

Eric M. Fraser (027241)
Phillip W. Londen (032488)
OSBORN MALEDON
2929 North Central Avenue, Suite 2000
Phoenix, Arizona 85012
(602) 640-9321
efraser@omlaw.com
plonden@omlaw.com

Benjamin J. Byer (*pro hac vice*)
Xiang Li (*pro hac vice*)
Jennifer K. Chung (*pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104
(206) 622-3150
benbyer@dwt.com
xiangli@dwt.com
jenniferchung@dwt.com

Attorneys for Defendant Firman Power Equipment Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Champion Power Equipment, Inc.,

Plaintiff,

v.

Firman Power Equipment Inc.,

Defendant.

Case No. 2:23-cv-02371-DWL

**ANSWER TO FIRST AMENDED
COMPLAINT AND FIRST
AMENDED COUNTERCLAIM**

(JURY TRIAL DEMANDED)

Defendant Firman Power Equipment Inc. answers and responds as follows to the First Amended Complaint filed by Plaintiff Champion Power Equipment, Inc. in the above-captioned action ("Action").

Firman denies each and every allegation in the First Amended Complaint, including without limitation allegations appearing in headings, except as expressly admitted here, and specifically denies that Champion is entitled to the relief sought in

1 the Prayer for Relief. Firman reserves the right to amend and/or supplement this
2 Answer.

3 **ANSWER TO SPECIFIC ALLEGATIONS**

4 **THE PARTIES**

5 1. Champion is a duly organized and operating Nevada corporation whose
6 principal place of business is located at 12039 Smith Avenue, Santa Fe Springs,
7 California 90670. Champion designs and sells single-fuel and multi-fuel generators,
8 power stations, log splitters, chipper shredders, leaf blowers, tillers, chainsaws,
9 cultivators, lawn edgers, augers, string trimmers, pressure washers, water pumps, snow
10 blowers, winches, hoists, accessories, and other equipment.

11 **ANSWER: Firman admits Champion sells multi-fuel generators. Firman**
12 **lacks knowledge or information sufficient to form a belief about the truth of the**
13 **remaining allegations of paragraph 1.**

14
15 2. Champion goes to great lengths in protecting its proprietary intellectual
16 property and expends considerable resources in obtaining patents in the United States
17 and other foreign jurisdictions. Champion has filed over 70 patent applications and has
18 been awarded 53 U.S. patents.

19 **ANSWER: Firman lacks knowledge or information sufficient to form a**
20 **belief about the truth of the allegations of paragraph 2.**

21
22 3. Firman is a duly organized and operating Arizona Corporation whose
23 principal place of business is located at 8644 W Ludlow Dr., Peoria, Arizona 85381.
24 Upon information and belief, Firman imports and sells single-fuel and multi-fuel
25 generators, power stations, log splitters, and accessories that directly compete with
26 Champion. Firman advertises its products for sale nationally and has advertised,
27 marketed, and sold products infringing Champion's intellectual property rights within
28 the State of Arizona, this district, and all other states and territories of the United States.

1 **ANSWER:** Firman admits the allegations in the first sentence of
2 paragraph 3. Firman admits it develops, imports, and sells single-fuel and multi-
3 fuel generators, power stations, log splitters, and accessories, and that it advertises
4 its products for sale nationally. Except as expressly admitted, Firman denies the
5 allegations of paragraph 3.

6
7 4. Firman hired a key Champion employee, Mr. Greg Montgomery
8 (“Montgomery”), as its President in 2015 and shortly thereafter began importing and
9 selling generators having Champion technology incorporated therein. Montgomery
10 worked at Champion from 2005 until December 12, 2014. Montgomery was the Vice
11 President of Sales for Champion and a key employee who had intimate and confidential
12 knowledge of Champion’s product development, designs, operation, componentry,
13 goals, testing, shipment timeframes, customer information, customer demands, and all
14 relevant information regarding Champion’s novel developments regarding dual-fuel and
15 multi-fuel generators.

16 **ANSWER:** Firman admits it hired Mr. Greg Montgomery as its President
17 in late 2015. Firman admits Mr. Montgomery worked at Champion from 2005
18 until December 2014 and that he was the Vice President of Sales for Champion.
19 Except as expressly admitted, Firman denies the allegations of paragraph 4.

20
21 5. Montgomery attended strategic design meetings at Champion’s worldwide
22 research and product development center in Waukesha, Wisconsin numerous times,
23 including a multi-day “Product Meeting” held on July 8-10, 2014 where he met with the
24 design team for the multi-fuel generators at the Champion research center, including the
25 Vice President of Engineering, Mark Sarder, the lead inventor on the Champion
26 dual/multi-fuel patents asserted herein.

27 **ANSWER:** Firman denies the allegations of paragraph 5.
28

1 6. Montgomery also attended a high-level, confidential Webex meeting that
2 included Champion ownership, top management, and engineering for the 3100W Dual
3 Fuel Generator on October, 30, 2014 to discuss “Sales Opportunities,” “Product
4 Structure,” “Production Schedule,” and “Development Challenges,” that included the
5 lead inventor and Vice President of Engineering, Mark Sarder.

6 **ANSWER: Firman admits Mr. Montgomery remotely attended a meeting**
7 **that discussed sales opportunities for generators in or around October 2014.**
8 **Except as expressly admitted, Firman denies the allegations of paragraph 6.**

9
10 7. On November 18, 2014, less than one month prior to Montgomery’s
11 departure from Champion, Montgomery accessed the “Dual Fuel Switch mock-up” via
12 email.

13 **ANSWER: Firman lacks knowledge or information sufficient to form a**
14 **belief about the truth of the allegations of paragraph 7.**

15
16 8. During these meetings, along with many others and many other internal
17 email communications, Montgomery acquired the technical information from Champion
18 that allowed Firman to produce dual-fuel and multi-fuel generators and acquired from
19 Mr. Sarder subject matter information of patents asserted herein. According to public
20 records, Firman has not filed for a single patent application in the United States and has
21 no issued patents.

22 **ANSWER: Firman admits it has not applied for patents in the United**
23 **States and thus has no issued patents in the United States. Except as expressly**
24 **admitted, Firman denies the allegations of paragraph 8.**

25
26 9. In 2016, Firman changed its color scheme to mimic that of Champion’s.
27 Prior to 2016, Firman used a green and black color scheme and a red and black color
28 scheme, then in early 2016, just one year after appointing Montgomery President of

1 Firman, Firman changed its color scheme to yellow and black, essentially the same as
2 Champion's color scheme.

3 **ANSWER: Firman admits it has sold generators that use different color**
4 **schemes, including the use of a yellow and black color scheme long before 2016.**
5 **Except as expressly admitted, Firman denies the allegations of paragraph 9.**

6
7 10. Champion has sent Firman cease and desist demands. Firman has ignored
8 those demands and continues to sell infringing generators.

9 **ANSWER: Firman admits that Champion has sent at least one cease-and-**
10 **demand letter. Except as expressly admitted, Firman denies the allegations of**
11 **paragraph 10.**

12
13 **JURISDICTION AND VENUE**

14 11. This is an action for patent infringement under the patent laws of the
15 United States, 35 U.S.C. §§ 271, *et seq.*

16 **ANSWER: Firman admits this Action purports to arise under the patent**
17 **laws of the United States, 35 U.S.C. §§ 271, *et seq.*, but denies infringement and any**
18 **and all relief Champion seeks. Except as expressly admitted, Firman denies the**
19 **allegations of paragraph 11.**

20
21 12. This Court has jurisdiction over the subject matter of this patent
22 infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

23 **ANSWER: Firman admits the allegations of paragraph 12.**

24
25 13. This Court has personal jurisdiction over Firman because Firman has
26 committed acts of patent infringement within the State of Arizona giving rise to this
27 action. Firman's electronic commerce advertisements, offers for sale, and sales have
28 established at least minimum contacts with the forum such that the exercise of

1 jurisdiction over it would not offend traditional notions of fair play and substantial
2 justice.

3 **ANSWER: Firman admits that this Court has personal jurisdiction over it**
4 **for purposes of this action, but denies it has committed acts of patent infringement.**
5 **Except as expressly admitted, Firman denies the allegations of paragraph 13.**

6
7 14. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(a),
8 1391(b), 1391(c), and 1400(b) for at least the reasons that: (1) Firman resides in this
9 district; and (2) Firman has committed acts within this district giving rise to this action
10 and does business in this district, including sales, offers for sale, and providing service
11 and/or support to its customers in this district.

12 **ANSWER: Firman admits it resides and does business in this district and**
13 **that venue is proper in this judicial district for this action. Except as expressly**
14 **admitted, Firman denies the allegations of paragraph 14.**

15
16 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,221,780**

17 15. Paragraphs 1 through 14 are incorporated by reference as if fully set forth
18 herein.

19 **ANSWER: Firman repeats its responses to paragraphs 1 through 14 as if**
20 **fully set forth here.**

21
22 16. U.S. Patent No. 10,221,780 is titled “DUAL FUEL LOCKOUT SWITCH
23 FOR GENERATOR ENGINE.” U.S. Patent No. 10,221,780 was duly and legally
24 issued on March 5, 2019. A true and correct copy of U.S. Patent No. 10,221,780 is
25 attached as Exhibit A.

26 **ANSWER: Firman admits that U.S. Patent No. 10,221,780 is titled “DUAL**
27 **FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE” and lists the issuance**
28 **date on the face of the patent as March 5, 2019. Firman admits that what purports**

1 **to be a copy of the '780 patent is attached as Exhibit A. The remaining allegations**
2 **of paragraph 16 are denied.**

3
4 17. Champion is the lawful assignee of the entire right, title, and interest in
5 and to U.S. Patent No. 10,221,780 and possesses all rights of recovery under the patent,
6 including the right to recover damages for past infringement.

7 **ANSWER: Firman lacks knowledge or information sufficient to form a**
8 **belief about the truth of the allegations of paragraph 17.**

9
10 18. Champion has acquired and inspected the following Firman generator
11 models that Firman has been and is making, using, selling, or offering for sale within
12 the United States, or importing into the United States:

- 13 a. Model H03651, a dual fuel portable generator;
- 14 b. Model H03652, a dual fuel portable generator;
- 15 c. Model H05751, a dual fuel portable generator;
- 16 d. Model H05752, a dual fuel portable generator;
- 17 e. Model H05753, a dual fuel portable generator;
- 18 f. Model H07552, a dual fuel portable generator;
- 19 g. Model H07553, a dual fuel portable generator;
- 20 h. Model H08051, a dual fuel portable generator;
- 21 i. Model H08053, a dual fuel portable generator;
- 22 j. Model T04073, a tri fuel portable generator;
- 23 k. Model T07571, a tri fuel portable generator;
- 24 l. Model T07573, a tri fuel portable generator;
- 25 m. Model T08071, a tri fuel portable generator;
- 26 n. Model T08072, a tri fuel portable generator;
- 27 o. Model T09275, a tri fuel portable generator;
- 28 p. Model T09371, a tri fuel portable generator;

- q. Model WH02942, a dual fuel inverter portable generator;
- r. Model WH03041, a dual fuel inverter portable generator;
- s. Model WH03042, a dual fuel inverter portable generator;
- t. Model WH03242, a dual fuel inverter portable generator;
- u. Model WH03344, a dual fuel inverter portable generator;
- v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and
- w. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 18(a) through 18(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 18.

19. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6-9, 11, and 13-15 of U.S. Patent No. 10,221,780. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a mechanical fuel lockout switch for a dual fuel engine having a mechanical fuel valve actuateable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line and a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the mechanical fuel lockout switch communicates the first fuel source to the dual fuel engine and prevents communication between the second fuel source and the dual fuel engine when the mechanical fuel valve is in the first position and communicates the second fuel source to the dual fuel engine and

1 interrupts the first fuel source communication with the dual fuel engine
2 when in the second position and wherein the fuel lockout apparatus is
3 configured to prevent the second fuel source from coupling to the second
4 fuel line while the mechanical fuel valve is in the first position and permit
5 the second fuel source to couple to the second fuel line while the
6 mechanical fuel valve is in the second position, as called for in claim 1 of
7 U.S. Patent No. 10,221,780.

8 b. Dependent claim 2 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, the fuel lockout apparatus prevents
10 actuation of the mechanical fuel valve to the first position when the
11 second fuel source communicates with the dual fuel engine, as called for
12 in claim 2 of U.S. Patent No. 10,221,780.

13 c. Dependent claim 6 by specifically including all the aforementioned
14 elements of claim 1 and, in addition, the mechanical fuel valve and the
15 fuel lockout apparatus operate together to ensure that fuel from the first
16 fuel source and fuel from the second fuel source are not simultaneously
17 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent
18 No. 10,221,780.

19 d. Dependent claim 7 by specifically including all the aforementioned
20 elements of claim 6 and, in addition, the first fuel source provides liquid
21 fuel from a liquid fuel tank to the dual fuel engine and the second fuel
22 source provides gaseous fuel from a pressurized fuel container to the dual
23 fuel engine, as called for in claim 7 of U.S. Patent No. 10,221,780.

24 e. Independent claim 8 by specifically including a mechanical fuel lockout
25 switch for an internal combustion engine, the mechanical fuel lockout
26 being assembled by providing an internal combustion engine configured
27 to operate on a fuel from a first fuel source and a different fuel from a
28 second fuel source, coupling a mechanical fuel valve to the internal

1 combustion engine actuatable between a first position and a second
2 position to selectively control fuel flow to the internal combustion engine
3 from the first fuel source through a first fuel line and the second fuel
4 source through a second fuel line, and coupling a fuel lockout apparatus to
5 the mechanical fuel valve, wherein the fuel lockout apparatus prevents
6 actuation of the mechanical fuel valve to the first position when the
7 second fuel source is coupled to the internal combustion engine, as called
8 for in claim 8 of U.S. Patent No. 10,221,780.

9 f. Dependent claim 9 by specifically including all the aforementioned
10 elements of claim 8 and, in addition, the fuel lockout apparatus is further
11 configured to prevent coupling of the second fuel source to the second
12 fuel line while the mechanical fuel valve is in the first position and to
13 permit coupling of the second fuel source to the second fuel line while the
14 mechanical fuel valve is in the second position, as called for in claim 9 of
15 U.S. Patent No. 10,221,780.

16 g. Dependent claim 11 by specifically including all the aforementioned
17 elements of claim 8 and, in addition, the mechanical fuel lockout switch is
18 assembled by coupling a fuel regulator system to the second fuel source to
19 reduce fuel pressure therefrom and deliver fuel to the second fuel line at a
20 pressure required for operation of the internal combustion engine, as
21 called for in claim 11 of U.S. Patent No. 10,221,780.

22 h. Dependent claim 13 by specifically including all the aforementioned
23 elements of claim 11 and, in addition, the mechanical fuel lockout switch
24 is assembled by coupling one end of a quick-disconnect hose coupling to
25 an inlet on the internal combustion engine for the second fuel source and
26 coupling a mating end of the quick-disconnect hose coupling to an outlet
27 of the fuel regulator system, as called for in claim 13 of U.S. Patent No.
28 10,221,780.

1 i. Dependent claim 14 by specifically including all the aforementioned
 2 elements of claim 8 and, in addition, the mechanical fuel lockout switch is
 3 assembled by providing gasoline in a liquid fuel tank as the first fuel
 4 source and a liquefied petroleum gas (LPG) in a pressurized fuel container
 5 as the second fuel source, as called for in claim 14 of U.S. Patent No.
 6 10,221,780.

7 j. Independent claim 15 by specifically including a mechanical fuel lockout
 8 switch for a dual fuel engine having a mechanical fuel valve actuateable
 9 between a first position and a second position to selectively control fuel
 10 flow to the dual fuel engine from a first fuel source through a first fuel line
 11 and a second fuel source through a second fuel line and a fuel lockout
 12 apparatus coupled to the mechanical fuel valve, wherein the mechanical
 13 fuel lockout switch communicates the first fuel source to the dual fuel
 14 engine and prevents communication between the second fuel source and
 15 the dual fuel engine when the mechanical fuel valve is in the first position
 16 and communicates the second fuel source to the dual fuel engine and
 17 interrupts the first fuel source communication with the dual fuel engine
 18 when in the second position and wherein the fuel lockout apparatus
 19 prevents actuation of the mechanical fuel valve to the first position when
 20 the second fuel source communicates with the dual fuel engine.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 18(a)-(w)
 22 infringes at least claims 1, 2, 6-9, 11, and 13-15 of U.S. Patent No. 10,221,780.

23 **ANSWER: Firman denies the allegations of paragraph 19.**

24
 25 20. Upon information and belief, Firman has been and is now making, using,
 26 selling, or offering for sale within the United States, or importing into the United States,
 27 the following additional generator models:

28 a. Model H03654, a dual fuel portable generator;

- b. Model H05754, a dual fuel portable generator;
- c. Model H07554, a dual fuel portable generator;
- d. Model H08052, a dual fuel portable generator;
- e. Model T07571F, a refurbished tri fuel portable generator;
- f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- g. Model WH03242F, a refurbished dual fuel inverter portable generator;
and
- h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 20(c). Firman admits the remaining allegations of paragraph 20.

21. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraph 18, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6-9, 11, and 13-15 of U.S. Patent No. 10,221,780. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a mechanical fuel lockout switch for a dual fuel engine having a mechanical fuel valve actuateable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line and a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the mechanical fuel lockout switch communicates the first fuel source to the dual fuel engine and prevents communication between the second fuel source and the dual fuel engine when the mechanical fuel valve is in the first position and communicates the second fuel source to the dual fuel engine and

1 interrupts the first fuel source communication with the dual fuel engine
2 when in the second position and wherein the fuel lockout apparatus is
3 configured to prevent the second fuel source from coupling to the second
4 fuel line while the mechanical fuel valve is in the first position and permit
5 the second fuel source to couple to the second fuel line while the
6 mechanical fuel valve is in the second position, as called for in claim 1 of
7 U.S. Patent No. 10,221,780.

8 b. Dependent claim 2 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, the fuel lockout apparatus prevents
10 actuation of the mechanical fuel valve to the first position when the
11 second fuel source communicates with the dual fuel engine, as called for
12 in claim 2 of U.S. Patent No. 10,221,780.

13 c. Dependent claim 6 by specifically including all the aforementioned
14 elements of claim 1 and, in addition, the mechanical fuel valve and the
15 fuel lockout apparatus operate together to ensure that fuel from the first
16 fuel source and fuel from the second fuel source are not simultaneously
17 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent
18 No. 10,221,780.

19 d. Dependent claim 7 by specifically including all the aforementioned
20 elements of claim 6 and, in addition, the first fuel source provides liquid
21 fuel from a liquid fuel tank to the dual fuel engine and the second fuel
22 source provides gaseous fuel from a pressurized fuel container to the dual
23 fuel engine, as called for in claim 7 of U.S. Patent No. 10,221,780.

24 e. Independent claim 8 by specifically including a mechanical fuel lockout
25 switch for an internal combustion engine, the mechanical fuel lockout
26 being assembled by providing an internal combustion engine configured
27 to operate on a fuel from a first fuel source and a different fuel from a
28 second fuel source, coupling a mechanical fuel valve to the internal

1 combustion engine actuatable between a first position and a second
2 position to selectively control fuel flow to the internal combustion engine
3 from the first fuel source through a first fuel line and the second fuel
4 source through a second fuel line, and coupling a fuel lockout apparatus to
5 the mechanical fuel valve, wherein the fuel lockout apparatus prevents
6 actuation of the mechanical fuel valve to the first position when the
7 second fuel source is coupled to the internal combustion engine, as called
8 for in claim 8 of U.S. Patent No. 10,221,780.

9 f. Dependent claim 9 by specifically including all the aforementioned
10 elements of claim 8 and, in addition, the fuel lockout apparatus is further
11 configured to prevent coupling of the second fuel source to the second
12 fuel line while the mechanical fuel valve is in the first position and to
13 permit coupling of the second fuel source to the second fuel line while the
14 mechanical fuel valve is in the second position, as called for in claim 9 of
15 U.S. Patent No. 10,221,780.

16 g. Dependent claim 11 by specifically including all the aforementioned
17 elements of claim 8 and, in addition, the mechanical fuel lockout switch is
18 assembled by coupling a fuel regulator system to the second fuel source to
19 reduce fuel pressure therefrom and deliver fuel to the second fuel line at a
20 pressure required for operation of the internal combustion engine, as
21 called for in claim 11 of U.S. Patent No. 10,221,780.

22 h. Dependent claim 13 by specifically including all the aforementioned
23 elements of claim 11 and, in addition, the mechanical fuel lockout switch
24 is assembled by coupling one end of a quick-disconnect hose coupling to
25 an inlet on the internal combustion engine for the second fuel source and
26 coupling a mating end of the quick-disconnect hose coupling to an outlet
27 of the fuel regulator system, as called for in claim 13 of U.S. Patent No.
28 10,221,780.

1 i. Dependent claim 14 by specifically including all the aforementioned
 2 elements of claim 8 and, in addition, the mechanical fuel lockout switch is
 3 assembled by providing gasoline in a liquid fuel tank as the first fuel
 4 source and LPG in a pressurized fuel container as the second fuel source,
 5 as called for in claim 14 of U.S. Patent No. 10,221,780.

6 j. Independent claim 15 by specifically including a mechanical fuel lockout
 7 switch for a dual fuel engine having a mechanical fuel valve actuateable
 8 between a first position and a second position to selectively control fuel
 9 flow to the dual fuel engine from a first fuel source through a first fuel line
 10 and a second fuel source through a second fuel line and a fuel lockout
 11 apparatus coupled to the mechanical fuel valve, wherein the mechanical
 12 fuel lockout switch communicates the first fuel source to the dual fuel
 13 engine and prevents communication between the second fuel source and
 14 the dual fuel engine when the mechanical fuel valve is in the first position
 15 and communicates the second fuel source to the dual fuel engine and
 16 interrupts the first fuel source communication with the dual fuel engine
 17 when in the second position and wherein the fuel lockout apparatus
 18 prevents actuation of the mechanical fuel valve to the first position when
 19 the second fuel source communicates with the dual fuel engine.

20 Therefore, each of the foregoing Firman generator models listed in Paragraph 20(a)-(h)
 21 infringes at least claims 1, 2, 6-9, 11 and 13-15 of U.S. Patent No. 10,221,780.

22 **ANSWER: Firman denies the allegations of paragraph 21.**

23
 24 22. Champion has no adequate remedy at law against Firman's acts of
 25 infringement and will suffer irreparable harm unless Firman is preliminarily and
 26 permanently enjoined from its infringement of U.S. Patent No. 10,221,780.

27 **ANSWER: Firman denies the allegations of paragraph 22.**

1 23. Upon information and belief, Firman's infringement has been willful,
2 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 10,221,780.

3 **ANSWER: Firman denies the allegations of paragraph 23.**

4
5 24. Firman's President, Montgomery, had actual knowledge of Champion's
6 patents, Champion's patent applications, inventions, and product development (together,
7 the "Champion IP") as of the date of his departure from Champion in December 2014.
8 Subsequent to Montgomery's departure, he was hired by Firman. Upon information and
9 belief, Montgomery disclosed the Champion IP to Firman, and thereafter, Firman
10 monitored the Champion IP, including Champion's published patent applications.

11 **ANSWER: Firman admits it hired Mr. Greg Montgomery as its President**
12 **in late 2015. Firman admits Mr. Montgomery worked at Champion from 2005**
13 **until December 2014. Except as expressly admitted, Firman denies the allegations**
14 **of paragraph 24.**

15
16 25. Upon information and belief, Firman had actual knowledge of the
17 Champion IP, including Champion's published patent applications.

18 **ANSWER: Firman admits that in September 2019, Champion sent a cease-**
19 **and-demand letter to Firman that included what purported to be a copy of the '034**
20 **patent. Except as expressly admitted, Firman denies the allegations of paragraph**
21 **25.**

22
23 26. Upon information and belief, at least as of September 6, 2019, the date
24 Champion sent Firman a cease and desist letter demanding the cessation of infringement
25 by Firman of the Champion IP, Firman continued to monitor the Champion IP,
26 including Champion's published patent applications, and had actual notice of all of
27 Champion's patents and published patent applications as of their publication dates.

1 **ANSWER: Firman admits that in September 2019, Champion sent a cease-**
2 **and-demand letter to Firman that included what purported to be a copy of the '034**
3 **patent. Except as expressly admitted, Firman denies the allegations of paragraph**
4 **26.**

5
6 27. Firman, by way of its infringing activity, has caused and continues to
7 cause Champion to suffer damages in an amount to be determined at trial.

8 **ANSWER: Firman denies the allegations of paragraph 27.**

9
10 **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 10,393,034**

11 28. Paragraphs 1 through 27 are incorporated by reference as if fully set forth
12 herein.

13 **ANSWER: Firman repeats its responses to paragraphs 1 through 27 as if**
14 **fully set forth here.**

15
16 29. U.S. Patent No. 10,393,034 is titled “FUEL SYSTEM FOR A MULTI-
17 FUEL INTERNAL COMBUSTION ENGINE.” U.S. Patent No. 10,393,034 was duly
18 and legally issued on August 27, 2019. A true and correct copy of U.S. Patent
19 No. 10,393,034 is attached as Exhibit B.

20 **ANSWER: Firman admits that U.S. Patent No. 10,393,034 is titled “FUEL**
21 **SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE” and lists**
22 **the issuance date on the face of the patent as August 27, 2019. Firman admits that**
23 **what purports to be a copy of the '034 patent is attached as Exhibit B. The**
24 **remaining allegations of paragraph 29 are denied.**

25
26 30. Champion is the lawful assignee of the entire right, title, and interest in
27 and to U.S. Patent No. 10,393,034 and possesses all rights of recovery under the patent,
28 including the right to recover damages for past infringement.

ANSWER: Firman lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 30.

31. Champion has acquired and inspected the following Firman generator models that Firman has been and is making, using, selling, or offering for sale within the United States, or importing into the United States:

- a. Model H03651, a dual fuel portable generator;
- b. Model H03652, a dual fuel portable generator;
- c. Model H05751, a dual fuel portable generator;
- d. Model H05752, a dual fuel portable generator;
- e. Model H05753, a dual fuel portable generator;
- f. Model H07552, a dual fuel portable generator;
- g. Model H07553, a dual fuel portable generator;
- h. Model H08051, a dual fuel portable generator;
- i. Model H08053, a dual fuel portable generator;
- j. Model T04073, a tri fuel portable generator;
- k. Model T07571, a tri fuel portable generator;
- l. Model T07573, a tri fuel portable generator;
- m. Model T08071, a tri fuel portable generator;
- n. Model T08072, a tri fuel portable generator;
- o. Model T09275, a tri fuel portable generator;
- p. Model T09371, a tri fuel portable generator;
- q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and
- r. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph

31(a) through 31(r). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 31.

32. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 5, 7-9, 11, 13, 14, 18, and 19 of U.S. Patent No. 10,393,034. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a multi-fuel engine having an engine operable on a liquid fuel and a gaseous fuel, a carburetor attached to an intake of the engine to mix air and fuel and connect a liquid fuel source to the intake, the carburetor comprising a float bowl, a liquid cutoff solenoid coupled to the carburetor to open and close a liquid fuel path to the engine downstream from; the float bowl, a gaseous cutoff coupled to open and close a gaseous fuel source to the engine,; and a switch selectively coupling a power source to the liquid cutoff solenoid to open and close the liquid fuel path, as called for in claim 1 of U.S. Patent No. 10,393,034.
- b. Dependent claim 2 by specifically including all the aforementioned elements of claim 1 and, in addition, the liquid cutoff solenoid is positioned on the liquid fuel path, which extends from the float bowl to a throat of the carburetor, to open and close the liquid fuel path and the gaseous cutoff solenoid couples the gaseous fuel source to the intake to control flow of the gaseous fuel to the engine, as called for in claim 2 of U.S. Patent No. 10,393,034.
- c. Dependent claim 5 by specifically including all the aforementioned elements of claim 1 and, in addition, the engine is a dual fuel engine that operates on gasoline from the liquid fuel source and LPG from the

1 gaseous fuel source, as called for in claim 5 of U.S. Patent No.
2 10,393,034.

3 d. Dependent claim 7 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, the liquid cutoff solenoid is
5 selectively operable to cut off fuel flow from the float bowl to a nozzle in
6 a venturi of the carburetor upstream from a throttle for the engine, as
7 called for in claim 7 of U.S. Patent No. 10,393,034.

8 e. Dependent claim 8 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, the carburetor connects the gaseous
10 fuel source to the intake, as called for in claim 8 of U.S. Patent No.
11 10,393,034.

12 f. Dependent claim 9 by specifically including all the aforementioned
13 elements of claim 1 and, in addition, a liquid fuel valve positioned on a
14 liquid fuel line coupling the liquid fuel source to the carburetor to open
15 and close the liquid fuel source to the engine, as called for in claim 9 of
16 U.S. Patent No. 10,393,034.

17 g. Independent claim 11 by specifically including a multi-fuel generator and
18 fuel delivery system having a multi-fuel internal combustion engine
19 configured to operate on a liquid fuel supplied from a liquid fuel source
20 through a liquid fuel line and a gaseous fuel supplied from a pressurized
21 fuel source through a gaseous fuel line, an alternator driven by the multi-
22 fuel internal combustion engine, a fuel regulator system including a
23 primary pressure regulator coupled to a service valve of the pressurized
24 fuel source to regulate fuel supplied from the pressurized fuel source to a
25 reduced pressure and a secondary pressure regulator coupled to the
26 primary pressure regulator to regulate fuel supplied from the primary
27 pressure regulator to a desired pressure for delivery through the gaseous
28 fuel line to operate the engine, and an electro-mechanical valve system

1 coupled to the engine and operated by an electrical switch powered by one
2 of the alternator, a battery, and a magneto that controls fuel flow to the
3 engine from the liquid fuel source and the pressurized fuel source, as
4 called for in claim 11 of U.S. Patent No. 10,393,034.

5 h. Dependent claim 13 by specifically including all the aforementioned
6 elements of claim 11 and, in addition, the electro-mechanical valve system
7 is configured to prevent simultaneous delivery of the liquid fuel and the
8 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.
9 10,393,034.

10 i. Dependent claim 14 by specifically including all the aforementioned
11 elements of claim 11 and, in addition, the electro-mechanical valve system
12 has the electro-mechanical valve system and a gaseous fuel cutoff
13 solenoid coupled to the gaseous fuel line to control flow of the gaseous
14 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

15 j. Independent claim 18 by specifically including a multi-fuel internal
16 combustion engine having an engine operable on liquid fuel supplied
17 through a liquid fuel line from a liquid fuel source and gaseous fuel
18 supplied through a gaseous fuel line from a pressurized fuel source, a
19 carburetor coupled to an intake of the engine to mix air and fuel and
20 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff
21 solenoid coupled to control fuel flow within the carburetor from the liquid
22 fuel line and selectively engage engine operation on liquid fuel, and a
23 gaseous fuel valve coupled to control fuel flow through the gaseous fuel
24 line and selectively engage engine operation on gaseous fuel, as called for
25 in claim 18 of U.S. Patent No. 10,393,034.

26 k. Dependent claim 19 by specifically including all the aforementioned
27 elements of claim 18 and, in addition, the gaseous fuel valve comprises a
28

1 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.
2 10,393,034.

3 Therefore, each of the foregoing Firman generator models listed in Paragraph 31(a)-(r)
4 infringes at least claims 1, 2, 5, 7-9, 11, 13, 14, 18, and 19 of U.S. Patent
5 No. 10,393,034.

6 **ANSWER: Firman denies the allegations of paragraph 32.**

7
8 33. Champion has also acquired and inspected the following Firman generator
9 models that Firman has been and is making, using, selling, or offering for sale within
10 the United States, or importing into the United States:

- 11 a. Model WH02942, a dual fuel inverter portable generator;
- 12 b. Model WH03041, a dual fuel inverter portable generator;
- 13 c. Model WH03042, a dual fuel inverter portable generator;
- 14 d. Model WH03242, a dual fuel inverter portable generator; and
- 15 e. Model WH03344, a dual fuel inverter portable generator.

16 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**
17 **United States, or imports into the United States, the models listed in paragraph**
18 **33(a) through 33(e). Firman lacks knowledge or information sufficient to form a**
19 **belief about the truth of the remaining allegations of paragraph 33.**

20
21 34. Upon acquisition, disassembly as needed, review of owner's manuals and
22 electrical schematics, and inspection, it was determined that each of the foregoing
23 Firman generator models includes all of the elements of at least claims 1, 2, 5-9, 11, 13,
24 14, 18, 19, and 24 of U.S. Patent No. 10,393,034. Each of the foregoing Firman
25 generator models infringes:

- 26 a. Independent claim 1 by specifically including a multi-fuel engine having
- 27 an engine operable on a liquid fuel and a gaseous fuel, a carburetor
- 28 attached to an intake of the engine to mix air and fuel and connect a liquid

1 fuel source to the intake, the carburetor comprising a float bowl, a liquid
2 cutoff solenoid coupled to the carburetor to open and close a liquid fuel
3 path to the engine downstream from the float bowl, a gaseous cutoff
4 coupled to open and close a gaseous fuel source to the engine, and a
5 switch selectively coupling a power source to the liquid cutoff solenoid to
6 open and close the liquid fuel path, as called for in claim 1 of U.S. Patent
7 No. 10,393,034.

8 b. Dependent claim 2 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, the liquid cutoff solenoid is
10 positioned on the liquid fuel path, which extends from the float bowl to a
11 throat of the carburetor, to open and close the liquid fuel path and the
12 gaseous cutoff solenoid couples the gaseous fuel source to the intake to
13 control flow of the gaseous fuel to the engine, as called for in claim 2 of
14 U.S. Patent No. 10,393,034.

15 c. Dependent claim 5 by specifically including all the aforementioned
16 elements of claim 1 and, in addition, the engine is a dual fuel engine that
17 operates on gasoline from the liquid fuel source and LPG from the
18 gaseous fuel source, as called for in claim 5 of U.S. Patent No.
19 10,393,034.

20 d. Dependent claim 6 by specifically including all the aforementioned
21 elements of claim 1 and, in addition, activating the gaseous cutoff
22 simultaneously activates the liquid cutoff solenoid, as called for in claim 6
23 of U.S. Patent No. 10,393,034.

24 e. Dependent claim 7 by specifically including all the aforementioned
25 elements of claim 1 and, in addition, the liquid cutoff solenoid is
26 selectively operable to cut off fuel flow from the float bowl to a nozzle in
27 a venturi of the carburetor upstream from a throttle for the engine, as
28 called for in claim 7 of U.S. Patent No. 10,393,034.

- 1 f. Dependent claim 8 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, the carburetor connects the gaseous
3 fuel source to the intake, as called for in claim 8 of U.S. Patent No.
4 10,393,034.
- 5 g. Dependent claim 9 by specifically including all the aforementioned
6 elements of claim 1 and, in addition, a liquid fuel valve positioned on a
7 liquid fuel line coupling the liquid fuel source to the carburetor to open
8 and close the liquid fuel source to the engine, as called for in claim 9 of
9 U.S. Patent No. 10,393,034.
- 10 h. Independent claim 11 by specifically including a multi-fuel generator and
11 fuel delivery system having a multi-fuel internal combustion engine
12 configured to operate on a liquid fuel supplied from a liquid fuel source
13 through a liquid fuel line and a gaseous fuel supplied from a pressurized
14 fuel source through a gaseous fuel line, an alternator driven by the multi-
15 fuel internal combustion engine, a fuel regulator system including a
16 primary pressure regulator coupled to a service valve of the pressurized
17 fuel source to regulate fuel supplied from the pressurized fuel source to a
18 reduced pressure and a secondary pressure regulator coupled to the
19 primary pressure regulator to regulate fuel supplied from the primary
20 pressure regulator to a desired pressure for delivery through the gaseous
21 fuel line to operate the engine, and an electro-mechanical valve system
22 coupled to the engine and operated by an electrical switch powered by one
23 of the alternator, a battery, and a magneto that controls fuel flow to the
24 engine from the liquid fuel source and the pressurized fuel source, as
25 called for in claim 11 of U.S. Patent No. 10,393,034.
- 26 i. Dependent claim 13 by specifically including all the aforementioned
27 elements of claim 11 and, in addition, the electro-mechanical valve system
28 is configured to prevent simultaneous delivery of the liquid fuel and the

1 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.
2 10,393,034.

3 j. Dependent claim 14 by specifically including all the aforementioned
4 elements of claim 11 and, in addition, the electro-mechanical valve system
5 has the electro-mechanical valve system and a gaseous fuel cutoff
6 solenoid coupled to the gaseous fuel line to control flow of the gaseous
7 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

8 k. Independent claim 18 by specifically including a multi-fuel internal
9 combustion engine having an engine operable on liquid fuel supplied
10 through a liquid fuel line from a liquid fuel source and gaseous fuel
11 supplied through a gaseous fuel line from a pressurized fuel source, a
12 carburetor coupled to an intake of the engine to mix air and fuel and
13 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff
14 solenoid coupled to control fuel flow within the carburetor from the liquid
15 fuel line and selectively engage engine operation on liquid fuel, and a
16 gaseous fuel valve coupled to control fuel flow through the gaseous fuel
17 line and selectively engage engine operation on gaseous fuel, as called for
18 in claim 18 of U.S. Patent No. 10,393,034.

19 l. Dependent claim 19 by specifically including all the aforementioned
20 elements of claim 18 and, in addition, the gaseous fuel valve comprises a
21 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.
22 10,393,034.

