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16 *Attorneys for Plaintiff Harbor Freight*

17 *Tools USA, Inc.*

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

20 HARBOR FREIGHT TOOLS USA,
21 INC.,

22 Plaintiff,

23 vs.

24 CHAMPION POWER EQUIPMENT,
25 INC.,

26 Defendant.

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

**PLAINTIFF'S NOTICE OF
SUBPOENAS TO BE SERVED ON
METALCRAFT OF MAYVILLE,
INC.; NORTHERN TOOL &
EQUIPMENT COMPANY INC.;
WINCO, INC.**

Hon. Stephen V. Wilson

Hon. Alka Sagar

1 **TO: ALL PARTIES AND COUNSEL OF RECORD**

2 Pursuant to Federal Rules of Civil Procedure 30 and 45, Plaintiff Harbor
3 Freight Tools USA, Inc. hereby gives notice that it will serve subpoenas on:
4 (1) Metalcraft of Mayville, Inc.; (2) Northern Tool & Equipment Company Inc.; and
5 (3) Winco, Inc. Attached hereto is a true and correct copy of the subpoenas and their
6 attachments.

7
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9
10
11 DATED: July 1, 2025

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

12
13
14 By /s/ Eric Huang

15 David M. Grable (Bar No. 237765)
16 davegrable@quinnemanuel.com
17 Lauren Lindsay (SBN 280516)
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27 Telephone: (212) 849 7000
28 Facsimile: (212) 849 7100

*Attorneys for Plaintiff Harbor Freight
Tools USA, Inc.*

UNITED STATES DISTRICT COURT

for the
Central District of California

Harbor Freight Tools USA, Inc.

Plaintiff

v.

Champion Power Equipment, Inc.

Defendant

Civil Action No. 2:24-cv-08722-SVW-AS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Martin A. Gallun, Metalcraft of Mayville, Inc.
1000 Metalcraft Dr., Mayville, WI 53050-2354

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Please see attachment.

Place: 790 N. Water Street, Suite 2500, Milwaukee, WI 53202
Email: qe-harborfreight-champion@quinnemanuel.com

Date and Time:

07/22/2025 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/01/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Jason Williams

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff
Harbor Freight Tools USA, Inc., who issues or requests this subpoena, are:

Jason Williams, 295 5th Ave, New York, NY 10016, (212) 849-7401, jasonwilliams@quinnemanuel.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:24-cv-08722-SVW-AS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A
DEFINITIONS

1. The Instructions and Requests for Production below are subject to and incorporate the following definitions, regardless of whether upper or lower case letters are used:

2. “**SCAG**,” “**You**,” or “**Your**” means Metalcraft of Mayville, Inc., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by any such entities, and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by any such entities, as well as the agents, officers, directors, employees, consultants, representatives, and attorneys of any such entities.

3. “**Plaintiff**” or “**HFT**” means Harbor Freight Tools USA, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other Persons acting on behalf of any of the foregoing, and Plaintiff’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestics, that are owned or controlled by Plaintiff, and all predecessors and successors in interest to such entities.

4. “**Defendant**” or “**Champion**” means, Champion Power Equipment, Inc., its officers, directors, members, principals, employees, agents, representatives, affiliates, or others acting on behalf of Defendant.

5. “**Action**” means the case titled *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, currently pending in the United States District Court for the Central District of California.

6. **“The ’120 Patent”** means U.S. Patent No. 11,143,120.
7. **“The ’034 Patent”** means U.S. Patent No. 10,393,034.
8. **“The ’985 Patent”** means U.S. Patent No. 11,492,985.
9. **“The ’654 Patent”** means U.S. Patent No. 11,530,654.
10. **“The ’970 Patent”** means U.S. Patent No. 11,840,970.
11. **“The ’780 Patent”** means U.S. Patent No. 10,221,780.
12. **“The ’895 Patent”** means U.S. Patent No. 11,905,895.
13. **“The ’398 Patent”** means U.S. Patent No. 10,697,398.
14. **“The ’145 Patent”** means U.S. Patent No. 11,143,145.
15. **“The ’101 Patent”** means U.S. Patent No. 10,598,101.
16. **“The ’667 Patent”** means U.S. Patent No. 11,306,667.
17. **“The ’390 Patent”** means U.S. Patent No. 11,761,390.
18. **“The ’896 Patent”** means U.S. Patent No. 11,905,896.
19. **“Asserted Patents”** or **“Patents-in-Suit”** means the ’034 Patent, ’120 Patent, ’985 Patent, ’654 Patent, ’970 Patent, ’780 Patent, ’895 Patent, ’398 Patent, ’145 Patent, ’101 Patent, ’667 Patent, ’390 Patent, and ’896 Patent collectively, and any other patents identified by Champion in any Counterclaim or other pleading in this case as Infringed by HFT. **“Patent-in-Suit”** means any one or more of the Patents-in-Suit.
20. **“System Art Product”** means the SCAG Turf Tiger Device.
21. **“Document”** shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term includes any written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or

reproduced (whether on paper, cards, charts, file, or printouts; tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription; computer tapes, databases, e-mails; pictures, photographs, slides, films, microfilms, motion pictures; or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature Including originals, drafts, and all non-identical copies of each Document (which, by reason of any variation, such as the presence of absence of hand-written notes or underlining, represents a distinct version). By way of example, the term “Document” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications, certificates of registration, opinions of counsel; memoranda of agreements, assignments, licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

22. **“Communication”** means any transmittal, conveyance, or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand, question, or other information by any medium, whether by written, oral, or other means, Including electronic communications and electronic mail.

