

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAC POWER SYSTEMS, INC.
Petitioner,

v.

PSLC LLC
Patent Owner.

Case No. IPR2026-00023
U. S. Patent No. 11,967,857

**PATENT OWNER'S RESPONSE TO PETITIONER'S NOTICE RANKING
DOCUMENT**

With little regard for the USPTO's need to manage its current workload¹ and prior guidance that it is "unlikely that circumstances will arise where three or more petitions by a petitioner with respect to a particular patent will be appropriate"² Petitioner waited until the last day of the statutory deadline to file three Petitions for *inter partes review* and a 252- page expert declaration in support thereof,³ in sum challenging each and every claim of United States Patent No. 11,967,857 (the "'857 Patent"). Because Petitioner fails to show why they needed to file three serial Petitions to challenge just one of three patents asserted against them in the district court litigation, Patent Owner respectfully states that the board should deny institution as to all three Petitions but that it should most certainly not institute Petitioner's second or third Petitions.

Despite Petitioner's repeated protestations that they were unaware of which claims Patent Owner was going to assert in litigation and had to challenge all claims of the '857 Patent, the fact is that Patent Owner has only asserted fourteen of the seventy-one claims of the '857 Patent, only three of those being independent claims.⁴ And frankly, the only reason Petitioner did not know which claims Patent Owner would assert prior to them filing their Petitions, is because Patent Owner was faced

¹ See Ex. 2008.

² See Ex. 2016 at P. 59.

³ IPR Nos. 2026-00022-24.

⁴ See Ex. 2013 at P. 2.

with Petitioner's meritless Section 101 motion to dismiss challenge decided as a matter of law in favor of Patent Owner, which resulted in a later infringement contention deadline. *See* Ex. 2015 at P. 1-2.

Setting aside Petitioner's desire to have the Board review five times as many claims as are at issue in the district court litigation through review of three petitions and a 252-page expert declaration, Petitioner's other reasons for requiring such extensive challenges are similarly unavailing.

Petitioner repeatedly attempts to point to the differences between the Petitions and claim sets as requiring different arguments. But the substance of the Petitions confirm otherwise. In every Petition, Petitioner relies on the same manufactured teaching from Lasseter to concoct its second frequency argument as well as Lopes's reactive load shedding methods to satisfy the claimed overload prevention and alleviation. While Patent Owner acknowledges that there are some differences in claim language between independent claims of the '857 Patent, Petitioner's core challenge remains unchanged as to all.

Further, Petitioner hinges much of its argument on the fact that Patent Owner's technology is simply too "complex for a jury to understand" and that the subject matter of the patents "would challenge a lay jury's finding of facts in the context of invalidity." *See* Paper 2 at P. 1; 4. But it is the quintessential job of a patent litigator to distill complex concepts into a format palatable to a jury. Every

patent case necessarily concerns novel and complex technology. And Petitioner's concerns ring hollow when considering that institution of their Petitions would not avoid trial as to the two other patents in the same family as the '857 Patent asserted against Petitioner in the district court litigation.

In view of the foregoing, Patent Owner respectfully states the Board and Director should deny institution as to all three Petitions considering Patent Owner's Discretionary Denial Briefs and concurrently filed Preliminary Responses but emphasizes that it should most certainly not institute Petitioner's second or third Petitions.

Dated: January 16, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of January, 2026, a true and correct copy of the foregoing PATENT OWNER'S RESPONSE TO NOTICE RANKING DOCUMENT and the associated exhibits were served via electronic mail upon counsel of record for Petitioner at the following address:

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