23 m. Dependent claim 24 by specifically including all the aforementioned
24 elements of claim 18 and, in addition, an alternator driven by the engine to
25 form a generator and a fuel regulator system located off-board the
26 generator and having a primary pressure regulator coupled to a service
27 valve of the pressurized fuel source to regulate the fuel supplied from the
28 pressurized fuel source to a reduced pressure and a secondary pressure

regulator coupled to the primary pressure regulator to regulate the gaseous fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine, as called for in claim 24 of U.S. Patent No. 10,393,034.

Therefore, each of the foregoing Firman generator models listed in Paragraph 33(a)-(e) infringes at least claims 1, 2, 5-9, 11, 13, 14, 18, 19, and 24 of U.S. Patent No. 10,393,034.

ANSWER: Firman denies the allegations of paragraph 34.

35. Upon information and belief, Firman has been and is now making, using, selling, or offering for sale within the United States, or importing into the United States, the following additional generator models:

- a. Model H03654, a dual fuel portable generator;
- b. Model H05754, a dual fuel portable generator;
- c. Model H07554, a dual fuel portable generator;
- d. Model H08052, a dual fuel portable generator; and
- e. Model T07571F, a refurbished tri fuel portable generator.

ANSWER: Firman denies the allegations of paragraph 35(c). Firman admits the remaining allegations of paragraph 35.

36. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraphs 31 and 33, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 5, 7-9, 11, 13, 14, 18 and 19 of U.S. Patent No. 10,393,034. Each of the foregoing Firman generator models infringes:

- 1 a. Independent claim 1 by specifically including a multi-fuel engine having
2 an engine operable on a liquid fuel, a carburetor attached to an intake of
3 the engine to mix air and fuel and connect a liquid fuel source to the
4 intake, the carburetor comprising a float bowl, a liquid cutoff solenoid
5 coupled to the carburetor to open and close a liquid fuel path to the engine
6 downstream from the float bowl, a gaseous cutoff coupled to open and
7 close a gaseous fuel source to the engine, and a switch selectively
8 coupling a power source to the liquid cutoff solenoid to open and close the
9 liquid fuel path as called for in claim 1 of U.S. Patent No. 10,393,034.
- 10 b. Dependent claim 2 by specifically including all the aforementioned
11 elements of claim 1 and, in addition, the liquid cutoff solenoid is
12 positioned on the liquid fuel path, which extends from the float bowl to a
13 throat of the carburetor, to open and close the liquid fuel path and the
14 gaseous cutoff solenoid couples the gaseous fuel source to the intake to
15 control flow of the gaseous fuel to the engine, as called for in claim 2 of
16 U.S. Patent No. 10,393,034.
- 17 c. Dependent claim 5 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, the engine is a dual fuel engine that
19 operates on gasoline from the liquid fuel source and LPG from the
20 gaseous fuel source, as called for in claim 5 of U.S. Patent No.
21 10,393,034.
- 22 d. Dependent claim 7 by specifically including all the aforementioned
23 elements of claim 1 and, in addition, the liquid cutoff solenoid is
24 selectively operable to cut off fuel flow from the float bowl to a nozzle in
25 a venturi of the carburetor upstream from a throttle for the engine, as
26 called for in claim 7 of U.S. Patent No. 10,393,034.
- 27 e. Dependent claim 8 by specifically including all the aforementioned
28 elements of claim 1 and, in addition, the carburetor connects the gaseous

1 fuel source to the intake, as called for in claim 8 of U.S. Patent No.
2 10,393,034.

3 f. Dependent claim 9 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, a liquid fuel valve positioned on a
5 liquid fuel line coupling the liquid fuel source to the carburetor to open
6 and close the liquid fuel source to the engine, as called for in claim 9 of
7 U.S. Patent No. 10,393,034.

8 g. Independent claim 11 by specifically including a multi-fuel generator and
9 fuel delivery system having a multi-fuel internal combustion engine
10 configured to operate on a liquid fuel supplied from a liquid fuel source
11 through a liquid fuel line and a gaseous fuel supplied from a pressurized
12 fuel source through a gaseous fuel line, an alternator driven by the multi-
13 fuel internal combustion engine, a fuel regulator system including a
14 primary pressure regulator coupled to a service valve of the pressurized
15 fuel source to regulate fuel supplied from the pressurized fuel source to a
16 reduced pressure and a secondary pressure regulator coupled to the
17 primary pressure regulator to regulate fuel supplied from the primary
18 pressure regulator to a desired pressure for delivery through the gaseous
19 fuel line to operate the engine, and an electro-mechanical valve system
20 coupled to the engine and operated by an electrical switch powered by one
21 of the alternator, a battery, and a magneto that controls fuel flow to the
22 engine from the liquid fuel source and the pressurized fuel source, as
23 called for in claim 11 of U.S. Patent No. 10,393,034.

24 h. Dependent claim 13 by specifically including all the aforementioned
25 elements of claim 11 and, in addition, the electro-mechanical valve system
26 is configured to prevent simultaneous delivery of the liquid fuel and the
27 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.
28 10,393,034.

1 i. Dependent claim 14 by specifically including all the aforementioned
 2 elements of claim 11 and, in addition, the electro-mechanical valve system
 3 has the electro-mechanical valve system and a gaseous fuel cutoff
 4 solenoid coupled to the gaseous fuel line to control flow of the gaseous
 5 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

6 j. Independent claim 18 by specifically including a multi-fuel internal
 7 combustion engine having an engine operable on liquid fuel supplied
 8 through a liquid fuel line from a liquid fuel source and gaseous fuel
 9 supplied through a gaseous fuel line from a pressurized fuel source, a
 10 carburetor coupled to an intake of the engine to mix air and fuel and
 11 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff
 12 solenoid coupled to control fuel flow within the carburetor from the liquid
 13 fuel line and selectively engage engine operation on liquid fuel, and a
 14 gaseous fuel valve coupled to control fuel flow through the gaseous fuel
 15 line and selectively engage engine operation on gaseous fuel, as called for
 16 in claim 18 of U.S. Patent No. 10,393,034.

17 k. Dependent claim 19 by specifically including all the aforementioned
 18 elements of claim 18 and, in addition, the gaseous fuel valve comprises a
 19 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.
 20 10,393,034.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 35(a)-(e)
 22 infringes at least claims 1, 2, 5, 7-9, 11, 13, 14, 18, and 19 of U.S. Patent
 23 No. 10,393,034.

24 **ANSWER: Firman denies the allegations of paragraph 36.**

25
 26 37. Upon information and belief, Firman has been and is now making, using,
 27 selling, or offering for sale within the United States, or importing into the United States,
 28 the following additional generator models:

- 1 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 2 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 3 and
- 4 c. Model WH03342, a dual fuel inverter portable generator.

5 **ANSWER: Firman admits the allegations of paragraph 37.**

6

7 38. Upon review of images, owner's manuals, and electrical schematics of the

8 foregoing Firman generator models and comparisons of the images, owner's manuals,

9 and electrical schematics of the foregoing Firman generator models to those of the

10 Firman generator models listed in Paragraphs 31 and 33, it was determined that each of

11 the foregoing Firman generator models includes all of the elements of at least claims 1,

12 2, 5-9, 11, 13, 14, 18, 19, and 24 of U.S. Patent No. 10,393,034. Each of the foregoing

13 Firman generator models infringes:

- 14 a. Independent claim 1 by specifically including a multi-fuel engine having
- 15 an engine operable on a liquid fuel and a gaseous fuel, a carburetor
- 16 attached to an intake of the engine to mix air and fuel and connect a liquid
- 17 fuel source to the intake, the carburetor comprising a float bowl, a liquid
- 18 cutoff solenoid coupled to the carburetor to open and close a liquid fuel
- 19 path to the engine downstream from the float bowl, a gaseous cutoff
- 20 coupled to open and close a gaseous fuel source to the engine, and a
- 21 switch selectively coupling a power source to the liquid cutoff solenoid to
- 22 open and close the liquid fuel path, as called for in claim 1 of U.S. Patent
- 23 No. 10,393,034.
- 24 b. Dependent claim 2 by specifically including all the aforementioned
- 25 elements of claim 1 and, in addition, the liquid cutoff solenoid is
- 26 positioned on the liquid fuel path, which extends from the float bowl to a
- 27 throat of the carburetor, to open and close the liquid fuel path and the
- 28 gaseous cutoff solenoid couples the gaseous fuel source to the intake to

1 control flow of the gaseous fuel to the engine, as called for in claim 2 of
2 U.S. Patent No. 10,393,034.

3 c. Dependent claim 5 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, the engine is a dual fuel engine that
5 operates on gasoline from the liquid fuel source and LPG from the
6 gaseous fuel source, as called for in claim 5 of U.S. Patent No.
7 10,393,034.

8 d. Dependent claim 6 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, activating the gaseous cutoff
10 simultaneously activates the liquid cutoff solenoid, as called for in claim 6
11 of U.S. Patent No. 10,393,034.

12 e. Dependent claim 7 by specifically including all the aforementioned
13 elements of claim 1 and, in addition, the liquid cutoff solenoid is
14 selectively operable to cut off fuel flow from the float bowl to a nozzle in
15 a venturi of the carburetor upstream from a throttle for the engine, as
16 called for in claim 7 of U.S. Patent No. 10,393,034.

17 f. Dependent claim 8 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, the carburetor connects the gaseous
19 fuel source to the intake, as called for in claim 8 of U.S. Patent No.
20 10,393,034.

21 g. Dependent claim 9 by specifically including all the aforementioned
22 elements of claim 1 and, in addition, a liquid fuel valve positioned on a
23 liquid fuel line coupling the liquid fuel source to the carburetor to open
24 and close the liquid fuel source to the engine, as called for in claim 9 of
25 U.S. Patent No. 10,393,034.

26 h. Independent claim 11 by specifically including a multi-fuel generator and
27 fuel delivery system having a multi-fuel internal combustion engine
28 configured to operate on a liquid fuel supplied from a liquid fuel source

1 through a liquid fuel line and a gaseous fuel supplied from a pressurized
2 fuel source through a gaseous fuel line, an alternator driven by the multi-
3 fuel internal combustion engine, a fuel regulator system including a
4 primary pressure regulator coupled to a service valve of the pressurized
5 fuel source to regulate fuel supplied from the pressurized fuel source to a
6 reduced pressure and a secondary pressure regulator coupled to the
7 primary pressure regulator to regulate fuel supplied from the primary
8 pressure regulator to a desired pressure for delivery through the gaseous
9 fuel line to operate the engine, and an electro-mechanical valve system
10 coupled to the engine and operated by an electrical switch powered by one
11 of the alternator, a battery, and a magneto that controls fuel flow to the
12 engine from the liquid fuel source and the pressurized fuel source, as
13 called for in claim 11 of U.S. Patent No. 10,393,034.

14 i. Dependent claim 13 by specifically including all the aforementioned
15 elements of claim 11 and, in addition, the electro-mechanical valve system
16 is configured to prevent simultaneous delivery of the liquid fuel and the
17 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.
18 10,393,034.

19 j. Dependent claim 14 by specifically including all the aforementioned
20 elements of claim 11 and, in addition, the electro-mechanical valve system
21 has the electro-mechanical valve system and a gaseous fuel cutoff
22 solenoid coupled to the gaseous fuel line to control flow of the gaseous
23 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

24 k. Independent claim 18 by specifically including a multi-fuel internal
25 combustion engine having an engine operable on liquid fuel supplied
26 through a liquid fuel line from a liquid fuel source and gaseous fuel
27 supplied through a gaseous fuel line from a pressurized fuel source, a
28 carburetor coupled to an intake of the engine to mix air and fuel and

connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff solenoid coupled to control fuel flow within the carburetor from the liquid fuel line and selectively engage engine operation on liquid fuel, and a gaseous fuel valve coupled to control fuel flow through the gaseous fuel line and selectively engage engine operation on gaseous fuel, as called for in claim 18 of U.S. Patent No. 10,393,034.

l. Dependent claim 19 by specifically including all the aforementioned elements of claim 18 and, in addition, the gaseous fuel valve comprises a gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No. 10,393,034.

m. Dependent claim 24 by specifically including all the aforementioned elements of claim 18 and, in addition, an alternator driven by the engine to form a generator and a fuel regulator system located off-board the generator and having a primary pressure regulator coupled to a service valve of the pressurized fuel source to regulate the fuel supplied from the pressurized fuel source to a reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator to regulate the gaseous fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine, as called for in claim 24 of U.S. Patent No. 10,393,034.

Therefore, each of the foregoing Firman generator models listed in Paragraph 37(a)-(c) infringes at least claims 1, 2, 5-9, 11, 13, 14, 18, 19, and 24 of U.S. Patent No. 10,393,034.

ANSWER: Firman denies the allegations of paragraph 38.

39. Champion has no adequate remedy at law against Firman's acts of infringement and will suffer irreparable harm unless Firman is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 10,393,034.

1 **ANSWER: Firman denies the allegations of paragraph 39.**

2
3 40. Upon information and belief, Firman's infringement has been willful,
4 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 10,393,034.

5 **ANSWER: Firman denies the allegations of paragraph 40.**

6
7 41. Firman, by way of its infringing activity, has caused and continues to
8 cause Champion to suffer damages in an amount to be determined at trial.

9 **ANSWER: Firman denies the allegations of paragraph 41.**

10
11 **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 10,598,101**

12 42. Paragraphs 1 through 41 are incorporated by reference as if fully set forth
13 herein.

14 **ANSWER: Firman repeats its responses to paragraphs 1 through 41 as if**
15 **fully set forth here.**

16
17 43. U.S. Patent No. 10,598,101 is titled "DUAL FUEL SELECTOR
18 SWITCH." U.S. Patent No. 10,598,101 was duly and legally issued on March 24, 2020.
19 A true and correct copy of U.S. Patent No. 10,598,101 is attached as Exhibit C.

20 **ANSWER: Firman admits that U.S. Patent No. 10,598,101 is titled "DUAL**
21 **FUEL SELECTOR SWITCH" and lists the issuance date on the face of the patent**
22 **as March 24, 2020. Firman admits that what purports to be a copy of the '101**
23 **patent is attached as Exhibit C. The remaining allegations of paragraph 43 are**
24 **denied.**

25
26 44. Champion is the lawful assignee of the entire right, title, and interest in
27 and to U.S. Patent No. 10,598,101 and possesses all rights of recovery under the patent,
28 including the right to recover damages for past infringement.

ANSWER: Firman lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 44.

45. Champion has acquired and inspected the following Firman generator models that Firman has been and is making, using, selling, or offering for sale within the United States, or importing into the United States:

- a. Model H03651, a dual fuel portable generator;
- b. Model H03652, a dual fuel portable generator;
- c. Model H05751, a dual fuel portable generator;
- d. Model H05752, a dual fuel portable generator;
- e. Model H05753, a dual fuel portable generator;
- f. Model H07552, a dual fuel portable generator;
- g. Model H07553, a dual fuel portable generator;
- h. Model H08051, a dual fuel portable generator;
- i. Model H08053, a dual fuel portable generator;
- j. Model T04073, a tri fuel portable generator;
- k. Model T07571, a tri fuel portable generator;
- l. Model T07573, a tri fuel portable generator;
- m. Model T08071, a tri fuel portable generator;
- n. Model T08072, a tri fuel portable generator;
- o. Model T09275, a tri fuel portable generator;
- p. Model T09371, a tri fuel portable generator;
- q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and
- r. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph

1 **45(a) through 45(r). Firman lacks knowledge or information sufficient to form a**
 2 **belief about the truth of the remaining allegations of paragraph 45.**

3
 4 46. Upon acquisition, disassembly as needed, review of owner's manuals and
 5 electrical schematics, and inspection, it was determined that each of the foregoing
 6 Firman generator models includes all of the elements of at least claim 18 of U.S. Patent
 7 No. 10,598,101. Each of the foregoing Firman generator models infringes independent
 8 claim 18 by specifically including a fuel selector for use with a dual fuel generator, the
 9 fuel selector having a valve assembly fluidly connected to each of a first fuel source and
 10 a second fuel source, being operable to selectively control a first fuel flow and a second
 11 fuel flow from the first fuel source and the second fuel source, respectively, to an engine
 12 of the dual fuel generator, and including two fuel inputs, with a first fuel input
 13 connected to the first fuel source, and a second fuel input connected to the second fuel
 14 source, two fuel outputs supplying fuel from only one of the first fuel source or the
 15 second fuel source, a first fuel valve having open and closed positions to selectively
 16 control the first fuel flow to the engine, and a second fuel valve having open and closed
 17 positions to selectively control the second fuel flow to the engine, and a selector switch
 18 positioned on the valve assembly to allow a user to manually select one of the first fuel
 19 flow and the second fuel flow, as called for in claim 18 of U.S. Patent No. 10,598,101.
 20 Therefore, each of the foregoing Firman generator models listed in Paragraph 45(a)-(r)
 21 infringes at least claim 18 of U.S. Patent No. 10,598,101.

22 **ANSWER: Firman denies the allegations of paragraph 46.**

23
 24 47. Champion has also acquired and inspected the following Firman generator
 25 models that Firman has been and is making, using, selling, or offering for sale within
 26 the United States, or importing into the United States:

- 27 a. Model WH02942, a dual fuel inverter portable generator;
- 28 b. Model WH03041, a dual fuel inverter portable generator;

- c. Model WH03042, a dual fuel inverter portable generator;
- d. Model WH03242, a dual fuel inverter portable generator; and
- e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 47(a) through 47(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 47.

48. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 17 and 18 of U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models infringes:

- a. Independent claim 17 by specifically including a fuel selector of a dual fuel generator having a valve assembly positioned on or adjacent the selector switch and fluidly connected to each of a first fuel source and a second fuel source, the valve assembly being operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator; a selector switch with a first fuel mode and a second fuel mode; a solenoid switch having open and closed positions; and a fuel solenoid having open and closed positions; wherein, when the selector switch is in the first fuel mode, the solenoid switch and the fuel solenoid are in the closed positions and, when the selector switch is in the second fuel mode, the solenoid switch and the fuel solenoid are in the open positions, wherein the selector switch triggers the solenoid switch when changed from the second fuel mode to the first fuel mode, so as to cause the solenoid switch and the fuel solenoid to operate in the closed positions, and wherein positioning of the selector switch in the first fuel mode and

1 the second fuel mode enables a selection of one of the first fuel flow and
 2 the second fuel flow as called for in claim 17 of U.S. Patent
 3 No. 10,598,101.

- 4 b. Independent claim 18 specifically including a fuel selector for use with a
 5 dual fuel generator, the fuel selector having a valve assembly fluidly
 6 connected to each of a first fuel source and a second fuel source, being
 7 operable to selectively control a first fuel flow and a second fuel flow
 8 from the first fuel source and the second fuel source, respectively, to an
 9 engine of the dual fuel generator, and including two fuel inputs, with a
 10 first fuel input connected to the first fuel source, and a second fuel input
 11 connected to the second fuel source, two fuel outputs supplying fuel from
 12 only one of the first fuel source or the second fuel source, a first fuel valve
 13 having open and closed positions to selectively control the first fuel flow
 14 to the engine; and a second fuel valve having open and closed positions to
 15 selectively control the second fuel flow to the engine; and a selector
 16 switch positioned on the valve assembly to allow a user to manually select
 17 one of the first fuel flow and the second fuel flow, as called for in claim
 18 18 of U.S. Patent No. 10,598,101.

19 Therefore, each of the foregoing Firman generator models listed in Paragraph 47(a)-(e)
 20 infringes at least claims 17 and 18 of U.S. Patent No. 10,598,101.

21 **ANSWER: Firman denies the allegations of paragraph 48.**

22
 23 49. Upon information and belief, Firman has been and is now making, using,
 24 selling, or offering for sale within the United States, or importing into the United States,
 25 the following additional generator models:

- 26 a. Model H03654, a dual fuel portable generator;
 27 b. Model H05754, a dual fuel portable generator;
 28 c. Model H07554, a dual fuel portable generator;

- d. Model H08052, a dual fuel portable generator; and
- e. Model T07571F, a refurbished tri fuel portable generator.

ANSWER: Firman denies the allegations of paragraph 49(c). Firman admits the remaining allegations of paragraph 49.

50. Upon review of images, owner's manuals, and electrical schematics of the foregoing Finnan generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraphs 45 and 47 it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 18 of U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models infringes independent claim 18 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector having a valve assembly fluidly connected to each of a first fuel source and a second fuel source, being operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator, and including two fuel inputs, with a first fuel input connected to the first fuel source, and a second fuel input connected to the second fuel source, two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine; and a selector switch positioned on the valve assembly to allow a user to manually select one of the first fuel flow and the second fuel flow, as called for in claim 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing Firman generator models listed in Paragraph 49(a)-(e) infringes at least claim 18 of U.S. Patent No. 10,598,101.

ANSWER: Firman denies the allegations of paragraph 50.

1 51. Upon information and belief, Firman also has been and is now making,
 2 using, selling, or offering for sale within the United States, or importing into the United
 3 States, the following additional generator models:

- 4 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 5 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 6 and
- 7 c. Model WH03342, a dual fuel inverter portable generator.

8 **ANSWER: Firman admits the allegations of Paragraph 51.**

9
 10 52. Upon review of images, owner's manuals, and electrical schematics of the
 11 foregoing Firman generator models and comparisons of the images, owner's manuals,
 12 and electrical schematics of the foregoing Firman generator models to those of the
 13 Firman generator models listed in Paragraphs 45 and 47, it was determined that each of
 14 the foregoing Firman generator models includes all of the elements of at least claims 17
 15 and 18 of U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models
 16 infringes:

- 17 a. Independent claim 17 by specifically including a fuel selector of a dual
 18 fuel generator having a valve assembly positioned on or adjacent the
 19 selector switch and fluidly connected to each of a first fuel source and a
 20 second fuel source, the valve assembly being operable to selectively
 21 control a first fuel flow and a second fuel flow from the first fuel source
 22 and the second fuel source, respectively, to an engine of the dual fuel
 23 generator; a selector switch with a first fuel mode and a second fuel
 24 model; a solenoid switch having open and closed positions; and a fuel
 25 solenoid having open and closed positions; wherein, when the selector
 26 switch is in the first fuel mode, the solenoid switch and the fuel solenoid
 27 are in the closed positions and, when the selector switch is in the second
 28 fuel mode, the solenoid switch and the fuel solenoid are in the open

1 positions, wherein the selector switch triggers the solenoid switch when
2 changed from the second fuel mode to the first fuel mode, so as to cause
3 the solenoid switch and the fuel solenoid to operate in the closed
4 positions, and wherein positioning of the selector switch in the first fuel
5 mode and the second fuel mode enables a selection of one of the first fuel
6 flow and the second fuel flow as called for in claim 17 of U.S. Patent
7 No. 10,598,101.

8 b. Independent claim 18 by specifically including a fuel selector for use with
9 a dual fuel generator, the fuel selector having a valve assembly fluidly
10 connected to each of a first fuel source and a second fuel source, being
11 operable to selectively control a first fuel flow and a second fuel flow
12 from the first fuel source and the second fuel source, respectively, to an
13 engine of the dual fuel generator, and including two fuel inputs, with a
14 first fuel input connected to the first fuel source, and a second fuel input
15 connected to the second fuel source, two fuel outputs supplying fuel from
16 only one of the first fuel source or the second fuel source, a first fuel valve
17 having open and closed positions to selectively control the first fuel flow
18 to the engine, and a second fuel valve having open and closed positions to
19 selectively control the second fuel flow to the engine; and a selector
20 switch positioned on the valve assembly to allow a user to manually select
21 one of the first fuel flow and the second fuel flow, as called for in claim
22 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing
23 Firman generator models infringes at least claims 17 and 18 of U.S. Patent
24 No. 10,598,101. Therefore, each of the foregoing Firman generator
25 models listed in Paragraph 51(a)-(c) infringes at least claims 17 and 18 of
26 U.S. Patent No. 10,598,101.

27 Therefore, each of the foregoing Firman generator models listed in Paragraph 51(a)-(c)
28 infringes at least claims 17 and 18 of U.S. Patent No. 10,598,101.

1 **ANSWER: Firman denies the allegations of paragraph 52.**

2
3 53. Champion has no adequate remedy at law against Firman's acts of
4 infringement and will suffer irreparable harm unless Firman is preliminarily and
5 permanently enjoined from its infringement of U.S. Patent No. 10,598,101.

6 **ANSWER: Firman denies the allegations of paragraph 53.**

7
8 54. Upon information and belief, Firman's infringement has been willful,
9 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 10,598,101.

10 **ANSWER: Firman denies the allegations of paragraph 54.**

11
12 55. Firman, by way of its infringing activity, has caused and continues to
13 cause Champion to suffer damages in an amount to be determined at trial.

14 **ANSWER: Firman denies the allegations of paragraph 55.**

15
16 **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 10,697,398**

17 56. Paragraphs 1 through 55 are incorporated by reference as if fully set forth
18 herein.

19 **ANSWER: Firman repeats its responses to paragraphs 1 through 55 as if**
20 **fully set forth herein.**

21
22 57. U.S. Patent No. 10,697,398 is titled "BATTERYLESS DUAL FUEL
23 ENGINE WITH LIQUID FUEL CUT-OFF." U.S. Patent No. 10,697,398 was duly and
24 legally issued on June 30, 2020. A true and correct copy of U.S. Patent No. 10,697,398
25 is attached as Exhibit D.

26 **ANSWER: Firman admits that U.S. Patent No. 10,697,398 is titled**
27 **"BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF" and**
28 **lists the issuance date on the face of the patent as June 30, 2020. Firman admits**

1 that what purports to be a copy of the '398 patent is attached as Exhibit D. The
2 remaining allegations of paragraph 57 are denied.

3
4 58. Champion is the lawful assignee of the entire right, title, and interest in
5 and to U.S. Patent No. 10,697,398 and possesses all rights of recovery under the patent,
6 including the right to recover damages for past infringement.

7 **ANSWER: Firman lacks knowledge or information sufficient to form a**
8 **belief about the truth of the allegations of paragraph 58.**

9
10 59. Champion has acquired and inspected the following Firman generator
11 models that Firman has been and is making, using, selling, or offering for sale within
12 the United States, or importing into the United States:

- 13 a. Model H03651, a dual fuel portable generator;
- 14 b. Model H03652, a dual fuel portable generator;
- 15 c. Model H05751, a dual fuel portable generator;
- 16 d. Model H05752, a dual fuel portable generator;
- 17 e. Model H05753, a dual fuel portable generator;
- 18 f. Model H07552, a dual fuel portable generator;
- 19 g. Model H07553, a dual fuel portable generator;
- 20 h. Model H08051, a dual fuel portable generator;
- 21 i. Model H08053, a dual fuel portable generator;
- 22 j. Model T04073, a tri fuel portable generator;
- 23 k. Model T07571, a tri fuel portable generator;
- 24 l. Model T07573, a tri fuel portable generator;
- 25 m. Model T08071, a tri fuel portable generator;
- 26 n. Model T08072, a tri fuel portable generator;
- 27 o. Model T09275, a tri fuel portable generator;
- 28 p. Model T09371, a tri fuel portable generator;

- 1 q. Model WH03562OF, a dual fuel open frame inverter portable generator;
2 and
3 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

4 **ANSWER: Firman admits it makes, uses, sells, or offers for sales within the**
5 **United States, or imports into the United States, the models listed in paragraph**
6 **59(a) through 59(r). Firman lacks knowledge or information sufficient to form a**
7 **belief about the truth of the remaining allegations of paragraph 59.**

8
9 60. Upon acquisition, disassembly as needed, review of owner's manuals and
10 electrical schematics, and inspection, it was determined that each of the foregoing
11 Firman generator models includes all of the elements of at least claims 1, 3-7, 10, 22,
12 and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman generator models
13 infringes:

- 14 a. Independent claim 1 by specifically including a dual fuel engine having an
15 engine operable on a gaseous fuel and a liquid fuel, a switch to change
16 operation of an engine between gaseous fuel and liquid fuel, a carburetor
17 attached to an intake of the engine mix air and fuel and connect to a
18 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned
19 along a liquid fuel line coupling a liquid fuel source to a carburetor, a
20 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous
21 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the
22 carburetor to interrupt liquid fuel upon actuation of the switch from liquid
23 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.
- 24 b. Dependent claim 3 by specifically including all the aforementioned
25 elements of claim 1 and, in addition, the gaseous fuel is LPG and the
26 liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.
27 10,697,398.

- 1 c. Dependent claim 4 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, the engine is a pull-start engine
3 having an electrical power generator to supply electrical power, as called
4 for in claim 4 of U.S. Patent No. 10,697,398.
- 5 d. Dependent claim 5 by specifically including all the aforementioned
6 elements of claim 4 and, in addition, the switch is an electro-mechanical
7 switch connecting one fuel source to the carburetor and connected to the
8 electrical power generator and the liquid fuel cut-off is a solenoid
9 connected to open and close a fuel path to the pull-start engine in response
10 to reception of electrical power from the switch, as called for in claim 5 of
11 U.S. Patent No. 10,697,398.
- 12 e. Dependent claim 6 by specifically including all the aforementioned
13 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid
14 valve that operates within the carburetor to control liquid fuel flow to the
15 engine and is powered by the electrical power generator, as called for in
16 claim 6 of U.S. Patent No. 10,697,398.
- 17 f. Dependent claim 7 by specifically including all the aforementioned
18 elements of claim 6 and, in addition, the switch selectively powers the
19 solenoid valve by controlling electrical connection between the solenoid
20 valve and the electrical power generator, as called for in claim 7 of U.S.
21 Patent No. 10,697,398.
- 22 g. Dependent claim 10 by specifically including all the aforementioned
23 elements of claim 6 and, in addition, the electrical power generator
24 comprises a magneto or an alternator coupled to a voltage regulator to
25 provide a regulated voltage to the solenoid valve, as called for in claim 10
26 of U.S. Patent No. 10,697,398.
- 27 h. Dependent claim 22 by specifically including all the aforementioned
28 elements of claim 1 and, in addition, the liquid fuel cut-off is physically

1 attached to an outer surface of the carburetor, as called for in claim 22 of
2 U.S. Patent No. 10,697,398.

- 3 i. Independent claim 57 by specifically including a dual fuel engine, the dual
4 fuel engine being assembled by providing an engine operable on a
5 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the
6 engine, the carburetor having a throat to mix gaseous fuel with air and
7 liquid fuel with air, a float bowl, and a fuel passage extending from the
8 float bowl to the throat to provide liquid fuel; coupling a switch to an
9 engine to change operation of the engine between gaseous fuel and liquid
10 fuel and attaching a liquid fuel cut-off to a carburetor to close a fuel
11 passage extending from a float bowl of the carburetor to a throat to the
12 carburetor to provide liquid fuel upon actuation of the switch from liquid
13 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.

14 Therefore, each of the foregoing Firman generator models listed in Paragraph 59(a)-(r)
15 infringes at least claims 1, 3-7, 10, 22, and 57 of U.S. Patent No. 10,697,398.

16 **ANSWER: Firman denies the allegations of paragraph 60.**

17
18 61. Champion has also acquired and inspected the following Firman generator
19 models that Firman has been and is making, using, selling, or offering for sale within
20 the United States, or importing into the United States:

- 21 a. Model WH02942, a dual fuel inverter portable generator;
22 b. Model WH03041, a dual fuel inverter portable generator;
23 c. Model WH03042, a dual fuel inverter portable generator;
24 d. Model WH03242, a dual fuel inverter portable generator; and
25 e. Model WH03344, a dual fuel inverter portable generator.

26 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**
27 **United States, or imports into the United States, the models listed in paragraph**
28

61(a) through 61(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 61.

62. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 3-10, 22, and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a dual fuel engine having an engine operable on a gaseous fuel and a liquid fuel, a switch to change operation of an engine between gaseous fuel and liquid fuel, a carburetor attached to an intake of the engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned along a liquid fuel line coupling a liquid fuel source to a carburetor, a gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous fuel source to the carburetor, and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.
- b. Dependent claim 3 by specifically including all the aforementioned elements of claim 1 and, in addition, the gaseous fuel is LPG and the liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No. 10,697,398.
- c. Dependent claim 4 by specifically including all the aforementioned elements of claim 1 and, in addition, the engine is a pull-start engine having an electrical power generator to supply electrical power, as called for in claim 4 of U.S. Patent No. 10,697,398.
- d. Dependent claim 5 by specifically including all the aforementioned elements of claim 4 and, in addition, the switch is an electro-mechanical

1 switch connecting one fuel source to the carburetor and connected to the
2 electrical power generator and the liquid fuel cut-off is a solenoid
3 connected to open and close a fuel path to the pull-start engine in response
4 to reception of electrical power from the switch, as called for in claim 5 of
5 U.S. Patent No. 10,697,398.

6 e. Dependent claim 6 by specifically including all the aforementioned
7 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid
8 valve that operates within the carburetor to control liquid fuel flow to the
9 engine and is powered by the electrical power generator, as called for in
10 claim 6 of U.S. Patent No. 10,697,398.

11 f. Dependent claim 7 by specifically including all the aforementioned
12 elements of claim 6 and, in addition, the switch selectively powers the
13 solenoid valve by controlling electrical connection between the solenoid
14 valve and the electrical power generator, as called for in claim 7 of U.S.
15 Patent No. 10,697,398.

16 g. Dependent claim 8 by specifically including all the aforementioned
17 elements of claim 6 and, in addition, the solenoid valve is normally open
18 to provide liquid fuel to the engine when the solenoid valve is unpowered,
19 as called for in claim 8 of U.S. Patent No. 10,697,398.

20 h. Dependent claim 9 by specifically including all the aforementioned
21 elements of claim 8 and, in addition, a pull-starter drives the electrical
22 power generator to power and close the solenoid valve while starting the
23 engine on gaseous fuel, as called for in claim 9 of U.S. Patent No.
24 10,697,398.

25 i. Dependent claim 10 by specifically including all the aforementioned
26 elements of claim 6 and, in addition, the electrical power generator
27 comprises a magneto or an alternator coupled to a voltage regulator to
28

1 provide a regulated voltage to the solenoid valve, as called for in claim 10
2 of U.S. Patent No. 10,697,398.

3 j. Dependent claim 22 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, the liquid fuel cut-off is physically
5 attached to an outer surface of the carburetor, as called for in claim 22 of
6 U.S. Patent No. 10,697,398.

7 k. Independent claim 57 by specifically including a dual fuel engine, the dual
8 fuel engine being assembled by providing an engine operable on a
9 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the
10 engine, the carburetor having a throat to mix gaseous fuel with air and
11 liquid fuel with air, a float bowl, and a fuel passage extending from the
12 float bowl to the throat to provide liquid fuel; coupling a switch to an
13 engine to change operation of the engine between gaseous fuel and liquid
14 fuel; and attaching a liquid fuel cut-off to a carburetor to close a fuel
15 passage extending from a float bowl of the carburetor to a throat to the
16 carburetor to provide liquid fuel upon actuation of the switch from liquid
17 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.

18 Therefore, each of the foregoing Firman generator models listed in Paragraph 61(a)-(e)
19 infringes at least claims 1, 3-10, 22, and 57 of U.S. Patent No. 10,697,398.

20 **ANSWER: Firman denies the allegations of paragraph 62.**

21
22 63. Upon information and belief, Firman has been and is now making, using,
23 selling, or offering for sale within the United States, or importing into the United States,
24 the following additional generator models:

- 25 a. Model H03654, a dual fuel portable generator;
- 26 b. Model H05754, a dual fuel portable generator;
- 27 c. Model H07554, a dual fuel portable generator;
- 28 d. Model H08052, a dual fuel portable generator; and

1 e. Model T07571F, a refurbished tri fuel portable generator.

2 **ANSWER: Firman denies the allegations of paragraph 63(c). Firman**
3 **admits the remaining allegations of paragraph 63.**

4
5 64. Upon review of images, owner's manuals, and electrical schematics of the
6 foregoing Firman generator models and comparisons of the images, owner's manuals,
7 and electrical schematics of the foregoing Firman generator models to those of the
8 Firman generator models listed in Paragraphs 59 and 61, it was determined that each of
9 the foregoing Firman generator models includes all of the elements of at least claims 1,
10 3-7, 10, 22, and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman
11 generator models infringes:

12 a. Independent claim 1 by specifically including a dual fuel engine having an
13 engine operable on a gaseous fuel and a liquid fuel, a switch to change
14 operation of an engine between gaseous fuel and liquid fuel, a carburetor
15 attached to an intake of the engine to mix air and fuel and connect to a
16 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned
17 along a liquid fuel line coupling a liquid fuel source to a carburetor, a
18 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous
19 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the
20 carburetor to interrupt liquid fuel upon actuation of the switch from liquid
21 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.

22 b. Dependent claim 3 by specifically including all the aforementioned
23 elements of claim 1 and, in addition, the gaseous fuel is LPG and the
24 liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.
25 10,697,398.

26 c. Dependent claim 4 by specifically including all the aforementioned
27 elements of claim 1 and, in addition, the engine is a pull-start engine
28

1 having an electrical power generator to supply electrical power, as called
2 for in claim 4 of U.S. Patent No. 10,697,398.

