IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GENERAC POWER SYSTEMS, INC.,

HARBOR FREIGHT TOOLS USA, INC., and

MWE INVESTMENTS, LLC,

Petitioners,

v.

CHAMPION POWER EQUIPMENT, INC.,

Patent Owner.

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Patent No. 11,761,390

Issued: February 20, 2024

Inter Partes Review No. IPR2025-01438

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JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board's email messages of January 5, 2026 and January 9, 2026, Petitioner MWE Investments, LLC ("MWE") and Patent Owner Champion Power Equipment, Inc. ("Champion" or "Patent Owner") (collectively, the "Parties") have reached a resolution of their dispute and MWE seeks to withdraw from the above captioned proceeding.

35 U.S.C. § 317(b) provides that:

> *At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.*

37 C.F.R. § 42.74(c) provides that:

> *A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:*
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> *1) To a Government agency on written request to the Board; or*
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> *(2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.*

MWE and Champion request that the true and complete copy of the Settlement Agreement (Confidential Exhibit 1090) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) be made available only to Federal Government agencies on

written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The present request, which is being filed concurrently with the Settlement Agreement and MWE's Unopposed Motion to Withdraw, is timely and in accordance with the foregoing authority.

MWE and Champion also respectfully request that the Board inform the Parties if anyone seeks access to or production of the Agreement and afford MWE and Champion an opportunity to address whether such request is supported by good cause.

Date: January 12, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 12, 2026, a true and correct copy of the foregoing **JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION** was filed through the P-TACTS system along with service to the email addresses listed below:

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