

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

---

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 B2)  
IPR2025-00951 (Patent 10,598,101 B2)  
IPR2025-01121 (Patent 11,143,120 B2)  
IPR2025-01185 (Patent 10,221,780 B2)  
IPR2025-01271 (Patent 10,697,398 B2)  
IPR2025-01272 (Patent 11,492,985 B2)  
IPR2025-01384 (Patent 11,905,895 B2)  
IPR2025-01423 (Patent 11,530,654 B2)  
IPR2025-01438 (Patent 11,761,390 B2)  
IPR2025-01457 (Patent 11,143,145 B2)  
IPR2025-01463 (Patent 11,840,970 B2)<sup>1</sup>

---

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

---

<sup>1</sup> This order applies to each of the above-listed proceedings. Institution was denied in IPR2025-01099 and IPR2025-01228 and the time for seeking further review of those denials by the Office has passed. The request to terminate, thus, is moot as to those two proceedings.

IPR2025-00805 (Patent 10,393,034 B2)  
IPR2025-00951 (Patent 10,598,101 B2)  
IPR2025-01121 (Patent 11,143,120 B2)  
IPR2025-01185 (Patent 10,221,780 B2)  
IPR2025-01271 (Patent 10,697,398 B2)  
IPR2025-01272 (Patent 11,492,985 B2)  
IPR2025-01384 (Patent 11,905,895 B2)  
IPR2025-01423 (Patent 11,530,654 B2)  
IPR2025-01438 (Patent 11,761,390 B2)  
IPR2025-01457 (Patent No. 11,143,145 B2)  
IPR2025-01463 (Patent No. 11,840,970 B2)

## ORDER

Settlement as to Harbor Freight Tools USA Inc. and  
MWE Investments, LLC  
*35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74*

Harbor Freight Tools USA Inc. and MWE Investments, LLC (collectively, the “Settling Petitioners”) filed an unopposed motion to terminate these proceedings as to themselves.<sup>2</sup> Papers 34 (“Motion”), 36.<sup>3</sup> The Settling Petitioners and Patent Owner also filed a copy of their written Settlement Agreements (Exs. 1090, 1300, “Agreements”) and Joint Requests to treat the Agreements as Business Confidential Information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (“Joint Requests”). Papers 35, 37.

The Motion is granted. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. Generac Powers Systems, Inc. remains as a petitioner in these proceedings.

---

<sup>2</sup> The motions are titled “Motions to Withdraw” but seek to terminate the Settling Petitioners from these proceedings.

<sup>3</sup> All citations are to IPR2025-00805. The parties filed similar papers and exhibits in IPR2025-00951, IPR2025-01121, IPR2025-01185, IPR2025-01271, IPR2025-01272, IPR2025-01384, IPR2025-01423, IPR2025-01438, IPR2025-01457, and IPR2025-01463.

IPR2025-00805 (Patent 10,393,034 B2)  
IPR2025-00951 (Patent 10,598,101 B2)  
IPR2025-01121 (Patent 11,143,120 B2)  
IPR2025-01185 (Patent 10,221,780 B2)  
IPR2025-01271 (Patent 10,697,398 B2)  
IPR2025-01272 (Patent 11,492,985 B2)  
IPR2025-01384 (Patent 11,905,895 B2)  
IPR2025-01423 (Patent 11,530,654 B2)  
IPR2025-01438 (Patent 11,761,390 B2)  
IPR2025-01457 (Patent No. 11,143,145 B2)  
IPR2025-01463 (Patent No. 11,840,970 B2)

The Joint Requests are also granted because good cause exists to treat the Agreements as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

Further, the Settling Petitioners' motions to withdraw counsel Thomas A. Walsh, Thomas A. Rammer, Alexas D. Siliunas, Michael R. Houston, Jeffrey S. Gundersen, and Kimberly K. Dodd from these proceedings are granted. Paper 34, 3; Paper 36, 2.

This Decision does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

#### ORDER

Accordingly, it is:

ORDERED that the Settling Petitioners' Motions (Papers 34, 36) are granted and that the proceedings are terminated as to Harbor Freight Tools USA Inc. and MWE Investments, LLC;

FURTHER ORDERED that the Joint Requests (Papers 35, 37) are granted and the Agreements (Exs. 1090, 1300) will be kept separate from the file of the challenged patents, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c);

IPR2025-00805 (Patent 10,393,034 B2)  
IPR2025-00951 (Patent 10,598,101 B2)  
IPR2025-01121 (Patent 11,143,120 B2)  
IPR2025-01185 (Patent 10,221,780 B2)  
IPR2025-01271 (Patent 10,697,398 B2)  
IPR2025-01272 (Patent 11,492,985 B2)  
IPR2025-01384 (Patent 11,905,895 B2)  
IPR2025-01423 (Patent 11,530,654 B2)  
IPR2025-01438 (Patent 11,761,390 B2)  
IPR2025-01457 (Patent No. 11,143,145 B2)  
IPR2025-01463 (Patent No. 11,840,970 B2)

FURTHER ORDRED that the request to withdraw counsel Thomas A. Walsh, Thomas A. Rammer, Alexas D. Siliunas, Michael R. Houston, Jeffrey S. Gundersen, and Kimberly K. Dodd from these proceedings is granted; and

FURTHER ORDERED that the case caption for each proceeding shall be changed in accordance with the attached example.

IPR2025-00805 (Patent 10,393,034 B2)  
IPR2025-00951 (Patent 10,598,101 B2)  
IPR2025-01121 (Patent 11,143,120 B2)  
IPR2025-01185 (Patent 10,221,780 B2)  
IPR2025-01271 (Patent 10,697,398 B2)  
IPR2025-01272 (Patent 11,492,985 B2)  
IPR2025-01384 (Patent 11,905,895 B2)  
IPR2025-01423 (Patent 11,530,654 B2)  
IPR2025-01438 (Patent 11,761,390 B2)  
IPR2025-01457 (Patent No. 11,143,145 B2)  
IPR2025-01463 (Patent No. 11,840,970 B2)

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GENERAC POWERS SYSTEMS, INC.  
Petitioner,

v.

CHAMPION POWER EQUIPMENT, INC.,  
Patent Owner.

IPR2025-00805 (Patent 10,393,034 B2)  
IPR2025-00951 (Patent 10,598,101 B2)  
IPR2025-01121 (Patent 11,143,120 B2)  
IPR2025-01185 (Patent 10,221,780 B2)  
IPR2025-01271 (Patent 10,697,398 B2)  
IPR2025-01272 (Patent 11,492,985 B2)  
IPR2025-01384 (Patent 11,905,895 B2)  
IPR2025-01423 (Patent 11,530,654 B2)  
IPR2025-01438 (Patent 11,761,390 B2)  
IPR2025-01457 (Patent No. 11,143,145 B2)  
IPR2025-01463 (Patent No. 11,840,970 B2)

FOR PETITIONER:

Thomas J. Leach  
Taylor R. Stemler  
MERCHANT & GOULD P.C.  
tleach@merchantgould.com  
tstemler@merchantgould.com

FOR PATENT OWNER:

Joseph W. Staley  
Thomas F. Finch  
PERILLA KNOX & HILDERBRANDT LLP  
j.staley@pkhip.com  
t.finch@pkhip.com

Timothy J. Ziolkowski  
Jacob M. Fritz  
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC  
tjz@zpatents.com  
jmf@zpatents.com