3 d. Dependent claim 5 by specifically including all the aforementioned
4 elements of claim 4 and, in addition, the switch is an electro-mechanical
5 switch connecting one fuel source to the carburetor and connected to the
6 electrical power generator and the liquid fuel cut-off is a solenoid
7 connected to open and close a fuel path to the pull-start engine in response
8 to reception of electrical power from the switch, as called for in claim 5 of
9 U.S. Patent No. 10,697,398.

10 e. Dependent claim 6 by specifically including all the aforementioned
11 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid
12 valve that operates within the carburetor to control liquid fuel flow to the
13 engine and is powered by the electrical power generator, as called for in
14 claim 6 of U.S. Patent No. 10,697,398.

15 f. Dependent claim 7 by specifically including all the aforementioned
16 elements of claim 6 and, in addition, the switch selectively powers the
17 solenoid valve by controlling electrical connection between the solenoid
18 valve and the electrical power generator, as called for in claim 7 of U.S.
19 Patent No. 10,697,398.

20 g. Dependent claim 10 by specifically including all the aforementioned
21 elements of claim 6 and, in addition, the electrical power generator
22 comprises a magneto or an alternator coupled to a voltage regulator to
23 provide a regulated voltage to the solenoid valve, as called for in claim 10
24 of U.S. Patent No. 10,697,398.

25 h. Dependent claim 22 by specifically including all the aforementioned
26 elements of claim 1 and, in addition, the liquid fuel cut-off is physically
27 attached to an outer surface of the carburetor, as called for in claim 22 of
28 U.S. Patent No. 10,697,398.

- 1 i. Independent claim 57 by specifically including a dual fuel engine, the dual
2 fuel engine being assembled by providing an engine operable on a
3 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the
4 engine, the carburetor having a throat to mix gaseous fuel with air and
5 liquid fuel with air, a float bowl, and a fuel passage extending from the
6 float bowl to the throat to provide liquid fuel; coupling a switch to an
7 engine to change operation of the engine between gaseous fuel and liquid
8 fuel; and attaching a liquid fuel cut-off to a carburetor to close a fuel
9 passage extending from a float bowl of the carburetor to a throat to the
10 carburetor to provide liquid fuel upon actuation of the switch from liquid
11 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.

12 Therefore, each of the foregoing Firman generator models listed in Paragraph 63(a)-(e)
13 infringes at least claims 1, 3-7, 10, 22, and 57 of U.S. Patent No. 10,697,398.

14 **ANSWER: Firman denies the allegations of paragraph 64.**

15
16 65. Upon information and belief, Firman has been and is now making, using,
17 selling, or offering for sale within the United States, or importing into the United States,
18 the following additional generator models:

- 19 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
20 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
21 and
22 c. Model WH03342, a dual fuel inverter portable generator.

23 **ANSWER: Firman admits the allegations of paragraph 65.**

24
25 66. Upon review of images, owner's manuals, and electrical schematics of the
26 foregoing Firman generator models and comparisons of the images, owner's manuals,
27 and electrical schematics of the foregoing Firman generator models to those of the
28 Firman generator models listed in Paragraphs 59 and 61, it was determined that each of

1 the foregoing Firman generator models includes all of the elements of at least claims 1,
2 3-10, 22, and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman
3 generator models infringes:

- 4 a. Independent claim 1 by specifically including a dual fuel engine having an
5 engine operable on a gaseous fuel and a liquid fuel, a switch to change
6 operation of an engine between gaseous fuel and liquid fuel, a carburetor
7 attached to an intake of the engine to mix air and fuel and connect to a
8 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned
9 along a liquid fuel line coupling a liquid fuel source to a carburetor, a
10 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous
11 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the
12 carburetor to interrupt liquid fuel upon actuation of the switch from liquid
13 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.
- 14 b. Dependent claim 3 by specifically including all the aforementioned
15 elements of claim 1 and in addition, the gaseous fuel is LPG and the liquid
16 fuel is gasoline, as called for in claim 3 of U.S. Patent No. 10,697,398.
- 17 c. Dependent claim 4 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, the engine is a pull-start engine
19 having an electrical power generator to supply electrical power, as called
20 for in claim 4 of U.S. Patent No. 10,697,398.
- 21 d. Dependent claim 5 by specifically including all the aforementioned
22 elements of claim 4 and, in addition, the switch is an electro-mechanical
23 switch connecting one fuel source to the carburetor and connected to the
24 electrical power generator and the liquid fuel cut-off is a solenoid
25 connected to open and close a fuel path to the pull-start engine in response
26 to reception of electrical power from the switch, as called for in claim 5 of
27 U.S. Patent No. 10,697,398.

- 1 e. Dependent claim 6 by specifically including all the aforementioned
2 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid
3 valve that operates within the carburetor to control liquid fuel flow to the
4 engine and is powered by the electrical power generator, as called for in
5 claim 6 of U.S. Patent No. 10,697,398.
- 6 f. Dependent claim 7 by specifically including all the aforementioned
7 elements of claim 6 and, in addition, the switch selectively powers the
8 solenoid valve by controlling electrical connection between the solenoid
9 valve and the electrical power generator, as called for in claim 7 of U.S.
10 Patent No. 10,697,398.
- 11 g. Dependent claim 8 by specifically including all the aforementioned
12 elements of claim 6 and, in addition, the solenoid valve is normally open
13 to provide liquid fuel to the engine when the solenoid valve is unpowered,
14 as called for in claim 8 of U.S. Patent No. 10,697,398.
- 15 h. Dependent claim 9 by specifically including all the aforementioned
16 elements of claim 8 and, in addition, a pull-starter drives the electrical
17 power generator to power and close the solenoid valve while starting the
18 engine on gaseous fuel, as called for in claim 9 of U.S. Patent No.
19 10,697,398.
- 20 i. Dependent claim 10 by specifically including all the aforementioned
21 elements of claim 6 and, in addition, the electrical power generator
22 comprises a magneto or an alternator coupled to a voltage regulator to
23 provide a regulated voltage to the solenoid valve, as called for in claim 10
24 of U.S. Patent No. 10,697,398.
- 25 j. Dependent claim 22 by specifically including all the aforementioned
26 elements of claim 1 and, in addition, the liquid fuel cut-off is physically
27 attached to an outer surface of the carburetor, as called for in claim 22 of
28 U.S. Patent No. 10,697,398.

1 k. Independent claim 57 by specifically including a dual fuel engine, the dual
2 fuel engine being assembled by providing an engine operable on a
3 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the
4 engine, the carburetor having a throat to mix gaseous fuel with air and
5 liquid fuel with air, a float bowl, and a fuel passage extending from the
6 float bowl to the throat to provide liquid fuel; coupling a switch to an
7 engine to change operation of the engine between gaseous fuel and liquid
8 fuel; and attaching a liquid fuel cut-off to a carburetor to close a fuel
9 passage extending from a float bowl of the carburetor to a throat to the
10 carburetor to provide liquid fuel upon actuation of the switch from liquid
11 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.
12 Therefore, each of the foregoing Firman generator models infringes at
13 least claims 1 and 57 of U.S. Patent No. 10,697,398.

14 Therefore, each of the foregoing Firman generator models listed in Paragraph 65(a)-(c)
15 infringes at least claims 1, 3-10, 22, and 57 of U.S. Patent No. 10,697,398.

16 **ANSWER: Firman denies the allegations of paragraph 66.**

17
18 67. Champion has no adequate remedy at law against Firman's acts of
19 infringement and will suffer irreparable harm unless Firman is preliminarily and
20 permanently enjoined from its infringement of U.S. Patent No. 10,697,398.

21 **ANSWER: Firman denies the allegations of paragraph 67.**

22
23 68. Upon information and belief, Firman's infringement has been willful,
24 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 10,697,398.

25 **ANSWER: Firman denies the allegations of paragraph 68.**

26
27 69. Firman, by way of its infringing activity, has caused and continues to
28 cause Champion to suffer damages in an amount to be determined at trial.

1 **ANSWER: Firman denies the allegations of paragraph 69.**

2
3 **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 11,143,120**

4 70. Paragraphs 1 through 69 are incorporated by reference as if fully set forth
5 herein.

6 **ANSWER: Firman repeats its responses to paragraphs 1 through 69 as if**
7 **fully set forth here.**

8
9 71. U.S. Patent No. 11,143,120 is titled “FUEL SYSTEM FOR A MULTI-
10 FUEL INTERNAL COMBUSTION ENGINE.” U.S. Patent No. 11,143,120 was duly
11 and legally issued on October 12, 2021. A true and correct copy of U.S. Patent
12 No. 11,143,120 is attached as Exhibit E.

13 **ANSWER: Firman admits that U.S. Patent No. 11,143,120 is titled “FUEL**
14 **SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE” and lists**
15 **the issuance date on the face of the patent as October 12, 2021. Firman admits that**
16 **what purports to be a copy of the ’120 patent is attached as Exhibit E. The**
17 **remaining allegations of paragraph 71 are denied.**

18
19 72. Champion is the lawful assignee of the entire right, title, and interest in
20 and to U.S. Patent No. 11,143,120 and possesses all rights of recovery under the patent,
21 including the right to recover damages for past infringement.

22 **ANSWER: Firman lacks knowledge or information sufficient to form a**
23 **belief about the truth of the allegations of paragraph 72.**

24
25 73. Champion has acquired and inspected the following Firman generator
26 models that Firman has been and is making, using, selling, or offering for sale within
27 the United States, or importing into the United States:

28 a. Model H03651, a dual fuel portable generator;

- b. Model H03652, a dual fuel portable generator;
- c. Model H05751, a dual fuel portable generator;
- d. Model H05752, a dual fuel portable generator;
- e. Model H05753, a dual fuel portable generator;
- f. Model H07552, a dual fuel portable generator;
- g. Model H07553, a dual fuel portable generator;
- h. Model H08051, a dual fuel portable generator;
- i. Model H08053, a dual fuel portable generator;
- j. Model T04073, a tri fuel portable generator;
- k. Model T07571, a tri fuel portable generator;
- l. Model T07573, a tri fuel portable generator;
- m. Model T08071, a tri fuel portable generator;
- n. Model T08072, a tri fuel portable generator;
- o. Model T09275, a tri fuel portable generator;
- p. Model T09371, a tri fuel portable generator;
- q. Model WH02942, a dual fuel inverter portable generator;
- r. Model WH03041, a dual fuel inverter portable generator;
- s. Model WH03042, a dual fuel inverter portable generator;
- t. Model WH03242, a dual fuel inverter portable generator;
- u. Model WH03344, a dual fuel inverter portable generator;
- v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and
- w. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 73(a) through 73(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 73.

1 74. Upon acquisition, disassembly as needed, review of owner's manuals and
2 electrical schematics, and inspection, it was determined that each of the foregoing
3 Firman generator models includes all of the elements of at least claims 12, 13, and 15 of
4 U.S. Patent No. 11,143,120. Each of the foregoing Firman generator models infringes:

5 a. Independent claim 12 by specifically including a multi-fuel generator and
6 fuel delivery system having a multi-fuel internal combustion engine
7 configured to operate on a liquid fuel supplied from a liquid fuel source
8 through a liquid fuel line and a gaseous fuel supplied from a pressurized
9 fuel source through a gaseous fuel line, an alternator driven by the multi-
10 fuel internal combustion engine, and a fuel regulator system including a
11 primary pressure regulator coupled to a service valve of a pressurized fuel
12 source to regulate fuel supplied from the pressurized fuel source to a
13 reduced pressure and a secondary pressure regulator coupled to the
14 primary pressure regulator to regulate fuel supplied from the primary
15 pressure regulator to a desired pressure for delivery through the gaseous
16 fuel line to operate the engine, as called for in claim 12 of U.S. Patent
17 No. 11,143,120.

18 b. Dependent claim 13 by specifically including all the aforementioned
19 elements of claim 12 and, in addition, an electro-mechanical valve system
20 coupled to the engine and operated by an electrical switch powered by one
21 of the alternator, a battery, and a magneto that controls fuel flow to the
22 engine from the liquid fuel source and the pressurized fuel source, as
23 called for in claim 13 of U.S. Patent No. 11,143,120.

24 c. Dependent claim 15 by specifically including all the aforementioned
25 elements of claim 13 and, in addition, the electro-mechanical valve system
26 is configured to prevent simultaneous delivery of the liquid fuel and the
27 gaseous fuel to the engine, as called for in claim 15 of U.S. Patent No.
28 11,143,120.

Therefore, each of the foregoing Firman generator models listed in Paragraph 73(a)-(w) infringes at least claims 12, 13, and 15 of U.S. Patent No. 11,143,120.

ANSWER: Firman denies the allegations of paragraph 74.

75. Upon information and belief, Firman has been and is now making, using, selling, or offering for sale within the United States, or importing into the United States, the following additional generator models:

- a. Model H03654, a dual fuel portable generator;
- b. Model H05754, a dual fuel portable generator;
- c. Model H07554, a dual fuel portable generator;
- d. Model H08052, a dual fuel portable generator;
- e. Model T07571F, a refurbished tri fuel portable generator;
- f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- g. Model WH03242F, a refurbished dual fuel inverter portable generator;
- and
- h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 75(c). Firman admits the remaining allegations of paragraph 75.

76. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraph 73, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 12, 13, and 15 of U.S. Patent No. 11,143,120. Each of the foregoing Firman generator models infringes:

- a. Independent claim 12 by specifically including a multi-fuel generator and fuel delivery system having a multi-fuel internal combustion engine

1 configured to operate on a liquid fuel supplied from a liquid fuel source
2 through a liquid fuel line and a gaseous fuel supplied from a pressurized
3 fuel source through a gaseous fuel line, an alternator driven by the multi-
4 fuel internal combustion engine, and a fuel regulator system including a
5 primary pressure regulator coupled to a service valve of a pressurized fuel
6 source to regulate fuel supplied from the pressurized fuel source to a
7 reduced pressure and a secondary pressure regulator coupled to the
8 primary pressure regulator to regulate fuel supplied from the primary
9 pressure regulator to a desired pressure for delivery through the gaseous
10 fuel line to operate the engine, as called for in claim 12 of U.S. Patent
11 No. 11,143,120.

12 b. Dependent claim 13 by specifically including all the aforementioned
13 elements of claim 12 and, in addition, an electro-mechanical valve system
14 coupled to the engine and operated by an electrical switch powered by one
15 of the alternator, a battery, and a magneto that controls fuel flow to the
16 engine from the liquid fuel source and the pressurized fuel source, as
17 called for in claim 13 of U.S. Patent No. 11,143,120.

18 c. Dependent claim 15 by specifically including all the aforementioned
19 elements of claim 13 and, in addition, the electro-mechanical valve system
20 is configured to prevent simultaneous delivery of the liquid fuel and the
21 gaseous fuel to the engine, as called for in claim 15 of U.S. Patent No.
22 11,143,120.

23 Therefore, each of the foregoing Firman generator models listed in Paragraph 75(a)-(h)
24 infringes at least claims 12, 13 and a 15 of U.S. Patent No. 11,143,120.

25 **ANSWER: Firman denies the allegations of paragraph 76.**

1 77. Champion has no adequate remedy at law against Firman's acts of
2 infringement and will suffer irreparable harm unless Firman is preliminarily and
3 permanently enjoined from its infringement of U.S. Patent No. 11,143,120.

4 **ANSWER: Firman denies the allegations of paragraph 77.**

5
6 78. Upon information and belief, Firman's infringement has been willful,
7 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,143,120.

8 **ANSWER: Firman denies the allegations of paragraph 78.**

9
10 79. Firman, by way of its infringing activity, has caused and continues to
11 cause Champion to suffer damages in an amount to be determined at trial.

12 **ANSWER: Firman denies the allegations of paragraph 79.**

13
14 **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 11,143,145**

15 80. Paragraphs 1 through 79 are incorporated by reference as if fully set forth
16 herein.

17 **ANSWER: Firman repeats its responses to paragraphs 1 through 79 as if**
18 **fully set forth here.**

19
20 81. U.S. Patent No. 11,143,145 is titled "BATTERYLESS DUAL FUEL
21 ENGINE WITH LIQUID FUEL CUT-OFF." U.S. Patent No. 11,143,145 was duly and
22 legally issued on October 12, 2021. A true and correct copy of U.S. Patent
23 No. 11,143,145 is attached as Exhibit F.

24 **ANSWER: Firman admits that U.S. Patent No. 11,143,145 is titled**
25 **"BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF" and**
26 **lists the issuance date on the face of the patent as October 12, 2021. Firman admits**
27 **that what purports to be a copy of the '145 patent is attached as Exhibit F. The**
28 **remaining allegations of paragraph 81 are denied.**

1
2 82. Champion is the lawful assignee of the entire right, title, and interest in
3 and to U.S. Patent No. 11,143,145 and possesses all rights of recovery under the patent,
4 including the right to recover damages for past infringement.

5 **ANSWER: Firman lacks knowledge or information sufficient to form a**
6 **belief about the truth of the allegations of paragraph 82.**

7
8 83. Champion has acquired and inspected the following Firman generator
9 models that Firman has been and is making, using, selling, or offering for sale within
10 the United States, or importing into the United States:

- 11 a. Model H03651, a dual fuel portable generator;
- 12 b. Model H03652, a dual fuel portable generator;
- 13 c. Model H05751, a dual fuel portable generator;
- 14 d. Model H05752, a dual fuel portable generator;
- 15 e. Model H05753, a dual fuel portable generator;
- 16 f. Model H07552, a dual fuel portable generator;
- 17 g. Model H07553, a dual fuel portable generator;
- 18 h. Model H08051, a dual fuel portable generator;
- 19 i. Model H08053, a dual fuel portable generator;
- 20 j. Model T04073, a tri fuel portable generator;
- 21 k. Model T07571, a tri fuel portable generator;
- 22 l. Model T07573, a tri fuel portable generator;
- 23 m. Model T08071, a tri fuel portable generator;
- 24 n. Model T08072, a tri fuel portable generator;
- 25 o. Model T09275, a tri fuel portable generator;
- 26 p. Model T09371, a tri fuel portable generator;
- 27 q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 28 and

1 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

2 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**
 3 **United States, or imports into the United States, the models listed in paragraph**
 4 **83(a) through 83(r). Firman lacks knowledge or information sufficient to form a**
 5 **belief about the truth of the remaining allegations of paragraph 83.**

6
 7 84. Upon acquisition, disassembly as needed, review of owner's manuals and
 8 electrical schematics, and inspection, it was determined that each of the foregoing
 9 Firman generator models includes all of the elements of at least claims 1, 2, and 4-7 of
 10 U.S. Patent No. 11,143,145. Each of the foregoing Firman generator models infringes:

11 a. Independent claim 1 by specifically including a dual fuel generator having
 12 an engine operable on a gaseous fuel and a liquid fuel, an electrical power
 13 generator driven by the engine and including a charging coil, a switch to
 14 change operation of the engine between gaseous fuel and liquid fuel, a
 15 carburetor attached to an intake of the engine to mix air and fuel and
 16 connect to a gaseous fuel source and a liquid fuel source, a liquid fuel cut-
 17 off solenoid to interrupt liquid fuel flow to the engine upon actuation of
 18 the switch from liquid fuel to gaseous fuel, and a voltage regulator
 19 coupled to the charging coil to receive power therefrom and that operates
 20 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called
 21 for in claim 1 of U.S. Patent No. 11,143,145.

22 b. Dependent claim 2 by specifically including all the aforementioned
 23 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel
 24 line coupling the liquid fuel source to the carburetor and a gaseous fuel
 25 valve along a gaseous fuel line coupling the gaseous fuel source to the
 26 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

27 c. Dependent claim 4 by specifically including all the aforementioned
 28 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is

1 attached to the carburetor, as called for in claim 4 of U.S. Patent No.
2 11,143,145.

3 d. Dependent claim 5 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, the gaseous fuel is LPG and the
5 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.
6 11,143,145.

7 e. Dependent claim 6 by specifically including all the aforementioned
8 elements of claim 1 and, in addition, the switch is an electro-mechanical
9 switch connecting one fuel source to the carburetor and connected to the
10 electrical power generator and the liquid fuel cut-off solenoid is connected
11 to open and close a fuel path to the engine in response to reception of
12 electrical power from the switch, as called for in claim 6 of U.S. Patent
13 No. 11,143,145.

14 f. Dependent claim 7 by specifically including all the aforementioned
15 elements of claim 6 and, in addition, the switch selectively powers the
16 solenoid valve by controlling electrical connection between the solenoid
17 valve and the electrical power generator, as called for in claim 7 of U.S.
18 Patent No. 11,143,145.

19 Therefore, each of the foregoing Firman generator models listed in Paragraph 83(a)-(f)
20 infringes at least claims 1, 2 and 4-7 of U.S. Patent No. 11,143,145.

21 **ANSWER: Firman denies the allegations of paragraph 84.**

22
23 85. Champion has also acquired and inspected the following Firman generator
24 models that Firman has been and is making, using, selling, or offering for sale within
25 the United States, or importing into the United States:

- 26 a. Model WH02942, a dual fuel inverter portable generator;
- 27 b. Model WH03041, a dual fuel inverter portable generator;
- 28 c. Model WH03042, a dual fuel inverter portable generator;

1 d. Model WH03242, a dual fuel inverter portable generator; and

2 e. Model WH03344, a dual fuel inverter portable generator.

3 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**
 4 **United States, or imports into the United States, the models listed in paragraph**
 5 **85(a) through 85(e). Firman lacks knowledge or information sufficient to form a**
 6 **belief about the truth of the remaining allegations of paragraph 85.**

7
 8 86. Upon acquisition, disassembly as needed, review of owner's manuals and
 9 electrical schematics, and inspection, it was determined that each of the foregoing
 10 Firman generator models includes all of the elements of at least claims 1, 2, and 4-8 of
 11 U.S. Patent No. 11,143,145. Each of the foregoing Firman generator models infringes:

12 a. Independent claim 1 by specifically including a dual fuel generator having
 13 an engine operable on a gaseous fuel and a liquid fuel, an electrical power
 14 generator driven by the engine and including a charging coil, a switch to
 15 change operation of the engine between gaseous fuel and liquid fuel, a
 16 carburetor attached to an intake of the engine to mix air and fuel and
 17 connect to a gaseous fuel source and a liquid fuel source, a liquid fuel
 18 cut-off solenoid to interrupt liquid fuel flow to the engine upon actuation
 19 of the switch from liquid fuel to gaseous fuel, and a voltage regulator
 20 coupled to the charging coil to receive power therefrom and that operates
 21 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called
 22 for in claim 1 of U.S. Patent No. 11,143,145.

23 b. Dependent claim 2 by specifically including all the aforementioned
 24 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel
 25 line coupling the liquid fuel source to the carburetor and a gaseous fuel
 26 valve along a gaseous fuel line coupling the gaseous fuel source to the
 27 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

- 1 c. Dependent claim 4 by specifically including all the aforementioned
2 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is
3 attached to the carburetor, as called for in claim 4 of U.S. Patent No.
4 11,143,145.
- 5 d. Dependent claim 5 by specifically including all the aforementioned
6 elements of claim 1 and, in addition, the gaseous fuel is LPG and the
7 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.
8 11,143,145.
- 9 e. Dependent claim 6 by specifically including all the aforementioned
10 elements of claim 1 and, in addition, the switch is an electro-mechanical
11 switch connecting one fuel source to the carburetor and connected to the
12 electrical power generator and the liquid fuel cut-off solenoid is connected
13 to open and close a fuel path to the engine in response to reception of
14 electrical power from the switch, as called for in claim 6 of U.S. Patent
15 No. 11,143,145.
- 16 f. Dependent claim 7 by specifically including all the aforementioned
17 elements of claim 6 and, in addition, the switch selectively powers the
18 solenoid valve by controlling electrical connection between the solenoid
19 valve and the electrical power generator, as called for in claim 7 of U.S.
20 Patent No. 11,143,145.
- 21 g. Dependent claim 8 by specifically including all the aforementioned
22 elements of claim 1 and, in addition, the liquid fuel cut-off solenoid is
23 normally open to provide liquid fuel to the engine when the liquid fuel
24 cut-off solenoid is unpowered, as called for in claim 8 of U.S. Patent No.
25 11,143,145.

26 Therefore, each of the foregoing Firman generator models listed in Paragraph 85(a)-(e)
27 infringes at least claims 1, 2, and 4-8 of U.S. Patent No. 11,143,145.

28 **ANSWER: Firman denies the allegations of paragraph 86.**

1
2 87. Upon information and belief, Firman has been and is now making, using,
3 selling, or offering for sale within the United States, or importing into the United States,
4 the following additional generator models:

- 5 a. Model H03654, a dual fuel portable generator;
- 6 b. Model H05754, a dual fuel portable generator;
- 7 c. Model H07554, a dual fuel portable generator;
- 8 d. Model H08052, a dual fuel portable generator; and
- 9 e. Model T07571F, a refurbished tri fuel portable generator.;

10 **ANSWER: Firman denies the allegations of paragraph 87(c). Firman**
11 **admits the remaining allegations of paragraph 87.**

12
13 88. Upon review of images, owner's manuals, and electrical schematics of the
14 foregoing Firman generator models and comparisons of the images, owner's manuals,
15 and electrical schematics of the foregoing Firman generator models to those of the
16 Firman generator models listed in Paragraphs 83 and 85, it was determined that each of
17 the foregoing Firman generator models includes all of the elements of at least claims 1,
18 2, and 4-7 of U.S. Patent No. 11,143,145. Each of the foregoing Firman generator
19 models infringes:

- 20 a. Independent claim 1 by specifically including a dual fuel generator having
21 an engine operable on a gaseous fuel and a liquid fuel, an electrical power
22 generator driven by the engine and including a charging coil, a switch to
23 change operation of the engine between gaseous fuel and liquid fuel, a
24 carburetor attached to an intake of the engine to mix air and fuel and
25 connect to a gaseous fuel source and a liquid fuel source, a liquid fuel cut-
26 off solenoid to interrupt liquid fuel flow to the engine upon actuation of
27 the switch from liquid fuel to gaseous fuel, and a voltage regulator
28 coupled to the charging coil to receive power therefrom and that operates

1 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called
2 for in claim 1 of U.S. Patent No. 11,143,145.

3 b. Dependent claim 2 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel
5 line coupling the liquid fuel source to the carburetor and a gaseous fuel
6 valve along a gaseous fuel line coupling the gaseous fuel source to the
7 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

8 c. Dependent claim 4 by specifically including all the aforementioned
9 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is
10 attached to the carburetor, as called for in claim 4 of U.S. Patent No.
11 11,143,145.

12 d. Dependent claim 5 by specifically including all the aforementioned
13 elements of claim 1 and, in addition, the gaseous fuel is LPG and the
14 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.
15 11,143,145.

16 e. Dependent claim 6 by specifically including all the aforementioned
17 elements of claim 1 and, in addition, the switch is an electro-mechanical
18 switch connecting one fuel source to the carburetor and connected to the
19 electrical power generator and the liquid fuel cut-off solenoid is connected
20 to open and close a fuel path to the engine in response to reception of
21 electrical power from the switch, as called for in claim 6 of U.S. Patent
22 No. 11,143,145.

23 f. Dependent claim 7 by specifically including all the aforementioned
24 elements of claim 6 and, in addition, the switch selectively powers the
25 solenoid valve by controlling electrical connection between the solenoid
26 valve and the electrical power generator, as called for in claim 7 of U.S.
27 Patent No. 11,143,145.
28

Therefore, each of the foregoing Firman generator models listed in Paragraph 87(a)-(e) infringes at least claims 1, 2, and 4-7 of U.S. Patent No. 11,143,145.

ANSWER: Firman denies the allegations of paragraph 88.

89. Upon information and belief, Firman has been and is now making, using, selling, or offering for sale within the United States, or importing into the United States, the following additional generator models:

- a. Model WH02942F, a refurbished dual fuel inverter portable generator;
- b. Model WH03242F, a refurbished dual fuel inverter portable generator;
- and
- c. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman admits the allegations of paragraph 89.

90. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraphs 83 and 85, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, and 4-8 of U.S. Patent No. 11,143,145. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a dual fuel generator having an engine operable on a gaseous fuel and a liquid fuel, an electrical power generator driven by the engine and including a charging coil, a switch to change operation of the engine between gaseous fuel and liquid fuel, a carburetor attached to an intake of the engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel source, a liquid fuel cut-off solenoid to interrupt liquid fuel flow to the engine upon actuation of the switch from liquid fuel to gaseous fuel, and a voltage regulator

1 coupled to the charging coil to receive power therefrom and that operates
2 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called
3 for in claim 1 of U.S. Patent No. 11,143,145.

4 b. Dependent claim 2 by specifically including all the aforementioned
5 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel
6 line coupling the liquid fuel source to the carburetor and a gaseous fuel
7 valve along a gaseous fuel line coupling the gaseous fuel source to the
8 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

9 c. Dependent claim 4 by specifically including all the aforementioned
10 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is
11 attached to the carburetor, as called for in claim 4 of U.S. Patent No.
12 11,143,145.

13 d. Dependent claim 5 by specifically including all the aforementioned
14 elements of claim 1 and, in addition, the gaseous fuel is LPG and the
15 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.
16 11,143,145.

17 e. Dependent claim 6 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, the switch is an electro-mechanical
19 switch connecting one fuel source to the carburetor and connected to the
20 electrical power generator and the liquid fuel cut-off solenoid is connected
21 to open and close a fuel path to the engine in response to reception of
22 electrical power from the switch, as called for in claim 6 of U.S. Patent
23 No. 11,143,145.

24 f. Dependent claim 7 by specifically including all the aforementioned
25 elements of claim 6 and, in addition, the switch selectively powers the
26 solenoid valve by controlling electrical connection between the solenoid
27 valve and the electrical power generator, as called for in claim 7 of U.S.
28 Patent No. 11,143,145.

1 g. Dependent claim 8 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, the liquid fuel cut-off solenoid is
3 normally open to provide liquid fuel to the engine when the liquid fuel
4 cut-off solenoid is unpowered, as called for in claim 8 of U.S. Patent No.
5 11,143,145.

6 Therefore, each of the foregoing Firman generator models listed in Paragraph 89(a)-(c)
7 infringes at least claims 1, 2, and 4-8 of U.S. Patent No. 11,143,145.

8 **ANSWER: Firman denies the allegations of paragraph 90.**

9
10 91. Champion has no adequate remedy at law against Firman's acts of
11 infringement and will suffer irreparable harm unless Firman is preliminarily and
12 permanently enjoined from its infringement of U.S. Patent No. 11,143,145.

13 **ANSWER: Firman denies the allegations of paragraph 91.**

14
15 92. Upon information and belief, Firman's infringement has been willful,
16 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,143,145.

17 **ANSWER: Firman denies the allegations of paragraph 92.**

18
19 93. Firman, by way of its infringing activity, has caused and continues to
20 cause Champion to suffer damages in an amount to be determined at trial.

21 **ANSWER: Firman denies the allegations of paragraph 93.**

22
23 **COUNT VII: INFRINGEMENT OF U.S. PATENT NO. 11,306,667**

24 94. Paragraphs 1 through 93 are incorporated by reference as if fully set forth
25 herein.

26 **ANSWER: Firman repeats its responses to paragraphs 1 through 93 as if**
27 **fully set forth here.**

28

1 95. U.S. Patent No. 11,306,667 is titled “DUAL FUEL SELECTOR
2 SWITCH.” U.S. Patent No. 11,306,667 was duly and legally issued on April 19, 2022.
3 A true and correct copy of U.S. Patent No. 11,306,667 is attached as Exhibit G.

4 **ANSWER: Firman admits that U.S. Patent No. 11,306,667 is titled “DUAL**
5 **FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent**
6 **as April 19, 2022. Firman admits that what purports to be a copy of the ‘667**
7 **patent is attached as Exhibit G. The remaining allegations of paragraph 95 are**
8 **denied.**

9
10 96. Champion is the lawful assignee of the entire right, title, and interest in
11 and to U.S. Patent No. 11,306,667 and possesses all rights of recovery under the patent,
12 including the right to recover damages for past infringement.

13 **ANSWER: Firman lacks knowledge or information sufficient to form a**
14 **belief about the truth of the allegations of paragraph 96.**

15
16 97. Champion has acquired and inspected the following Firman generator
17 models that Firman has been and is making, using, selling, or offering for sale within
18 the United States, or importing into the United States:

- 19 a. Model H03651, a dual fuel portable generator;
- 20 b. Model H03652, a dual fuel portable generator;
- 21 c. Model H05751, a dual fuel portable generator;
- 22 d. Model H05752, a dual fuel portable generator;
- 23 e. Model H05753, a dual fuel portable generator;
- 24 f. Model H07552, a dual fuel portable generator;
- 25 g. Model H07553, a dual fuel portable generator;
- 26 h. Model H08051, a dual fuel portable generator;
- 27 i. Model H08053, a dual fuel portable generator;
- 28 j. Model T04073, a tri fuel portable generator;

- 1 k. Model T07571, a tri fuel portable generator;
- 2 l. Model T07573, a tri fuel portable generator;
- 3 m. Model T08071, a tri fuel portable generator;
- 4 n. Model T08072, a tri fuel portable generator;
- 5 o. Model T09275, a tri fuel portable generator;
- 6 p. Model T09371, a tri fuel portable generator;
- 7 q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 8 and
- 9 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

10 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**
 11 **United States, or imports into the United States, the models listed in paragraph**
 12 **97(a) through 97(r). Firman lacks knowledge or information sufficient to form a**
 13 **belief about the truth of the remaining allegations of paragraph 97.**

14
 15 98. Upon acquisition, disassembly as needed, review of owner's manuals and
 16 electrical schematics, and inspection, it was determined that each of the foregoing
 17 Firman generator models includes all of the elements of at least claims 1, 3, 6, 7 and 9
 18 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator models
 19 infringes:

- 20 a. Independent claim 1 by specifically including a fuel selector for use with a
- 21 dual fuel generator, the fuel selector a selector having a valve assembly
- 22 fluidly connected to each of a first fuel source and a second fuel source
- 23 being operable to selectively control a first fuel flow and a second fuel
- 24 flow from the first fuel source and the second fuel source, respectively, to
- 25 an engine of the dual fuel generator, and including two fuel inputs, with a
- 26 first fuel input connected to the first fuel source, and a second fuel input
- 27 connected to the second fuel source, and two fuel outputs for selectively
- 28 supplying fuel to an engine from the first fuel source or the second fuel

1 source; and a selector switch positioned on the valve assembly to allow a
2 user to manually select one of the first fuel flow and the second fuel flow,
3 as called for in claim 1 of U.S. Patent No. 11,306,667.

4 b. Dependent claim 2 by specifically including all the aforementioned
5 elements of claim 1 and, in addition, the two fuel outputs selectively
6 supply fuel to the engine from only one of the first fuel source or the
7 second fuel source, responsive to selection of the first fuel flow or the
8 second fuel flow via the selector switch, and a corresponding operation of
9 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.

10 c. Dependent claim 3 by specifically including all the aforementioned
11 elements of claim 1 and, in addition, the valve assembly has a first fuel
12 valve having open and closed positions to selectively control the first fuel
13 flow to the engine and a second fuel valve having open and closed
14 positions to selectively control the second fuel flow to the engine, as
15 called for in claim 3 of U.S. Patent No. 11,306,667.

16 d. Dependent claim 6 by specifically including all the aforementioned
17 elements of claim 1 and, in addition, a carburetor solenoid switch
18 configured to activate an associated carburetor solenoid when actuated, as
19 called for in claim 6 of U.S. Patent No. 11,306,667.

20 e. Dependent claim 7 by specifically including all the aforementioned
21 elements of claim 6 and, in addition, the selector switch is in a first
22 position, the selector switch actuates the carburetor solenoid switch, so as
23 to activate the carburetor solenoid and stop the second fuel flow to the
24 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.

25 f. Dependent claim 9 by specifically including all the aforementioned
26 elements of claim 1 and, in addition, the first fuel source is an LPG fuel
27 source and wherein the second fuel source is a gasoline source, as called
28 for in claim 9 of U.S. Patent No. 11,306,667.

Therefore, each of the foregoing Firman generator models listed in Paragraph 97(a)-(r) infringes at least claims 1-3, 6, 7, and 9 of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 98.

99. Champion has also acquired and inspected the following Firman generator models that Firman has been and is making, using, selling, or offering for sale within the United States, or importing into the United States:

- a. Model WH02942, a dual fuel inverter portable generator;
- b. Model WH03041, a dual fuel inverter portable generator;
- c. Model WH03042, a dual fuel inverter portable generator;
- d. Model WH03242, a dual fuel inverter portable generator; and
- e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 99(a) through 99(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 99.

100. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1-3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector a selector having a valve assembly fluidly connective to each of a first fuel source, being operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator, and including two fuel inputs, with a first fuel input

1 connected to the first fuel source, and a second fuel input connected to the
2 second fuel source, and two fuel outputs for selectively supplying fuel to
3 an engine from the first fuel source or the second fuel source; and a
4 selector switch positioned on the valve assembly to allow a user to
5 manually select one of the first fuel flow and the second fuel flow, as
6 called for in claim 1 of U.S. Patent No. 11,306,667.

7 b. Dependent claim 2 by specifically including all the aforementioned
8 elements of claim 1 and, in addition, the two fuel outputs selectively
9 supply fuel to the engine from only one of the first fuel source or the
10 second fuel source, responsive to selection of the first fuel flow or the
11 second fuel flow via the selector switch, and a corresponding operation of
12 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.

