ATTYOPEN,RF

United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:24-cv-01281-LA

Champion Power Equipment Inc v. Generac Power Systems Inc
Assigned to: Judge Lynn Adelman
Cause: 35:271 Patent Infringement

Date Filed: 10/09/2024
Jury Demand: Defendant
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Champion Power Equipment Inc represented by **Jacob M Fritz**
Ziolkowski Patent Solutions Group SC
136 S Wisconsin St
Port Washington, WI 53074
262-268-8100
Fax: 262-268-8185
Email: jmf@zpatents.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas P Heneghan
Husch Blackwell LLP
33 E Main St - Ste 300
PO Box 1379
Madison, WI 53703-4655
608-234-6032
Fax: 608-258-7138
Email: tom.heneghan@huschblackwell.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy J Ziolkowski
Ziolkowski Patent Solutions Group SC
136 S Wisconsin St
Port Washington, WI 53074
262-268-8100
Fax: 262-268-8185
Email: tjz@zpatents.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Avery Hitchcock
Husch Blackwell LLP
511 N Broadway - Ste 1100
Milwaukee, WI 53202-5502
414-978-5529
Fax: 414-223-5000

EX2010
Patent Owner Champion (IPR2025-00805)

Email:
avery.hitchcock@huschblackwell.com
ATTORNEY TO BE NOTICED

Jennifer Elizabeth Hoekel
Husch Blackwell LLP
8001 Forsyth Blvd - Ste 1500
St. Louis, MO 63105
314-480-1500
Fax: 314-480-1505
Email:
jennifer.hoekel@huschblackwell.com
ATTORNEY TO BE NOTICED

Kimberly Gutierrez
Husch Blackwell LLP
33 E Main St - Ste 300
Madison, WI 53703
608-234-6044
Fax: 608-258-7138
Email:
kimberly.gutierrez@huschblackwell.com
ATTORNEY TO BE NOTICED

Sharif Ahmed
Husch Blackwell LLP
2415 E Camelback Rd - Ste 500
Phoenix, AZ 85016
480-824-7890
Fax: 480-824-7905
Email: sharif.ahmed@huschblackwell.com
ATTORNEY TO BE NOTICED

V.

Defendant

Generac Power Systems Inc represented by

Joseph Dubis
Merchant & Gould
150 S Fifth St - Ste 2200
Minneapolis, MN 55402
612-371-5381
Email: jdubis@merchantgould.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael A Erbele
Merchant & Gould
150 S Fifth St - Ste 2200
Minneapolis, MN 55402-2215
612-336-4670
Email: merbele@merchantgould.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Monica A Mark
Reinhart Boerner Van Deuren SC
22 E Mifflin St - Ste 700
PO Box 2018
Madison, WI 53701-2018
414-298-1000
Fax: 414-298-8097
Email: mmark@reinhartlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Stockhausen
Reinhart Boerner Van Deuren SC
1000 N Water St - Ste 1700
PO Box 2965
Milwaukee, WI 53202
414-298-1000
Fax: 414-298-8097
Email: pstockhausen@reinhartlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Leach
Merchant & Gould
150 S Fifth St - Ste 2200
Minneapolis, MN 55402
612-332-5300
Email: tleach@merchantgould.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gabrielle Kiefer
Merchant & Gould PC
150 S 5th St - Ste 2200
Minneapolis, MN 55402
612-332-5300
Email: gkiefer@merchantgould.com
TERMINATED: 01/15/2025

Paige S Stradley
Merchant & Gould
150 S Fifth St - Ste 2200
Minneapolis, MN 55402
612-336-4671
Email: pstradley@merchantgould.com
ATTORNEY TO BE NOTICED

Counter Claimant

Generac Power Systems Inc represented by **Joseph Dubis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael A Erbele
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Monica A Mark
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Stockhausen
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Leach
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gabrielle Kiefer
(See above for address)
TERMINATED: 01/15/2025

