

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHAMPION POWER EQUIPMENT,
INC.

Plaintiff / Counter-Defendant

Case No. 24-cv-1281

v.

JURY TRIAL DEMANDED

GENERAC POWER SYSTEMS, INC.

Defendant / Counter-Plaintiff.

DEFENDANT’S STIPULATION REGARDING INVALIDITY CONTENTIONS

WHEREAS, Champion has asserted U.S. Patent No. 10,393,034 (“the ’034 patent”) against Generac;

WHEREAS, Generac has alleged that the asserted claims of the ’034 patent are invalid based on prior art;

WHEREAS, Generac has filed a petition for *inter partes* review (“IPR”) challenging certain claims of U.S. No. Patent 10,393,034, IPR2025-00805.

Generac hereby stipulates, broader than the stipulation made by the Petitioner in *Sotera* that, if the PTAB institutes an IPR (and does not subsequently vacate institution) in response to Generac’s petition against Champion’s U.S. Patent No. 10,393,034 in IPR2025-00805, Generac will not pursue in this litigation invalidity of the claims challenged in that petition based on: (i) the specific grounds raised in

IPR2025-00805, (ii) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (i.e., any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on system prior art (either alone or in combination with other references) that directly corresponds to a printed publication reference asserted as part of a ground raised in IPR2025-00805.

To be clear, this stipulation does not cover other system prior art. For example, because a manual for the Kubota DF-972 engine is relied upon as part of a ground in IPR2025-00805, the DF-972 engine is covered by this stipulation. However, other systems/engines are not covered, even if similar to the DF-972 engine.

Respectfully submitted,

Dated: July 23, 2025

By: /s/ Thomas J. Leach

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CERTIFICATE OF SERVICE

I, Taylor Stemler, hereby certify that on July 23, 2025 I caused a true and correct copy of the foregoing document to be served upon the following counsel for Plaintiff via CM/ECF:

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