13 c. Dependent claim 3 by specifically including all the aforementioned
14 elements of claim 1 and, in addition, the valve assembly has a first fuel
15 valve having open and closed positions to selectively control the first fuel
16 flow to the engine and a second fuel valve having open and closed
17 positions to selectively control the second fuel flow to the engine, as
18 called for in claim 3 of U.S. Patent No. 11,306,667.

19 d. Dependent claim 6 by specifically including all the aforementioned
20 elements of claim 1 and, in addition, a carburetor solenoid switch
21 configured to activate an associated carburetor solenoid when actuated, as
22 called for in claim 6 of U.S. Patent No. 11,306,667.

23 e. Dependent claim 7 by specifically including all the aforementioned
24 elements of claim 6 and, in addition, the selector switch is in a first
25 position, the selector switch actuates the carburetor solenoid switch, so as
26 to activate the carburetor solenoid and stop the second fuel flow to the
27 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.

28

- 1 f. Dependent claim 9 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, the first fuel source is an LPG fuel
3 source and wherein the second fuel source is a gasoline source, as called
4 for in claim 9 of U.S. Patent No. 11,306,667.
- 5 g. Independent claim 10 by specifically including a fuel selector of a dual
6 fuel generator with a valve assembly fluidly connected to each of a first
7 fuel source and a second fuel source, the valve assembly being operable to
8 selectively control a first fuel flow and a second fuel flow from the first
9 fuel source and the second fuel source, respectively, to an engine of the
10 dual fuel generator; a selector switch having a first fuel mode and a
11 second fuel mode, a fuel solenoid having open and closed positions; and a
12 solenoid switch having open and closed positions to activate and
13 deactivate the fuel solenoid; wherein when the selector switch is in the
14 first fuel mode, the solenoid switch and the fuel solenoid are in the closed
15 positions, when the selector switch is in the second fuel mode, the
16 solenoid switch and the fuel solenoid are in the open positions, and
17 positioning of the selector switch in the first fuel mode and the second
18 fuel mode enables a selection of one of the first fuel flow and the second
19 fuel flow as called for in claim 10 of U.S. Patent No. 11,306,667.
- 20 h. Dependent claim 11 by specifically including all the aforementioned
21 elements of claim 10 and, in addition, the selector switch triggers the
22 solenoid switch when changed from the second fuel mode to the first fuel
23 mode, so as to cause the solenoid switch and the fuel solenoid to operate
24 in the closed positions, as called for in claim 1 of U.S. Patent No.
25 11,306,667.
- 26 i. Dependent claim 12 by specifically including all the aforementioned
27 elements of claim 10 and, in addition, the valve assembly is positioned on
28

1 or adjacent the selector switch, as called for in claim 12 of U.S. Patent No.
2 11,306,667.

3 j. Dependent claim 13 by specifically including all the aforementioned
4 elements of claim 10 and, in addition, the valve assembly comprises: two
5 fuel inputs, with a first fuel input connected to the first fuel source and a
6 second fuel input connected to the second fuel source; and two fuel
7 outputs for selectively supplying fuel to the engine from the first fuel
8 source or the second fuel source, as called for in claim 13 of U.S. Patent
9 No. 11,306,667.

10 k. Dependent claim 14 by specifically including all the aforementioned
11 elements of claim 13 and, in addition, the two fuel outputs selectively
12 supply fuel to the engine from only one of the first fuel source or the
13 second fuel source, responsive to selection of the first fuel flow or the
14 second fuel flow via the selector switch and a corresponding operation of
15 the valve assembly, as called for in claim 14 of U.S. Patent No.
16 11,306,667.

17 l. Dependent claim 15 by specifically including all the aforementioned
18 elements of claim 13 and, in addition, the valve assembly includes a first
19 fuel valve having open and closed positions to selectively control the first
20 fuel flow to the engine and a second fuel valve having open and closed
21 positions to selectively control the second fuel flow to the engine, as
22 called for in claim 15 of U.S. Patent No. 11,306,667.

23 m. Dependent claim 16 by specifically including all the aforementioned
24 elements of claim 10 and, in addition, the first fuel source is an LPG fuel
25 source and wherein the second fuel source is a gasoline source, as called
26 for in claim 16 of U.S. Patent No. 11,306,667.

1 n. Dependent claim 17 by specifically including all the aforementioned
2 elements of claim 10 and, in addition, the fuel solenoid is a carburetor
3 shutoff solenoid, as called for in claim 17 of U.S. Patent No. 11,306,667.

4 o. Dependent claim 18 by specifically including all the aforementioned
5 elements of claim 10 and, in addition, positioning the selector switch in
6 the first fuel mode enables the selection of the first fuel source to the
7 generator, and positioning the selector switch in the second fuel mode
8 enables the selection of the second fuel source to the generator as called
9 for in claim 18 of U.S. Patent No. 11,306,667.

10 Therefore, each of the foregoing Firman generator models listed in Paragraph 99(a)-(e)
11 infringes at least claims 1-3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667.

12 **ANSWER: Firman denies the allegations of paragraph 100.**

13
14 101. Upon information and belief, Firman has been and is now making, using,
15 selling, or offering for sale within the United States, or importing into the United States,
16 the following additional generator models:

- 17 a. Model H03654, a dual fuel portable generator;
- 18 b. Model H05754, a dual fuel portable generator;
- 19 c. Model H07554, a dual fuel portable generator;
- 20 d. Model H08052, a dual fuel portable generator; and
- 21 e. Model T07571F, a refurbished tri fuel portable generator.

22 **ANSWER: Firman denies the allegations of paragraph 101(c). Firman**
23 **admits the remaining allegations of paragraph 101.**

24
25 102. Upon review of images, owner's manuals, and electrical schematics of the
26 foregoing Firman generator models and comparisons of the images, owner's manuals,
27 and electrical schematics of the foregoing Firman generator models to those of the
28 Firman generator models listed in Paragraphs 97 and 99, it was determined that each of

1 the foregoing Firman generator models includes all of the elements of at least claims 1-
2 3, 6, 7, and 9 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator
3 models infringes:

- 4 a. Independent claim 1 by specifically including a fuel selector for use with a
5 dual fuel generator, the fuel selector a selector having a valve assembly
6 fluidly connected to each of a first fuel source and a second fuel source,
7 being operable to selectively control a first fuel source, respectively, to an
8 engine of the dual fuel generator, and including two fuel inputs, with a
9 first fuel input connected to the first fuel source, and a second fuel input
10 connected to the second fuel source, and two fuel outputs for selectively
11 supplying fuel to an engine from the first fuel source or the second fuel
12 source:, and a selector switch positioned on the valve assembly to allow a
13 user to manually select one of the first fuel flow and the second fuel flow,
14 as called for in claim 1 of U.S. Patent No. 11,306,667.
- 15 b. Dependent claim 2 by specifically including all the aforementioned
16 elements of claim 1 and, in addition, the two fuel outputs selectively
17 supply fuel to the engine from only one of the first fuel source or the
18 second fuel source, responsive to selection of the first fuel flow or the
19 second fuel flow via the selector switch, and a corresponding operation of
20 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.
- 21 c. Dependent claim 3 by specifically including all the aforementioned
22 elements of claim 1 and, in addition, the valve assembly has a first fuel
23 valve having open and closed positions to selectively control the first fuel
24 flow to the engine and a second fuel valve having open and closed
25 positions to selectively control the second fuel flow to the engine, as
26 called for in claim 3 of U.S. Patent No. 11,306,667.
- 27 d. Dependent claim 6 by specifically including all the aforementioned
28 elements of claim 1 and, in addition, a carburetor solenoid switch

1 configured to activate an associated carburetor solenoid when actuated, as
2 called for in claim 6 of U.S. Patent No. 11,306,667.

3 e. Dependent claim 7 by specifically including all the aforementioned
4 elements of claim 6 and, in addition, the selector switch is in a first
5 position, the selector switch actuates the carburetor solenoid switch, so as
6 to activate the carburetor solenoid and stop the second fuel flow to the
7 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.

8 f. Dependent claim 9 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, the first fuel source is a an LPG fuel
10 source and wherein the second fuel source is a gasoline source, as called
11 for in claim 9 of U.S. Patent No. 11,306,667.

12 Therefore, each of the foregoing Firman generator models listed in Paragraph 101(a)-
13 infringes at least claims 1-3, 6, 7, and 9 of U.S. Patent No. 11,306,667.

14 **ANSWER: Firman denies the allegations of paragraph 102.**

15
16 103. Upon information and belief, Firman also has been and is now making,
17 using, selling, or offering for sale within the United States, or importing into the United
18 States, the following additional generator models:

- 19 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
20 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
21 and
22 c. Model WH03342, a dual fuel inverter portable generator.

23 **ANSWER: Firman admits the allegations of paragraph 103.**

24
25 104. Upon review of images, owner's manuals, and electrical schematics of the
26 foregoing Firman generator models and comparisons of the images, owner's manuals,
27 and electrical schematics of the foregoing Firman generator models to those of the
28 Firman generator models listed in Paragraphs 97 and 99, it was determined that each of

1 the foregoing Firman generator models includes all of the elements of at least claims 1-
2 3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667. Each of the foregoing Firman
3 generator models infringes:

4 a. Independent claim 1 by specifically including a fuel selector for use with a
5 dual fuel generator, the fuel selector a selector having a valve assembly
6 fluidly connected to each of a first fuel source and a second fuel source,
7 being operable to selectively control a first fuel flow and a second fuel
8 flow from the first fuel source and the second fuel source, respectively, to
9 an engine of the dual fuel generator, and including two fuel inputs, with a
10 first fuel input connected to the first fuel source, and a second fuel input
11 connected to the second fuel source, and two fuel outputs for selectively
12 supplying fuel to an engine from the first fuel source or the second fuel
13 source; and a selector switch positioned on the valve assembly to allow a
14 user to manually select one of the first fuel flow and the second fuel flow,
15 as called for in claim 1 of U.S. Patent No. 11,306,667.

16 b. Dependent claim 2 by specifically including all the aforementioned
17 elements of claim 1 and, in addition, the two fuel outputs selectively
18 supply fuel to the engine from only one of the first fuel source or the
19 second fuel source, responsive to selection of the first fuel flow or the
20 second fuel flow via the selector switch, and a corresponding operation of
21 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.

22 c. Dependent claim 3 by specifically including all the aforementioned
23 elements of claim 1 and, in addition, the valve assembly has a first fuel
24 valve having open and closed positions to selectively control the first fuel
25 flow to the engine and a second fuel valve having open and closed
26 positions to selectively control the second fuel flow to the engine, as
27 called for in claim 3 of U.S. Patent No. 11,306,667.

28

- 1 d. Dependent claim 6 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, a carburetor solenoid switch
3 configured to activate an associated carburetor solenoid when actuated, as
4 called for in claim 6 of U.S. Patent No. 11,306,667.
- 5 e. Dependent claim 7 by specifically including all the aforementioned
6 elements of claim 6 and, in addition, the selector switch is in a first
7 position, the selector switch actuates the carburetor solenoid switch, so as
8 to activate the carburetor solenoid and stop the second fuel flow to the
9 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.
- 10 f. Dependent claim 9 by specifically including all the aforementioned
11 elements of claim 1 and, in addition, the first fuel source is a an LPG fuel
12 source and wherein the second fuel source is a gasoline source, as called
13 for in claim 9 of U.S. Patent No. 11,306,667.
- 14 g. Independent claim 10 by specifically including a fuel selector of a dual
15 fuel generator with a valve assembly fluidly connected to each of a first
16 fuel source and a second fuel source, the valve assembly being operable to
17 selectively control a first fuel flow and a second fuel flow from the first
18 fuel source and the second fuel source, respectively, to an engine of the
19 dual fuel generator; a selector switch having a first fuel mode and a
20 second fuel mode, a fuel solenoid having open and closed positions; and a
21 solenoid switch having open and closed positions to activate and
22 deactivate the fuel solenoid; wherein when the selector switch is in the
23 first fuel mode, the solenoid switch and the fuel solenoid are in the closed
24 positions, when the selector switch is in the second fuel mode, the
25 solenoid switch and the fuel solenoid are in the open positions, and
26 positioning of the selector switch in the first fuel mode and the second
27 fuel mode enables a selection of one of the first fuel flow and the second
28 fuel flow, as called for in claim 10 of U.S. Patent No. 11,306,667.

- 1 h. Dependent claim 11 by specifically including all the aforementioned
2 elements of claim 10 and, in addition, the selector switch triggers the
3 solenoid switch when changed from the second fuel mode to the first fuel
4 mode, so as to cause the solenoid switch and the fuel solenoid to operate
5 in the closed positions, as called for in claim 1 of U.S. Patent No.
6 11,306,667.
- 7 i. Dependent claim 12 by specifically including all the aforementioned
8 elements of claim 10 and, in addition, the valve assembly is positioned on
9 or adjacent the selector switch, as called for in claim 12 of U.S. Patent No.
10 11,306,667.
- 11 j. Dependent claim 13 by specifically including all the aforementioned
12 elements of claim 10 and, in addition, the valve assembly comprises: two
13 fuel inputs, with a first fuel input connected to the first fuel source and a
14 second fuel input connected to the second fuel source; and two fuel
15 outputs for selectively supplying fuel to the engine from the first fuel
16 source or the second fuel source, as called for in claim 13 of U.S. Patent
17 No. 11,306,667.
- 18 k. Dependent claim 14 by specifically including all the aforementioned
19 elements of claim 13 and, in addition, the two fuel outputs selectively
20 supply fuel to the engine from only one of the first fuel source or the
21 second fuel source, responsive to selection of the first fuel flow or the
22 second fuel flow via the selector switch and a corresponding operation of
23 the valve assembly, as called for in claim 14 of U.S. Patent No.
24 11,306,667.
- 25 l. Dependent claim 15 by specifically including all the aforementioned
26 elements of claim 13 and, in addition, the valve assembly includes a first
27 fuel valve having open and closed positions to selectively control the first
28 fuel flow to the engine and a second fuel valve having open and closed

positions to selectively control the second fuel flow to the engine, as called for in claim 15 of U.S. Patent No. 11,306,667.

m. Dependent claim 16 by specifically including all the aforementioned elements of claim 10 and, in addition, the first fuel source is a an LPG fuel source and wherein the second fuel source is a gasoline source, as called for in claim 16 of U.S. Patent No. 11,306,667.

n. Dependent claim 17 by specifically including all the aforementioned elements of claim 10 and, in addition, the fuel solenoid is a carburetor shutoff solenoid, as called for in claim 17 of U.S. Patent No. 11,306,667.

o. Dependent claim 18 by specifically including all the aforementioned elements of claim 10 and, in addition, positioning the selector switch in the first fuel mode enables the selection of the first fuel source to the generator, and positioning the selector switch in the second fuel mode enables the selection of the second fuel source to the generator, as called for in claim 18 of U.S. Patent No. 11,306,667.

Therefore, each of the foregoing Firman generator models listed in Paragraph 103 (a)-(c) infringes at least claims 1-3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 104.

105. Champion has no adequate remedy at law against Firman's acts of infringement and will suffer irreparable harm unless Firman is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 105.

106. Upon information and belief, Firman's infringement has been willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 106.

107. Firman, by way of its infringing activity, has caused and continues to cause Champion to suffer damages in an amount to be determined at trial.

ANSWER: Firman denies the allegations of paragraph 107.

COUNT VIII: INFRINGEMENT OF U.S. PATENT NO. 11,492,985

108. Paragraphs 1 through 107 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 107 as if fully set forth here.

109. U.S. Patent No. 11,492,985 is titled “OFF-BOARD FUEL REGULATOR FOR GENERATOR ENGINE.” U.S. Patent No. 11,492,985 was duly and legally issued on November 8, 2022. A true and correct copy of U.S. Patent No. 11,492,985 is attached as Exhibit H.

ANSWER: Firman admits that U.S. Patent No. 11,492,985 is titled “OFF-BOARD FUEL REGULATOR FOR GENERATOR ENGINE” and lists the issuance date on the face of the patent as November 8, 2022. Firman admits that what purports to be a copy of the ’985 patent is attached as Exhibit H. The remaining allegations of paragraph 109 are denied.

110. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,492,985 and possesses all rights of recovery under the patent, including the right to recover damages for past infringement.

ANSWER: Firman lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 110.

111. Champion has acquired and inspected the following Firman generator models that Firman has been and is making, using, selling, or offering for sale within the United States, or importing into the United States:

- a. Model WH02942, a dual fuel inverter portable generator;
- b. Model WH03041, a dual fuel inverter portable generator;
- c. Model WH03042, a dual fuel inverter portable generator;
- d. Model WH03242, a dual fuel inverter portable generator; and
- e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 111(a) through 111(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 111.

112. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 4-7, 11, 14-16, and 18 of U.S. Patent No. 11,492,985. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including generator and fuel delivery system having a generator free of any pressure regulator and configured to operate on a gaseous fuel supplied from pressurized fuel source through a gaseous fuel line and having a fuel regulator system located off-board the generator, including a first stage and a second stage, and configured to regulate a gaseous fuel supplied from a pressurized fuel source in the first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in the second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, as called for in claim 1 of U.S. Patent No. 11,492,985.

- 1 b. Dependent claim 4 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, the generator comprises a dual fuel
3 generator configured to operate on the gaseous fuel and on a liquid fuel,
4 the liquid fuel supplied from a liquid fuel source through a liquid fuel line,
5 as called for in claim 4 of U.S. Patent No. 11,492,985.
- 6 c. Dependent claim 5 by specifically including all the aforementioned
7 elements of claim 4 and, in addition, a mechanical fuel valve actuatable
8 between a first position and a second position to selectively control fuel
9 flow to the dual fuel generator from the liquid fuel source through the
10 liquid fuel line and the pressurized fuel source through the gaseous fuel
11 line, as called for in claim 5 of U.S. Patent No. 11,492,985.
- 12 d. Dependent claim 6 by specifically including all the aforementioned
13 elements of claim 5 and, in addition, a fuel lockout apparatus is coupled to
14 the mechanical fuel valve; when the mechanical fuel valve is in the first
15 position, the fuel lockout apparatus communicates the liquid fuel source to
16 the dual fuel generator and prevents the pressurized fuel source from
17 coupling to the dual fuel generator; and when the mechanical fuel valve is
18 in the second position, the fuel lockout apparatus permits the pressurized
19 fuel source to couple to the dual fuel generator and interrupts the liquid
20 fuel source communication with the dual fuel generator, as called for in
21 claim 6 of U.S. Patent No. 11,492,985.
- 22 e. Dependent claim 7 by specifically including all the aforementioned
23 elements of claim 1 and, in addition, the first stage comprises a primary
24 pressure regulator and the second stage comprises a secondary pressure
25 regulator and the generator and fuel delivery system further comprises a
26 quick-connect hose coupling including a first end coupled to an outlet of
27 the secondary pressure regulator and a second end coupled to an inlet of
28

1 the gaseous fuel line to couple the secondary pressure regulator to the
2 gaseous fuel line, as called for in claim 7 of U.S. Patent No. 11,492,985.

3 f. Independent claim 11 by specifically including a generator and fuel
4 delivery system having a generator with an engine configured to operate
5 on a gaseous fuel supplied from a pressurized fuel source through a
6 gaseous fuel line; and a fuel regulator system located off-board the
7 generator, including a first stage and a second stage, and configured to
8 regulate a gaseous fuel supplied from a pressurized fuel source in the first
9 stage down to a reduced pressure and regulate the reduced pressure
10 gaseous fuel in the second stage down to a desired pressure for delivery
11 through a gaseous fuel line to operate the generator, wherein the fuel
12 regulator system outputs gaseous fuel to the generator for operation of an
13 engine at the second reduced pressure, as called for in claim 11 of U.S.
14 Patent No. 11,492,985.

15 g. Dependent claim 14 by specifically including all the aforementioned
16 elements of claim 11 and, in addition, the generator comprises a dual fuel
17 generator configured to operate on the gaseous fuel and on a liquid fuel,
18 the liquid fuel supplied from a liquid fuel source through a liquid fuel line,
19 as called for in claim 14 of U.S. Patent No. 11,492,985.

20 h. Dependent claim 15 by specifically including all the aforementioned
21 elements of claim 14 and, in addition, a mechanical fuel valve actuatable
22 between a first position and a second position to selectively control fuel
23 flow to the dual fuel generator from the liquid fuel source through the
24 liquid fuel line and the pressurized fuel source through the gaseous fuel
25 line, as called for in claim 15 of U.S. Patent No. 11,492,985.

26 i. Independent claim 16 by specifically including a dual fuel generator and
27 fuel delivery system having a dual fuel generator configured to operate on
28 a liquid fuel supplied from a liquid fuel source through a liquid fuel line

1 and a gaseous fuel supplied from a pressurized fuel source through a
2 gaseous fuel line; and a fuel regulator system located off board a dual fuel
3 generator, including a primary pressure regulator coupled to a service
4 valve of a pressurized fuel source configured to regulate the gaseous fuel
5 supplied from the pressurized fuel source in the first stage, the gaseous
6 fuel regulated down to a first reduced pressure in the first stage and
7 regulate the gaseous fuel output from the first stage in the second stage,
8 the first reduced pressure gaseous fuel from the first stage being regulated
9 down to a second reduced pressure in the second stage for delivery
10 through the gaseous fuel line to operate the generator, wherein the fuel
11 regulator system outputs gaseous fuel to the generator for operation of the
12 engine at the second reduced pressure, as called for in claim 16 of U.S.
13 Patent No. 11,492,985.

- 14 j. Dependent claim 18 by specifically including all the aforementioned
15 elements of claim 16 and, in addition, a quick-connect hose coupling
16 including a first end coupled to an outlet of the secondary pressure
17 regulator and a second end coupled to an inlet of the gaseous fuel line to
18 couple the secondary pressure regulator to the gaseous fuel line, as called
19 for in claim 18 of U.S. Patent No. 11,492,985.

20 Therefore, each of the foregoing Firman generator models listed in Paragraph 111(a)-(e)
21 infringes at least claims 1, 4-7, 11, 14-16, and 18 of U.S. Patent No. 11,492,985.

22 **ANSWER: Firman denies the allegations of paragraph 112.**

23
24 113. Upon information and belief, Firman has been and is now making, using,
25 selling, or offering for sale within the United States, or importing into the United States,
26 the following additional generator models:

- 27 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
28

- 1 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
2 and
3 c. Model WH03342, a dual fuel inverter portable generator.

4 **ANSWER: Firman admits the allegations of paragraph 113.**

5
6 114. Upon review of images, owner's manuals, and electrical schematics of the
7 foregoing Finnan generator models and comparisons of the images, owner's manuals,
8 and electrical schematics of the foregoing Firman generator models to those of the
9 Firman generator models listed in Paragraph 111, it was determined that each of the
10 foregoing Firman generator models includes all of the elements of at least claims 1, 4-7,
11 11, 14-16, and 18 of U.S. Patent No. 11,492,985. Each of the foregoing Firman
12 generator models infringes:

- 13 a. Independent claim 1 specifically including a generator and fuel delivery
14 system having a generator free of any pressure regulator and configured to
15 operate on a gaseous fuel supplied from a pressurized fuel source through
16 a gaseous fuel line and having a fuel regulator system located off-board
17 the generator, including a first stage and a second stage, and configured to
18 regulate a gaseous fuel supplied from a pressurized fuel source in the first
19 stage down to a reduced pressure and regulate the reduced pressure
20 gaseous fuel in the second stage down to a desired pressure for delivery
21 through a gaseous fuel line to operate the generator, as called for in claim
22 1 of U.S. Patent No. 11,492,985.
- 23 b. Dependent claim 4 specifically including all the aforementioned elements
24 of claim 1 and, in addition, the generator comprises a dual fuel generator
25 configured to operate on the gaseous fuel and on a liquid fuel, the liquid
26 fuel supplied from a liquid fuel source through a liquid fuel line, as called
27 for in claim 4 of U.S. Patent No. 11,492,985.

- 1 c. Dependent claim 5 by specifically including all the aforementioned
2 elements of claim 4 and, in addition, a mechanical fuel valve actuatable
3 between a first position and a second position to selectively control fuel
4 flow to the dual fuel generator from the liquid fuel source through the
5 liquid fuel line and the pressurized fuel source through the gaseous fuel
6 line, as called for in claim 5 of U.S. Patent No. 11,492,985.
- 7 d. Dependent claim 6 by specifically including all the aforementioned
8 elements of claim 5 and, in addition, a fuel lockout apparatus is coupled to
9 the mechanical fuel valve; when the mechanical fuel valve is in the first
10 position, the fuel lockout apparatus communicates the liquid fuel source to
11 the dual fuel generator and prevents the pressurized fuel source from
12 coupling to the dual fuel generator; and when the mechanical fuel valve is
13 in the second position, the fuel lockout apparatus permits the pressurized
14 fuel source to couple to the dual fuel generator and interrupts the liquid
15 fuel source communication with the dual fuel generator, as called for in
16 claim 6 of U.S. Patent No. 11,492,985.
- 17 e. Dependent claim 7 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, the first stage comprises a primary
19 pressure regulator and the second stage comprises a secondary pressure
20 regulator and the generator and fuel delivery system further comprises a
21 quick-connect hose coupling including a first end coupled to an outlet of
22 the secondary pressure regulator and a second end coupled to an inlet of
23 the gaseous fuel line to couple the secondary pressure regulator to the
24 gaseous fuel line, as called for in claim 7 of U.S. Patent No. 11,492,985.
- 25 f. Independent claim 11 by specifically including a generator and fuel
26 delivery system having a generator with an engine configured to operate
27 on a gaseous fuel supplied from a pressurized fuel source through a
28 gaseous fuel line; and a fuel regulator system located off-board the

1 generator, including a first stage and a second stage, and configured to
2 regulate a gaseous fuel supplied from a pressurized fuel source in the first
3 stage down to a reduced pressure and regulate the reduced pressure
4 gaseous fuel in the second stage down to a desired pressure for delivery
5 through a gaseous fuel line to operate the generator, wherein the fuel
6 regulator system outputs gaseous fuel to the generator for operation of an
7 engine at the second reduced pressure, as called for in claim 11 of U.S.
8 Patent No. 11,492,985.

9 g. Dependent claim 14 by specifically including all the aforementioned
10 elements of claim 11 and, in addition, the generator comprises a dual fuel
11 generator configured to operate on the gaseous fuel and on a liquid fuel,
12 the liquid fuel supplied from a liquid fuel source through a liquid fuel line,
13 as called for in claim 14 of U.S. Patent No. 11,492,985.

14 h. Dependent claim 15 by specifically including all the aforementioned
15 elements of claim 14 and, in addition, a mechanical fuel valve actuatable
16 between a first position and a second position to selectively control fuel
17 flow to the dual fuel generator from the liquid fuel source through the
18 liquid fuel line and the pressurized fuel source through the gaseous fuel
19 line, as called for in claim 15 of U.S. Patent No. 11,492,985.

20 i. Independent claim 16 by specifically including a dual fuel generator and
21 fuel delivery system having a dual fuel generator configured to operate on
22 a liquid fuel supplied from a liquid fuel source through a liquid fuel line
23 and a gaseous fuel supplied from a pressurized fuel source through a
24 gaseous fuel line; a fuel regulator system located off board a dual fuel
25 generator including a primary pressure regulator coupled to a service
26 valve of a pressurized fuel source, configured to regulate the gaseous fuel
27 supplied from the pressurized fuel source in the first stage, the gaseous
28 fuel regulated down to a first reduced pressure in the first stage and

1 regulate the gaseous fuel output from the first stage in the second stage,
2 the first reduced pressure gaseous fuel from the first stage being regulated
3 down to a second reduced pressure in the second stage for delivery
4 through the gaseous fuel line to operate the generator, wherein the fuel
5 regulator system outputs gaseous fuel to the generator for operation of the
6 engine at the second reduced pressure, as called for in claim 16 of U.S.
7 Patent No. 11,492,985.

8 j. Dependent claim 18 by specifically including all the aforementioned
9 elements of claim 16 and, in addition, a quick-connect hose coupling
10 including a first end coupled to an outlet of the secondary pressure
11 regulator and a second end coupled to an inlet of the gaseous fuel line to
12 couple the secondary pressure regulator to the gaseous fuel line, as called
13 for in claim 18 of U.S. Patent No. 11,492,985.

14 Therefore, each of the foregoing Firman generator models listed in Paragraph 113(a)-(c)
15 infringes at least claims 1, 4-7, 11, 14-16, and 18 of U.S. Patent No. 11,492,985.

16 **ANSWER: Firman denies the allegations of paragraph 114.**

17
18 115. Champion has no adequate remedy at law against Firman's acts of
19 infringement and will suffer irreparable harm unless Firman is preliminarily and
20 permanently enjoined from its infringement of U.S. Patent No. 11,492,985.

21 **ANSWER: Firman denies the allegations of paragraph 115.**

22
23 116. Upon information and belief, Firman's infringement has been willful,
24 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,492,985.

25 **ANSWER: Firman denies the allegations of paragraph 116.**

26
27 117. Firman, by way of its infringing activity, has caused and continues to
28 cause Champion to suffer damages in an amount to be determined at trial.

1 **ANSWER: Firman denies the allegations of paragraph 117.**

2
3 **COUNT IX: INFRINGEMENT OF U.S. PATENT NO. 11,530,654**

4 118. Paragraphs 1 through 117 are incorporated by reference as if fully set
5 forth herein.

6 **ANSWER: Firman repeats its responses to paragraphs 1 through 117 as if**
7 **fully set forth here.**

8
9 119. U.S. Patent No. 11,530,654 is titled “OFF-BOARD FUEL REGULATOR
10 FOR GENERATOR ENGINE.” U.S. Patent No. 11,530,654 was duly and legally
11 issued on December 20, 2022. A true and correct copy of U.S. Patent No. 11,530,654 is
12 attached as Exhibit I.

13 **ANSWER: Firman admits that U.S. Patent No. 11,530,654 is titled “OFF-**
14 **BOARD FUEL REGULATOR FOR GENERATOR ENGINE” and lists the**
15 **issuance date on the face of the patent as December 20, 2022. Firman admits that**
16 **what purports to be a copy of the ’654 patent is attached to the complaint. The**
17 **remaining allegations of paragraph 119 are denied.**

18
19 120. Champion is the lawful assignee of the entire right, title, and interest in
20 and to U.S. Patent No. 11,530,654 and possesses all rights of recovery under the patent,
21 including the right to recover damages for past infringement.

22 **ANSWER: Firman lacks knowledge or information sufficient to form a**
23 **belief about the truth of the allegations of paragraph 120.**

24
25 121. Champion has acquired and inspected the following Firman generator
26 models that Firman has been and is making, using, selling, or offering for sale within
27 the United States, or importing into the United States:

28 a. Model WH02942, a dual fuel inverter portable generator;

- b. Model WH03041, a dual fuel inverter portable generator;
- c. Model WH03042, a dual fuel inverter portable generator;
- d. Model WH03242, a dual fuel inverter portable generator; and
- e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 121(a) through 121(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 121.

122. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6, 7, and 10 of U.S. Patent No. 11,530,654. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a dual fuel generator and fuel delivery system including a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line, a fuel regular system located off board the dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel

1 flow to the dual fuel generator from the liquid fuel source through the
2 liquid fuel line and the pressurized fuel source through the gaseous fuel
3 line, and a fuel lockout apparatus coupled to the mechanical fuel valve,
4 wherein when the mechanical fuel valve is in the first position, the fuel
5 lockout apparatus communicates the liquid fuel source to the dual fuel
6 generator and prevents the pressurized fuel source from coupling to the
7 dual fuel generator, and actuation of the mechanical fuel valve to the
8 second position causes the fuel lockout apparatus to permit the pressurized
9 fuel source to couple to the dual fuel generator and interrupts the liquid
10 fuel source communication with the dual fuel generator, as called for in
11 claim 1 of U.S. Patent No. 11,530,654.

12 b. Dependent claim 2 specifically including all the aforementioned elements
13 of claim 1 and, in addition, a first end of a quick-connect hose coupling
14 coupled to an outlet of the secondary pressure regulator and a second end
15 of the quick-connect hose coupling coupled to an inlet of the gaseous fuel
16 line to mate with the first end of the quick-connect hose coupling to
17 couple the secondary pressure regulator to the gaseous fuel line, as called
18 for in claim 2 of U.S. Patent No. 11,530,654.

19 c. Independent claim 6 by specifically including a dual fuel generator and
20 fuel delivery system having a dual fuel generator configured to operate on
21 a liquid fuel supplied from a liquid fuel source through a liquid fuel line
22 and a gaseous fuel supplied from a pressurized fuel source through a
23 gaseous fuel line, a fuel regulator system located off board the dual fuel
24 generator and having a primary pressure regulator coupled to a service
25 valve of a pressurized fuel source and configured to regulate a gaseous
26 fuel supplied from the pressurized fuel source to a first reduced pressure
27 and a secondary pressure regulator coupled to the primary pressure
28 regulator and configured to regulate the gaseous fuel supplied from the

1 primary pressure regulator down from the first reduced pressure to a
2 second reduced pressure for delivery through a gaseous fuel line to
3 operate the dual fuel generator, a mechanical fuel valve actuatable
4 between a first position and a second position to selectively control fuel
5 flow to the dual fuel generator from a liquid fuel source through a liquid
6 fuel line and the pressurized fuel source through the gaseous fuel line and
7 that opens and closes the liquid fuel line to selectively control fuel flow
8 from the liquid fuel source to the dual fuel generator, and a fuel lockout
9 apparatus coupled to the mechanical fuel valve and configured to prevent
10 the pressurized fuel source from coupling to the gaseous fuel line while
11 the mechanical fuel valve opens the liquid fuel line and permit the
12 pressurized fuel source to couple to the gaseous fuel line while the
13 mechanical fuel valve closes the liquid fuel line, as called for in claim 6 of
14 U.S. Patent No. 11,530,654.

15 d. Dependent claim 7 by specifically including all the aforementioned
16 elements of claim 6 and, in addition, the fuel lockout apparatus is further
17 configured to prevent the mechanical fuel valve from opening the liquid
18 fuel line while the dual fuel generator receives fuel from the pressurized
19 fuel source, as called for in claim 7 of U.S. Patent No. 11,530,654.

20 e. Independent claim 10 by specifically including a generator and fuel
21 delivery system having a generator configured to operate on a gaseous
22 fuel supplied from a pressurized fuel source through a gaseous fuel line
23 and free from any pressure regulator and a fuel regulator system located
24 off-board the generator and configured to regulate the gaseous fuel
25 supplied from the pressurized fuel source in a first stage, the gaseous fuel
26 regulated down to a reduced pressure in the first stage and regulate the
27 reduced pressure gaseous fuel in a second stage, the reduced gaseous fuel
28 from the first stage regulated down to a desired pressure in the second

1 stage for delivery through the gaseous fuel line to operate the generator, as
2 called for in claim 10 of U.S. Patent No. 11,530,654.

3 Therefore, each of the foregoing Firman generator models listed in Paragraph 121(a)-(e)
4 infringes at least claims 1, 2, 6, 7, and 10 of U.S. Patent No. 11,530,654.

5 **ANSWER: Firman denies the allegations of paragraph 122.**

6
7 123. Upon information and belief, Firman has been and is now making, using,
8 selling, or offering for sale within the United States, or importing into the United States,
9 the following additional generator models:

- 10 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
11 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
12 and
13 c. Model WH03342, a dual fuel inverter portable generator.

14 **ANSWER: Firman admits the allegations of paragraph 123.**

15
16 124. Upon review of images, owner's manuals, and electrical schematics of the
17 foregoing Firman generator models and comparisons of the images, owner's manuals,
18 and electrical schematics of the foregoing Firman generator models to those of the
19 Firman generator models listed in Paragraph 121, it was determined that each of the
20 foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6,
21 7, and 10 of U.S. Patent No. 11,530,654. Each of the foregoing Firman generator
22 models infringes:

- 23 a. Independent claim 1 by specifically including a dual fuel generator and
24 fuel delivery system including a dual fuel generator configured to operate
25 on a liquid fuel supplied from a liquid fuel source through a liquid fuel
26 line and a gaseous fuel supplied from a pressurized fuel source through a
27 gaseous fuel line, a fuel regulator system located off board the dual fuel
28 generator and having a primary pressure regulator coupled to a service

1 valve of a pressurized fuel source and configured to regulate a gaseous
2 fuel supplied from the pressurized fuel source to a first reduced pressure
3 and a secondary pressure regulator coupled to the primary pressure
4 regulator and configured to regulate the gaseous fuel supplied from the
5 primary pressure regulator down from the first reduced pressure to a
6 second reduced pressure for delivery through a gaseous fuel line to
7 operate the dual fuel generator, a mechanical fuel valve actuatable
8 between a first position and a second position to selectively control fuel
9 flow to the dual fuel generator from the liquid fuel source through the
10 liquid fuel line and the pressurized fuel source through the gaseous fuel
11 line, and a fuel lockout apparatus coupled to the mechanical fuel valve,
12 wherein when the mechanical fuel valve is in the first position, the fuel
13 lockout apparatus communicates the liquid fuel source to the dual fuel
14 generator and prevents the pressurized fuel source from coupling to the
15 dual fuel generator, and actuation of the mechanical fuel valve to the
16 second position causes the fuel lockout apparatus to permit the pressurized
17 fuel source to couple to the dual fuel generator and interrupts the liquid
18 fuel source communication with the dual fuel generator, as called for in
19 claim 1 of U.S. Patent No. 11,530,654.