Paige S Stradley
(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

Champion Power Equipment Inc represented by **Jacob M Fritz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas P Heneghan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy J Ziolkowski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer Elizabeth Hoekel
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/09/2024	1	COMPLAINT with Jury Demand; against Generac Power Systems, Inc. by Champion Power Equipment, Inc.. (Filing Fee PAID $405 receipt number AWIEDC-4789658) (Attachments: # 1 A-U.S. Patent No. 10,221,780, # 2 B-U.S. Patent No. 10,598,101, # 3 C-

		U.S. Patent No. 10,697,398, # 4 D-U.S. Patent No. 11,143,120, # 5 E-U.S. Patent No. 11,143,145, # 6 F-U.S. Patent No. 11,306,667, # 7 G-U.S. Patent No. 11,492,985, # 8 H-U.S. Patent No. 11,530,654, # 9 I-U.S. Patent No. 11,840,970, # 10 J-U.S. Patent No. 11,905,895, # 11 K-U.S. Patent No. 11,905,896, # 12 Civil Cover Sheet, # 13 Summons) (Heneghan, Thomas)
10/09/2024		NOTICE Regarding assignment of this matter to Judge Lynn Adelman; Consent/refusal forms for Magistrate Judge Dries to be filed within 21 days; the consent/refusal form is available here. Pursuant to Civil Local Rule 7.1 a disclosure statement is to be filed upon the first filing of any paper and should be filed now if not already filed. (ams)
10/10/2024		Summons Issued as to Generac Power Systems Inc. (bx)
10/10/2024	2	Report to the Commissioner of Patents and Trademarks (bx)
10/10/2024	3	DISCLOSURE Statement by Champion Power Equipment Inc. (Heneghan, Thomas)
10/21/2024	4	AFFIDAVIT of Southwest Wisconsin Process, LLC *of Service of Summons and Complaint on Defendant*. (Heneghan, Thomas)
10/29/2024	5	STIPULATION *to Extend Deadline for Defendant to Answer or Otherwise Respond to Complaint* by Champion Power Equipment Inc. (Attachments: # 1 Text of Proposed Order) (Heneghan, Thomas)
10/30/2024	6	ORDER signed by Judge Lynn Adelman on 10/30/2024 re 5 Stipulation to Extend Deadline for Defendant to Answer or Otherwise Respond to Complaint. IT IS HEREBY ORDERED that the deadline for Defendant Generac Power Systems, Inc. to answer or otherwise respond to the Complaint is hereby extended by thirty (30) days, up to and including December 4, 2024. (cc: all counsel)(amh)
11/12/2024	7	Magistrate Judge Jurisdiction Form filed by Champion Power Equipment Inc. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (Heneghan, Thomas)
12/04/2024	8	NOTICE of Appearance by Paul J Stockhausen on behalf of Generac Power Systems Inc. Attorney(s) appearing: Paul J. Stockhausen (Stockhausen, Paul)
12/04/2024	9	NOTICE of Appearance by Monica A Mark on behalf of Generac Power Systems Inc. Attorney(s) appearing: Monica A. Mark (Mark, Monica)
12/04/2024	10	MOTION to Dismiss *, or in the Alternative, Motion for More Definite Statement* by Generac Power Systems Inc. (Attachments: # 1 Text of Proposed Order)(Leach, Thomas)
12/04/2024	11	BRIEF in Support filed by Generac Power Systems Inc re 10 MOTION to Dismiss *, or in the Alternative, Motion for More Definite Statement* . (Leach, Thomas)
12/04/2024	12	DISCLOSURE Statement by Generac Power Systems Inc. (Leach, Thomas)
12/04/2024	13	NOTICE of Appearance by Thomas J Leach on behalf of Generac Power Systems Inc. Attorney(s) appearing: Thomas J. Leach and Gabrielle L. Kiefer (Leach, Thomas)
12/13/2024	14	NOTICE of Appearance by Jennifer Elizabeth Hoekel on behalf of Champion Power Equipment Inc. Attorney(s) appearing: Jennifer E. Hoekel (Hoekel, Jennifer)
12/20/2024	15	RESPONSE to Motion filed by Champion Power Equipment Inc re 10 MOTION to Dismiss *, or in the Alternative, Motion for More Definite Statement* . (Heneghan, Thomas)

