

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HARBOR FREIGHT TOOLS USA INC.,
GENERAC POWER SYSTEMS, INC., and
MWE INVESTMENTS, LLC,
Petitioner,

v.

CHAMPION POWER EQUIPMENT, INC.,
Patent Owner.

IPR2025-00805
Patent 10,393,034

**PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE
SCOTT P. AMY, A PROVISIONALLY RECOGNIZED PTAB ATTORNEY,
AS BACKUP COUNSEL UNDER 37 CFR § 42.10(c)(2)**

EXHIBIT LIST

Exhibit	Description
EX2001	Docket for Champion Power Equipment, Inc. v. Firman Power Equipment Inc., Case No. 2:23-cv-02371 (D. Az.) (“Firman Case”)
EX2002	Firman Case, Case Management Order, ECF No. 33
EX2003	Firman Case, First Amended Complaint, ECF No. 24
EX2004	Firman Case, Firman Answer to First Amended Complaint and Counterclaims, ECF No. 61
EX2005	Firman Case, Firman’s Motion to Amend Invalidity Contentions, ECF No. 115
EX2006	Firman Case, Declaration and Exhibit, ECF No. 116
EX2007	Firman Case, Order Granting Leave to Amend, ECF No. 124
EX2008	Firman Case, ECF No. 149
EX2009	Firman’s Nov. 2024 Subpoena to third-party Generac (Firman Case)
EX2010	Docket for Generac Case (E.D. Wis.)
EX2011	Generac Case, Generac’s First Amended Answer and Counterclaims, ECF No. 30
EX2012	Generac Case, Champion's First Amended Answer to Generac's Amended Counterclaims, ECF No. 31
EX2013	Defendant Generac’s Feb. 14, 2025 Subpoena to third-party Firman
EX2014	May 22, 2025 Defendant Generac’s Letter to third-party Firman
EX2015	July 23, 2025 Stipulation from Generac
EX2016	Docket for Harbor Freight Case (C.D. Cal.)
EX2017	Harbor Freight Case, Complaint for Declaratory Judgment, ECF No. 1

Exhibit	Description
EX2018	Harbor Freight Case, Champion's Answer and Counterclaims, ECF No. 47
EX2019	Harbor Freight Case, Harbor Freight's Answer to Counterclaims, ECF No. 55
EX2020	Harbor Freight Case, Joint R26 Report, ECF No. 38
EX2021	Harbor Freight's July 14, 2025 Preliminary Claim Constructions
EX2022	Harbor Freight's July 18, 2025 Objections and Responses to Champion's Second Set of ROGs
EX2023	Harbor Freight's Mar. 10, 2025 Subpoena on third-party Firman
EX2024	March 24, 2025 Email from third-party Firman to Harbor Freight (Harbor Freight Case)
EX2025	March 24, 2025 Letter from Firman to Harbor Freight (Harbor Freight Case)
EX2026	July 22, 2025 Stipulation from Harbor Freight
EX2027	Docket for Harbor Freight Wisconsin (E.D. Wis.)
EX2028	Docket for MWE Case (D. Nev.)
EX2029	Generac Case, Complaint, ECF No. 1
EX2030	Docket for Miscellaneous Case D. Az.
EX2031	Sept. 9, 2019 Letter from Champion to Firman
EX2032	Oct. 8, 2019 Firman Response Letter
EX2033	June 23, 2020 Letter from Champion to MWE
EX2034	July 31, 2020 MWE Response Letter
EX2035	Oct. 17, 2020 MWE Responsive Letter

Exhibit	Description
EX2036	July 7, 2020 Letter from Champion to Generac
EX2037	July 31, 2020 Generac Response Letter
EX2038	March 27, 2024 Letter from Champion to Harbor Freight
EX2039	June 28, 2024 Letter from Champion to Harbor Freight
EX2040	Electronic Direct Injection (EDFI) for Small Two-Stroke Engines by Johnson et al. ("Johnson")
EX2041	US11143120 ("the '120 Patent")
EX2042	US10598101 ("the '101 Patent")
EX2043	US4335697 ("McLean")
EX2044	Kubota DF-972 Information Sheet
EX2045	Honda Owner's Manual for Generator EU2000i
EX2046	Champion Manual, #100263
EX2047	Docket Navigator - Time to Milestones for D. Az. (Trial)
EX2048	Docket Navigator - Time to Milestones for E.D. Wis. (Trial)
EX2049	US7905469 ("Nickels")
EX2050	Generac Case, Order Following Scheduling Conference, ECF No. 29
EX2051	MWE Case, Complaint, ECF No. 1
EX2052	July 29, 2025 Stipulation from MWE
EX2053	Oct. 11, 2018 Office Action, during examination of the '398 Patent
EX2054 – EX2077	<i>Reserved</i>

Exhibit	Description
EX2078	Declaration of Dr. William Singhose
EX2079	Curriculum Vitae of Dr. William Singhose
EX2080	US2012/0104008 (“DeNardo”)
EX2081	Propane 101 Internet Archive
EX2082	File History of U.S. Patent App. No. 14/925,441
EX2083 – EX2086	<i>Reserved</i>
EX2087	Declaration of Scott P. Amy in Support of Patent Owner's Notice of Intent to Designate a Provisionally Recognized PTAB Attorney as Backup Counsel