20 b. Dependent claim 2 by specifically including all the aforementioned
21 elements of claim 1 and, in addition, a first end of a quick-connect hose
22 coupling coupled to an outlet of the secondary pressure regulator and a
23 second end of the quick-connect hose coupling coupled to an inlet of the
24 gaseous fuel line to mate with the first end of the quick-connect hose
25 coupling to couple the secondary pressure regulator to the gaseous fuel
26 line, as called for in claim 2 of U.S. Patent No. 11,530,654.

27 c. Independent claim 6 by specifically including a dual fuel generator and
28 fuel delivery system having a dual fuel generator configured to operate on

1 a liquid fuel supplied from a liquid fuel source through a liquid fuel line
2 and a gaseous fuel supplied from a pressurized fuel source through a
3 gaseous fuel line, a fuel regulator system located off board the dual fuel
4 generator and having a primary pressure regulator coupled to a service
5 valve of a pressurized fuel source and configured to regulate a gaseous
6 fuel supplied from the pressurized fuel source to a first reduced pressure
7 and a secondary pressure regulator coupled to the primary pressure
8 regulator and configured to regulate the gaseous fuel supplied from the
9 primary pressure regulator down from the first reduced pressure to a
10 second reduced pressure for delivery through a gaseous fuel line to
11 operate the dual fuel generator, a mechanical fuel valve actuatable
12 between a first position and a second position to selectively control fuel
13 flow to the dual fuel generator from a liquid fuel source through a liquid
14 fuel line and the pressurized fuel source through the gaseous fuel line and
15 that opens and closes the liquid fuel line to selectively control fuel flow
16 from the liquid fuel source to the dual fuel generator, and a fuel lockout
17 apparatus coupled to the mechanical fuel valve and configured to prevent
18 the pressurized fuel source from coupling to the gaseous fuel line while
19 the mechanical fuel valve opens the liquid fuel line and permit the
20 pressurized fuel source to couple to the gaseous fuel line while the
21 mechanical fuel valve closes the liquid fuel line, as called for in claim 6 of
22 U.S. Patent No. 11,530,654.

- 23 d. Dependent claim 7 by specifically including all the aforementioned
24 elements of claim 6 and, in addition, the fuel lockout apparatus is further
25 configured to prevent the mechanical fuel valve from opening the liquid
26 fuel line while the dual fuel generator receives fuel from the pressurized
27 fuel source, as called for in claim 7 of U.S. Patent No. 11,530,654
28

e. Independent claim 10 by specifically including a generator and fuel delivery system having a generator configured to operate on a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line and free from any pressure regulator and a fuel regulator system located off-board the generator and configured to regulate the gaseous fuel supplied from the pressurized fuel source in a first stage, the gaseous fuel regulated down to a reduced pressure in the first stage and regulate the reduced pressure gaseous fuel in a second stage, the reduced pressure gaseous fuel from the first stage regulated down to a desired pressure in the second stage for delivery through the gaseous fuel line to operate the generator, as called for in claim 10 of U.S. Patent No. 11,530,654.

Therefore, each of the foregoing Firman generator models listed in Paragraph 123(a)-(c) infringes at least claims 1, 2, 6, 7, and 10 of U.S. Patent No. 11,530,654.

ANSWER: Firman denies the allegations of paragraph 124.

125. Champion has no adequate remedy at law against Firman's acts of infringement and will suffer irreparable harm unless Firman is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 11,530,654.

ANSWER: Firman denies the allegations of paragraph 125.

126. Upon information and belief, Firman's infringement has been willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,530,654.

ANSWER: Firman denies the allegations of paragraph 126.

127. Firman, by way of its infringing activity, has caused and continues to cause Champion to suffer damages in an amount to be determined at trial.

ANSWER: Firman denies the allegations of paragraph 127.

COUNT X: INFRINGEMENT OF U.S. PATENT NO. 11,761,390

128. Paragraphs 1 through 127 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 127 as if fully set forth here.

129. U.S. Patent No. 11,761,390 is titled “DUAL FUEL SELECTOR SWITCH.” U.S. Patent No. 11,761,390 was duly and legally issued on September 19, 2023. A true and correct copy of U.S. Patent No. 11,761,390 is attached as Exhibit J.

ANSWER: Firman admits that U.S. Patent No. 11,761,390 is titled “DUAL FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent as September 19, 2023. Firman admits that what purports to be a copy of the ’390 patent is attached to the complaint. The remaining allegations of paragraph 129 are denied.

130. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,761,390 and possesses all rights of recovery under the patent, including the right to recover damages for past infringement.

ANSWER: Firman lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 130.

131. Champion has acquired and inspected the following Firman generator models that Firman has been and is making, using, selling, or offering for sale within the United States, or importing into the United States:

- a. Model H03651, a dual fuel portable generator;
- b. Model H03652, a dual fuel portable generator;
- c. Model H05751, a dual fuel portable generator;
- d. Model H05752, a dual fuel portable generator;

- e. Model H05753, a dual fuel portable generator;
- f. Model H07552, a dual fuel portable generator;
- g. Model H07553, a dual fuel portable generator;
- h. Model H08051, a dual fuel portable generator;
- i. Model H08053, a dual fuel portable generator;
- j. Model T04073, a tri fuel portable generator;
- k. Model T07571, a tri fuel portable generator;
- l. Model T07573, a tri fuel portable generator;
- m. Model T08071, a tri fuel portable generator;
- n. Model T08072, a tri fuel portable generator;
- o. Model T09275, a tri fuel portable generator;
- p. Model T09371, a tri fuel portable generator;
- q. Model WH02942, a dual fuel inverter portable generator;
- r. Model WH03041, a dual fuel inverter portable generator;
- s. Model WH03042, a dual fuel inverter portable generator;
- t. Model WH03242, a dual fuel inverter portable generator;
- u. Model WH03344, a dual fuel inverter portable generator;
- v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and
- w. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 131(a) through 131(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 131.

132. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing

1 Firman generator models includes all of the elements of at least claims 1-9 of U.S.
2 Patent No. 11,761,390. Each of the foregoing Firman generator models infringes:

3 a. Independent claim 1 by specifically including a selector switch having a
4 first fuel mode configured to enable a first fuel flow from a first fuel
5 source to an engine of a dual fuel generator and a second fuel mode
6 configured to enable a second fuel flow from a second fuel source to the
7 engine of the dual fuel generator, a fuel solenoid having open and closed
8 positions, and a solenoid switch having a closed position to activate the
9 fuel solenoid and an open position, wherein, when the selector switch is in
10 the first fuel mode, the fuel solenoid is in the closed position and, when
11 the selector switch is in the second fuel mode, the solenoid switch is in the
12 open position and the fuel solenoid is in the open position, as called for in
13 claim 1 of U.S. Patent No. 11,761,390.

14 b. Dependent claim 2 by specifically including all the aforementioned
15 elements of claim 1 and, in addition, the selector switch triggers the
16 solenoid switch when changed from the second fuel mode to the first fuel
17 mode, so as to cause the fuel solenoid to operate in the closed position, as
18 called for in claim 2 of U.S. Patent No. 11,761,390.

19 c. Dependent claim 3 by specifically including all the aforementioned
20 elements of claim 1 and, in addition, a valve assembly fluidly connectable
21 to each of the first fuel source and the second fuel source, the valve
22 assembly being operable to selectively control the first fuel flow and the
23 second fuel flow from the first fuel source and the second fuel source,
24 respectively, to the engine of the dual fuel generator and positioning of the
25 selector switch in the first fuel mode and the second fuel mode enables a
26 selection of one of the first fuel flow and the second fuel flow, as called
27 for in claim 3 of U.S. Patent No. 11,761,390.

28

- 1 d. Dependent claim 4 by specifically including all the aforementioned
2 elements of claim 3 and, in addition, the valve assembly is positioned on
3 or adjacent the selector switch, as called for in claim 4 of U.S. Patent No.
4 11,761,390.
- 5 e. Dependent claim 5 by specifically including all the aforementioned
6 elements of claim 3 and, in addition, the valve assembly includes two fuel
7 inputs, with a first fuel input connectable to the first fuel source and a
8 second fuel input connectable to the second fuel source, and two fuel
9 outputs for selectively supplying fuel to the engine from the first fuel
10 source or the second fuel source, as called for in claim 5 of U.S. Patent
11 No. 11,761,390.
- 12 f. Dependent claim 6 by specifically including all the aforementioned
13 elements of claim 5 and, in addition, the two fuel outputs selectively
14 supply fuel to the engine from only the first fuel source or only the second
15 fuel source, responsive to selection of the first fuel flow or the second fuel
16 flow via the selector switch and to a corresponding operation of the valve
17 assembly, as called for in claim 6 of U.S. Patent No. 11,761,390.
- 18 g. Dependent claim 7 by specifically including all the aforementioned
19 elements of claim 5 and, in addition, the valve assembly includes a first
20 fuel valve having open and closed positions to selectively control the first
21 fuel flow to the engine and a second fuel valve having open and closed
22 positions to selectively control the second fuel flow to the engine, as
23 called for in claim 7 of U.S. Patent No. 11,761,390.
- 24 h. Dependent claim 8 by specifically including all the aforementioned
25 elements of claim 3 and, in addition, the first fuel source is a an LPG fuel
26 source and wherein the second fuel source is a gasoline fuel source, as
27 called for in claim 8 of U.S. Patent No. 11,761,390.
- 28

1 i. Dependent claim 9 by specifically including all the aforementioned
 2 elements of claim 1 and, in addition, the fuel solenoid is a carburetor
 3 shutoff solenoid, as called for in claim 9 of U.S. Patent No. 11,761,390.
 4 Therefore, each of the foregoing Firman generator models listed in Paragraph 131(a)-
 5 (w) infringes at least claims 1-9 of U.S. Patent No. 11,761,390.

6 **ANSWER: Firman denies the allegations of paragraph 132.**

7
 8 133. Upon information and belief, Firman has been and is now making, using,
 9 selling, or offering for sale within the United States, or importing into the United States,
 10 the following additional generator models:

- 11 a. Model H03654, a dual fuel portable generator;
- 12 b. Model H05754, a dual fuel portable generator;
- 13 c. Model H07554, a dual fuel portable generator;
- 14 d. Model H08052, a dual fuel portable generator;
- 15 e. Model T07571F, a refurbished tri fuel portable generator;
- 16 f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 17 g. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 18 and
- 19 h. Model WH03342, a dual fuel inverter portable generator.

20 **ANSWER: Firman denies the allegations of paragraph 133(c). Firman**
 21 **admits the remaining allegations of paragraph 133.**

22
 23 134. Upon review of images, owner's manuals, and electrical schematics of the
 24 foregoing Firman generator models and comparisons of the images, owner's manuals,
 25 and electrical schematics of the foregoing Firman generator models to those of the
 26 Firman generator models listed in Paragraph 131, it was determined that each of the
 27 foregoing Firman generator models includes all of the elements of at least claims 1-9 of
 28 U.S. Patent No. 11,761,390. Each of the foregoing Firman generator models infringes:

- 1 a. Independent claim 1 by specifically including a selector switch having a
2 first fuel mode configured to enable a first fuel flow from a first fuel source
3 to an engine of a dual fuel generator and a second fuel mode configured to
4 enable a second fuel flow from a second fuel source to the engine of the
5 dual fuel generator, a fuel solenoid having open and closed positions, and
6 a solenoid switch having a closed position to activate the fuel solenoid and
7 an open position, wherein, when the selector switch is in the first fuel
8 mode, the fuel solenoid is in the closed position and, when the selector
9 switch is in the second fuel mode, the solenoid switch is in the open
10 position and the fuel solenoid is in the open position, as called for in claim
11 1 of U.S. Patent No. 11,761,390.
- 12 b. Dependent claim 2 by specifically including all the aforementioned
13 elements of claim 1 and, in addition, the selector switch triggers the
14 solenoid switch when changed from the second fuel mode to the first fuel
15 mode, so as to cause the fuel solenoid to operate in the closed position, as
16 called for in claim 2 of U.S. Patent No. 11,761,390.
- 17 c. Dependent claim 3 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, a valve assembly fluidly connectable
19 to each of the first fuel source and the second fuel source, the valve
20 assembly being operable to selectively control the first fuel flow and the
21 second fuel flow from the first fuel source and the second fuel source,
22 respectively, to the engine of the dual fuel generator and positioning of the
23 selector switch in the first fuel mode and the second fuel mode enables a
24 selection of one of the first fuel flow and the second fuel flow, as called
25 for in claim 3 of U.S. Patent No. 11,761,390.
- 26 d. Dependent claim 4 by specifically including all the aforementioned
27 elements of claim 3 and, in addition, the valve assembly is positioned on
28

1 or adjacent the selector switch, as called for in claim 4 of U.S. Patent No.
2 11,761,390.

3 e. Dependent claim 5 by specifically including all the aforementioned
4 elements of claim 3 and, in addition, the valve assembly includes two fuel
5 inputs, with a first fuel input connectable to the first fuel source and a
6 second fuel input connectable to the second fuel source, and two fuel
7 outputs for selectively supplying fuel to the engine from the first fuel
8 source or the second fuel source, as called for in claim 5 of U.S. Patent
9 No. 11,761,390.

10 f. Dependent claim 6 by specifically including all the aforementioned
11 elements of claim 5 and, in addition, the two fuel outputs selectively
12 supply fuel to the engine from only the first fuel source or only the second
13 fuel source, responsive to selection of the first fuel flow or the second fuel
14 flow via the selector switch and to a corresponding operation of the valve
15 assembly, as called for in claim 6 of U.S. Patent No. 11,761,390.

16 g. Dependent claim 7 by specifically including all the aforementioned
17 elements of claim 5 and, in addition, the valve assembly includes a first
18 fuel valve having open and closed positions to selectively control the first
19 fuel flow to the engine and a second fuel valve having open and closed
20 positions to selectively control the second fuel flow to the engine, as
21 called for in claim 7 of U.S. Patent No. 11,761,390.

22 h. Dependent claim 8 by specifically including all the aforementioned
23 elements of claim 3 and, in addition, the first fuel source is a an LPG fuel
24 source and wherein the second fuel source is a gasoline fuel source, as
25 called for in claim 8 of U.S. Patent No. 11,761,390.

26 i. Dependent claim 9 by specifically including all the aforementioned
27 elements of claim 1 and, in addition, the fuel solenoid is a carburetor
28 shutoff solenoid, as called for in claim 9 of U.S. Patent No. 11,761,390.

1 Therefore, each of the foregoing Firman generator models listed in Paragraph 133(a)-(h)
2 infringes at least claims 1-9 of U.S. Patent No. 11,761,390.

3 **ANSWER: Firman denies the allegations of paragraph 134.**

4
5 135. Champion has no adequate remedy at law against Finnan's acts of
6 infringement and will suffer irreparable harm unless Firman is preliminarily and
7 permanently enjoined from its infringement of U.S. Patent No. 11,761,390.

8 **ANSWER: Firman denies the allegations of paragraph 135.**

9
10 136. Upon information and belief, Firman's infringement has been willful,
11 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,761,390.

12 **ANSWER: Firman denies the allegations of paragraph 136.**

13
14 137. Firman, by way of its infringing activity, has caused and continues to
15 cause Champion to suffer damages in an amount to be determined at trial.

16 **ANSWER: Firman denies the allegations of paragraph 137.**

17
18 **COUNT XI: INFRINGEMENT OF U.S. PATENT NO. 11,840,970**

19 138. Paragraphs 1 through 137 are incorporated by reference as if fully set
20 forth herein.

21 **ANSWER: Firman repeats its responses to paragraphs 1 through 137 as if**
22 **fully set forth here.**

23
24 139. U.S. Patent No. 11,840,970 is titled "DUAL FUEL GENERATOR WITH
25 REMOTE REGULATOR." U.S. Patent No. 11,840,970 was duly and legally issued on
26 December 12, 2023. A true and correct copy of U.S. Patent No. 11,840,970 is attached
27 as Exhibit K.
28

1 **ANSWER:** Firman admits that U.S. Patent No. 11,840,970 is titled “DUAL
2 FUEL GENERATOR WITH REMOTE REGULATOR” and lists the issuance date on
3 the face of the patent as December 12, 2023. Firman admits that what purports to be a
4 copy of the ’970 patent is attached as Exhibit K. The remaining allegations of paragraph
5 139 are denied.

6
7 140. Champion is the lawful assignee of the entire right, title, and interest in
8 and to U.S. Patent No. 11,840,970 and possesses all rights of recovery under the patent,
9 including the right to recover damages for past infringement.

10 **ANSWER:** Firman lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations of paragraph 140.

12
13 141. Champion has acquired and inspected the following Firman generator
14 models that Firman has been and is making, using, selling, or offering for sale within
15 the United States, or importing into the United States:

- 16 a. Model WH02942, a dual fuel inverter portable generator;
17 b. Model WH03041, a dual fuel inverter portable generator;
18 c. Model WH03042, a dual fuel inverter portable generator;
19 d. Model WH03242, a dual fuel inverter portable generator; and
20 e. Model WH03344, a dual fuel inverter portable generator.

21 **ANSWER:** Firman admits it makes, uses, sells, or offers for sale within the
22 United States, or imports into the United States, the models listed in paragraph
23 141(a) through 141(e). Firman lacks knowledge or information sufficient to form a
24 belief about the truth of the remaining allegations of paragraph 141.

25
26 142. Upon acquisition, disassembly as needed, review of owner’s manuals and
27 electrical schematics, and inspection, it was determined that each of the foregoing
28

1 Firman generator models includes all of the elements of at least claims 1, 2, 4, 5, 7, 12-
2 15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S. Patent No. 11,840,970. Each of the
3 foregoing Firman generator models infringes:

- 4 a. Independent claim 1 by specifically including a dual fuel generator and
5 fuel delivery system including a dual fuel generator having an engine
6 configured to operate on a liquid fuel supplied from a liquid fuel source
7 through a liquid fuel line and a gaseous fuel supplied from a pressurized
8 fuel source through a gaseous fuel line and a carburetor attached to an
9 intake of the engine to mix air and fuel and connect the liquid fuel line to
10 the intake; a fuel regulator system located off board the dual fuel
11 generator, the fuel regulator system including a primary pressure regulator
12 coupled to a service valve of the pressurized fuel source and configured to
13 regulate the fuel supplied from the pressurized fuel source to a reduced
14 pressure and a secondary pressure regulator coupled to the primary
15 pressure regulator and configured to regulate the gaseous fuel supplied
16 from the primary pressure regulator to a desired pressure for delivery
17 through the gaseous fuel line to operate the dual fuel generator; and a
18 mechanical fuel valve actuatable between a first position and a second
19 position to selectively control fuel flow to the engine from the liquid fuel
20 source through the liquid fuel line and the pressurized fuel source through
21 the gaseous fuel line, as called for in claim 1 of U.S. Patent No.
22 11,840,970.
- 23 b. Dependent claim 2 by specifically including all the aforementioned
24 elements of claim 1 and, in addition, the carburetor connects the gaseous
25 fuel line to the intake, as called for in claim 2 of U.S. Patent No.
26 11,840,970.
- 27 c. Dependent claim 4 by specifically including all the aforementioned
28 elements of claim 1 and, in addition, the mechanical fuel valve opens and

1 closes the liquid fuel line to selectively control fuel flow from the liquid
2 fuel source to the dual fuel generator and a fuel lockout apparatus is
3 coupled to the mechanical fuel valve and is configured to prevent the
4 pressurized fuel source from coupling to the gaseous fuel line while the
5 mechanical fuel valve opens the liquid fuel line and to permit the
6 pressurized fuel source to couple to the gaseous fuel line while the
7 mechanical fuel valve closes the liquid fuel line, as called for in claim 4 of
8 U.S. Patent No. 11,840,970.

9 d. Dependent claim 5 by specifically including all the aforementioned
10 elements of claim 4 and, in addition, the fuel lockout apparatus is further
11 configured to prevent the mechanical fuel valve from opening the liquid
12 fuel line while the dual fuel generator receives fuel from the pressurized
13 fuel source, as called for in claim 5 of U.S. Patent No. 11,840,970.

14 e. Dependent claim 7 by specifically including all the aforementioned
15 elements of claim 1 and, in addition, a first end of a quick-connect hose
16 coupling coupled to an outlet of the secondary pressure regulator and a
17 second end of the quick-connect hose coupling coupled to an inlet of the
18 gaseous fuel line to mate with the first end of the quick-connect hose
19 coupling to couple the secondary pressure regulator to the gaseous fuel
20 line, as called for in claim 7 of U.S. Patent No. 11,840,970.

21 f. Independent claim 12 by specifically including a dual fuel generator and
22 fuel delivery system including a dual fuel generator having a generator
23 housing, an alternator mounted within the generator housing, and an
24 engine driving the alternator and mounted within the generator housing,
25 the engine configured to operate on a liquid fuel supplied from a liquid
26 fuel source through a liquid fuel line and a gaseous fuel supplied from a
27 pressurized fuel source through a gaseous fuel line; a fuel regulator system
28 located off board the dual fuel generator, the fuel regulator system

1 configured to regulate the gaseous fuel supplied from the pressurized fuel
2 source in a first stage, the gaseous fuel regulated down to a reduced
3 pressure in the first stage and regulate the reduced pressure gaseous fuel in
4 a second stage, the reduced pressure gaseous fuel from the first stage
5 regulated down to a desired pressure in the second stage for delivery
6 through the gaseous fuel line to operate the dual fuel generator; and a
7 mechanical fuel valve actuatable between a first position and a second
8 position to selectively control fuel flow to the dual fuel generator from the
9 liquid fuel source through the liquid fuel line and the pressurized fuel
10 source through the gaseous fuel line, wherein the dual fuel generator is
11 free of any pressure regulator mounted within the generator housing, as
12 called for in claim 12 of U.S. Patent No. 11,840,970.

13 g. Dependent claim 13 by specifically including all the aforementioned
14 elements of claim 12 and, in addition, the mechanical fuel valve is
15 mounted on or within the generator housing, as called for in claim 13 of
16 U.S. Patent No. 11,840,970.

17 h. Dependent claim 14 by specifically including all the aforementioned
18 elements of claim 12 and, in addition, the first stage includes a primary
19 pressure regulator coupled to a service valve of the pressurized fuel source
20 and configured to regulate the gaseous fuel supplied from the pressurized
21 fuel source to the reduced pressure and the second stage includes a
22 secondary pressure regulator coupled to the primary pressure regulator
23 and configured to regulate the gaseous fuel supplied from the primary
24 pressure regulator to the desired pressure for delivery through the gaseous
25 fuel line to operate the dual fuel generator, as called for in claim 14 of
26 U.S. Patent No. 11,840,970.

27 i. Dependent claim 15 by specifically including all the aforementioned
28 elements of claim 14 and, in addition, a first end of a quick-connect hose

1 coupling coupled to an outlet of the secondary pressure regulator and a
2 second end of the quick-connect hose coupling coupled to an inlet of the
3 gaseous fuel line to mate with the first end of the quick-connect hose
4 coupling to couple the secondary pressure regulator to the gaseous fuel
5 line, as called for in claim 15 of U.S. Patent No. 11,840,970.

6 j. Independent claim 20 by specifically including a dual fuel generator and
7 fuel delivery system including a dual fuel generator configured to operate
8 on a liquid fuel supplied from a liquid fuel source through a liquid fuel
9 line and a gaseous fuel supplied from a pressurized fuel source through a
10 gaseous fuel line, the dual fuel generator having a gaseous fuel valve
11 coupled to an inlet of the gaseous fuel line and connectable to the
12 pressurized fuel source and a mechanical fuel valve actuatable between a
13 first position and a second position to selectively control fuel flow to the
14 dual fuel generator from the liquid fuel source through the liquid fuel line
15 and the pressurized fuel source through the gaseous fuel line; and a fuel
16 regulator system located off board the dual fuel generator, the fuel
17 regulator system having a primary pressure regulator connectable to a
18 service valve of the pressurized fuel source and configured to regulate the
19 fuel supplied from the pressurized fuel source to a reduced pressure and a
20 secondary pressure regulator coupled to the primary pressure regulator
21 and connectable to the gaseous fuel valve, the secondary pressure
22 regulator configured to regulate the gaseous fuel supplied from the
23 primary pressure regulator to a desired pressure for delivery through the
24 gaseous fuel line to operate the dual fuel generator, as called for in claim
25 20 of U.S. Patent No. 11,840,970.

26 k. Dependent claim 21 by specifically including all the aforementioned
27 elements of claim 20 and, in addition, the pressurized fuel source is
28

1 independent and disconnected from the dual fuel generator, as called for
2 in claim 21 of U.S. Patent No. 11,840,970.

3 l. Dependent claim 22 by specifically including all the aforementioned
4 elements of claim 21 and, in addition, the fuel regulator system is
5 disconnected from the dual fuel generator, as called for in claim 22 of
6 U.S. Patent No. 11,840,970.

7 m. Dependent claim 23 by specifically including all the aforementioned
8 elements of claim 21 and, in addition, the primary pressure regulator is
9 disconnected from the pressurized fuel source, as called for in claim 23 of
10 U.S. Patent No. 11,840,970.

11 n. Dependent claim 24 by specifically including all the aforementioned
12 elements of claim 20 and, in addition, the gaseous fuel valve comprises at
13 least one end of a quick-connect hose coupling mounted to an external
14 surface of the dual fuel generator, as called for in claim 24 of U.S. Patent
15 No. 11,840,970.

16 o. Dependent claim 26 by specifically including all the aforementioned
17 elements of claim 20 and, in addition, the mechanical fuel valve opens and
18 closes the liquid fuel line to selectively control fuel flow from the liquid
19 fuel source to the dual fuel generator and a fuel lockout apparatus is
20 coupled to the mechanical fuel valve and configured to prevent the
21 pressurized fuel source from coupling to the gaseous fuel line while the
22 mechanical fuel valve opens the liquid fuel line and to permit the
23 pressurized fuel source to couple to the gaseous fuel line while the
24 mechanical fuel valve closes the liquid fuel line, as called for in claim 26
25 of U.S. Patent No. 11,840,970.

26 p. Dependent claim 27 by specifically including all the aforementioned
27 elements of claim 26 and, in addition, the fuel lockout apparatus is further
28 configured to prevent the mechanical fuel valve from opening the liquid

1 fuel line while the dual fuel generator receives fuel from the pressurized
2 fuel source, as called for in claim 27 of U.S. Patent No. 11,840,970.

3 q. Dependent claim 29 by specifically including all the aforementioned
4 elements of claim 20 and, in addition, the gaseous fuel valve includes a
5 first end of a quick-connect hose coupling coupled to an outlet of the
6 secondary pressure regulator and a second end of the quick-connect hose
7 coupling coupled to an inlet of the gaseous fuel line to mate with the first
8 end of the quick-connect hose coupling to couple the secondary pressure
9 regulator to the gaseous fuel line, as called for in claim 29 of U.S. Patent
10 No. 11,840,970.

11 r. Independent claim 44 by specifically including a dual fuel generator
12 including an alternator, a dual fuel engine coupled to drive the alternator
13 and configured to operate on a liquid fuel supplied from a liquid fuel
14 source and a gaseous fuel supplied from a pressurized fuel source, a liquid
15 fuel line coupled to the dual fuel engine to provide the liquid fuel from the
16 liquid fuel source, a gaseous fuel line coupled to the dual fuel engine to
17 provide the gaseous fuel from the pressurized fuel source, and a
18 mechanical fuel valve actuatable between a first position and a second
19 position to selectively control fuel flow to the dual fuel engine from the
20 liquid fuel source through the liquid fuel line and the pressurized fuel
21 source through the gaseous fuel line, wherein the dual fuel generator is
22 free from any gaseous fuel pressure regulator, as called for in claim 44 of
23 U.S. Patent No. 11,840,970.

24 s. Dependent claim 45 by specifically including all the aforementioned
25 elements of claim 44 and, in addition, a gaseous fuel valve coupled to an
26 inlet of the gaseous fuel line to connect the pressurized fuel source thereto,
27 as called for in claim 45 of U.S. Patent No. 11,840,970.
28

- 1 t. Dependent claim 46 by specifically including all the aforementioned
2 elements of claim 45 and, in addition, a generator housing surrounding at
3 least the dual fuel engine and the alternator with the gaseous fuel valve
4 mounted on or within the generator housing, as called for in claim 46 of
5 U.S. Patent No. 11,840,970.
- 6 u. Dependent claim 48 by specifically including all the aforementioned
7 elements of claim 44 and, in addition, the mechanical fuel valve includes a
8 liquid fuel valve coupled to the liquid fuel line and a gaseous fuel valve
9 coupled to the gaseous fuel line, as called for in claim 48 of U.S. Patent
10 No. 11,840,970.
- 11 v. Dependent claim 49 by specifically including all the aforementioned
12 elements of claim 44 and, in addition, a first end of a quick-connect hose
13 coupling coupled to an outlet of the pressurized fuel source and a second
14 end of the quick-connect hose coupling coupled to an inlet of the gaseous
15 fuel line to mate with the first end of the quick-connect hose coupling to
16 couple the pressurized fuel source to the gaseous fuel line, as called for in
17 claim 49 of U.S. Patent No. 11,840,970.
- 18 w. Dependent claim 50 by specifically including all the aforementioned
19 elements of claim 44 and, in addition, the mechanical fuel valve opens and
20 closes the liquid fuel line to selectively control fuel flow from the liquid
21 fuel source to the dual fuel engine and a fuel lockout apparatus is coupled
22 to the mechanical fuel valve and configured to prevent the pressurized fuel
23 source from coupling to the gaseous fuel line while the mechanical fuel
24 valve opens the liquid fuel line and to permit the pressurized fuel source
25 to couple to the gaseous fuel line while the mechanical fuel valve closes
26 the liquid fuel line, as called for in claim 50 of U.S. Patent No.
27 11,840,970.
28

- 1 x. Dependent claim 51 by specifically including all the aforementioned
2 elements of claim 50 and, in addition, the fuel lockout apparatus is further
3 configured to prevent the mechanical fuel valve from opening the liquid
4 fuel line while the dual fuel generator receives fuel from the pressurized
5 fuel source, as called for in claim 51 of U.S. Patent No. 11,840,970.

6 Therefore, each of the foregoing Firman generator models listed in Paragraph 141(a)-(e)
7 infringes at least claims 1, 2, 4, 5, 7, 12-15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S.
8 Patent No. 11,840,970.

9 **ANSWER: Firman denies the allegations of paragraph 142.**

10
11 143. Upon information and belief, Firman has been and is now making, using,
12 selling, or offering for sale within the United States, or importing into the United States,
13 the following additional generator models:

- 14 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
15 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
16 and
17 c. Model WH03342, a dual fuel inverter portable generator.

18 **ANSWER: Firman admits the allegations of paragraph 143.**

19
20 144. Upon review of images, owner's manuals, and electrical schematics of the
21 foregoing Firman generator models and comparisons of the images, owner's manuals,
22 and electrical schematics of the foregoing Firman generator models to those of the
23 Firman generator models listed in Paragraph 141, it was determined that each of the
24 foregoing Firman generator models includes all of the elements of at least claims 1, 2, 4,
25 5, 7, 12-15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S. Patent No. 11,840,970. Each of
26 the foregoing Firman generator models infringes:

- 27 a. Independent claim 1 by specifically including a dual fuel generator and
28 fuel delivery system including a dual fuel generator having an engine

1 configured to operate on a liquid fuel supplied from a liquid fuel source
2 through a liquid fuel line and a gaseous fuel supplied from a pressurized
3 fuel source through a gaseous fuel line and a carburetor attached to an
4 intake of the engine to mix air and fuel and connect the liquid fuel line to
5 the intake; a fuel regulator system located off board the dual fuel
6 generator, the fuel regulator system including a primary pressure regulator
7 coupled to a service valve of the pressurized fuel source and configured to
8 regulate the fuel supplied from the pressurized fuel source to a reduced
9 pressure and a secondary pressure regulator coupled to the primary
10 pressure regulator and configured to regulate the gaseous fuel supplied
11 from the primary pressure regulator to a desired pressure for delivery
12 through the gaseous fuel line to operate the dual fuel generator; and a
13 mechanical fuel valve actuatable between a first position and a second
14 position to selectively control fuel flow to the engine from the liquid fuel
15 source through the liquid fuel line and the pressurized fuel source through
16 the gaseous fuel line, as called for in claim 1 of U.S. Patent No.
17 11,840,970.

18 b. Dependent claim 2 by specifically including all the aforementioned
19 elements of claim 1 and, in addition, the carburetor connects the gaseous
20 fuel line to the intake, as called for in claim 2 of U.S. Patent No.
21 11,840,970.

22 c. Dependent claim 4 by specifically including all the aforementioned
23 elements of claim 1 and, in addition, the mechanical fuel valve opens and
24 closes the liquid fuel line to selectively control fuel flow from the liquid
25 fuel source to the dual fuel generator and a fuel lockout apparatus is
26 coupled to the mechanical fuel valve and is configured to prevent the
27 pressurized fuel source from coupling to the gaseous fuel line while the
28 mechanical fuel valve opens the liquid fuel line and to permit the

1 pressurized fuel source to couple to the gaseous fuel line while the
2 mechanical fuel valve closes the liquid fuel line, as called for in claim 4 of
3 U.S. Patent No. 11,840,970.

4 d. Dependent claim 5 by specifically including all the aforementioned
5 elements of claim 4 and, in addition, the fuel lockout apparatus is further
6 configured to prevent the mechanical fuel valve from opening the liquid
7 fuel line while the dual fuel generator receives fuel from the pressurized
8 fuel source, as called for in claim 5 of U.S. Patent No. 11,840,970.

9 e. Dependent claim 7 by specifically including all the aforementioned
10 elements of claim 1 and, in addition, a first end of a quick-connect hose
11 coupling coupled to an outlet of the secondary pressure regulator and a
12 second end of the quick-connect hose coupling coupled to an inlet of the
13 gaseous fuel line to mate with the first end of the quick-connect hose
14 coupling to couple the secondary pressure regulator to the gaseous fuel
15 line, as called for in claim 7 of U.S. Patent No. 11,840,970.

16 f. Independent claim 12 by specifically including a dual fuel generator and
17 fuel delivery system including a dual fuel generator having a generator
18 housing, an alternator mounted within the generator housing, and an
19 engine driving the alternator and mounted within the generator housing,
20 the engine configured to operate on a liquid fuel supplied from a liquid
21 fuel source through a liquid fuel line and a gaseous fuel supplied from a
22 pressurized fuel source through a gaseous fuel line; a fuel regulator system
23 located off board the dual fuel generator, the fuel regulator system
24 configured to regulate the gaseous fuel supplied from the pressurized fuel
25 source in a first stage, the gaseous fuel regulated down to a reduced
26 pressure in the first stage and regulate the reduced pressure gaseous fuel in
27 a second stage, the reduced pressure gaseous fuel from the first stage
28 regulated down to a desired pressure in the second stage for delivery

1 through the gaseous fuel line to operate the dual fuel generator; and a
2 mechanical fuel valve actuatable between a first position and a second
3 position to selectively control fuel flow to the dual fuel generator from the
4 liquid fuel source through the liquid fuel line and the pressurized fuel
5 source through the gaseous fuel line, wherein the dual fuel generator is
6 free of any pressure regulator mounted within the generator housing, as
7 called for in claim 12 of U.S. Patent No. 11,840,970.

8 g. Dependent claim 13 by specifically including all the aforementioned
9 elements of claim 12 and, in addition, the mechanical fuel valve is
10 mounted on or within the generator housing, as called for in claim 13 of
11 U.S. Patent No. 11,840,970.

12 h. Dependent claim 14 by specifically including all the aforementioned
13 elements of claim 12 and, in addition, the first stage includes a primary
14 pressure regulator coupled to a service valve of the pressurized fuel source
15 and configured to regulate the gaseous fuel supplied from the pressurized
16 fuel source to the reduced pressure and the second stage includes a
17 secondary pressure regulator coupled to the primary pressure regulator
18 and configured to regulate the gaseous fuel supplied from the primary
19 pressure regulator to the desired pressure for delivery through the gaseous
20 fuel line to operate the dual fuel generator, as called for in claim 14 of
21 U.S. Patent No. 11,840,970.

22 i. Dependent claim 15 by specifically including all the aforementioned
23 elements of claim 14 and, in addition, a first end of a quick-connect hose
24 coupling coupled to an outlet of the secondary pressure regulator and a
25 second end of the quick-connect hose coupling coupled to an inlet of the
26 gaseous fuel line to mate with the first end of the quick-connect hose
27 coupling to couple the secondary pressure regulator to the gaseous fuel
28 line, as called for in claim 15 of U.S. Patent No. 11,840,970.

1 j. Independent claim 20 by specifically including a dual fuel generator and
2 fuel delivery system including a dual fuel generator configured to operate
3 on a liquid fuel supplied from a liquid fuel source through a liquid fuel
4 line and a gaseous fuel supplied from a pressurized fuel source through a
5 gaseous fuel line, the dual fuel generator having a gaseous fuel valve
6 coupled to an inlet of the gaseous fuel line and connectable to the
7 pressurized fuel source and a mechanical fuel valve actuatable between a
8 first position and a second position to selectively control fuel flow to the
9 dual fuel generator from the liquid fuel source through the liquid fuel line
10 and the pressurized fuel source through the gaseous fuel line; and a fuel
11 regulator system located off board the dual fuel generator, the fuel
12 regulator system having a primary pressure regulator connectable to a
13 service valve of the pressurized fuel source and configured to regulate the
14 fuel supplied from the pressurized fuel source to a reduced pressure and a
15 secondary pressure regulator coupled to the primary pressure regulator
16 and connectable to the gaseous fuel valve, the secondary pressure
17 regulator configured to regulate the gaseous fuel supplied from the
18 primary pressure regulator to a desired pressure for delivery through the
19 gaseous fuel line to operate the dual fuel generator, as called for in claim
20 20 of U.S. Patent No. 11,840,970.

