

**United States District Court  
Eastern District of Wisconsin (Milwaukee)  
CIVIL DOCKET FOR CASE #: 2:24-cv-01302-PP**

Champion Power Equipment Inc v. Harbor Freight Tools USA Inc  
Assigned to: Chief Judge Pamela Pepper  
Cause: 35:271 Patent Infringement

Date Filed: 10/14/2024  
Date Terminated: 04/28/2025  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Champion Power Equipment Inc**

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V.

**Defendant**

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| Date Filed | #                        | Docket Text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 10/14/2024 | <a href="#"><u>1</u></a> | COMPLAINT with Jury Demand; against Harbor Freight Tools, USA, Inc. by Champion Power Equipment, Inc.. ( Filing Fee PAID \$405 receipt number AWIEDC-4792651) (Attachments: # <a href="#"><u>1</u></a> Exhibit A-U.S. Patent No. 10,393,034, # <a href="#"><u>2</u></a> Exhibit B-U.S. Patent No. 11,143,120, # <a href="#"><u>3</u></a> Exhibit C-U.S. Patent No. 11,492,985, # <a href="#"><u>4</u></a> Exhibit D-U.S. Patent No. 11,530,654, # <a href="#"><u>5</u></a> Exhibit E-U.S. Patent No. 11,840,970, # <a href="#"><u>6</u></a> Exhibit F-U.S. Patent No. 10,221,780, # <a href="#"><u>7</u></a> Exhibit G-U.S. Patent No. 11,905,895, # <a href="#"><u>8</u></a> Exhibit H-U.S. Patent No. 10,697,398, # <a href="#"><u>9</u></a> Exhibit I-U.S. Patent No. 11,143,145, # <a href="#"><u>10</u></a> Exhibit J-U.S. Patent No. 10,598,101, # <a href="#"><u>11</u></a> Exhibit K-U.S. Patent No. 11,306,667, # <a href="#"><u>12</u></a> Exhibit L-U.S. Patent No. 11,761,390, # <a href="#"><u>13</u></a> Exhibit M-U.S. Patent No. 11,905,896, # <a href="#"><u>14</u></a> Civil Cover Sheet) (Heneghan, Thomas) |
| 10/14/2024 | <a href="#"><u>2</u></a> | DISCLOSURE Statement by Champion Power Equipment, Inc.. (Heneghan, Thomas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10/15/2024 |                          | NOTICE Regarding assignment of this matter to Chief Judge Pamela Pepper. Consent/refusal forms for Magistrate Judge Stephen Dries to be filed within 21 days; the consent/refusal form is available <a href="#"><u>here</u></a> . (mew)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10/15/2024 |                          | Case Opening Modification(s); The following modification(s) have been made to your case entry: One or more party names have been modified - please remember to follow the Party Name Guidelines found on our website. ; Please refer to the <a href="#"><u>attorney case opening instructions</u></a> , the <a href="#"><u>summons instructions</u></a> and the <a href="#"><u>party name guidelines found in the user manual</u></a> for further guidance (edr)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/15/2024 |                          | Report to the Commissioner of Patents and Trademarks. (edr)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 10/15/2024 | <a href="#"><u>3</u></a> | REQUEST for Issuance of Summons by Champion Power Equipment Inc (Heneghan, Thomas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10/15/2024 |                          | Summons Issued as to Harbor Freight Tools USA Inc. (edr)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/22/2024 | <a href="#"><u>4</u></a> | SUMMONS Returned Executed. Defendant Harbor Freight Tools USA Inc served on October 18, 2024. <del>AFFIDAVIT of Michael Jesse, Process Server of Service.</del> (Heneghan, Thomas) Modified on 10/23/2024 (amb).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 11/04/2024 | <a href="#"><u>5</u></a> | DISCLOSURE STATEMENT by Harbor Freight Tools USA Inc <i>Per FRCP 7.1.</i> (Huang, Eric) Modified on 11/5/2024 (amb).