Pursuant to the Board's Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response authorizing the filing of this notice (Paper 7), Patent Owner Champion Power Equipment, Inc. respectfully notifies the Board of its intent to designate Scott P. Amy, a provisionally recognized PTAB attorney, as back-up counsel under 37 CFR § 42.10(c)(2) in IPR2025-00805. Patent Owner seeks the counsel of Mr. Amy due to his experience representing Patent Owner in related patent matters and his familiarity with the legal, substantive, and technical issues involved in this proceeding. Mr. Amy satisfies the requirements of a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission. *See* 37 CFR § 42.10(c)(2)(i). He has been previously recognized *pro hac vice* in PTAB proceedings, and he has not subsequently been denied permission to appear *pro hac vice* in any proceeding.

The registered practitioner who will serve as lead counsel in this proceeding is Joseph W. Staley (Reg. No. 60,732).

The most recent prior proceedings in which Mr. Amy was recognized *pro hac vice* by order of the PTAB pursuant to a motion of the type described in 37 CFR § 42.10(c)(1) were IPR2017-00159, IPR2017-00770, IPR2017-00915, IPR2018-00707, and IPR2018-00708.

This notice is also accompanied by a certification in the form of a declaration executed by Mr. Amy (EX2087). In the declaration, Mr. Amy attests to satisfying all

requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney. EX2087. ¶¶2, 12; *see also id.*, ¶3-11. Mr. Amy specifically attests that:

1. He is a member in good standing of the State of Georgia (EX2087, ¶3);
2. He has no suspensions or disbarments from practice before any court or administrative body (*id.*, ¶4);
3. None of his applications for admission to practice before any court or administrative body has ever been denied (*id.*; ¶5);
4. No sanctions or contempt citations has ever been imposed by any court or administrative body on Mr. Amy (*id.*, ¶6);
5. He has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 CFR part 42 (*id.*, ¶7);
6. He will be subject to the USPTO Rules of Professional Conduct set forth in 37 CFR §§ 11.101 et seq. and disciplinary jurisdiction under 37 CFR § 11.19(a) (*id.*, ¶8);
7. He identifies all other proceedings before the Office for which he has applied to appear *pro hac vice* in the last three years (*id.*, ¶9);
8. He has legal familiarity with the subject matter at issue in the proceeding (*id.*, ¶10).

Patent Owner therefore submits that Mr. Amy has satisfied all requirements to be deemed admitted *pro hac vice* in this proceeding.

Dated: October 1, 2025

Respectfully submitted,

By: /Joseph W. Staley/

Joseph W. Staley, Reg. No. 60,732
Scott P. Amy (*pro hac vice* filed herewith)
Thomas F. Finch, Reg. No. 82,341
PERILLA KNOX & HILDEBRANDT LLP
5871 Glenridge Dr.
Suite 350
Atlanta, Georgia 30328
Tel: (770) 927-7802
Fax: (877) 389-6779
Email:
j.staley@pkhip.com
s.amy@pkhip.com
t.finch@pkhip.com

Timothy J. Ziolkowski, Reg. No. 38,368
Jacob M. Fritz, Reg. No. 71,459
ZIOLKOWSKI PATENT SOLUTIONS
GROUP, SC
136 South Wisconsin Street
Port Washington, WI 53074
(262) 268-8100 Tel
(262) 268-8185 Fax
Email:
tjz@zpatents.com
jmf@zpatents.com

Counsel for Patent Owner

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was served via email on the following:

Michael Houston, Reg. No. 58,486
FOLEY & LARDNER LLP
321 N. Clark St., Suite 3000
Chicago, Illinois 60654
312-832-4500
mhouston@foley.com
HarborFreight-Champion-
034IPR@foley.com

Jeffrey S. Gundersen, Reg. No. 47,619
Kimberly K. Dodd, Reg. No. 54,646
FOLEY & LARDNER LLP
777 E Wisconsin Ave
Milwaukee, WI 53202-5306
414-271-2400
jgundersen@foley.com
kdodd@foley.com

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
612-336-4665
612-371-5215
TLeach@merchantgould.com
TStemler@MerchantGould.com

Thomas A. Walsh, Reg. No. 45,196
ICE MILLER LLP
One American Square, Suite 2900
Indianapolis, IN 46282
317-236-5946
thomas.walsh@icemiller.com

Thomas A. Rammer, Reg. No. 62,591
Alexas D. Siliunas, Reg. No. 79,826
ICE MILLER LLP
200 W. Madison Street, Suite 3500
Chicago, IL 60606
312-705-6016
312-726-8174
tom.rammer@icemiller.com
alek.siliunas@icemiller.com

Dated: October 1, 2025

Respectfully submitted,

By: /Joseph W. Staley/
Joseph W. Staley, Reg. No. 60,732
Lead Counsel for Patent Owner