21 k. Dependent claim 21 by specifically including all the aforementioned
22 elements of claim 20 and, in addition, the pressurized fuel source is
23 independent and disconnected from the dual fuel generator, as called for
24 in claim 21 of U.S. Patent No. 11,840,970.

25 l. Dependent claim 22 by specifically including all the aforementioned
26 elements of claim 21 and, in addition, the fuel regulator system is
27 disconnected from the dual fuel generator, as called for in claim 22 of
28 U.S. Patent No. 11,840,970.

- 1 m. Dependent claim 23 by specifically including all the aforementioned
2 elements of claim 21 and, in addition, the primary pressure regulator is
3 disconnected from the pressurized fuel source, as called for in claim 23 of
4 U.S. Patent No. 11,840,970.
- 5 n. Dependent claim 24 by specifically including all the aforementioned
6 elements of claim 20 and, in addition, the gaseous fuel valve comprises at
7 least one end of a quick-connect hose coupling mounted to an external
8 surface of the dual fuel generator, as called for in claim 24 of U.S. Patent
9 No. 11,840,970.
- 10 o. Dependent claim 26 by specifically including all the aforementioned
11 elements of claim 20 and, in addition, the mechanical fuel valve opens and
12 closes the liquid fuel line to selectively control fuel flow from the liquid
13 fuel source to the dual fuel generator and a fuel lockout apparatus is
14 coupled to the mechanical fuel valve and configured to prevent the
15 pressurized fuel source from coupling to the gaseous fuel line while the
16 mechanical fuel valve opens the liquid fuel line and to permit the
17 pressurized fuel source to couple to the gaseous fuel line while the
18 mechanical fuel valve closes the liquid fuel line, as called for in claim 26
19 of U.S. Patent No. 11,840,970.
- 20 p. Dependent claim 27 by specifically including all the aforementioned
21 elements of claim 26 and, in addition, the fuel lockout apparatus is further
22 configured to prevent the mechanical fuel valve from opening the liquid
23 fuel line while the dual fuel generator receives fuel from the pressurized
24 fuel source, as called for in claim 27 of U.S. Patent No. 11,840,970.
- 25 q. Dependent claim 29 by specifically including all the aforementioned
26 elements of claim 20 and, in addition, the gaseous fuel valve includes a
27 first end of a quick-connect hose coupling coupled to an outlet of the
28 secondary pressure regulator and a second end of the quick-connect hose

1 coupling coupled to an inlet of the gaseous fuel line to mate with the first
2 end of the quick-connect hose coupling to couple the secondary pressure
3 regulator to the gaseous fuel line, as called for in claim 29 of U.S. Patent
4 No. 11,840,970.

5 r. Independent claim 44 by specifically including a dual fuel generator
6 including an alternator, a dual fuel engine coupled to drive the alternator
7 and configured to operate on a liquid fuel supplied from a liquid fuel
8 source and a gaseous fuel supplied from a pressurized fuel source, a liquid
9 fuel line coupled to the dual fuel engine to provide the liquid fuel from the
10 liquid fuel source, a gaseous fuel line coupled to the dual fuel engine to
11 provide the gaseous fuel from the pressurized fuel source, and a
12 mechanical fuel valve actuatable between a first position and a second
13 position to selectively control fuel flow to the dual fuel engine from the
14 liquid fuel source through the liquid fuel line and the pressurized fuel
15 source through the gaseous fuel line, wherein the dual fuel generator is
16 free from any gaseous fuel pressure regulator, as called for in claim 44 of
17 U.S. Patent No. 11,840,970.

18 s. Dependent claim 45 by specifically including all the aforementioned
19 elements of claim 44 and, in addition, a gaseous fuel valve coupled to an
20 inlet of the gaseous fuel line to connect the pressurized fuel source thereto,
21 as called for in claim 45 of U.S. Patent No. 11,840,970.

22 t. Dependent claim 46 by specifically including all the aforementioned
23 elements of claim 45 and, in addition, a generator housing surrounding at
24 least the dual fuel engine and the alternator with the gaseous fuel valve
25 mounted on or within the generator housing, as called for in claim 46 of
26 U.S. Patent No. 11,840,970.

27 u. Dependent claim 48 by specifically including all the aforementioned
28 elements of claim 44 and, in addition, the mechanical fuel valve includes a

1 liquid fuel valve coupled to the liquid fuel line and a gaseous fuel valve
2 coupled to the gaseous fuel line, as called for in claim 48 of U.S. Patent
3 No. 11,840,970.

4 v. Dependent claim 49 by specifically including all the aforementioned
5 elements of claim 44 and, in addition, a first end of a quick-connect hose
6 coupling coupled to an outlet of the pressurized fuel source and a second
7 end of the quick-connect hose coupling coupled to an inlet of the gaseous
8 fuel line to mate with the first end of the quick-connect hose coupling to
9 couple the pressurized fuel source to the gaseous fuel line, as called for in
10 claim 49 of U.S. Patent No. 11,840,970.

11 w. Dependent claim 50 by specifically including all the aforementioned
12 elements of claim 44 and, in addition, the mechanical fuel valve opens and
13 closes the liquid fuel line to selectively control fuel flow from the liquid
14 fuel source to the dual fuel engine and a fuel lockout apparatus is coupled
15 to the mechanical fuel valve and configured to prevent the pressurized fuel
16 source from coupling to the gaseous fuel line while the mechanical fuel
17 valve opens the liquid fuel line and to permit the pressurized fuel source
18 to couple to the gaseous fuel line while the mechanical fuel valve closes
19 the liquid fuel line, as called for in claim 50 of U.S. Patent No.
20 11,840,970.

21 x. Dependent claim 51 by specifically including all the aforementioned
22 elements of claim 50 and, in addition, the fuel lockout apparatus is further
23 configured to prevent the mechanical fuel valve from opening the liquid
24 fuel line while the dual fuel generator receives fuel from the pressurized
25 fuel source, as called for in claim 51 of U.S. Patent No. 11,840,970.

26 Therefore, each of the foregoing Firman generator models listed in Paragraph 143(a)-(c)
27 infringes at least claims 1, 2, 4, 5, 7, 12-15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S.
28 Patent No. 11,840,970.

1 **ANSWER: Firman denies the allegations of paragraph 144.**

2
3 145. Champion has no adequate remedy at law against Firman's acts of
4 infringement and will suffer irreparable harm unless Firman is preliminarily and
5 permanently enjoined from its infringement of U.S. Patent No. 11,840,970.

6 **ANSWER: Firman denies the allegations of paragraph 145.**

7
8 146. Upon information and belief, Firman's infringement has been willful,
9 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,840,970.

10 **ANSWER: Firman denies the allegations of paragraph 146.**

11
12 147. Firman, by way of its infringing activity, has caused and continues to
13 cause Champion to suffer damages in an amount to be determined at trial.

14 **ANSWER: Firman denies the allegations of paragraph 147.**

15
16 **COUNT XII: INFRINGEMENT OF U.S. PATENT NO. 11,905,895**

17 148. Paragraphs 1 through 147 are incorporated by reference as if fully set
18 forth herein.

19 **ANSWER: Firman repeats its responses to paragraphs 1 through 147 as if fully**
20 **set forth here.**

21
22 149. U.S. Patent No. 11,905,895 is titled "DUAL FUEL LOCKOUT SWITCH
23 FOR GENERATOR ENGINE." U.S. Patent No. 11,905,895 was duly and legally
24 issued on February 20, 2024. A true and correct copy of U.S. Patent No. 11,905,895 is
25 attached as Exhibit L.

26 **ANSWER: Firman admits that U.S. Patent No. 11,905,895 is titled "DUAL**
27 **FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE" and lists the issuance date**
28

1 on the face of the patent as February 20, 2024. Firman admits that what purports to be a
 2 copy of the '895 patent is attached as Exhibit L. The remaining allegations of paragraph
 3 149 are denied.
 4

5 150. Champion is the lawful assignee of the entire right, title, and interest in
 6 and to U.S. Patent No. 11,905,895 and possesses all rights of recovery under the patent,
 7 including the right to recover damages for past infringement.
 8

9 **ANSWER: Firman lacks knowledge or information sufficient to form a belief**
 10 **about the truth of the allegations of paragraph 150.**
 11

12 151. Champion has acquired and inspected the following Firman generator
 13 models that Firman has been and is making, using, selling, or offering for sale within
 14 the United States, or importing into the United States:

- 15 a. Model H03651, a dual fuel portable generator;
- 16 b. Model H03652, a dual fuel portable generator;
- 17 c. Model H05751, a dual fuel portable generator;
- 18 d. Model H05752, a dual fuel portable generator;
- 19 e. Model H05753, a dual fuel portable generator;
- 20 f. Model H07552, a dual fuel portable generator;
- 21 g. Model H07553, a dual fuel portable generator;
- 22 h. Model H08051, a dual fuel portable generator;
- 23 i. Model H08053, a dual fuel portable generator;
- 24 j. Model T04073, a tri fuel portable generator;
- 25 k. Model T07571, a tri fuel portable generator;
- 26 l. Model T07573, a tri fuel portable generator;
- 27 m. Model T08071, a tri fuel portable generator;
- 28 n. Model T08072, a tri fuel portable generator;

- o. Model T09275, a tri fuel portable generator;
- p. Model T09371, a tri fuel portable generator;
- q. Model WH02942, a dual fuel inverter portable generator;
- r. Model WH03041, a dual fuel inverter portable generator;
- s. Model WH03042, a dual fuel inverter portable generator;
- t. Model WH03242, a dual fuel inverter portable generator;
- u. Model WH03344, a dual fuel inverter portable generator;
- v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and
- w. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 151(a) through 151(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 151.

152. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6, 8, 12, 14, and 15 of U.S. Patent No. 11,905,895. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a mechanical fuel lockout switch for a dual fuel engine having a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line, the mechanical fuel valve configured to allow communication between the first fuel source and the dual fuel engine and prevent communication between the second fuel source and the dual fuel engine while in the first position and prevent

1 communication between the first fuel source and the dual fuel engine
2 while in the second position; and a fuel lockout apparatus coupled to the
3 mechanical fuel valve and configured to prevent the second fuel source
4 from coupling to the second fuel line while the mechanical fuel valve is in
5 the first position and permit the second fuel source to couple to the second
6 fuel line while the mechanical fuel valve is in the second position, as
7 called for in claim 1 of U.S. Patent No. 11,905,895.

8 b. Dependent claim 2 by specifically including all the aforementioned
9 elements of claim 1 and, in addition, the fuel lockout apparatus prevents
10 actuation of the mechanical fuel valve to the first position when the
11 second fuel source is in communication with the dual fuel engine, as
12 called for in claim 2 of U.S. Patent No. 11,905,895.

13 c. Dependent claim 6 by specifically including all the aforementioned
14 elements of claim 1 and, in addition, the mechanical fuel valve and the
15 fuel lockout apparatus operate together to ensure that fuel from the first
16 fuel source and fuel from the second fuel source are not simultaneously
17 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent
18 No. 11,905,895.

19 d. Independent claim 8 by specifically including a mechanical fuel lockout
20 switch for a dual fuel engine having a mechanical fuel valve actuatable
21 between a first position and a second position to selectively control fuel
22 flow to the dual fuel engine from a first fuel source through a first fuel line
23 and a second fuel source through a second fuel line, the mechanical fuel
24 valve configured to allow communication between the first fuel source
25 and the dual fuel engine and prevent communication between the second
26 fuel source and the dual fuel engine while the first position and prevent
27 communication between the first fuel source and the dual fuel engine
28 while in the second position; and a fuel lockout apparatus coupled to the

1 mechanical fuel valve and configured to prevent actuation of the
2 mechanical fuel valve to the first position when the second fuel source is
3 in communication with the dual fuel engine, as called for in claim 8 of
4 U.S. Patent No. 11,905,895.

5 e. Dependent claim 12 by specifically including all the aforementioned
6 elements of claim 8 and, in addition, the mechanical fuel valve and the
7 fuel lockout apparatus operate together to ensure that fuel from the first
8 fuel source and fuel from the second fuel source are not simultaneously
9 delivered to the dual fuel engine, as called for in claim 12 of U.S. Patent
10 No. 11,905,895.

11 f. Independent claim 14 by specifically including a dual fuel generator and
12 fuel delivery system having a dual fuel generator configured to operate on
13 a liquid fuel supplied from a liquid fuel source through a liquid fuel line
14 and a gaseous fuel supplied from a pressurized fuel source through a
15 gaseous fuel line; a fuel regulator system located off board the dual fuel
16 generator, the fuel regulator system including a primary pressure regulator
17 couplable to a service valve of the pressurized fuel source and configured
18 to regulate the gaseous fuel supplied from the pressurized fuel source to a
19 reduced pressure and a secondary pressure regulator couplable to the
20 primary pressure regulator and configured to regulate the gaseous fuel
21 supplied from the primary pressure regulator to a desired pressure for
22 delivery through the gaseous fuel line to operate the dual fuel generator; a
23 mechanical fuel valve actuatable between a first position and a second
24 position to selectively control fuel flow to the dual fuel generator from the
25 liquid fuel source through the liquid fuel line and the pressurized fuel
26 source through the gaseous fuel line, the mechanical fuel valve configured
27 to open and close the liquid fuel line to selectively control fuel flow from
28 the liquid fuel source to the dual fuel generator; and a fuel lockout

apparatus coupled to the mechanical fuel valve and configured to prevent the pressurized fuel source from coupling to the gaseous fuel line while the liquid fuel line is open and permit the pressurized fuel source to couple to the gaseous fuel line while the liquid fuel line is closed by the mechanical fuel valve, as called for in claim 14 of U.S. Patent No. 11,905,895.

- g. Dependent claim 15 by specifically including all the aforementioned elements of claim 14 and, in addition, the fuel lockout apparatus is further configured to prevent the mechanical fuel valve from opening the liquid fuel line while the fuel regulator system is coupled to the gaseous fuel line, as called for in claim 15 of U.S. Patent No. 11,905,895.

Therefore, each of the foregoing Firman generator models listed in Paragraph 151(a)-(w) infringes at least claims 1, 2, 6, 8, 12, 14, and 15 of U.S. Patent No. 11,905,895.

ANSWER: Firman denies the allegations of paragraph 152.

153. Upon information and belief, Firman has been and is now making, using, selling, or offering for sale within the United States, or importing into the United States, the following additional generator models:

- a. Model H03654, a dual fuel portable generator;
- b. Model H05754, a dual fuel portable generator;
- c. Model H07554, a dual fuel portable generator;
- d. Model H08052, a dual fuel portable generator;
- e. Model T07571F, a refurbished tri fuel portable generator;
- f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- g. Model WH03242F, a refurbished dual fuel inverter portable generator;
- and
- h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 153(c). Firman admits the remaining allegations of paragraph 153.

154. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraph 151, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6, 8, 12, 14, and 15 of U.S. Patent No. 11,905,895. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a mechanical fuel lockout switch for a dual fuel engine having a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line, the mechanical fuel valve configured to allow communication between the first fuel source and the dual fuel engine and prevent communication between the second fuel source and the dual fuel engine while in the first position and prevent communication between the first fuel source and the dual fuel engine while in the second position; and a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the second fuel source from coupling to the second fuel line while the mechanical fuel valve is in the first position and permit the second fuel source to couple to the second fuel line while the mechanical fuel valve is in the second position, as called for in claim 1 of U.S. Patent No. 11,905,895.
- b. Dependent claim 2 by specifically including all the aforementioned elements of claim 1 and, in addition, the fuel lockout apparatus prevents

1 actuation of the mechanical fuel valve to the first position when the
2 second fuel source is in communication with the dual fuel engine, as
3 called for in claim 2 of U.S. Patent No. 11,905,895.

4 c. Dependent claim 6 by specifically including all the aforementioned
5 elements of claim 1 and, in addition, the mechanical fuel valve and the
6 fuel lockout apparatus operate together to ensure that fuel from the first
7 fuel source and fuel from the second fuel source are not simultaneously
8 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent
9 No. 11,905,895.

10 d. Independent claim 8 by specifically including a mechanical fuel lockout
11 switch for a dual fuel engine having a mechanical fuel valve actuatable
12 between a first position and a second position to selectively control fuel
13 flow to the dual fuel engine from a first fuel source through a first fuel line
14 and a second fuel source through a second fuel line, the mechanical fuel
15 valve configured to allow communication between the first fuel source
16 and the dual fuel engine and prevent communication between the second
17 fuel source and the dual fuel engine while the first position and prevent
18 communication between the first fuel source and the dual fuel engine
19 while in the second position; and a fuel lockout apparatus coupled to the
20 mechanical fuel valve and configured to prevent actuation of the
21 mechanical fuel valve to the first position when the second fuel source is
22 in communication with the dual fuel engine, as called for in claim 8 of
23 U.S. Patent No. 11,905,895.

24 e. Dependent claim 12 by specifically including all the aforementioned
25 elements of claim 8 and, in addition, the mechanical fuel valve and the
26 fuel lockout apparatus operate together to ensure that fuel from the first
27 fuel source and fuel from the second fuel source are not simultaneously
28 delivered to the dual fuel engine, as called for in claim 12.

1 f. Independent claim 14 by specifically including a dual fuel generator and
2 fuel delivery system having a dual fuel generator configured to operate on
3 a liquid fuel supplied from a liquid fuel source through a liquid fuel line
4 and a gaseous fuel supplied from a pressurized fuel source through a
5 gaseous fuel line; a fuel regulator system located off board the dual fuel
6 generator, the fuel regulator system including a primary pressure regulator
7 couplable to a service valve of the pressurized fuel source and configured
8 to regulate the gaseous fuel supplied from the pressurized fuel source to a
9 reduced pressure and a secondary pressure regulator couplable to the
10 primary pressure regulator and configured to regulate the gaseous fuel
11 supplied from the primary pressure regulator to a desired pressure for
12 delivery through the gaseous fuel line to operate the dual fuel generator; a
13 mechanical fuel valve actuatable between a first position and a second
14 position to selectively control fuel flow to the dual fuel generator from the
15 liquid fuel source through the liquid fuel line and the pressurized fuel
16 source through the gaseous fuel line, the mechanical fuel valve configured
17 to open and close the liquid fuel line to selectively control fuel flow from
18 the liquid fuel source to the dual fuel generator; and a fuel lockout
19 apparatus coupled to the mechanical fuel valve and configured to prevent
20 the pressurized fuel source from coupling to the gaseous fuel line while
21 the liquid fuel line is open and permit the pressurized fuel source to
22 couple to the gaseous fuel line while the liquid fuel line is closed by the
23 mechanical fuel valve, as called for in claim 14 of U.S. Patent No.
24 11,905,895.

25 g. Dependent claim 15 by specifically including all the aforementioned
26 elements of claim 14 and, in addition, the fuel lockout apparatus is further
27 configured to prevent the mechanical fuel valve from opening the liquid
28

1 fuel line while the fuel regulator system is coupled to the gaseous fuel
2 line, as called for in claim 15 of U.S. Patent No. 11,905,895.

3 Therefore, each of the foregoing Firman generator models listed in Paragraph 153(a)-(h)
4 infringes at least claims 1, 2, 6, 8, 12, 14, and 15 of U.S. Patent No. 11,905,895.

5 **ANSWER: Firman denies the allegations of paragraph 154.**

6
7 155. Champion has no adequate remedy at law against Firman's acts of
8 infringement and will suffer irreparable harm unless Firman is preliminarily and
9 permanently enjoined from its infringement of U.S. Patent No. 11,905,895.

10 **ANSWER: Firman denies the allegations of paragraph 155.**

11
12 156. Upon information and belief, Firman's infringement has been willful,
13 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,905,895.

14 **ANSWER: Firman denies the allegations of paragraph 156.**

15
16 157. Firman, by way of its infringing activity, has caused and continues to
17 cause Champion to suffer damages in an amount to be determined at trial.

18 **ANSWER: Firman denies the allegations of paragraph 157.**

19
20 **COUNT XIII: INFRINGEMENT OF U.S. PATENT NO. 11,905,896**

21 158. Paragraphs 1 through 157 are incorporated by reference as if fully set
22 forth herein.

23 **ANSWER: Firman repeats its responses to paragraphs 1 through 157 as if**
24 **fully set forth here.**

25
26 159. U.S. Patent No. 11,905,896 is titled "DUAL FUEL SELECTOR
27 SWITCH." U.S. Patent No. 11,905,896 was duly and legally issued on February 20,
28 2024. A true and correct copy of U.S. Patent No. 11,905,896 is attached as Exhibit M.

1 **ANSWER:** Firman admits that U.S. Patent No. 11,905,896 is titled “DUAL
2 FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent as
3 February 20, 2024. Firman admits that what purports to be a copy of the ’896 patent is
4 attached as Exhibit M. The remaining allegations of paragraph 159 are denied.

5
6 160. Champion is the lawful assignee of the entire right, title, and interest in
7 and to U.S. Patent No. 11,905,896 and possesses all rights of recovery under the patent,
8 including the right to recover damages for past infringement.

9 **ANSWER:** Firman lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations of paragraph 160.

11
12 161. Champion has acquired and inspected the following Firman generator
13 models that Firman has been and is making, using, selling, or offering for sale within
14 the United States, or importing into the United States:

- 15 a. Model H03651, a dual fuel portable generator;
- 16 b. Model H03652, a dual fuel portable generator;
- 17 c. Model H05751, a dual fuel portable generator;
- 18 d. Model H05752, a dual fuel portable generator;
- 19 e. Model H05753, a dual fuel portable generator;
- 20 f. Model H07552, a dual fuel portable generator;
- 21 g. Model H07553, a dual fuel portable generator;
- 22 h. Model H08051, a dual fuel portable generator;
- 23 i. Model H08053, a dual fuel portable generator;
- 24 j. Model T04073, a tri fuel portable generator;
- 25 k. Model T07571, a tri fuel portable generator;
- 26 l. Model T07573, a tri fuel portable generator;
- 27 m. Model T08071, a tri fuel portable generator;

- n. Model T08072, a tri fuel portable generator;
- o. Model T09275, a tri fuel portable generator;
- p. Model T09371, a tri fuel portable generator;
- q. Model WH03562OF, a dual fuel open frame inverter portable generator;
and
- r. Model WH03662OF, a dual fuel open frame inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sale within the United States, or imports into the United States, the models listed in paragraph 161(a) through 161(r). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 161.

162. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 30-32, 36, and 37 of U.S. Patent No. 11,905,896. Each of the foregoing Firman generator models infringes:

- a. Independent claim 30 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector having a valve assembly fluidly couplable to each of a first fuel source and a second fuel source and operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator, the valve assembly having two fuel inputs including a first fuel input couplable to the first fuel source and a second fuel input couplable to the second fuel source and two fuel outputs configured to selectively supply fuel to the engine from the first fuel source or the second fuel source; and a selector switch positioned on the valve assembly to allow a user to manually select the first fuel flow or the second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.

- 1 b. Dependent claim 31 by specifically including all the aforementioned
2 elements of claim 30 and, in addition, the two fuel outputs are configured
3 to selectively supply fuel to the engine from only one of the first and
4 second fuel sources responsive to selection of the first fuel flow or the
5 second fuel flow via the selector switch and a corresponding operation of
6 the valve assembly, as called for in claim 31 of U.S. Patent No.
7 11,905,896.
- 8 c. Dependent claim 32 by specifically including all the aforementioned
9 elements of claim 30 and, in addition, the valve assembly has a first fuel
10 valve having open and closed positions to selectively control the first fuel
11 flow to the engine and a second fuel valve having open and closed
12 positions to selectively control the second fuel flow to the engine, as
13 called for in claim 32 of U.S. Patent No. 11,905,896.
- 14 d. Dependent claim 36 by specifically including the all the aforementioned
15 elements of claim 30 and, in addition, a carburetor solenoid switch
16 configured to activate an associated carburetor solenoid when actuate, as
17 called for in claim 36 of U.S. Patent No. 11,905,896.
- 18 e. Dependent claim 37 by specifically including all the aforementioned
19 elements of claim 36 and, in addition, when the selector switch is in a first
20 position, the selector switch actuates the carburetor solenoid switch so as
21 to activate the carburetor solenoid and prohibit the second fuel flow to the
22 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

23 Therefore, each of the Firman generator models listed in Paragraph 161(a)-(r) infringes
24 at least claims 30-32, 36, and 37 of U.S. Patent No. 11,905,896.

25 **ANSWER: Firman denies the allegations of paragraph 162.**

26

27

28

1 163. Champion has acquired and inspected the following Firman generator
2 models that Firman has been and is making, using, selling, or offering for sale within
3 the United States, or importing into the United States:

- 4 a. Model WH02942, a dual fuel inverter portable generator;
- 5 b. Model WH03041, a dual fuel inverter portable generator;
- 6 c. Model WH03042, a dual fuel inverter portable generator;
- 7 d. Model WH03242, a dual fuel inverter portable generator; and
- 8 e. Model WH03344, a dual fuel inverter portable generator.

9 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**
10 **United States, or imports into the United States, the models listed in paragraph**
11 **163(a) through 163(e). Firman lacks knowledge or information sufficient to form a**
12 **belief about the truth of the remaining allegations of paragraph 163.**

13
14 164. Upon acquisition, disassembly as needed, review of owner's manuals and
15 electrical schematics, and inspection, it was determined that each of the foregoing
16 Firman generator models includes all of the elements of at least claims 21-28, 30, 32,
17 35, and 37 of U.S. Patent No. 11,905,896. Each of the foregoing Firman generator
18 models infringes:

- 19 a. Independent claim 21 by specifically including fuel selector of a dual fuel
20 generator having a valve assembly fluidly couplable to each of a first fuel
21 source and a second fuel source and operable to selectively control a first
22 fuel flow and a second fuel flow from the first fuel source and the second
23 fuel source, respectively, to an engine of the dual fuel generator; a selector
24 switch having a first fuel mode and a second fuel mode; a fuel solenoid
25 having open and closed positions; and a solenoid switch having open and
26 closed positions; wherein, when the selector switch is in the first fuel
27 mode, the solenoid switch and the fuel solenoid are in the closed
28 positions; wherein, when the selector switch is in the second fuel mode,

1 the solenoid switch and the fuel solenoid are in the open positions, and
2 wherein positioning of the selector switch in the first fuel mode and the
3 second fuel mode enables a selection of the first fuel flow or the second
4 fuel flow, as called for in claim 21 of U.S. Patent No. 11,905,896.

5 b. Dependent claim 22 by specifically including all the aforementioned
6 elements of claim 21 and, in addition, positioning the selector switch in
7 the first fuel mode enables the selection of the first fuel flow and
8 positioning the selector switch in the second fuel mode enables the
9 selection of the second fuel flow, as called for in claim 22 of U.S. Patent
10 No. 11,905,896.

11 c. Dependent claim 23 by specifically including all the aforementioned
12 elements of claim 21 and, in addition, the selector switch triggers the
13 solenoid switch when changed from the second fuel mode to the first fuel
14 mode so as to cause the solenoid switch and the fuel solenoid to operate in
15 the closed positions, as called for in claim 23 of U.S. Patent No.
16 11,905,896.

17 d. Dependent claim 24 by specifically including all the aforementioned
18 elements of claim 21 and, in addition, the fuel solenoid is a carburetor
19 shutoff solenoid, as called for in claim 24 of U.S. Patent No. 11,905,896.

20 e. Dependent claim 25 by specifically including all the aforementioned
21 elements of claim 21 and, in addition, the selector switch is positioned
22 adjacent to the valve assembly, as called for in claim 25 of U.S. Patent
23 No. 11,905,896.

24 f. Dependent claim 26 by specifically including all the aforementioned
25 elements of claim 21 and, in addition, the valve assembly has two fuel
26 inputs including a first fuel input couplable to the first fuel source and a
27 second fuel input couplable to the second fuel source and two fuel outputs
28 for selectively supplying fuel to the engine from the first fuel source or the

1 second fuel source, as called for in claim 26 of U.S. Patent No.
2 11,905,896.

3 g. Dependent claim 27 by specifically including all the aforementioned
4 elements of claim 26 and, in addition, the two fuel outputs selectively
5 supply fuel to the engine from only one of the first and second fuel
6 sources responsive to selection of the first fuel flow or the second fuel
7 flow via the selector switch and a corresponding operation of the valve
8 assembly, as called for in claim 27 of U.S. Patent No. 11,905,896.

9 h. Dependent claim 28 by specifically including all the aforementioned
10 elements of claim 26 and, in addition, the valve assembly has a first fuel
11 valve having open and closed positions to selectively control the first fuel
12 flow to the engine and a second fuel valve having open and closed
13 positions to selectively control the second fuel flow to the engine, as
14 called for in claim 28 of U.S. Patent No. 11,905,896.

15 i. Independent claim 30 by specifically including a fuel selector for use with
16 a dual fuel generator, the fuel selector having a valve assembly fluidly
17 couplable to each of a first fuel source and a second fuel source and
18 operable to selectively control a first fuel flow and a second fuel flow
19 from the first fuel source and the second fuel source, respectively, to an
20 engine of the dual fuel generator, the valve assembly having two fuel
21 inputs including a first fuel input couplable to the first fuel source and a
22 second fuel input couplable to the second fuel source and two fuel outputs
23 configured to selectively supply fuel to the engine from the first fuel
24 source or the second fuel source; and a selector switch positioned on the
25 valve assembly to allow a user to manually select the first fuel flow or the
26 second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.

27 j. Dependent claim 31 by specifically including all the aforementioned
28 elements of claim 30 and, in addition, the two fuel outputs are configured

1 to selectively supply fuel to the engine from only one of the first and
 2 second fuel sources responsive to selection of the first fuel flow or the
 3 second fuel flow via the selector switch and a corresponding operation of
 4 the valve assembly, as called for in claim 31 of U.S. Patent No.
 5 11,905,896.

6 k. Dependent claim 32 by specifically including all the aforementioned
 7 elements of claim 30 and, in addition, the valve assembly has a first fuel
 8 valve having open and closed positions to selectively control the first fuel
 9 flow to the engine and a second fuel valve having open and closed
 10 positions to selectively control the second fuel flow to the engine, as
 11 called for in claim 32 of U.S. Patent No. 11,905,896.

12 l. Dependent claim 36 by specifically including the all the aforementioned
 13 elements of claim 30 and, in addition, a carburetor solenoid switch
 14 configured to activate an associated carburetor solenoid when actuate, as
 15 called for in claim 36 of U.S. Patent No. 11,905,896.

16 m. Dependent claim 37 by specifically including all the aforementioned
 17 elements of claim 36 and, in addition, when the selector switch is in a first
 18 position, the selector switch actuates the carburetor solenoid switch so as
 19 to activate the carburetor solenoid and prohibit the second fuel flow to the
 20 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 163(a)-(e)
 22 infringes at least claims 21-28, 30-32, and 36, and 37 of U.S. Patent No. 11,905,896.

23 **ANSWER: Firman denies the allegations of paragraph 164.**

24
 25 165. Upon information and belief, Firman has been and is now making, using,
 26 selling, or offering for sale within the United States, or importing into the United States,
 27 the following additional generator models:

28 a. Model H03654, a dual fuel portable generator;

- b. Model H05754, a dual fuel portable generator;
- c. Model H07554, a dual fuel portable generator;
- d. Model H08052, a dual fuel portable generator; and
- e. Model T07571F, a refurbished tri fuel portable generator.

ANSWER: Firman denies the allegations of paragraph 165(c). Firman admits the remaining allegations of paragraph 165.

166. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraphs 161 and 163, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 30-32, 36, and 37 of U.S. Patent No. 11,905,896. Each of the foregoing Firman generator models infringes:

- a. Independent claim 30 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector having a valve assembly fluidly couplable to each of a first fuel source and a second fuel source and operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator, the valve assembly having two fuel inputs including a first fuel input couplable to the first fuel source and a second fuel input couplable to the second fuel source and two fuel outputs configured to selectively supply fuel to the engine from the first fuel source or the second fuel source; and a selector switch positioned on the valve assembly to allow a user to manually select the first fuel flow or the second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.
- b. Dependent claim 31 by specifically including all the aforementioned elements of claim 30 and, in addition, the two fuel outputs are configured

1 to selectively supply fuel to the engine from only one of the first and
 2 second fuel sources responsive to selection of the first fuel flow or the
 3 second fuel flow via the selector switch and a corresponding operation of
 4 the valve assembly, as called for in claim 31 of U.S. Patent No.
 5 11,905,896.

6 c. Dependent claim 32 by specifically including all the aforementioned
 7 elements of claim 30 and, in addition, the valve assembly has a first fuel
 8 valve having open and closed positions to selectively control the first fuel
 9 flow to the engine and a second fuel valve having open and closed
 10 positions to selectively control the second fuel flow to the engine, as
 11 called for in claim 32 of U.S. Patent No. 11,905,896.

12 d. Dependent claim 36 by specifically including the all the aforementioned
 13 elements of claim 30 and, in addition, a carburetor solenoid switch
 14 configured to activate an associated carburetor solenoid when actuate, as
 15 called for in claim 36 of U.S. Patent No. 11,905,896.

16 e. Dependent claim 37 by specifically including all the aforementioned
 17 elements of claim 36 and, in addition, when the selector switch is in a first
 18 position, the selector switch actuates the carburetor solenoid switch so as
 19 to activate the carburetor solenoid and prohibit the second fuel flow to the
 20 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 165(a)-(e)
 22 infringes at least claims 30-32, 36, and 37 of U.S. Patent No. 11,905,896.

23 **ANSWER: Firman denies the allegations of paragraph 166.**

24
 25 167. Upon information and belief, Firman has been and is now making, using,
 26 selling, or offering for sale within the United States, or importing into the United States,
 27 the following additional generator models:

28 a. Model WH02942F, a refurbished dual fuel inverter portable generator;

- b. Model WH03242F, a refurbished dual fuel inverter portable generator;
and
- c. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman admits the allegations of paragraph 167.

168. Upon review of images, owner's manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner's manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraphs 161 and 163, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 21-28, 30, 32, 35, and 37 of U.S. Patent No. 11,905,896.

- a. Independent claim 21 by specifically including fuel selector of a dual fuel generator having a valve assembly fluidly couplable to each of a first fuel source and a second fuel source and operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator; a selector switch having a first fuel mode and a second fuel mode; a fuel solenoid having open and closed positions; and a solenoid switch having open and closed positions; wherein, when the selector switch is in the first fuel mode, the solenoid switch and the fuel solenoid are in the closed positions; wherein, when the selector switch is in the second fuel mode, the solenoid switch and the fuel solenoid are in the open positions, and wherein positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of the first fuel flow or the second fuel flow, as called for in claim 21 of U.S. Patent No. 11,905,896.
- b. Dependent claim 22 by specifically including all the aforementioned elements of claim 21 and, in addition, positioning the selector switch in the first fuel mode enables the selection of the first fuel flow and

1 positioning the selector switch in the second fuel mode enables the
2 selection of the second fuel flow, as called for in claim 22 of U.S. Patent
3 No. 11,905,896.

4 c. Dependent claim 23 by specifically including all the aforementioned
5 elements of claim 21 and, in addition, the selector switch triggers the
6 solenoid switch when changed from the second fuel mode to the first fuel
7 mode so as to cause the solenoid switch and the fuel solenoid to operate in
8 the closed positions, as called for in claim 23 of U.S. Patent No.
9 11,905,896.

10 d. Dependent claim 24 by specifically including all the aforementioned
11 elements of claim 21 and, in addition, the fuel solenoid is a carburetor
12 shutoff solenoid, as called for in claim 24 of U.S. Patent No. 11,905,896.

13 e. Dependent claim 25 by specifically including all the aforementioned
14 elements of claim 21 and, in addition, the selector switch is positioned
15 adjacent to the valve assembly, as called for in claim 25 of U.S. Patent
16 No. 11,905,896.

17 f. Dependent claim 26 by specifically including all the aforementioned
18 elements of claim 21 and, in addition, the valve assembly has two fuel
19 inputs including a first fuel input couplable to the first fuel source and a
20 second fuel input couplable to the second fuel source and two fuel outputs
21 for selectively supplying fuel to the engine from the first fuel source or the
22 second fuel source, as called for in claim 26 of U.S. Patent No.
23 11,905,896.

24 g. Dependent claim 27 by specifically including all the aforementioned
25 elements of claim 26 and, in addition, the two fuel outputs selectively
26 supply fuel to the engine from only one of the first and second fuel
27 sources responsive to selection of the first fuel flow or the second fuel
28

1 flow via the selector switch and a corresponding operation of the valve
2 assembly, as called for in claim 27 of U.S. Patent No. 11,905,896.

3 h. Dependent claim 28 by specifically including all the aforementioned
4 elements of claim 26 and, in addition, the valve assembly has a first fuel
5 valve having open and closed positions to selectively control the first fuel
6 flow to the engine and a second fuel valve having open and closed
7 positions to selectively control the second fuel flow to the engine, as
8 called for in claim 28 of U.S. Patent No. 11,905,896.