12/20/2024	16	DECLARATION of Thomas P. Heneghan (Attachments: # 1 Exhibit A-Letter dated July 7, 2020, from Attorney Sam Sumitani on behalf of Champion to Powermate, LLC, # 2 Exhibit B-Letter dated April 4, 2024, from Attorney Tim Ziolkowski on behalf of Champion to Attorney Rod Roghan of Generac)(Heneghan, Thomas)
01/03/2025	17	NOTICE of Appearance by Thomas J Leach on behalf of Generac Power Systems Inc. Attorney(s) appearing: Michael Erbele and Joseph Dubis (Leach, Thomas)
01/03/2025	18	REPLY BRIEF in Support filed by Generac Power Systems Inc re 10 MOTION to Dismiss *, or in the Alternative, Motion for More Definite Statement* . (Leach, Thomas)
01/14/2025	19	NOTICE of Withdrawal by Gabrielle Kiefer on behalf of Generac Power Systems Inc.Attorney GABRIELLE L. KIEFER to be termed. (Kiefer, Gabrielle)
01/22/2025	20	DECISION AND ORDER signed by Judge Lynn Adelman on 1/22/2025. IT IS ORDERED that Generac's motion to dismiss, or in the alternative, for a more definite statement (ECF No. 10) is DENIED. Additional details in order. (cc: all counsel)(amh)
02/05/2025	21	ANSWER to 1 Complaint,, with Jury Demand , COUNTERCLAIM against Champion Power Equipment Inc filed by Generac Power Systems Inc. by Generac Power Systems Inc. (Attachments: # 1 Exhibit 1 10,598,101 Prosecution History, # 2 Exhibit 2 PM4500DF Website_URLs, # 3 Exhibit 3 PM4500DF Manual, # 4 Exhibit 4 PM7500DF Website_URLs, # 5 Exhibit 5 PM7500DF Manual, # 6 Exhibit 6 GP7500E Website_URLs, # 7 Exhibit 7 GP7500E Manual, # 8 Exhibit 8 DF3500E and DF7500E Manual, # 9 Exhibit 9 May 2014 Press Release, # 10 Exhibit 10 Champion 100153 Manual)(Leach, Thomas)
02/06/2025	22	NOTICE of Hearing: IT IS ORDERED that a telephonic Fed. R. Civ. P. 16(b) scheduling conference is scheduled for March 12, 2025 at 11:30 a.m. Central Time. The parties shall call the Court's Zoom conference line at 669-254-5252 and use Meeting ID 161 8470 1401 and Passcode 187773 to join the call and may be placed on hold until the Court accesses the call. Parties should call in prior to the time that the hearing is scheduled to begin so that there is no disruption to the court proceeding. The participation of the attorney who will be handling the case is required and their telephone number should be provided in the Rule 26(f) report. Additional details in notice. (cc: all counsel)(amh)
02/26/2025	23	ANSWER to Counterclaim re 21 filed by Champion Power Equipment Inc. (Heneghan, Thomas)
02/28/2025	24	Stipulated MOTION for Extension of Time *for the parties to submit their Joint FRCP 26(f) Report to March 5, 2025* by Champion Power Equipment Inc. (Heneghan, Thomas)
03/03/2025		TEXT ONLY ORDER signed by Judge Lynn Adelman on 3/3/2025 GRANTING 24 Motion for Extension of Time. Deadline for the parties to submit their Joint FRCP 26(f) Report is extended to Wednesday, March 5, 2025. (cc: all counsel)(amh)
03/05/2025	25	*JOINT* REPORT of Rule 26(f) Plan by Champion Power Equipment Inc. (Attachments: # 1 Exhibit A-Schedule of Pretrial and Trial Dates Worksheet, # 2 Exhibit B-Generac's Proposed Patent Addendum to Scheduling Order and Discovery Plan)(Heneghan, Thomas)
03/11/2025	26	NOTICE of Appearance by Sharif Ahmed on behalf of Champion Power Equipment Inc. Attorney(s) appearing: Sharif Ahmed (Ahmed, Sharif)
03/11/2025	27	NOTICE of Appearance by Kimberly Gutierrez on behalf of Champion Power Equipment Inc. Attorney(s) appearing: Kimberly Gutierrez (Gutierrez, Kimberly)