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11/04/2024 | <a href="#"><u>6</u></a> | NOTICE of Appearance by Eric Hui-Chieh Huang on behalf of Harbor Freight Tools USA Inc. Attorney(s) appearing: Eric Hui-chieh Huang (Huang, Eric)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| 11/04/2024 | <a href="#">7</a>  | MOTION to Dismiss <i>or in the Alternative to Transfer</i> by Harbor Freight Tools USA Inc. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Huang, Eric). Added MOTION to Transfer Case on 11/5/2024 (amb).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11/04/2024 | <a href="#">8</a>  | BRIEF in Support filed by Harbor Freight Tools USA Inc re <a href="#">7</a> MOTION to Dismiss <i>or in the Alternative to Transfer</i> . (Huang, Eric)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11/04/2024 | <a href="#">9</a>  | DECLARATION of Jason Sprong <i>in support of Defendant's Motion to Dismiss or in the Alternative to Transfer</i> (Huang, Eric)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11/04/2024 | <a href="#">10</a> | DECLARATION of Eric Huang <i>in support of Defendant's Motion to Dismiss or in the Alternative to Transfer</i> (Attachments: # <a href="#">1</a> Exh A - Excerpts from Compl. in Champion v Firman (D. Ariz.), # <a href="#">2</a> Exh B - Google Street View California, # <a href="#">3</a> Exh C - LinkedIn Profiles, # <a href="#">4</a> Exh D - Cal. Sec'y of State Business Search Results, # <a href="#">5</a> Exh E - Google Maps, # <a href="#">6</a> Exh F - Champion Website excerpt, # <a href="#">7</a> Exh G - Excerpts from Answer in Champion v Firman (D. Ariz.), # <a href="#">8</a> Exh H - Compl. in HFT v. Champion (C.D. Cal.), # <a href="#">9</a> Exh I - March 27, 2024 Letter from Champion to HFT, # <a href="#">10</a> Exh J - May 17, 2024 Letter from Champion to HFT, # <a href="#">11</a> Exh K - June 28 Email from Champion to HFT, # <a href="#">12</a> Exh L - June 29 Email from Champion to HFT, # <a href="#">13</a> Exh M - Oct 10, 2024 Email enclosing Courtesy Copies of CD Cal Complaint, # <a href="#">14</a> Exh N - Proof of Service CD Cal Compl., # <a href="#">15</a> Exh O - Excerpt from Nat'l Judicial Caseload Profile uscourts.gov, # <a href="#">16</a> Exh P - Comparison Chart)(Huang, Eric) |
| 11/05/2024 |                    | NOTICE from the clerk to defendant requesting that the Consent/Refusal form to Magistrate Judge Stephen C. Dries be filed within 21 days; the form is available <a href="#">here</a> . (amb)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11/08/2024 | <a href="#">11</a> | MOTION to Stay by Champion Power Equipment Inc. (Attachments: # <a href="#">1</a> Ex. A CDCA Motion to Dismiss, # <a href="#">2</a> Ex. B CDCA Memorandum ISO MTD, # <a href="#">3</a> Text of Proposed Order)(Heneghan, Thomas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/08/2024 | <a href="#">12</a> | BRIEF in Support filed by Champion Power Equipment Inc re <a href="#">11</a> MOTION to Stay . (Heneghan, Thomas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/22/2024 | <a href="#">13</a> | Magistrate Judge Jurisdiction Form filed by Harbor Freight Tools USA Inc. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (Huang, Eric)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 11/25/2024 | <a href="#">14</a> | BRIEF in Opposition filed by Champion Power Equipment Inc re <a href="#">7</a> MOTION to Dismiss <i>or in the Alternative to Transfer</i> MOTION to Transfer Case . (Heneghan, Thomas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11/25/2024 | <a href="#">15</a> | DECLARATION of Thomas P. Heneghan (Attachments: # <a href="#">1</a> Exhibit A-Letter dated March 27, 2024, from Attorney Tim Ziolkowski on behalf of Champion to Eric Smidt of Plaintiff Harbor Freight, # <a href="#">2</a> Exhibit B-Email dated July 8, 2024, from Attorney Jeff Cutler of Harbor Freight to Attorney Tim Ziolkowski, # <a href="#">3</a> Exhibit C-Letter dated June 28, 2024, from Attorney Tim Ziolkowski on behalf of Champion to Attorney Jeff Cutler of Harbor