9 i. Independent claim 30 by specifically including a fuel selector for use with
10 a dual fuel generator, the fuel selector having a valve assembly fluidly
11 couplable to each of a first fuel source and a second fuel source and
12 operable to selectively control a first fuel flow and a second fuel flow
13 from the first fuel source and the second fuel source, respectively, to an
14 engine of the dual fuel generator, the valve assembly having two fuel
15 inputs including a first fuel input couplable to the first fuel source and a
16 second fuel input couplable to the second fuel source and two fuel outputs
17 configured to selectively supply fuel to the engine from the first fuel
18 source or the second fuel source; and a selector switch positioned on the
19 valve assembly to allow a user to manually select the first fuel flow or the
20 second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.

21 j. Dependent claim 31 by specifically including all the aforementioned
22 elements of claim 30 and, in addition, the two fuel outputs are configured
23 to selectively supply fuel to the engine from only one of the first and
24 second fuel sources responsive to selection of the first fuel flow or the
25 second fuel flow via the selector switch and a corresponding operation of
26 the valve assembly, as called for in claim 31 of U.S. Patent No.
27 11,905,896.

28

1 k. Dependent claim 32 by specifically including all the aforementioned
 2 elements of claim 30 and, in addition, the valve assembly has a first fuel
 3 valve having open and closed positions to selectively control the first fuel
 4 flow to the engine and a second fuel valve having open and closed
 5 positions to selectively control the second fuel flow to the engine, as
 6 called for in claim 32 of U.S. Patent No. 11,905,896.

7 l. Dependent claim 36 by specifically including the all the aforementioned
 8 elements of claim 30 and, in addition, a carburetor solenoid switch
 9 configured to activate an associated carburetor solenoid when actuate, as
 10 called for in claim 36 of U.S. Patent No. 11,905,896.

11 m. Dependent claim 37 by specifically including all the aforementioned
 12 elements of claim 36 and, in addition, when the selector switch is in a first
 13 position, the selector switch actuates the carburetor solenoid switch so as
 14 to activate the carburetor solenoid and prohibit the second fuel flow to the
 15 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

16 Therefore, each of the foregoing Firman generator models listed in Paragraph 167(a)-(c)
 17 infringes at least claims 21-28, 30-32, and 36, and 37 of U.S. Patent No. 11,905,896.

18 **ANSWER: Firman denies the allegations of paragraph 168.**

19
 20 169. Champion has no adequate remedy at law against Firman's acts of
 21 infringement and will suffer irreparable harm unless Firman is preliminarily and
 22 permanently enjoined from its infringement of U.S. Patent No. 11,905,896.

23 **ANSWER: Firman denies the allegations of paragraph 169.**

24
 25 170. Upon information and belief, Firman's infringement has been willful,
 26 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,905,896.

27 **ANSWER: Firman denies the allegations of paragraph 170.**

171. Firman, by way of its infringing activity, has caused and continues to cause Champion to suffer damages in an amount to be determined at trial.

ANSWER: Firman denies the allegations of paragraph 171.

CHAMPION'S PRAYER FOR RELIEF

Firman denies that Champion is entitled to any of the relief Champion seeks.

AFFIRMATIVE DEFENSES

Without assuming any burden that it would not otherwise bear, Firman asserts the following defenses to the Complaint. Further, Firman reserves all affirmative defenses under Federal Rule of Civil Procedure 8(c) and any additional defenses or counterclaims, at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

1. The Asserted Patents are invalid for failure to satisfy the conditions of patentability as specified under one or more sections of Title 35 of the United States Code, including, without limitation, 35 U.S.C. §§ 101, 102, 103, 112, and/or other provisions of U.S. patent laws, 35 U.S.C. § 1, *et seq.*

2. Firman does not and has not infringed any valid and enforceable claim of any of the Asserted Patents either directly, by way of inducement, literally, willfully, and/or the doctrine of equivalents.

3. Champion's claims for damages for infringement of the Asserted Patents are limited pursuant to 35 U.S.C. § 286.

4. Champion's claims for damages for infringement of the Asserted Patents are limited by 35 U.S.C. § 287 to those damages occurring only after notice of infringement.

5. Champion is precluded by 35 U.S.C. § 288 from seeking recovery of costs because no disclaimer of any of the invalid claims of the Asserted Patents was entered at the Patent and Trademark Office prior to the commencement of this suit.

6. Champion's claims are barred in whole or in part by estoppel, including prosecution history estoppel. By reason of the proceedings in the U.S. Patent and Trademark Office during the prosecution of the applications which resulted in the issuance of the Asserted Patents, Champion is estopped from claiming a construction of one or more claims of the Asserted Patents that would cause any valid claim thereof to cover or include any product manufactured, used, sold, offered for sale, or imported by Firman.

7. To the extent that Champion alleges that Firman infringes the Asserted Patents by equivalents, Champion's claims for relief are barred, in whole or in part, by ensnaring the prior art.

8. Champion's claims for alleged infringement of the Asserted Patents are barred to the extent that the patentee has dedicated to the public the systems, methods, and products disclosed in the Asserted Patents but not claimed.

9. Champion's claims are barred in whole or in part by waiver, acquiescence, equitable estoppel, unclean hands, and/or any other applicable equitable doctrines.

10. The Asserted Patents are unenforceable based on inequitable conduct as set forth in Firman's counterclaim below, which are incorporated here by reference.

11. The Asserted Patents are invalid and unenforceable due to incorrect inventorship such as nonjoinder and/or misjoinder, and Champion cannot correct the inventorship under 35 U.S.C. § 256.

AMENDED COUNTERCLAIM

Firman Power Equipment Inc. brings the following counterclaim against Champion Power Equipment, Inc.

NATURE AND BASIS OF THE ACTION

1. Through its counterclaim, Firman seeks declaratory judgment that United States Patent Nos. 10,221,780 (the "'780 patent"); 10,393,034 (the "'034 patent"); 10,697,398 (the "'398 patent"); 11,143,120 (the "120 patent"); 11,143,145 (the "'145 patent"); 11,492,985 (the "'985 patent"); 11,530,654 (the "'654 patent"); 11,840,970

1 (the “’970 patent”); and 11,905,895 (the “’895 patent”) (collectively “the Inequitable
2 Conduct Patents” or “the Inequitable Conduct Patent Family”) are unenforceable
3 because they were obtained through inequitable conduct before the U.S. Patent and
4 Trademark Office (“USPTO”).

5 **PARTIES**

6 2. Firman is an Arizona corporation with its principal place of business in
7 Peoria, Arizona.

8 3. On information and belief, Champion is a Nevada corporation with its
9 principal place of business in Santa Fe Springs, California.

10 **JURISDICTION AND VENUE**

11 4. This counterclaim arises under the Declaratory Judgment Act, 28 U.S.C.
12 §§ 2201(a) and 2202, and the U.S. patent statutes, 35 U.S.C. § 101, *et seq.* An actual
13 and justiciable controversy exists concerning the rights of and legal relationship
14 between Firman and Champion.

15 5. As a claim arising under the federal patent statutes, this Court has original
16 subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

17 6. This Court has personal jurisdiction over Champion, as Champion has
18 consented to the personal jurisdiction of this Court at least by commencing its action for
19 patent infringement in this judicial district, as set forth in its Complaint against Firman.

20 7. Venue is proper and Champion waived any objections to the venue of
21 Firman’s counterclaim by choosing to file suit in this district. *See, e.g., Beehive Stud*
22 *Rockers LLC v. Knoebel Constr. Inc.*, 2023 WL 6923923, at *1 (D. Ariz. Oct. 19, 2023).

23 **THE INEQUITABLE CONDUCT PATENT FAMILY**

24 8. The Inequitable Conduct Patents belong to a patent family whose parent is
25 the ’780 patent. In this Action, Champion alleges Firman infringes the Inequitable
26 Conduct Patents, along with four patents that belong to a second patent family.

1 9. The patents in the Inequitable Conduct Patent Family are generally
2 directed towards a dual fuel engine that is operable with a liquid fuel and a gaseous fuel,
3 or a fuel generator that includes such a dual fuel engine.

4 10. For instance, the '780 patent is titled "DUAL FUEL LOCKOUT
5 SWITCH FOR GENERATOR ENGINE." Claim 1 of the '780 patent is directed
6 towards a mechanical fuel lockout switch for a dual fuel engine that allows the user to
7 select one of two fuel sources to be used. Champion filed the '780 patent application on
8 June 12, 2015. The USPTO issued the '780 patent on March 5, 2019.

9 11. As another example, the '034 patent is titled "FUEL SYSTEM FOR A
10 MULTI-FUEL INTERNAL COMBUSTION ENGINE." Claim 1 of the '034 patent is
11 directed towards an engine that can be operated with a liquid fuel and a gaseous fuel,
12 and that uses a liquid cutoff solenoid, a gaseous cutoff, and a switch to control which of
13 the two fuel sources should be used. The USPTO issued the '034 patent on August 27,
14 2019.

15 12. The purported inventors of the patents in the Inequitable Conduct Patent
16 Family are Kendall J. Collie, Mark J. Sarder, Aleko D. Sotiriades, James J. Dehn, Leigh
17 Jenison, and Hiroaki Sato (individually and collectively, the "Inequitable Conduct
18 Inventors").

19 13. The patent attorneys who prosecuted the patents in the Inequitable
20 Conduct Patent Family are Timothy Ziolkowski, Jacob Fritz, Kevin R. Rosin, Stephanie
21 Laundre, and Andrew C. Stark (individually and collectively, the "Inequitable Conduct
22 Prosecutors").

23 14. On information and belief, Champion is owned and/or operated by Dennis
24 M. Trine, Lei Zhao, and Jiehui "Joyce" Ma (individually and collectively, the
25 "Champion Managers").

26 15. On information and belief, the Champion Managers have and continue to
27 direct or participate in the development and execution of Champion's intellectual
28 property strategy.

1 16. On information and belief, the Champion Managers have and continue to
2 seek advice from the Inequitable Conduct Prosecutors regarding the development of
3 Champion's patent portfolio.

4 17. On information and belief, the Champion Managers have and continue to
5 direct or participate in the prosecution and enforcement of Champion's patents.

6 18. On information and belief, the Champion Managers have and continue to
7 communicate directly with counsel for Champion concerning Champion's intellectual
8 property strategy, prosecution, and enforcement.

9 19. On information and belief, Sarder was Vice President of Engineering for
10 Champion in 2019 and participated in the development and execution of Champion's
11 intellectual property strategy, development of Champion's patent portfolio, and
12 prosecution and enforcement of Champion's patents.

13 20. On information and belief, Dehn was Chief Engineer for Champion in
14 2019 and participated in the development and execution of Champion's intellectual
15 property strategy, development of Champion's patent portfolio, and prosecution and
16 enforcement of Champion's patents.

17 **FIRMAN'S PUBLIC DISCLOSURE OF THE RD9000E IN MAY 2015**

18 21. Firman is one of the world's leading manufacturers of portable power
19 generators. Champion considers Firman to be a competitor.

20 22. Firman publicly showed two units of Firman's RD9000E portable dual
21 fuel generator at the National Hardware Show on May 5-7, 2015, in Las Vegas, NV
22 ("NHS 2015").

23 23. The National Hardware Show, which began in 1945, is one of the largest
24 home improvement exhibitions in the world. Retailers attend the National Hardware
25 Show each year to learn about the newest products to hit the market and to connect with
26 manufacturers. Indeed, the North American Retail Hardware Association co-located its
27 industry conference with NHS 2015. Nearly 3,000 exhibitors and more than 20,000
28 attendees attended NHS 2015.

1 24. Sarder attended NHS 2015 on behalf of Champion. He saw at least one of
2 the RD9000E generators that Firman publicly displayed while he was at the show.

3 25. Champion also ordered a RD9000E unit from Home Depot, which it
4 received on September 9, 2015 (the “2015 RD9000E Unit”).

5 26. On information and belief, Champion purchased the 2015 RD9000E Unit
6 or saw the RD9000E generator was available for purchase before it filed the ’780 patent
7 application on June 12, 2015.

8 27. On information and belief, one or more Champion employees or agents
9 analyzed and disassembled the 2015 RD9000E Unit.

10 28. On information and belief, one or more Champion employees or agents
11 reviewed the RD9000E Owner’s Manual that accompanied the 2015 RD9000E Unit.

12 29. One month after Sarder saw the RD9000E generator at NHS 2015,
13 Champion filed its application for the ’780 patent.

14 30. On information and belief, Sarder shared the information he learned about
15 the RD9000E generator at NHS 2015 with all of the Champion Managers and all of the
16 other Inequitable Conduct Inventors before the USPTO issued the ’780 patent on
17 March 5, 2019.

18 31. On information and belief, the Champion employee(s) or agent(s) who
19 analyzed the 2015 RD9000E Unit and RD9000E Owner’s Manual shared their analysis
20 with all of the Champion Managers and Inequitable Conduct Inventors before March 5,
21 2019.

22 32. On information and belief, one or more Champion employees or agents
23 told all of the Inequitable Conduct Prosecutors about the existence of the RD9000E
24 generator and that it was a dual fuel generator before March 5, 2019.

25 33. On information and belief, one or more Champion employees or agents
26 shared the information that Champion had learned about the RD9000E generator with
27 all of the Inequitable Conduct Prosecutors before March 5, 2019.

28

CHAMPION'S INSPECTION OF FIRMAN'S PRIOR ART MODEL

34. On information and belief, in 2019, some or all of the Champion Managers and Inequitable Conduct Inventors communicated with Champion's counsel, Sam Sumitami and the Inequitable Conduct Prosecutors, regarding enforcement of the '034 patent against Firman.

35. Sumitami sent letters regarding the '034 patent to Firman on or around September 9, 2019; October 10, 2019; November 7, 2019; and November 15, 2019. The end of each letter included the statement, "cc: Champion Power Equipment," or "cc: Champion Power Equipment, Inc."

36. On information and belief, Sumitami sent a copy or draft of each of his letters to Firman to some or all of the Champion Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors in 2019.

37. On or around September 9, 2019, less than two weeks after issuance of the '034 patent, Sumitami sent a demand letter on behalf of Champion to Firman, accusing Firman of infringing the '034 patent. Champion's letter accused the following models of infringement: WH02942, WH03041, WH03042, H03651, H03652, H05752, H05753, H05754, H07552, H08051, H08053 (collectively, the "2019 Accused Models").

38. On October 8, 2019, Firman sent a letter to Sumitami stating that an older model of Firman's dual fuel electric generators, the RD9000E, contained all of the features that Champion had identified as infringing in the 2019 Accused Models. For instance, the RD9000E generator includes an engine that can be operated with a liquid fuel and a gaseous fuel, that uses a liquid cutoff solenoid, a gaseous cutoff, and a switch to control which of the two fuel sources should be used. Firman explained the RD9000E had been on sale before the '034 patent's earliest potential effective filing date of June 12, 2015. The RD9000E therefore invalidated the '034 patent even under Champion's own theory of infringement.

1 39. On October 10, 2019, Champion sent a letter acknowledging that Firman
2 claimed the '034 patent was invalid based on the RD9000E generator. Despite knowing
3 that Firman had publicly shown the RD9000E generator at NHS 2015, Champion
4 requested documentary proof that the RD9000E generator was sold or used before its
5 patent's priority date. On information and belief, Sumitami sent a copy of this letter to
6 some or all of the Champion Managers, Inequitable Conduct Inventors, and/or
7 Inequitable Conduct Prosecutors in 2019.

8 40. On October 18, 2019, Firman sent a letter to Sumitami that provided
9 Champion with redacted business records showing Firman had sold the RD9000E since
10 before the '034 patent's earliest potential effective filing date. Firman also invited
11 Champion to inspect an example of the RD9000E generator at its counsel's office in
12 Seattle, Washington.

13 41. On information and belief, Sumitami sent a copy of Firman's October 8,
14 2019 and October 18, 2019 letters to some or all of the Champion Managers,
15 Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors in 2019.

16 42. On information and belief, in 2019, the Champion Managers
17 communicated with Sumitami, Ziolkowski, Fritz, Rosin, Laundre, and/or Stark
18 regarding the fact that Firman claimed (1) the RD9000E included all of the features that
19 Champion had identified as infringing the '034 patent; and (2) it had sold the RD9000E
20 before the '034 patent's earliest potential effective filing date.

21 43. On information and belief, in 2019, some or all of the Champion
22 Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors
23 discussed the RD9000E and Firman's claims regarding the RD9000E's features and sale
24 dates with each other.

25 44. On information and belief, in 2019, some or all of the Champion
26 Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors
27 discussed Firman's invitation to inspect the RD9000E generator in Seattle and
28 authorized the inspection.

1 45. Champion accepted Firman's invitation to inspect the RD9000E
2 generator. On November 20, 2019, Sumitami and Jim Miotto, Senior Technical
3 Engineer at Champion, visited Firman's counsel's office in Seattle, Washington (the
4 "November 2019 Inspection"). Sumitami and Miotto spent several hours inspecting the
5 example RD9000E generator.

6 46. On information and belief, Sumitami confirmed the RD9000E generator
7 included all of the features that Champion had identified as infringing the '034 patent
8 during the November 2019 Inspection. On information and belief, Sumitami also
9 observed the RD9000E generator included other features relevant to dual fuel engine
10 and generator technology, such as the use of offboard regulators.

11 47. On information and belief, Miotto also confirmed the RD9000E generator
12 included all of the features that Champion had identified as infringing the '034 patent
13 during the November 2019 Inspection. On information and belief, Miotto also observed
14 the RD9000E generator included other features relevant to dual fuel engine and
15 generator technology, such as the use of offboard regulators.

16 48. At the conclusion of Champion's visit, Sumitami sent an e-mail to
17 Firman's counsel thanking Firman for allowing Champion to inspect the example
18 RD9000E generator.

19 49. Following the November 2019 Inspection, Champion and Firman had no
20 further communication about any alleged infringement of the '034 patent or any other
21 Champion patent until Champion initiated this Action.

22 50. On information and belief, the information Sumitami and Miotto learned
23 from their inspection of the example RD9000E generator was shared with some or all of
24 the Champion Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct
25 Prosecutors in 2019.

26 51. On information and belief, the information shared included Sumitami and
27 Miotto's conclusion that the RD9000E generator included all of the features that
28

1 Champion had identified as infringing the '034 patent, as well as other features relevant
2 to dual fuel engine and generator technology.

3 52. On information and belief, Miotto discussed the information he learned
4 about the RD9000E from the November 2019 Inspection with some or all of the
5 Champion Managers and/or Inequitable Conduct Inventors in 2019.

6 53. On information and belief, Champion knew full well that the prior public
7 use and sales of the RD9000E generator rendered the '034 patent invalid at least under
8 any infringement theory that would cover Firman's products. Champion therefore did
9 not further contact Firman or otherwise attempt to continue asserting the '034 patent,
10 until Champion initiated this Action five years later.

11 **INTENTIONAL FAILURE TO DISCLOSE THE RD9000E GENERATOR**

12 54. The Champion Managers, the Inequitable Conduct Inventors, and the
13 Inequitable Conduct Prosecutors owed a duty of candor to the USPTO.

14 55. On information and belief, the Champion Managers, the Inequitable
15 Conduct Inventors, and/or the Inequitable Conduct Prosecutors committed inequitable
16 conduct by failing to disclose the RD9000E generator, a material prior art reference, to
17 the examiners of the Inequitable Conduct Patents.

18 56. The Champion Managers, the Inequitable Conduct Inventors, and/or the
19 Inequitable Conduct Prosecutors filed the application for the first patent in the
20 Inequitable Conduct Patent Family, the '780 patent, after Sarder saw the RD9000E
21 generator on public display at NHS 2015.

22 57. On information and belief, the Champion Managers, the Inequitable
23 Conduct Inventors, and/or the Inequitable Conduct Prosecutors filed the '780 patent
24 application after Champion purchased the 2015 RD9000E Unit or saw the RD9000E
25 generator was available for purchase.

26 58. The Champion Managers, the Inequitable Conduct Inventors, and/or the
27 Inequitable Conduct Prosecutors continued to prosecute patents in the Inequitable
28 Conduct Patent Family after Champion received and analyzed the 2015 RD9000E Unit

1 and RD9000E Owner's Manual in September 2015. All of the Inequitable Conduct
2 Patents issued after September 2015.

3 59. The Champion Managers, the Inequitable Conduct Inventors, and/or the
4 Inequitable Conduct Prosecutors continued to prosecute patents in the Inequitable
5 Conduct Patent Family after the November 2019 Inspection. This included the
6 prosecution of the '398, '120, '145, '985, '654, '970, and '895 patents, which were all
7 issued after November 20, 2019.

8 60. All of the Inequitable Conduct Inventors were named inventors on two of
9 the Inequitable Conduct Patents: the '398 and '145 patents. All of the Inequitable
10 Conduct Inventors except for Hiroaki Sato were named inventors on two of the
11 Inequitable Patents: the '034 and '120 patents. All of the Inequitable Conduct
12 Inventors except for Sato and Kendall J. Collie were named inventors on the other five
13 Inequitable Conduct Patents: the '780, '985, '654, '970, and '895 patents.

14 61. At least one of the Inequitable Conduct Prosecutors prosecuted each of the
15 Inequitable Conduct Patents.

16 62. On information and belief, the Champion Managers discussed
17 Champion's prosecution of the Inequitable Conduct Patents with some or all of the
18 Inequitable Conduct Inventors and/or Inequitable Conduct Prosecutors.

19 63. On information and belief, the Champion Managers directed, participated
20 in, or were involved with the preparation or prosecution of the Inequitable Conduct
21 Patent applications.

22 64. On information and belief, during their prosecution of the Inequitable
23 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or
24 the Inequitable Conduct Prosecutors knew Firman publicly showed the RD9000E
25 generator before the earliest effective priority date of the Inequitable Conduct Patents.

26 65. On information and belief, during their prosecution of the Inequitable
27 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or
28

1 the Inequitable Conduct Prosecutors knew Firman sold the RD9000E generator before
2 the earliest effective priority date of the Inequitable Conduct Patents.

3 66. On information and belief, during their prosecution of the Inequitable
4 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or
5 the Inequitable Conduct Prosecutors knew the RD9000E generator included all of the
6 features that Champion had identified as infringing the '034 patent because Champion
7 employees had analyzed the 2015 RD9000E Unit and RD9000E Owner's Manual and
8 shared the results of their analysis with them.

9 67. On information and belief, during their prosecution of the Inequitable
10 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or
11 the Inequitable Conduct Prosecutors also knew the RD9000E generator included all of
12 the features that Champion had identified as infringing the '034 patent because
13 Sumitami and Miotto had inspected the example RD9000E for several hours and shared
14 the results of that inspection with them.

15 68. On information and belief, during their prosecution of the Inequitable
16 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or
17 the Inequitable Conduct Prosecutors knew the RD9000E generator included other
18 features relevant to dual fuel engine and generator technology for those same reasons.

19 69. On information and belief, the Champion Managers, the Inequitable
20 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew these facts were
21 material to the prosecution of the Inequitable Conduct patents because they showed the
22 RD9000E anticipated and/or made obvious the claims of the Inequitable Conduct
23 Patents. Nonetheless, on information and belief, the Champion Managers, the
24 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors deliberately
25 withheld information about the RD9000E generator during their prosecution of the
26 Inequitable Conduct Patents.

27 70. The withheld information was material because the RD9000E generator
28 specifically includes the features of at least one claim of each of the Inequitable

1 Conduct Patents as alleged further below, thereby making it material, non-cumulative
2 prior art. Had the RD9000E been disclosed to the examiners of the Inequitable Conduct
3 Patents, the claims of the Inequitable Conduct Patents would not have issued.

4 71. The single most reasonable inference to be drawn from the evidence is
5 that the Champion Managers, the Inequitable Conduct Inventors, and/or the Inequitable
6 Conduct Prosecutors intended to deceive the USPTO into issuing the claims of the
7 Inequitable Conduct Patents by withholding this information.

8 **COUNT ONE**

9 **Declaratory Judgment of Unenforceability of the '780 Patent**

10 72. Firman repeats and incorporates by reference paragraphs 1 through 71 of
11 this counterclaim.

12 73. The '780 patent is titled "DUAL FUEL LOCKOUT SWITCH FOR
13 GENERATOR ENGINE." The patent was issued on March 5, 2019.

14 74. On information and belief, the Champion Managers were substantively
15 involved in the preparation or prosecution of the '780 patent.

16 75. All of the Inequitable Conduct Inventors except for Kendall J. Collie and
17 Hiroaki Sato are listed as named inventors of the '780 patent.

18 76. All of the Inequitable Conduct Prosecutors participated in the prosecution
19 of the '780 patent. Ziolkowski, Rosin, and Laundre each signed submissions to the
20 USPTO in connection with the prosecution of the '780 patent. On information and
21 belief, Fritz and Stark were also involved with the prosecution of the '780 patent due to
22 their subject matter expertise and experience prosecuting other Champion patents.

23 77. The Champion Managers, the Inequitable Conduct Inventors (except for
24 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew
25 that the RD9000E generator model was sold or publicly shown before the earliest
26 possible effective priority date of the '780 patent.

27 78. June 12, 2015 is the earliest possible effective priority date of the '780
28 patent.

1 79. By March 5, 2019, some or all of the Champion Managers, the Inequitable
2 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that Firman had
3 sold, offered for sale, or publicly shown the RD9000E generator model before June 12,
4 2015.

5 a. By March 5, 2019, Dennis M. Trine knew that Firman had sold, offered
6 for sale, or publicly shown the RD9000E generator model before June 12,
7 2015.

8 b. By March 5, 2019, Lei Zhao knew that Firman had sold, offered for sale,
9 or publicly shown the RD9000E generator model before June 12, 2015.

10 c. By March 5, 2019, Jiehui “Joyce” Ma knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.

13 d. By March 5, 2019, Mark J. Sarder knew that Firman had sold, offered for
14 sale, or publicly shown the RD9000E generator model before June 12,
15 2015. Sarder saw the RD9000E generator that Firman publicly displayed
16 at NHS 2015 in May 2015.

17 e. By March 5, 2019, James J. Dehn knew that Firman had sold, offered for
18 sale, or publicly shown the RD9000E generator model before June 12,
19 2015.

20 f. By March 5, 2019, Aleko D. Sotiriades knew that Firman had sold,
21 offered for sale, or publicly shown the RD9000E generator model before
22 June 12, 2015.

23 g. By March 5, 2019, Leigh Jenison knew that Firman had sold, offered for
24 sale, or publicly shown the RD9000E generator model before June 12,
25 2015.

26 h. By March 5, 2019, Timothy Ziolkowski knew that Firman had sold,
27 offered for sale, or publicly shown the RD9000E generator model before
28 June 12, 2015.

1 i. By March 5, 2019, Jacob Fritz knew that Firman had sold, offered for
2 sale, or publicly shown the RD9000E generator model before June 12,
3 2015.

4 j. By March 5, 2019, Kevin R. Rosin knew that Firman had sold, offered for
5 sale, or publicly shown the RD9000E generator model before June 12,
6 2015.

7 k. By March 5, 2019, Stephanie Laundre knew that Firman had sold, offered
8 for sale, or publicly shown the RD9000E generator model before June 12,
9 2015.

10 l. By March 5, 2019, Andrew C. Stark knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.

13 80. To the extent any of claims 1 and 8 of the '780 patent are construed to
14 cover the Firman models that Champion accuses in this Action, the Champion
15 Managers, the Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki
16 Sato), and/or the Inequitable Conduct Prosecutors knew the RD9000E generator model
17 includes all of the elements of at least claims 1 and 8 of the '780 patent. Namely, they
18 knew that any construction of the '780 patent that covered the accused Firman models
19 would have also meant that the RD9000E generator included the claimed mechanical
20 fuel lockout switch for a dual fuel engine comprising: a mechanical fuel valve
21 actuateable between a first position and a second position to selectively control fuel
22 flow to the dual fuel engine from a first fuel source through a first fuel line and a second
23 fuel source through a second fuel line; and a fuel lockout apparatus coupled to the
24 mechanical fuel valve; wherein the mechanical fuel lockout switch: communicates the
25 first fuel source to the dual fuel engine and prevents communication between the second
26 fuel source and the dual fuel engine when the mechanical fuel valve is in the first
27 position, and communicates the second fuel source to the dual fuel engine and interrupts
28 the first fuel source communication with the dual fuel engine when in the second

1 position; and wherein the fuel lockout apparatus is configured to: prevent the second
2 fuel source from coupling to the second fuel line while the mechanical fuel valve is in
3 the first position; and permit the second fuel source to couple to the second fuel line
4 while the mechanical fuel valve is in the second position. Additionally, they knew any
5 construction of the '780 patent that covered the accused Firman models would also have
6 meant that the RD9000E generator included the claimed method of assembling a
7 mechanical fuel lockout switch for an internal combustion engine comprising: providing
8 an internal combustion engine configured to operate on a fuel from a first fuel source
9 and a different fuel from a second fuel source; coupling a mechanical fuel valve to the
10 internal combustion engine actuateable between a first position and a second position to
11 selectively control fuel flow to the internal combustion engine from the first fuel source
12 through a first fuel line and the second fuel source through a second fuel line; and
13 coupling a fuel lockout apparatus to the mechanical fuel valve; wherein when the
14 mechanical fuel valve is in the first position, the fuel lockout apparatus communicates
15 the first fuel source to the internal combustion engine and prevents the second fuel
16 source from coupling to the internal combustion engine, and actuation of the mechanical
17 fuel valve to the second position causes the fuel lockout apparatus to permit the second
18 fuel source to couple to the internal combustion engine, and interrupts the first fuel
19 source communication with the internal combustion engine; and wherein the fuel
20 lockout apparatus prevents actuation of the mechanical fuel valve to the first position
21 when the second fuel source is coupled to the internal combustion engine. Therefore,
22 the Champion Managers, the Inequitable Conduct Inventors (except for Kendall J.
23 Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew the
24 RD9000E generator model anticipates these claims under their claim construction
25 theory, rendering the claims of the '780 patent invalid.

26 81. The claims of the '780 patent are unenforceable due to the inequitable
27 conduct in the prosecution of the '780 patent's prosecution, i.e., the intentional failure to
28 disclose the material information discussed above.

1 generator model was sold or publicly shown before the earliest possible effective
2 priority date of the '034 patent.

3 92. June 12, 2015 is the earliest possible effective priority date of the '780
4 patent.

5 93. By August 27, 2019, some or all of the Champion Managers, the
6 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that
7 Firman had sold, offered for sale, or publicly shown the RD9000E generator model
8 before June 12, 2015.

9 a. By August 27, 2019, Dennis M. Trine knew that Firman had sold, offered
10 for sale, or publicly shown the RD9000E generator model before June 12,
11 2015.

12 b. By August 27, 2019, Lei Zhao knew that Firman had sold, offered for
13 sale, or publicly shown the RD9000E generator model before June 12,
14 2015.

15 c. By August 27, 2019, Jiehui "Joyce" Ma knew that Firman had sold,
16 offered for sale, or publicly shown the RD9000E generator model before
17 June 12, 2015.

18 d. By August 27, 2019, Mark J. Sarder knew that Firman had sold, offered
19 for sale, or publicly shown the RD9000E generator model before June 12,
20 2015.

21 e. By August 27, 2019, James J. Dehn knew that Firman had sold, offered
22 for sale, or publicly shown the RD9000E generator model before June 12,
23 2015.

24 f. By August 27, 2019, Aleko D. Sotiriades knew that Firman had sold,
25 offered for sale, or publicly shown the RD9000E generator model before
26 June 12, 2015.

1 g. By August 27, 2019, Kendall J. Collie knew that Firman had sold, offered
2 for sale, or publicly shown the RD9000E generator model before June 12,
3 2015.

4 h. By August 27, 2019, Leigh Jenison knew that Firman had sold, offered for
5 sale, or publicly shown the RD9000E generator model before June 12,
6 2015.

7 i. By August 27, 2019, Timothy Ziolkowski knew that Firman had sold,
8 offered for sale, or publicly shown the RD9000E generator model before
9 June 12, 2015.

10 j. By August 27, 2019, Jacob Fritz knew that Firman had sold, offered for
11 sale, or publicly shown the RD9000E generator model before June 12,
12 2015.

13 k. By August 27, 2019, Kevin R. Rosin knew that Firman had sold, offered
14 for sale, or publicly shown the RD9000E generator model before June 12,
15 2015.

16 l. By August 27, 2019, Stephanie Laundre knew that Firman had sold,
17 offered for sale, or publicly shown the RD9000E generator model before
18 June 12, 2015.

19 m. By August 27, 2019, Andrew C. Stark knew that Firman had sold, offered
20 for sale, or publicly shown the RD9000E generator model before June 12,
21 2015.

22 94. To the extent any of claims 1 and 11 of the '034 patent are construed to
23 cover the Firman models that Champion accuses in this Action, the Champion
24 Managers, the Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the
25 Inequitable Conduct Prosecutors knew the RD9000E generator model includes all of the
26 elements of at least claims 1 and 11 of the '034 patent. Namely, they knew that any
27 construction of the '034 patent that covered the accused Firman models would have also
28 meant that the RD9000E generator included the claimed multi-fuel engine comprising:

1 an engine operable on a liquid fuel and a gaseous fuel; a carburetor attached to an intake
2 of the engine to mix air and fuel and connect a liquid fuel source to the intake, the
3 carburetor comprising a float bowl; a liquid cutoff solenoid coupled to the carburetor to
4 open and close a liquid fuel path to the engine downstream from the float bowl; a
5 gaseous cutoff coupled to open and close a gaseous fuel source to the engine; and a
6 switch selectively coupling a power source to the liquid cutoff solenoid to open and
7 close the liquid fuel path. Additionally, they knew any construction of the '034 patent
8 that covered the accused Firman models would also have meant that the RD9000E
9 generator included the claimed multi-fuel generator and fuel delivery system
10 comprising: a multi-fuel internal combustion engine configured to operate on a liquid
11 fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel
12 supplied from a pressurized fuel source through a gaseous fuel line; an alternator driven
13 by the multi-fuel internal combustion engine; a fuel regulator system comprising: a
14 primary pressure regulator coupled to a service valve of the pressurized fuel source to
15 regulate fuel supplied from the pressurized fuel source to a reduced pressure, and a
16 secondary pressure regulator coupled to the primary pressure regulator to regulate fuel
17 supplied from the primary pressure regulator to a desired pressure for delivery through
18 the gaseous fuel line to operate the engine; and an electro-mechanical valve system
19 coupled to the engine and operated by an electrical switch powered by one of the
20 alternator, a battery, and a magneto that controls fuel flow to the engine from the liquid
21 fuel source and the pressurized fuel source. Therefore, the Champion Managers, the
22 Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct
23 Prosecutors knew the RD9000E generator model anticipates these claims under their
24 claim construction theory, rendering the claims of the '034 patent invalid.

25 95. The claims of the '034 patent are unenforceable due to the inequitable
26 conduct in the prosecution of the '034 patent's prosecution, i.e., the intentional failure to
27 disclose the material information discussed above.

1 106. By June 30, 2020, some or all of the Champion Managers, the Inequitable
2 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that Firman had
3 sold, offered for sale, or publicly shown the RD9000E generator model before June 12,
4 2015, and that Firman had confirmed this to Champion.

5 a. By June 30, 2020, Dennis M. Trine knew that Firman had sold, offered for
6 sale, or publicly shown the RD9000E generator model before June 12,
7 2015.

8 b. By June 30, 2020, Lei Zhao knew that Firman had sold, offered for sale,
9 or publicly shown the RD9000E generator model before June 12, 2015.

10 c. By June 30, 2020, Jiehui “Joyce” Ma knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.

13 d. By June 30, 2020, Mark J. Sarder knew that Firman had sold, offered for
14 sale, or publicly shown the RD9000E generator model before June 12,
15 2015.

16 e. By June 30, 2020, James J. Dehn knew that Firman had sold, offered for
17 sale, or publicly shown the RD9000E generator model before June 12,
18 2015.

19 f. By June 30, 2020, Kendall J. Collie knew that Firman had sold, offered
20 for sale, or publicly shown the RD9000E generator model before June 12,
21 2015.

22 g. By June 30, 2020, Leigh Jenison knew that Firman had sold, offered for
23 sale, or publicly shown the RD9000E generator model before June 12,
24 2015.

25 h. By June 30, 2020, Hiroaki Sato knew that Firman had sold, offered for
26 sale, or publicly shown the RD9000E generator model before June 12,
27 2015.

28

1 i. By June 30, 2020, Timothy Ziolkowski knew that Firman had sold,
2 offered for sale, or publicly shown the RD9000E generator model before
3 June 12, 2015.

4 j. By June 30, 2020, Jacob Fritz knew that Firman had sold, offered for sale,
5 or publicly shown the RD9000E generator model before June 12, 2015.

6 k. By June 30, 2020, Kevin R. Rosin knew that Firman had sold, offered for
7 sale, or publicly shown the RD9000E generator model before June 12,
8 2015.

9 l. By June 30, 2020, Stephanie Laundre knew that Firman had sold, offered
10 for sale, or publicly shown the RD9000E generator model before June 12,
11 2015.

12 m. By June 30, 2020, Andrew C. Stark knew that Firman had sold, offered
13 for sale, or publicly shown the RD9000E generator model before June 12,
14 2015.