03/12/2025	28	Minute Entry for proceedings held before Judge Lynn Adelman: Scheduling Conference held on 3/12/2025. Parties discuss scheduling disputes. Court to take the matter under advisement and issue a schedule that it deems appropriate. Parties may request extensions as needed. (amh) (Entered: 03/13/2025)
03/12/2025	29	SCHEDULING ORDER signed by Judge Lynn Adelman on 3/12/2025. Details in order. (cc: all counsel)(amh) (Entered: 03/13/2025)
05/15/2025	30	*First Amended* ANSWER to Complaint AND COUNTERCLAIM against Champion Power Equipment, Inc. with Jury Demand filed by Generac Power Systems Inc . (Attachments: # 1 Ex 1-U.S. Patent No. 10,563,596, # 2 Ex. 2-U.S. Patent No. 11,248,540, # 3 Ex.3-PGMA Members - WayBack Machine, # 4 Ex. 4-PGMA Board of Directors - WayBack Machine, # 5 Ex. 5-PGMA Technical Committee - WayBack Machine, # 6 Ex.6-PGMA Publications - WayBack Machine, # 7 Ex.7-Champion CO Shield Page, # 8 Ex.8-CO Shield Press Release, # 9 Ex.9-9200W Dual Fuel Generator with CO Shield Listing, # 10 Ex.10-3650W Wireless Start Generator with CO Shield Listing, # 11 Ex.11-3650W Generator with CO Shield Listing, # 12 Ex. 12-Champion CO Shield Listings, # 13 Ex. 13-Champion Model 201302 Manual REV 20240923, # 14 Ex.14-Champion Model 201302 Parts Information, # 15 Ex. 15-File History 2013 Patent Family, # 16 Ex.16-Web Publication for PM4500, # 17 Ex.17 Owners Manual for PM4500, # 18 Ex.18-Web Publication for PM7500, # 19 Ex.19 Owners Manual for PM 7500, # 20 Ex.20-Web Publication for Generac 7500W, # 21 Ex.21 Owners Manual for Generac 7500, # 22 Ex. 22- Owners Manual for Generac 3500/7500, # 23 Ex.23-Publication by Champion for Dual Fuel Generators, # 24 Ex.24-Owners Manual for Champion Dual Fuel)(Leach, Thomas)
05/29/2025	31	ANSWER to Counterclaim re 30 filed by Champion Power Equipment Inc. (Heneghan, Thomas)
06/26/2025	32	Joint MOTION for Protective Order by Generac Power Systems Inc. (Attachments: # 1 Text of Proposed Order)(Leach, Thomas)
06/26/2025	33	MOTION for Protective Order *to add Prosecution Bar* by Generac Power Systems Inc. (Attachments: # 1 Text of Proposed Order)(Leach, Thomas)
06/26/2025	34	BRIEF in Support filed by Generac Power Systems Inc re 33 MOTION for Protective Order *to add Prosecution Bar* . (Leach, Thomas)
06/26/2025	35	DECLARATION of Thomas J. Leach *In Support of Motion to Add a Prosecution Bar to Protective Order* (Attachments: # 1 EX. A Redlines Proposed Protective Order, # 2 Ex. B - ZPSG Protect Your Space Webpage, # 3 Ex. C - App. No. 18_443487, # 4 Ex. D - App. No. 18_443530, # 5 Ex. E - App. No. 19_026996, # 6 Ex. F - App. No. 19_027054, # 7 Ex. G - App. No. 19_027095, # 8 Ex. H - PoA - 18_443487 - Patent Center, # 9 Ex. I - PoA - 18_443530 - Patent Center, # 10 Ex. J - PoA - 19_026996 - Patent Center, # 11 Ex. K - PoA - 19_027054 - Patent Center, # 12 Ex. L - PoA - 19_027095 - Patent Center, # 13 Ex. M - App. No. 16_389094, # 14 Ex. N - App. No. 18_480234, # 15 Ex. O - PoA - 16_389094 - Patent Center, # 16 Ex. P - PoA - 18_480234 - Patent Center, # 17 Ex. Q - 2025 03 24 Champion Second Set of Requests for Production)(Leach, Thomas)
06/26/2025	36	Joint MOTION for Order *Entry of Order regarding Discovery of Electronically Stored Information ("ESI")* by Champion Power Equipment Inc. (Attachments: # 1 Text of Proposed Order)(Heneghan, Thomas)
07/03/2025	37	MOTION to Sever *Defendant's Counterclaims for Infringement and Amend Champion's Answer Thereto, or, in the Alternative, MOTION for Leave to File an Amended Answer and Counter-Counterclaim* by Champion Power Equipment Inc. (Hoekel, Jennifer). Added MOTION to Amend Answer on 7/7/2025 (rcm).

