**IN THE 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.

---

Patent No. 11,143,145

Issued: October 12, 2021

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

---

*Inter Partes* Review No. IPR2025-01475

---

**PETITIONER'S MOTION FOR ADMISSION PRO HAC VICE OF LEIGHTON ZHAO UNDER 37 C.F.R. §42.10(C)**

## I. Relief Requested

Under 37 C.F.R. §42.10(c), and in accordance with the Board's "Order – Authorizing Motion for *Pro Hac Vice* Admission" in case IPR2025-01475, Petitioner, Generac Power Systems, Inc., requests that the Board admit Leighton Zhao *pro hac vice* in this proceeding.

## II. Governing Laws, Rules, and Precedent

Section 42.10(c) provides the "Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and any other conditions as the Board may impose." The Rule provides that counsel who is not a recognized practitioner "may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding."

The Board's October 9, 2025 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, Paper No. 5, authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. §42.10(c). The Notice provided *pro hac vice* motions shall be filed in accordance with the "Order – Authorizing Motion *for Pro Hac Vice* Admission" in Case IPR2025-01475, which provides guidelines for admission under 37 C.F.R. §42.10(c).

The "Order – Authorizing Motion *for Pro Hac Vice* Admission" in Case IPR2025-01475 states that motions for *pro hac vice* shall "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel pro hac vice during the proceeding." The Order further provides the motion is to be "accompanied

by an affidavit or declaration of the individual seeking to appear attesting to the following:

i. Membership in good standing of the Bar for the Minnesota State Court.

ii. No suspensions or disbarments from practice before any court or administrative body;

iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;

vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

## III. Time of Filing

In accordance with the rules, this motion is being filed no sooner than twenty-one (21) days after service of the petition. This motion is timely filed.

## IV. Statement of the Facts

The following facts, supported by the attached Declaration of Leighton Zhao in Support of Patent Owner's Motion for Admission *Pro Hac Vice* (EX1089), establish good cause to recognize Mr. Zhao *pro hac vice* in this proceeding.

There is good cause for the Board to recognize counsel Leighton Zhao *pro hac vice* during this proceeding.

Petitioner's lead counsel, Thomas J. Leach, is a registered practitioner (Reg. No. 53,188).

Counsel Leighton Zhao is an experienced litigating attorney. Mr. Zhao is an associate at the law firm of Merchant & Gould P.C. Mr. Zhao has been a litigating attorney for more than 3 years. Declaration, EX1089 ¶8. His experience includes representing a wide range of clients in intellectual property litigation. Mr. Zhao has been litigating patent cases for more than 3 years. *Id.*, ¶9.

Mr. Zhao has established familiarity with the subject matter at issue in this proceeding. During the co-pending litigation, Mr. Zhao has worked on analyzing and preparing the invalidity positions, including contentions based on the same references raised in the Petition, advanced by Petitioner Generac Power Systems, Inc. He is thus familiar with prior art relied upon in the Petitioner's Petition as well as the patent at issue. *Id.*, ¶11.

Mr. Zhao is in good standing and admitted to practice law in the United States Minnesota State Court.

Mr. Zhao has had no suspensions or disbarments from practice before any court or administrative body. *Id*., ¶2.

Mr. Zhao has never been denied application to practice before any court or administrative body. *Id*., ¶3.

Mr. Zhao has never been sanctioned or cited for contempt by any court or administrative body. *Id*., ¶4.

Mr. Zhao has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. *Id*., ¶5.

Mr. Zhao has agreed to be subject to the United States Patent and Trademark Office Rules of Professional Conduct, as set forth in 37 C.F.R. §§11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a). *Id*., ¶6.

Mr. Zhao has not previously requested to appear *pro hac vice* in any other proceeding before the Office. *Id.*, ¶7.

## V. Analysis

37 C.F.R. §42.10(c) states that the "Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose." For example, where the lead counsel is a registered practitioner, "a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." The "Order --

Authorizing Motion for Pro Hac Vice Admission" in Case IPR2025-01475 clarified the requirements for a motion for *pro hac vice* admission under 37 C.F.R. §42.10(c).

The Statement of Facts above, and the Zhao Declaration (EX1089) establish that there is good cause to admit Mr. Zhao *pro hac vice* in this proceeding under 37 C.F.R. §42.10(c). Lead counsel, Thomas J. Leach, is a registered practitioner. Mr. Zhao is a litigating attorney with 3 years of experience litigating patents. Mr. Zhao has established familiarity with the subject matter at issue in the proceeding.

Admission of Mr. Zhao *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and its district court litigation. *See* 77 Fed. Reg. 157 (Aug. 14, 2012), at 48661 (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel district court litigation). Mr. Zhao has been actively involved in all aspects of the district court litigation. In view of Mr. Zhao's knowledge of the subject matter at issue in the related district court proceedings and the overlapping knowledge of the subject matter in this proceeding, Petitioner has a substantial need for Mr. Zhao's *pro hac vice* admission and involvement in this proceeding.

Counsel for Petitioner has conferred with counsel for the Patent Owner. Counsel for the Patent Owner does not oppose this Motion.

## VI. Conclusion

For the reasons stated above, Petitioner respectfully requests that the Board admit Leighton Zhao to appear *pro hac vice* in this proceeding.

Date: August 13, 2026

Respectfully submitted,

By: /Taylor R. Stemler/

Thomas J. Leach, Reg. No. 53,188
Taylor R. Stemler Reg. No. 79,777
Leighton Zhao *Pro Hac Vice forthcoming*
MERCHANT & GOULD P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
TLeach@merchantgould.com
TStemler@MerchantGould.com

*Counsel for Petitioner*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 13, 2026, a true and correct copy of the foregoing **PETITIONER'S MOTION FOR ADMISSION PRO HAC VICE OF LEIGHTON ZHAO UNDER 37 C.F.R. §42.10(C)** was filed through the P-TACTS system along with service to the email addresses listed below:

Joseph W. Staley
Email: j.staley@pkhip.com
Scott P. Amy
Email: s.amy@pkhip.com
Thomas F. Finch
Email: t.finch@pkhip.com
Email: championlit@pkhip.com

Respectfully submitted,

Date: August 13, 2026

By: /Taylor R. Stemler/
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
TLeach@merchantgould.com
TStemler@MerchantGould.com

*Counsel for Petitioner*