15 107. To the extent any of claims 1 and 57 of the '398 patent are construed to
16 cover the Firman models that Champion accuses in this Action, the Champion
17 Managers, the Inequitable Conduct Inventors, and/or the Inequitable Conduct
18 Prosecutors knew the RD9000E generator model includes all of the elements of at least
19 claims 1 and 57 of the '398 patent. Namely, they knew that any construction of the
20 '398 patent that covered the accused Firman models would have also meant that the
21 RD9000E generator included the claimed dual fuel engine comprising: an engine
22 operable on a gaseous fuel and a liquid fuel; a switch to change operation of the engine
23 between gaseous fuel and liquid fuel; a carburetor attached to an intake of the engine to
24 mix air and fuel and connect to a gaseous fuel source and a liquid fuel source; a liquid
25 fuel valve positioned along a liquid fuel line coupling the liquid fuel source to the
26 carburetor; a gaseous fuel valve positioned along a gaseous fuel line coupling the
27 gaseous fuel source to the carburetor; and a liquid fuel cut-off incorporated into the
28 carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to

1 gaseous fuel. Additionally, they knew that any construction of the '398 patent that
2 covered the accused Firman models would also have meant that the RD9000E generator
3 included the claimed method of assembling a dual fuel engine comprising: providing an
4 engine operable on a gaseous fuel and a liquid fuel; attaching a carburetor to an intake
5 of the engine, the carburetor comprising: a throat to mix gaseous fuel with air and liquid
6 fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat
7 to provide liquid fuel; coupling a switch to the engine to change operation of the engine
8 between gaseous fuel and liquid fuel; and attaching a liquid fuel cut-off to the carburetor
9 to close the fuel passage upon actuation of the switch from liquid fuel to gaseous fuel.
10 Therefore, the Champion Managers, the Inequitable Conduct Inventors, and/or the
11 Inequitable Conduct Prosecutors knew the RD9000E generator model anticipates these
12 claims under their claim construction theory, rendering the claims of the '398 patent
13 invalid.

14 108. The claims of the '398 patent are unenforceable due to the inequitable
15 conduct in the prosecution of the '398 patent's prosecution, i.e., the intentional failure to
16 disclose the material information discussed above.

17 109. The claims of the '398 patent are unenforceable due to the inequitable
18 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine
19 of infectious unenforceability, including because Champion failed to disclose the
20 material information discussed above.

21 110. But for Champion's intentional non-disclosure of the material information
22 discussed above, the claims of the '398 patent would not have issued.

23 111. An actual and justiciable controversy exists between Firman and
24 Champion as to the enforceability of the '398 patent.

25 112. Firman is entitled to a judgment that the claims of the '398 patent are
26 unenforceable due to Champion's inequitable conduct.

27
28

COUNT FOUR

Declaratory Judgment of Unenforceability of the '120 Patent

113. Firman repeats and incorporates by reference paragraphs 1 through 112 of this counterclaim.

114. The '120 patent is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE." The patent was issued on October 12, 2021.

115. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '120 patent.

116. All of the Inequitable Conduct Inventors except for Hiroaki Sato are listed as named inventors of the '120 patent.

117. All of the Inequitable Conduct Prosecutors participated in the prosecution of the '120 patent. Ziolkowski, Rosin, and Stark each signed submissions to the USPTO in connection with the prosecution of the '120 patent. On information and belief, Fritz and Laundre were also involved with the prosecution of the '120 patent due to their subject matter expertise and experience prosecuting other Champion patents.

118. The Champion Managers, the Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew that the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '120 patent.

119. June 12, 2015 is the earliest possible effective priority date of the '120 patent.

120. By October 12, 2021, some or all of the Champion Managers, the Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that Firman had sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015, and that Firman had confirmed this to Champion.

a. By October 12, 2021, Dennis M. Trine knew that Firman had sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015.

- 1 b. By October 12, 2021, Lei Zhao knew that Firman had sold, offered for
2 sale, or publicly shown the RD9000E generator model before June 12,
3 2015.
- 4 c. By October 12, 2021, Jiehui “Joyce” Ma knew that Firman had sold,
5 offered for sale, or publicly shown the RD9000E generator model before
6 June 12, 2015.
- 7 d. By October 12, 2021, Mark J. Sarder knew that Firman had sold, offered
8 for sale, or publicly shown the RD9000E generator model before June 12,
9 2015.
- 10 e. By October 12, 2021, James J. Dehn knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.
- 13 f. By October 12, 2021, Kendall J. Collie knew that Firman had sold,
14 offered for sale, or publicly shown the RD9000E generator model before
15 June 12, 2015.
- 16 g. By October 12, 2021, Leigh Jenison knew that Firman had sold, offered
17 for sale, or publicly shown the RD9000E generator model before June 12,
18 2015.
- 19 h. By October 12, 2021, Timothy Ziolkowski knew that Firman had sold,
20 offered for sale, or publicly shown the RD9000E generator model before
21 June 12, 2015.
- 22 i. By October 12, 2021, Jacob Fritz knew that Firman had sold, offered for
23 sale, or publicly shown the RD9000E generator model before June 12,
24 2015.
- 25 j. By October 12, 2021, Kevin R. Rosin knew that Firman had sold, offered
26 for sale, or publicly shown the RD9000E generator model before June 12,
27 2015.
- 28

1 k. By October 12, 2021, Stephanie Laundre knew that Firman had sold,
2 offered for sale, or publicly shown the RD9000E generator model before
3 June 12, 2015.

4 l. By October 12, 2021, Andrew C. Stark knew that Firman had sold,
5 offered for sale, or publicly shown the RD9000E generator model before
6 June 12, 2015.

7 121. To the extent claim 12 of the '120 patent is construed to cover the Firman
8 models that Champion accuses in this Action, the Champion Managers, the Inequitable
9 Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct
10 Prosecutors knew the RD9000E generator model includes all of the elements of at least
11 claim 12 of the '120 patent. Namely, they knew that any construction of the '120 patent
12 that covered the accused Firman models would have also meant that the RD9000E
13 generator included the claimed multi-fuel generator and fuel delivery system
14 comprising: a multi-fuel internal combustion engine configured to operate on a liquid
15 fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel
16 supplied from a pressurized fuel source through a gaseous fuel line; an alternator driven
17 by the multi-fuel internal combustion engine; and a fuel regulator system comprising: a
18 primary pressure regulator coupled to a service valve of the pressurized fuel source to
19 regulate fuel supplied from the pressurized fuel source to a reduced pressure, and a
20 secondary pressure regulator coupled to the primary pressure regulator to regulate fuel
21 supplied from the primary pressure regulator to a desired pressure for delivery through
22 the gaseous fuel line to operate the engine. Therefore, the Champion Managers, the
23 Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct
24 Prosecutors knew the RD9000E generator model anticipates this claim under their claim
25 construction theory, rendering the claims of the '120 patent invalid.

26 122. The claims of the '120 patent are unenforceable due to the inequitable
27 conduct in the prosecution of the '120 patent's prosecution, i.e., the intentional failure to
28 disclose the material information discussed above.

123. The claims of the '120 patent are unenforceable due to the inequitable conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine of infectious unenforceability, including because Champion failed to disclose the material information discussed above.

124. But for Champion's intentional non-disclosure of the material information discussed above, the claims of the '120 patent would not have issued.

125. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '120 patent.

126. Firman is entitled to a judgment that the claims of the '120 patent are unenforceable due to Champion's inequitable conduct.

COUNT FIVE

Declaratory Judgment of Unenforceability of the '145 Patent

127. Firman repeats and incorporates by reference paragraphs 1 through 126 of this counterclaim.

128. The '145 patent is titled "BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF." The patent was issued on October 12, 2021.

129. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '145 patent.

130. All of the Inequitable Conduct Inventors are listed as named inventors of the '145 patent.

131. All of the Inequitable Conduct Prosecutors participated in the prosecution of the '145 patent. Ziolkowski, Rosin and Stark each signed submissions to the USPTO in connection with the prosecution of the '145 patent. On information and belief, Fritz and Laundre were also involved with the prosecution of the '145 patent due to their subject matter expertise and experience prosecuting other Champion patents.

1 132. The Champion Managers, the Inequitable Conduct Inventors, and/or the
2 Inequitable Conduct Prosecutors knew that the RD9000E generator model was sold or
3 publicly shown before the earliest possible effective priority date of the '145 patent.

4 133. June 12, 2015 is the earliest possible effective priority date of the '145
5 patent.

6 134. By October 12, 2021, some or all of the Champion Managers, the
7 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that
8 Firman had sold, offered for sale, or publicly shown the RD9000E generator model
9 before June 12, 2015, and that Firman had confirmed this to Champion.

10 a. By October 12, 2021, Dennis M. Trine knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.

13 b. By October 12, 2021, Lei Zhao knew that Firman had sold, offered for
14 sale, or publicly shown the RD9000E generator model before June 12,
15 2015.

16 c. By October 12, 2021, Jiehui "Joyce" Ma knew that Firman had sold,
17 offered for sale, or publicly shown the RD9000E generator model before
18 June 12, 2015.

19 d. By October 12, 2021, Mark J. Sarder knew that Firman had sold, offered
20 for sale, or publicly shown the RD9000E generator model before June 12,
21 2015.

22 e. By October 12, 2021, James J. Dehn knew that Firman had sold, offered
23 for sale, or publicly shown the RD9000E generator model before June 12,
24 2015.

25 f. By October 12, 2021, Kendall J. Collie knew that Firman had sold,
26 offered for sale, or publicly shown the RD9000E generator model before
27 June 12, 2015.

28

- 1 g. By October 12, 2021, Leigh Jenison knew that Firman had sold, offered
2 for sale, or publicly shown the RD9000E generator model before June 12,
3 2015.
- 4 h. By October 12, 2021, Hiroaki Sato knew that Firman had sold, offered for
5 sale, or publicly shown the RD9000E generator model before June 12,
6 2015.
- 7 i. By October 12, 2021, Timothy Ziolkowski knew that Firman had sold,
8 offered for sale, or publicly shown the RD9000E generator model before
9 June 12, 2015.
- 10 j. By October 12, 2021, Jacob Fritz knew that Firman had sold, offered for
11 sale, or publicly shown the RD9000E generator model before June 12,
12 2015.
- 13 k. By October 12, 2021, Kevin R. Rosin knew that Firman had sold, offered
14 for sale, or publicly shown the RD9000E generator model before June 12,
15 2015.
- 16 l. By October 12, 2021, Stephanie Laundre knew that Firman had sold,
17 offered for sale, or publicly shown the RD9000E generator model before
18 June 12, 2015.
- 19 m. By October 12, 2021, Andrew C. Stark knew that Firman had told
20 Champion it had sold, offered for sale, or publicly shown the RD9000E
21 generator model before June 12, 2015.

22 135. To the extent claim 1 of the '145 patent is construed to cover the Firman
23 models that Champion accuses in this Action, the Champion Managers, the Inequitable
24 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew the RD9000E
25 generator model includes all of the elements of at least claim 1 of the '145 patent.
26 Namely, they knew that any construction of the '145 patent that covered the accused
27 Firman models would have also meant that the RD9000E generator included the
28 claimed dual fuel generator comprising: an engine operable on a gaseous fuel and a

1 liquid fuel; an electrical power generator driven by the engine and comprising a
2 charging coil; a switch to change operation of the engine between gaseous fuel and
3 liquid fuel; a carburetor attached to an intake of the engine to mix air and fuel and
4 connect to a gaseous fuel source and a liquid fuel source; a liquid fuel cut-off solenoid
5 to interrupt liquid fuel flow to the engine upon actuation of the switch from liquid fuel
6 to gaseous fuel; and a voltage regulator coupled to the charging coil to receive power
7 therefrom and that operates to provide a regulated voltage to the liquid fuel cut-off
8 solenoid. Therefore, the Champion Managers, the Inequitable Conduct Inventors,
9 and/or the Inequitable Conduct Prosecutors knew the RD9000E generator model
10 anticipates this claim under their claim construction theory, rendering the claims of the
11 '120 patent invalid.

12 136. The claims of the '145 patent are unenforceable due to the inequitable
13 conduct in the prosecution of the '145 patent's prosecution, i.e., the intentional failure to
14 disclose the material information discussed above.

15 137. The claims of the '145 patent are unenforceable due to the inequitable
16 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine
17 of infectious unenforceability, including because Champion failed to disclose the
18 material information discussed above.

19 138. But for Champion's intentional non-disclosure of the material information
20 discussed above, the claims of the '145 patent would not have issued.

21 139. An actual and justiciable controversy exists between Firman and
22 Champion as to the enforceability of the '145 patent.

23 140. Firman is entitled to a judgment that the claims of the '145 patent are
24 unenforceable due to Champion's inequitable conduct.

25 **COUNT SIX**

26 **Declaratory Judgment of Unenforceability of the '985 Patent**

27 141. Firman repeats and incorporates by reference paragraphs 1 through 140 of
28 this counterclaim.

1 142. The '985 patent is titled is titled is titled "OFF-BOARD FUEL
2 REGULATOR FOR GENERATOR ENGINE." The patent was issued on November 8,
3 2022.

4 143. On information and belief, the Champion Managers were substantively
5 involved in the preparation or prosecution of the '985 patent.

6 144. All of the Inequitable Conduct Inventors except for Kendall J. Collie and
7 Hiroaki Sato are listed as named inventors of the '985 patent.

8 145. All of the Inequitable Conduct Prosecutors participated in the prosecution
9 of the '985 patent. All of the Inequitable Conduct Prosecutors except Laundre signed
10 submissions to the USPTO in connection with the prosecution of the '985 patent. On
11 information and belief, Laundre was also involved with the prosecution of the '985
12 patent due to her subject matter expertise and experience prosecuting other Champion
13 patents.

14 146. The Champion Managers, the Inequitable Conduct Inventors (except for
15 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew
16 that the RD9000E generator model was sold or publicly shown before the earliest
17 possible effective priority date of the '985 patent.

18 147. June 12, 2015 is the earliest possible effective priority date of the '985
19 patent.

20 148. By November 8, 2022, some or all of the Champion Managers, the
21 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that
22 Firman had sold, offered for sale, or publicly shown the RD9000E generator model
23 before June 12, 2015, and that Firman had confirmed this to Champion.

24 a. By November 8, 2022, Dennis M. Trine knew that Firman had sold,
25 offered for sale, or publicly shown the RD9000E generator model before
26 June 12, 2015.

- 1 b. By November 8, 2022, Lei Zhao knew that Firman had sold, offered for
2 sale, or publicly shown the RD9000E generator model before June 12,
3 2015.
- 4 c. By November 8, 2022, Jiehui “Joyce” Ma knew that Firman had sold,
5 offered for sale, or publicly shown the RD9000E generator model before
6 June 12, 2015.
- 7 d. By November 8, 2022, Mark J. Sarder knew that Firman had sold, offered
8 for sale, or publicly shown the RD9000E generator model before June 12,
9 2015.
- 10 e. By November 8, 2022, James J. Dehn knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.
- 13 f. By November 8, 2022, Leigh Jenison knew that Firman had sold, offered
14 for sale, or publicly shown the RD9000E generator model before June 12,
15 2015.
- 16 g. By November 8, 2022, Timothy Ziolkowski knew that Firman had sold,
17 offered for sale, or publicly shown the RD9000E generator model before
18 June 12, 2015.
- 19 h. By November 8, 2022, Jacob Fritz knew that Firman had sold, offered for
20 sale, or publicly shown the RD9000E generator model before June 12,
21 2015.
- 22 i. By November 8, 2022, Kevin R. Rosin knew that Firman had sold, offered
23 for sale, or publicly shown the RD9000E generator model before June 12,
24 2015.
- 25 j. By November 8, 2022, Stephanie Laundre knew that Firman had sold,
26 offered for sale, or publicly shown the RD9000E generator model before
27 June 12, 2015.
- 28

1 k. By November 8, 2022, Andrew C. Stark knew that Firman had sold,
2 offered for sale, or publicly shown the RD9000E generator model before
3 June 12, 2015.

4 149. To the extent any of claims 11 and 16 of the '985 patent are construed to
5 cover the Firman models that Champion accuses in this Action, the Champion
6 Managers, the Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki
7 Sato), and/or the Inequitable Conduct Prosecutors knew the RD9000E generator model
8 includes all of the elements of at least claims 11 and 16 of the '985 patent. Namely,
9 they knew that any construction of the '985 patent that covered the accused Firman
10 models would have also meant that the RD9000E generator included the claimed
11 generator and fuel delivery system comprising: a generator comprising an engine
12 configured to operate on a gaseous fuel supplied from a pressurized fuel source through
13 a gaseous fuel line; a fuel regulator system located off-board the generator and
14 comprising a first stage and a second stage, the fuel regulator system configured to:
15 regulate the gaseous fuel supplied from the pressurized fuel source in the first stage, the
16 gaseous fuel regulated down to a first reduced pressure in the first stage; and regulate
17 the gaseous fuel output from the first stage in the second stage, the first reduced
18 pressure gaseous fuel from the first stage being regulated down to a second reduced
19 pressure in the second stage for delivery through the gaseous fuel line to operate the
20 generator; wherein the fuel regulator system outputs gaseous fuel to the generator for
21 operation of the engine at the second reduced pressure. Additionally, they knew that
22 any construction of the '985 patent that covered the accused Firman models would also
23 have meant that the RD9000E generator model included the claimed dual fuel generator
24 and fuel delivery system comprising: a dual fuel generator configured to operate on a
25 liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous
26 fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator
27 system located off board the dual fuel generator, the fuel regulator system comprising: a
28 primary pressure regulator coupled to a service valve of the pressurized fuel source and

1 configured to regulate the fuel supplied from the pressurized fuel source to a first
2 reduced pressure; and a secondary pressure regulator coupled to the primary pressure
3 regulator and configured to regulate the gaseous fuel supplied from the primary pressure
4 regulator down from the first reduced pressure to a second reduced pressure for delivery
5 through the gaseous fuel line to operate the dual fuel generator; wherein the fuel
6 regulator system outputs gaseous fuel to the dual fuel generator for operation thereof at
7 the second reduced pressure. Therefore, the Champion Managers, the Inequitable
8 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the
9 Inequitable Conduct Prosecutors knew the RD9000E generator model anticipates these
10 claims under their claim construction theory, rendering the claims of the '985 patent
11 invalid.

12 150. The claims of the '985 patent are unenforceable due to the inequitable
13 conduct in the prosecution of the '985 patent's prosecution, i.e., the intentional failure to
14 disclose the material information discussed above.

15 151. The claims of the '985 patent are unenforceable due to the inequitable
16 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine
17 of infectious unenforceability, including because Champion failed to disclose the
18 material information discussed above.

19 152. But for Champion's intentional non-disclosure of the material information
20 discussed above, the claims of the '985 patent would not have issued.

21 153. An actual and justiciable controversy exists between Firman and
22 Champion as to the enforceability of the '985 patent.

23 154. Firman is entitled to a judgment that the claims of the '985 patent are
24 unenforceable due to Champion's inequitable conduct.

25 **COUNT SEVEN**

26 **Declaratory Judgment of Unenforceability of the '654 Patent**

27 155. Firman repeats and incorporates by reference paragraphs 1 through 154 of
28 this counterclaim.

1 156. The '654 patent is titled is titled "OFF-BOARD FUEL REGULATOR
2 FOR GENERATOR ENGINE." The patent was issued on December 20, 2022.

3 157. On information and belief, the Champion Managers were substantively
4 involved in the preparation or prosecution of the '654 patent.

5 158. All of the Inequitable Conduct Inventors except for Kendall J. Collie and
6 Hiroaki Sato are listed as named inventors of the '654 patent.

7 159. All of the Inequitable Conduct Prosecutors participated in the prosecution
8 of the '654 patent. All of the Inequitable Conduct Prosecutors except Laundre signed
9 submissions to the USPTO in connection with the prosecution of the '654 patent. On
10 information and belief, Laundre was also involved with the prosecution of the '654
11 patent due to her subject matter expertise and experience prosecuting other Champion
12 patents.

13 160. The Champion Managers, the Inequitable Conduct Inventors (except for
14 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew
15 that the RD9000E generator model was sold or publicly shown before the earliest
16 possible effective priority date of the '654 patent.

17 161. June 12, 2015 is the earliest possible effective priority date of the '654
18 patent.

19 162. By December 20, 2022, some or all of the Champion Managers, the
20 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that
21 Firman had sold, offered for sale, or publicly shown the RD9000E generator model
22 before June 12, 2015, and that Firman had confirmed this to Champion.

23 a. By December 20, 2022, Dennis M. Trine knew that Firman had sold,
24 offered for sale, or publicly shown the RD9000E generator model before
25 June 12, 2015.

26 b. By December 20, 2022, Lei Zhao knew that Firman had sold, offered for
27 sale, or publicly shown the RD9000E generator model before June 12,
28 2015.

- 1 c. By December 20, 2022, Jiehui “Joyce” Ma knew that Firman had sold,
2 offered for sale, or publicly shown the RD9000E generator model before
3 June 12, 2015.
- 4 d. By December 20, 2022, Mark J. Sarder knew that Firman had sold,
5 offered for sale, or publicly shown the RD9000E generator model before
6 June 12, 2015.
- 7 e. By December 20, 2022, James J. Dehn knew that Firman had sold, offered
8 for sale, or publicly shown the RD9000E generator model before June 12,
9 2015.
- 10 f. By December 20, 2022, Leigh Jenison knew that Firman had sold, offered
11 for sale, or publicly shown the RD9000E generator model before June 12,
12 2015.
- 13 g. By December 20, 2022, Timothy Ziolkowski knew that Firman had sold,
14 offered for sale, or publicly shown the RD9000E generator model before
15 June 12, 2015.
- 16 h. By December 20, 2022, Jacob Fritz knew that Firman had sold, offered
17 for sale, or publicly shown the RD9000E generator model before June 12,
18 2015.
- 19 i. By December 20, 2022, Kevin R. Rosin knew that Firman had sold,
20 offered for sale, or publicly shown the RD9000E generator model before
21 June 12, 2015.
- 22 j. By December 20, 2022, Stephanie Laundre knew that Firman had sold,
23 offered for sale, or publicly shown the RD9000E generator model before
24 June 12, 2015.
- 25 k. By December 20, 2022, Andrew C. Stark knew that Firman had sold,
26 offered for sale, or publicly shown the RD9000E generator model before
27 June 12, 2015.
- 28

1 163. To the extent claim 6 of the '654 patent is construed to cover the Firman
2 models that Champion accuses in this Action, the Champion Managers, the Inequitable
3 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the
4 Inequitable Conduct Prosecutors knew the RD9000E generator model includes all of the
5 elements of at least claim 6 of the '654 patent. Namely, they knew that any construction
6 of the '654 patent that covered the accused Firman models would have also meant that
7 the RD9000E generator included the claimed dual fuel generator and fuel delivery
8 system comprising: a dual fuel generator configured to operate on a liquid fuel supplied
9 from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a
10 pressurized fuel source through a gaseous fuel line; a fuel regulator system located off
11 board the dual fuel generator, the fuel regulator system comprising: a primary pressure
12 regulator coupled to a service valve of the pressurized fuel source and configured to
13 regulate the fuel supplied from the pressurized fuel source to a reduced pressure; and a
14 secondary pressure regulator coupled to the primary pressure regulator and configured
15 to regulate the gaseous fuel supplied from the primary pressure regulator to a desired
16 pressure for delivery through the gaseous fuel line to operate the dual fuel generator;
17 and a mechanical fuel valve actuatable between a first position and a second position to
18 selectively control fuel flow to the dual fuel generator from the liquid fuel source
19 through the liquid fuel line and the pressurized fuel source through the gaseous fuel line;
20 and wherein mechanical fuel valve opens and closes the liquid fuel line to selectively
21 control fuel flow from the liquid fuel source to the dual fuel generator; and further
22 comprises: a fuel lockout apparatus coupled to the mechanical fuel valve and configured
23 to prevent the pressurize fuel source from coupling to the gaseous fuel line while the
24 mechanical fuel valve opens the liquid fuel line, and permit the pressurized fuel source
25 to couple to the gaseous fuel line while the mechanical fuel valve closes the liquid fuel
26 line. Therefore, the Champion Managers, the Inequitable Conduct Inventors (except for
27 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew
28

1 the RD9000E generator model anticipates this claim under their claim construction
2 theory, rendering the claims of the '654 patent invalid.

3 164. The claims of the '654 patent are unenforceable due to the inequitable
4 conduct in the prosecution of the '654 patent's prosecution, i.e., the intentional failure to
5 disclose the material information discussed above.

6 165. The claims of the '654 patent are unenforceable due to the inequitable
7 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine
8 of infectious unenforceability, including because Champion failed to disclose the
9 material information discussed above.

10 166. But for Champion's intentional non-disclosure of the material information
11 discussed above, the claims of the '654 patent would not have issued.

12 167. An actual and justiciable controversy exists between Firman and
13 Champion as to the enforceability of the '654 patent.

14 168. Firman is entitled to a judgment that the claims of the '654 patent are
15 unenforceable due to Champion's inequitable conduct.

16 **COUNT EIGHT**

17 **Declaratory Judgment of Unenforceability of the '970 Patent**

18 169. Firman repeats and incorporates by reference paragraphs 1 through 168 of
19 this counterclaim.

20 170. The '970 patent is titled is titled "DUAL FUEL GENERATOR WITH
21 REMOTE REGULATOR." The patent was issued on December 12, 2023.

22 171. On information and belief, the Champion Managers were substantively
23 involved in the preparation or prosecution of the '970 patent.

24 172. All of the Inequitable Conduct Inventors except for Kendall J. Collie and
25 Hiroaki Sato are listed as named inventors of the '970 patent.

26 173. All of the Inequitable Conduct Prosecutors except Rosin and Laundre
27 participated in the prosecution of the '970 patent. Ziolkowski, Fritz, and Stark signed
28 submissions to the USPTO in connection with the prosecution of the '970 patent.

1 174. The Champion Managers, the Inequitable Conduct Inventors (except for
2 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors (except
3 for Rosin and Laundre) knew that the RD9000E generator model was sold or publicly
4 shown before the earliest possible effective priority date of the '970 patent.

5 175. June 12, 2015 is the earliest possible effective priority date of the '970
6 patent.

7 176. By December 12, 2023, some or all of the Champion Managers, the
8 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that
9 Firman had sold, offered for sale, or publicly shown the RD9000E generator model
10 before June 12, 2015, and that Firman had confirmed this to Champion.

11 a. By December 12, 2023, Dennis M. Trine knew that Firman had sold,
12 offered for sale, or publicly shown the RD9000E generator model before
13 June 12, 2015.

14 b. By December 12, 2023, Lei Zhao knew that Firman had sold, offered for
15 sale, or publicly shown the RD9000E generator model before June 12,
16 2015.

17 c. By December 12, 2023, Jiehui "Joyce" Ma knew that Firman had sold,
18 offered for sale, or publicly shown the RD9000E generator model before
19 June 12, 2015.

20 d. By December 12, 2023, Mark J. Sarder knew that Firman had sold,
21 offered for sale, or publicly shown the RD9000E generator model before
22 June 12, 2015.

23 e. By December 12, 2023, James J. Dehn knew that Firman had sold, offered
24 for sale, or publicly shown the RD9000E generator model before June 12,
25 2015.

26 f. By December 12, 2023, Leigh Jenison knew that Firman had sold, offered
27 for sale, or publicly shown the RD9000E generator model before June 12,
28 2015.

1 g. By December 12, 2023, Timothy Ziolkowski knew that Firman had sold,
2 offered for sale, or publicly shown the RD9000E generator model before
3 June 12, 2015.

4 h. By December 12, 2023, Jacob Fritz knew that Firman had sold, offered
5 for sale, or publicly shown the RD9000E generator model before June 12,
6 2015.

7 i. By December 12, 2023, Andrew C. Stark knew that Firman had sold,
8 offered for sale, or publicly shown the RD9000E generator model before
9 June 12, 2015.

10 177. To the extent claim 1 of the '970 patent is construed to cover the Firman
11 models that Champion accuses in this Action, the Champion Managers, the Inequitable
12 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the
13 Inequitable Conduct Prosecutors (except for Rosin and Laundre) knew the RD9000E
14 generator model includes all of the elements of at least claim 1 of the '970 patent.
15 Namely, they knew that any construction of the '970 patent that covered the accused
16 Firman models would have also meant that the RD9000E generator included the
17 claimed dual fuel generator and fuel delivery system comprising: a dual fuel generator
18 comprising: an engine configured to operate on a liquid fuel supplied from a liquid fuel
19 source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel
20 source through a gaseous fuel line, and a carburetor attached to an intake of the engine
21 to mix air and fuel and connect the liquid fuel line to the intake; a fuel regulator system
22 located off board the dual fuel generator, the fuel regulator system comprising: a
23 primary pressure regulator coupled to a service valve of the pressurized fuel source and
24 configured to regulate the fuel supplied from the pressurized fuel source to a reduced
25 pressure, and a secondary pressure regulator coupled to the primary pressure regulator
26 and configured to regulate the gaseous fuel supplied from the primary pressure regulator
27 to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel
28 generator; and a mechanical fuel valve actuatable between a first position and a second

1 position to selectively control fuel flow to the engine from the liquid fuel source through
2 the liquid fuel line and the pressurized fuel source through the gaseous fuel line.
3 Therefore, the Champion Managers, the Inequitable Conduct Inventors (except for
4 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors (except
5 for Rosin) knew the RD9000E generator model anticipates this claim under their claim
6 construction theory, rendering the claims of the '970 patent invalid.

7 178. The claims of the '970 patent are unenforceable due to the inequitable
8 conduct in the prosecution of the '970 patent's prosecution, i.e., the intentional failure to
9 disclose the material information discussed above.

10 179. The claims of the '970 patent are unenforceable due to the inequitable
11 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine
12 of infectious unenforceability, including because Champion failed to disclose the
13 material information discussed above.

14 180. But for Champion's intentional non-disclosure of the material information
15 discussed above, the claims of the '970 patent would not have issued.

16 181. An actual and justiciable controversy exists between Firman and
17 Champion as to the enforceability of the '970 patent.

18 182. Firman is entitled to a judgment that the claims of the '970 patent are
19 unenforceable due to Champion's inequitable conduct.

20 **COUNT NINE**

21 **Declaratory Judgment of Unenforceability of the '895 Patent**

22 183. Firman repeats and incorporates by reference paragraphs 1 through 182 of
23 this counterclaim.

24 184. The '895 patent is titled "DUAL FUEL LOCKOUT SWITCH
25 FOR GENERATOR ENGINE." The patent was issued on February 20, 2024.

26 185. On information and belief, the Champion Managers were substantively
27 involved in the preparation or prosecution of the '895 patent.
28

186. All of the Inequitable Conduct Inventors except for Kendall J. Collie and Hiroaki Sato are listed as named inventors of the '895 patent.

187. All of the Inequitable Conduct Prosecutors except for Rosin and Laundre participated in the prosecution of the '895 patent. Ziolkowski, Fritz, and Stark signed submissions to the USPTO in connection with the prosecution of the '895 patent.

188. The Champion Managers, the Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors (except for Rosin and Laundre) knew that the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '895 patent.

189. June 12, 2015 is the earliest possible effective priority date of the '895 patent.

190. By February 20, 2024, some or all of the Champion Managers, the Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that Firman sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015, and that Firman had confirmed this to Champion.

a. By February 20, 2024, Dennis M. Trine knew that Firman had sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015.

b. By February 20, 2024, Lei Zhao knew that Firman had sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015.

c. By February 20, 2024, Jiehui "Joyce" Ma knew that Firman had sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015.

d. By February 20, 2024, Mark J. Sarder knew that Firman had sold, offered for sale, or publicly shown the RD9000E generator model before June 12, 2015.

1 e. By February 20, 2024, James J. Dehn knew that Firman had sold, offered
2 for sale, or publicly shown the RD9000E generator model before June 12,
3 2015.

4 f. By February 20, 2024, Leigh Jenison knew that Firman had sold, offered
5 for sale, or publicly shown the RD9000E generator model before June 12,
6 2015.

7 g. By February 20, 2024, Timothy Ziolkowski knew that Firman had sold,
8 offered for sale, or publicly shown the RD9000E generator model before
9 June 12, 2015.

10 h. By February 20, 2024, Jacob Fritz knew that Firman had sold, offered for
11 sale, or publicly shown the RD9000E generator model before June 12,
12 2015.

13 i. By February 20, 2024, Andrew C. Stark knew that Firman had sold,
14 offered for sale, or publicly shown the RD9000E generator model before
15 June 12, 2015.

16 191. To the extent claim 14 of the '895 patent is construed to cover the Firman
17 models that Champion accuses in this Action, the Champion Managers, the Inequitable
18 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the
19 Inequitable Conduct Prosecutors (except for Rosin and Laundre) knew the RD9000E
20 generator model includes at least the first six elements of at least claim 14 of the '895
21 patent. Namely, they knew that any construction of the '895 patent that covered the
22 accused Firman models would have also meant that the RD9000E generator included
23 the claimed dual fuel generator and fuel delivery system comprising: a dual fuel
24 generator configured to operate on a liquid fuel supplied from a liquid fuel source
25 through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source
26 through a gaseous fuel line; a fuel regulator system located off board the dual fuel
27 generator, the fuel regulator system comprising: a primary pressure regulator couplable
28 to a service valve of the pressurized fuel source and configured to regulate the gaseous

1 fuel supplied from the pressurized fuel source to a reduced pressure, and a secondary
2 pressure regulator couplable to the primary pressure regulator and configured to
3 regulate the gaseous fuel supplied from the primary pressure regulator to a desired
4 pressure for delivery through the gaseous fuel line to operate the dual fuel generator;
5 and a mechanical fuel valve actuatable between a first position and a second position to
6 selectively control fuel flow to the dual fuel generator from the liquid fuel source
7 through the liquid fuel line and the pressurized fuel source through the gaseous fuel line,
8 the mechanical fuel valve configured to open and close the liquid fuel line to selectively
9 control fuel flow from the liquid fuel source to the dual fuel generator. Additionally,
10 Champion was aware of prior art by Champion itself that included at least the remaining
11 elements of at least claim 14 of the '895 patent; namely, a fuel lockout apparatus
12 coupled to the mechanical fuel valve and configured to: prevent the pressurized fuel
13 source from coupling to the gaseous fuel line while the liquid fuel line is open, and
14 permit the pressurized fuel source to couple to the gaseous fuel line while the liquid fuel
15 line is closed by the mechanical fuel valve. Therefore, the Champion Managers, the
16 Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or
17 the Inequitable Conduct Prosecutors (except Rosin) knew the RD9000E generator
18 model at least in combination with Champion's own prior art made obvious this claim
19 under their claim construction theory, rendering the claims of the '895 patent invalid.

20 192. The claims of the '895 patent are unenforceable due to the inequitable
21 conduct in the prosecution of the '895 patent's prosecution, i.e., the intentional failure to
22 disclose the material information discussed above.

23 193. The claims of the '895 patent are unenforceable due to the inequitable
24 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine
25 of infectious unenforceability, including because Champion failed to disclose the
26 material information discussed above.

27 194. But for Champion's intentional non-disclosure of the material information
28 discussed above, the claims of the '895 patent would not have issued.

195. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '895 patent.

196. Firman is entitled to a judgment that the claims of the '895 patent are unenforceable due to Champion's inequitable conduct.

PRAYER FOR RELIEF

Wherefore Firman respectfully requests the following relief:

A. That Champion's Complaint against Firman be dismissed in its entirety with prejudice and that a judgment be entered in favor of Firman and against Champion;

B. That Champion take nothing by reason of its Complaint;

C. That the Court declare that Firman has not infringed, and is not infringing, any valid and enforceable claim of the Asserted Patents, either directly or indirectly, literally or under the doctrine of equivalents, and that Firman has neither contributed to, nor induced infringement thereof by another;

D. That the Court declare that one or more the claims of the Asserted Patents are invalid;

E. That the Court declare that the '780 patent, the '034 patent, '398 patent, the '120 patent, the '145 patent, the '985 patent, the '654 patent, the '970 patent, and the '895 patent are unenforceable;

F. That the Court enter an order under 35 U.S.C. § 285, awarding Firman its reasonable attorney's fees and costs of suit incurred in this litigation as an exceptional case, because of, among other reasons, Champion's bad-faith assertion of patents that it knows to be invalid (in view of, among other things, (1) Champion's knowledge that Firman publicly displayed the RD9000E generator in the United States in May 2015; (2) Champion's analysis of the 2015 RD9000E Unit and RD9000E Owner's Manual in September 2015; (3) Champion's demand that Firman nonetheless provide support for Firman's claim that the RD9000E generator was sold or used before the earliest possible effective priority date of any patent in the Inequitable Conduct Patent Family; and (4)

1 the RD9000E generator that Champion counsel physically inspected in November 2019)
2 or unenforceable (due to the inequitable conduct committed before the USPTO);

3 G. That Firman be granted all such other and further relief as the Court
4 deems just and proper.

5 **JURY DEMAND**

6 Firman demands a trial by jury on all claims, defenses, and counterclaims so
7 triable.

8 DATED this 10th day of July, 2024.

9
10 By: s/ Benjamin J. Byer
Benjamin J. Byer (*pro hac vice*)
Xiang Li (*pro hac vice*)
11 Jennifer K. Chung (*pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
12 920 Fifth Avenue, Suite 3300
13 Seattle, Washington 98104

14 Eric M. Fraser
Phillip W. Londen
15 OSBORN MALEDON, P.A.
2929 North Central Avenue, Suite 2000
16 Phoenix, Arizona 85012

17 *Attorneys for Defendant*
18 *Firman Power Equipment Inc.*