07/03/2025	38	BRIEF in Support filed by Champion Power Equipment Inc re 37 MOTION to Sever *Defendant's Counterclaims for Infringement and Amend Champion's Answer Thereto, or, in the Alternative, for Leave to File an Amended Answer and Counter-Counterclaim* . (Attachments: # 1 Exhibit 1 Proposed Amended Document)(Hoekel, Jennifer)
07/10/2025	39	NOTICE of Appearance by Paige S Stradley on behalf of Generac Power Systems Inc. Attorney(s) appearing: Paige Stradley (Stradley, Paige)
07/17/2025	40	MOTION to Restrict Document by Champion Power Equipment Inc. (Attachments: # 1 Public Opposition, # 2 Exhibit 3 to Opposition_Public Placeholder)(Hoekel, Jennifer)
07/17/2025	41	RESPONSE to Motion filed by Champion Power Equipment Inc re 33 MOTION for Protective Order *to add Prosecution Bar (Unredated)*. (Attachments: # 1 Exhibit 1 - Ziolkowski Decl., # 2 Exhibit 2 - Trine Decl, # 3 Exhibit 3 - CHAMPION0013176 - Unredacted)This document and/or certain attachments are restricted to case participants and attorneys of record should use their efiling login and password to view this document(Hoekel, Jennifer)
07/18/2025		NOTICE of Electronic Filing Error re 40 MOTION to Restrict Document filed by Champion Power Equipment Inc ; This document is titled as a response and not motion to restrict. **This document does not need to be refiled**; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (rcm)
07/24/2025	42	NOTICE of Appearance by Avery Hitchcock on behalf of Champion Power Equipment Inc. Attorney(s) appearing: Avery Hitchcock (Hitchcock, Avery)
07/24/2025	43	RESPONSE to Motion filed by Generac Power Systems Inc re 37 MOTION to Sever *Defendant's Counterclaims for Infringement and Amend Champion's Answer Thereto, or, in the Alternative, for Leave to File an Amended Answer and Counter-Counterclaim* MOTION to Amend/Correct . (Leach, Thomas)
07/24/2025	44	DECLARATION of Paige Stradley *in Support of Defendants Opposition to Plaintiffs Motion to Sever Defendants Counterclaims for Infringement* (Attachments: # 1 Ex. 1 - Champion's Objections and Answers to Third Set of Interrogatories, # 2 Ex. 2 - Champion's Objections and Answers to Third Set of Requests for Documents and Things, # 3 Ex. 3 - Champion webpage, # 4 Ex. 4 - Champion webpage, # 5 Ex. 5 - Defendants Rule 26(a) Initial Disclosures, # 6 Ex. 6 - Email chain from dates April 18, 2025, to July 10, 2025, # 7 Ex. 7 - Email dated July 21, 2025, # 8 Ex. 8 - Email chain from dates April 18, 2025, to June 11, 2025, # 9 Ex. 9 - Champion's Objections and Answers to Second Set of Interrogatories)(Leach, Thomas)

PACER Service Center

Transaction Receipt

07/29/2025 09:30:31

PACER Login:	STLouisAccess	**Client Code:**	0000000-0000022jjb
Description:	Docket Report	**Search Criteria:**	2:24-cv-01281-LA
Billable Pages:	7	**Cost:**	0.70