Freight)(Heneghan, Thomas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/29/2024 | <a href="#">16</a> | BRIEF in Opposition filed by Harbor Freight Tools USA Inc re <a href="#">11</a> MOTION to Stay . (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Declaration of Eric Hui-chieh Huang, # <a href="#">3</a> Exhibit 1 - Oct 10 Email, # <a href="#">4</a> Exhibit 2 - CDCA Oct 16 POS, # <a href="#">5</a> Exhibit 3 - CDCA Nov 5 Order, # <a href="#">6</a> Exhibit 4 - CDCA Nov 13 POS, # <a href="#">7</a> Exhibit 5 - CDCA HFT Brief in Opp to Mot to Dismiss, # <a href="#">8</a> Exhibit 6 - Olague Decl CDCA Opp to Mot to Dismiss, # <a href="#">9</a> Exhibit 7 - Cutler Decl CDCA Opp to Mot to Dismiss, # <a href="#">10</a> Exhibit 8 - CDCA Nov 19 Order)(Huang, Eric)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 12/09/2024 | <a href="#">17</a> | REPLY BRIEF in Support filed by Harbor Freight Tools USA Inc re <a href="#">7</a> MOTION to Dismiss <i>or in the Alternative to Transfer</i> MOTION to Transfer Case . (Huang, Eric)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| 12/13/2024 | <a href="#">18</a> | REPLY BRIEF in Support filed by Champion Power Equipment Inc re <a href="#">11</a> MOTION to Stay . (Heneghan, Thomas)                                                                                                                                                                                                                                                    |
| 12/13/2024 | <a href="#">19</a> | DECLARATION of Thomas P. Heneghan (Attachments: # <a href="#">1</a> Exhibit A-Letter dated May 17, 2024, # <a href="#">2</a> Exhibit B-Email dated June 29 2024, # <a href="#">3</a> Exhibit C-Notice from District Court Judge Stephen V. Wilson of the Central District of California in the case of Harbor Freight v Champion, 2:24-cv-08722-SVW-AS)(Heneghan, Thomas) |
| 12/13/2024 | <a href="#">20</a> | NOTICE of Appearance by Jennifer Elizabeth Hoekel on behalf of Champion Power Equipment Inc. Attorney(s) appearing: Jennifer E. Hoekel (Hoekel, Jennifer)                                                                                                                                                                                                                 |
| 02/14/2025 | <a href="#">21</a> | NOTICE by Harbor Freight Tools USA Inc of <i>Supplemental Authority</i> (Attachments: # <a href="#">1</a> Attachment: Feb 13 Order (C.D.Cal.))(Huang, Eric)                                                                                                                                                                                                               |
| 03/26/2025 | <a href="#">22</a> | NOTICE by Harbor Freight Tools USA Inc of order in parallel case. (Attachments: # <a href="#">1</a> Exhibit A - Minutes of Trial Setting Conference)(Huang, Eric) Modified on 3/27/2025 (amb).                                                                                                                                                                            |
| 04/28/2025 | <a href="#">23</a> | ORDER DISMISSING CASE signed by Chief Judge Pamela Pepper on 4/28/2025. <a href="#">11</a> Plaintiff's motion to stay DENIED AS MOOT. <a href="#">7</a> Defendant's motion to dismiss or alternatively transfer GRANTED; case DISMISSED on first-to-file grounds. (cc: all counsel)(cb)                                                                                   |
| 04/28/2025 | <a href="#">24</a> | JUDGMENT signed by Deputy Clerk and approved by Chief Judge Pamela Pepper on 4/28/2025. (cc: all counsel)(cb)                                                                                                                                                                                                                                                             |

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