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17 *Tools USA, Inc.*

18 **UNITED STATES DISTRICT COURT**  
19 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

20 HARBOR FREIGHT TOOLS USA,  
21 INC.,

22 Plaintiff,

23 vs.

24 CHAMPION POWER EQUIPMENT,  
25 INC.,

26 Defendant.

Case No. 2:24-cv-08722-SVW-AS

**PLAINTIFF HARBOR FREIGHT  
TOOLS USA, INC.’S  
STIPULATION REGARDING  
INVALIDITY GROUNDS FOR THE  
‘895, ‘390, ‘970, ‘654, ‘398, AND ‘145  
PATENTS**

**JURY TRIAL DEMANDED**

Hon. Stephen V. Wilson

Hon. Alka Sagar

1 WHEREAS, Defendant Champion Power Equipment Inc. (“Champion”) has  
2 asserted U.S. Patent Nos. 11,905,895 (“the ’895 patent”), 11,761,390 (“the ’390  
3 patent”), 11,840,970 (“the ’970 patent”), 11,530,654 (“the ’654 patent”), 10,697,398  
4 (“the ’398 patent”), and 11,143,145 (“the ’145 patent”), among other patents, against  
5 Plaintiff Harbor Freight Tools USA, Inc. (“Harbor Freight”) (Dkt. 47).

6 WHEREAS, Harbor Freight has alleged that the asserted claims of the ’895  
7 patent, ’390 patent, ’970 patent, ’654 patent, ’398 patent, and ’145 patent are invalid  
8 based on prior art (Dkt. 55).

9 WHEREAS, Harbor Freight has filed or will file shortly petitions for *inter*  
10 *partes* review (“IPR”) challenging certain claims (including all asserted claims here)  
11 of the ’895 patent (IPR2025-01384), ’390 patent (IPR2025-01438), ’970 patent  
12 (IPR2025-01463), ’654 patent (IPR2025-1423), ’398 patent (IPR2025-01271), and  
13 ’145 patent (IPR2025-1457) (“Subject Petitions”).

14 Harbor Freight hereby stipulates, broader than the stipulation made by the  
15 Petitioner in *Sotera* that, if the PTAB institutes an IPR (and does not subsequently  
16 vacate institution) in response to a Subject Petition, Harbor Freight will not pursue in  
17 this litigation invalidity of the challenged claims for the specific patent in the  
18 instituted IPR for said Subject Petition based on: (i) the specific grounds raised in  
19 said petition, (ii) any other grounds that could have reasonably been raised before the  
20 PTAB in that instituted proceeding (i.e., any ground that could have reasonably been  
21 raised under §§ 102 or 103 on the basis of prior art patents or printed publications),  
22 or (iii) any ground based on system prior art (either alone or in combination with other  
23 references) that directly corresponds to a printed publication reference asserted as part  
24 of a ground raised in said instituted (and not vacated) petition.

25 To be clear, this stipulation does not cover other system prior art. For example,  
26 because a manual for the DuroMax XP4400EH generator is relied upon as part of a  
27 ground in IPR2025-01384, the XP4400EH generator is covered by this stipulation.

1 However, other systems/engines are not covered, even if similar to the XP4400EH  
2 generator.

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**CERTIFICATE OF SERVICE**

I, Jason Williams, hereby certify that on this August 29, 2025, a copy of the foregoing **Plaintiff Harbor Freight Tools USA, Inc.’s Stipulation Regarding Invalidity Grounds for the ‘895, ‘390, ‘970, ‘654, ‘398, and ‘145 Patents** was served via email on all attorneys of record.

/s/ Jason Williams  
Jason Williams  
*Attorneys for Plaintiff Harbor Freight Tools USA, Inc.*