1050	Declaration on Mina Ching (dated Apr. 22, 2025)
EX1051	[intentionally omitted]
EX1052	[intentionally omitted]
EX1053	[intentionally omitted]
EX1054	Answer and Counterclaims, *Harbor Freight Tools USA Inc. v. Champion Power Equipment, Inc.*, No. 24-cv-8722, Dkt. 47 (C.D. Cal., answer filed Feb. 27, 2025)
EX1055	Order on Defendant/Counter-Claimant's Motion for Partial Stay, *FaceTec, Inc. v. iProov, Ltd.*, No. 21-cv-2252, Dkt. 188 (D. Nev., order dated June 18, 2025)
EX1056	Docket Navigator Statistics Regarding Judge Adelman's Grant Rate for Motions to Stay
EX1057	Docket Navigator Statistics Regarding Grant Rate for Motions to Stay in Eastern District of Wisconsin
EX1058	Docket Navigator Statistics Regarding Motions to Stay in District of Nevada
EX1059	Declaration of Eric Huang (dated Sept. 12, 2025)
EX1060	Order, *Parsons Xtreme Golf LLC v. Taylor Made Golf Co.*, No. 17-cv-3125, Dkt. 187 (D. Ariz., order dated Nov. 29, 2018)
EX1061	Email from Taylor R. Stemler to Jennifer Hoekel et al. (Aug. 13, 2025)

EX1062	Docket Navigator Statistics Regarding Grant Rate for Uncontested Motions to Stay in Eastern District of Wisconsin
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EX1064	Docket Navigator Time to Trial Statistics for District of Nevada
EX1065	Docket Navigator Time to Milestone Statistics for Judge Adelman
EX1066	Docket Navigator Time to Milestone Statistics for Eastern District of Wisconsin
EX1067	Docket Navigator Time to Milestone Statistics for Central District of California
EX1068-EX1069	[intentionally omitted]
EX1070	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, *Champion Power Equipment, Inc. v. Generac Power Systems, Inc.*, No. 24-cv-1281, Dkt. 38 (E.D. Wis. July 3, 2025)
EX1071-EX1082	[intentionally omitted]
EX1083	Amended Scheduling Order, *Champion Power Equipment, Inc. v. Generac Power Systems, Inc.*, No. 24-cv-01281, Dkt. 59 (E.D. Wis. Sept. 17, 2025)
EX1084	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)
EX1085	Excerpts from Generac's Supplemental Preliminary Invalidity Contentions (Sept. 25, 2025)
EX1086-1089	Reserved
EX1090	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 litigation[1] 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 litigation[2] 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 IPR2025-01438. Patent Owner does

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[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").

not oppose. 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.

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 review, IPR2025-01438, and respectfully requests the withdrawal of its counsel, Thomas A. Walsh, Thomas A. Rammer, and Alexas D. Siliunas.

Date: January 12, 2026

Respectfully submitted,

By: /Thomas A. Walsh/

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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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