

From: [Trials](#)
To: [Houston, Michael R.](#); [Director_PTABDecision_Review](#); [Trials](#)
Cc: [Joe Staley](#); [Jacob Fritz](#); [Taylor R. Stemler](#); [Walsh, Thomas](#); [Thomas Finch](#); [Champion Power PTACTS Notices](#); [Tim Ziolkowski](#); [GeneracChampionJDG](#); [Gundersen, Jeff](#); [Dodd, Kimberly K.](#); [Tom Rammer](#); [Tom Leach](#); [Leighton Zhao](#)
Subject: RE: Request for Authorization to File Motions for Co-Petitioner Harbor Freight and its Counsel to Withdraw
Date: Monday, January 5, 2026 1:02:43 PM
Attachments: [image002.png](#)
[image003.png](#)

IPR2025-00805, -00951, -01185, -01271, -01272, -01384, -01423, -01438, -01457, -01463

Counsel,

The email requests from petitioners Harbor Freight and MWE Investments, LLC are considered as requests for authorization to file motions to terminate both petitioners from the above identified proceedings. Petitioners are authorized to file a motion to terminate along with a copy of their settlement agreement as an exhibit and a request to treat their settlement agreement as confidential in each of the above-referenced proceedings. Each motion to terminate shall be filed by January 12th and clearly state whether the parties have filed, as exhibits, a true copy of “[a]ny agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of” that proceeding. See 35 U.S.C. § 317(b); see also 37 C.F.R. § 42.74(b).

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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(571) 272-5366



From: Houston, Michael R. <MHouston@foley.com>
Sent: Wednesday, December 17, 2025 11:50 AM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; Trials <Trials@USPTO.GOV>
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Subject: Request for Authorization to File Motions for Co-Petitioner Harbor Freight and its Counsel to Withdraw

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IPR2025-00805, -00951, -01099, -01121, -01185, -01228, -01271, -01272, -01384, -01423, -01438, -01457, -01463

Dear Board,

I am counsel for co-petitioner Harbor Freight in the above-listed IPR proceedings. Harbor Freight and Patent Owner have settled their dispute, pursuant to which Harbor Freight and its counsel desire to withdraw from the IPR proceedings. The other co-petitioners are not withdrawing, and none of the proceedings are sought to be terminated at this time.

Harbor Freight seeks authorization from the Board to file motions in these proceedings to:

1. withdraw as co-petitioner;
2. withdraw as back-up counsel in all of the IPRs; and
3. withdraw as lead counsel in IPR2025-00805, -01121, -01221, -01272, and -01463 and substitute new lead counsel.

Because none of the IPRs are sought to be terminated at this time, Harbor Freight's understanding is that 35 USC § 317 and 37 CFR § 42.74 do not apply, and therefore there is no requirement in the statute or rules to submit a copy of the settlement agreement. However, we would be grateful for the Board's guidance if this understanding is incorrect.

Counsel for Patent Owner (copied here along with counsel for co-petitioners) has been contacted regarding this request, and Patent Owner does not oppose.

If the Board would like to hold a call to discuss this request, the parties can quickly confer and provide their availability.

Sincerely,
Michael Houston
Counsel for co-Petitioner Harbor Freight

Michael R. Houston
Partner

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