23. **“Person”** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall

include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

24. **“Thing”** means any tangible objects of any kind and nature other than a Document, Including prototypes, models, and physical specimens thereof.

25. **“Refer to,” “referring to,” “relate to,” “related to,” “relating to,” “regarding,”** or **“concerning”** means in whole or in part constituting, containing, contradicting, embodying, commenting on, depicting, demonstrating, refuting, evidencing, representing, discussing, reflecting, describing, analyzing, identifying, mentioning, stating, summarizing, bearing upon, pertaining to, comprising, involving, alluding to, commenting on, referring directly or indirectly to, dealing with, or in any way pertaining to.

26. The terms **“and”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The terms **“any,” “all,” “every,”** and **“each”** each means and includes the other.

28. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

29. **“Include”** and **“Including”** mean including without limitation.

30. The provision of definitions set forth herein shall not be construed to be an admission that identical or similar terms in the claims of the Patents-in-Suit should receive such construction and shall have no binding effect on HFT in this or any other proceeding.

INSTRUCTIONS

1. Produce all responsive Documents, electronically stored information, and Things in Your possession, custody, or control, wherever located, in the manner in which they are maintained.
2. State, for each request, whether or not there exist any Documents within the scope of the request and whether any such Documents are in Your possession, custody, or control.
3. If any Document is withheld from production on the basis of privilege, immunity, or any similar claim, please specify: (i) the date of the Document; (ii) the subject matter of the Document; (iii) the type of Document (memorandum, pamphlet, report, etc.); (iv) such other information as is sufficient to identify the Document, Including, where appropriate, the author, addressee, and any other recipient of the Document, and where not apparent, the relationship of the author, addressee, and any other recipient to each other; and (v) an explanation of the basis for withholding the Document.
4. If You object to the scope or breadth of any request, respond within the scope or breadth of production that You contend is proper and define the scope or breadth in which You have responded.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documents and Things sufficient to show the design, structure, and operation of the System Art Product.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to show the first sale, first offer for sale, or first public use of the System Art Product.

REQUEST FOR PRODUCTION NO. 3:

A sample of each of the System Art Product.

REQUEST FOR PRODUCTION NO. 4:

All Communications between You and Champion concerning this Action, the Asserted Patents, and the System Art Product.

UNITED STATES DISTRICT COURT

for the

Central District of California

Harbor Freight Tools USA, Inc.

Plaintiff

v.

Champion Power Equipment, Inc.

Defendant

Civil Action No. 2:24-cv-08722-SVW-AS

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Martin A. Gallun, Metalcraft of Mayville, Inc.
1000 Metalcraft Dr., Mayville, WI 53050-2354*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: Please see attachment.

Place: 790 N. Water Street, Suite 2500, Milwaukee, WI 53202

Date and Time: 07/29/2025 9:00 am

The deposition will be recorded by this method: Stenographic, audio, video, real-time reporting

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/01/2025

CLERK OF COURT

OR

/s/ Jason Williams

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff Harbor Freight Tools USA, Inc.

, who issues or requests this subpoena, are:
Jason Williams, 295 5th Ave, New York, NY 10016, (212) 849-7401, jasonwilliams@quinnemanuel.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:24-cv-08722-SVW-AS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT B
DEFINITIONS

1. The Instructions and Requests for Production below are subject to and incorporate the following definitions, regardless of whether upper or lower case letters are used:

2. “**SCAG**,” “**You**,” or “**Your**” means Metalcraft of Mayville, Inc., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by any such entities, and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by any such entities, as well as the agents, officers, directors, employees, consultants, representatives, and attorneys of any such entities.

3. “**Plaintiff**” or “**HFT**” means Harbor Freight Tools USA, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other Persons acting on behalf of any of the foregoing, and Plaintiff’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestics, that are owned or controlled by Plaintiff, and all predecessors and successors in interest to such entities.

4. “**Defendant**” or “**Champion**” means, Champion Power Equipment, Inc., its officers, directors, members, principals, employees, agents, representatives, affiliates, or others acting on behalf of Defendant.

5. “**Action**” means the case titled *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, currently pending in the United States District Court for the Central District of California.

6. **“The ’120 Patent”** means U.S. Patent No. 11,143,120.
7. **“The ’034 Patent”** means U.S. Patent No. 10,393,034.
8. **“The ’985 Patent”** means U.S. Patent No. 11,492,985.
9. **“The ’654 Patent”** means U.S. Patent No. 11,530,654.
10. **“The ’970 Patent”** means U.S. Patent No. 11,840,970.
11. **“The ’780 Patent”** means U.S. Patent No. 10,221,780.
12. **“The ’895 Patent”** means U.S. Patent No. 11,905,895.
13. **“The ’398 Patent”** means U.S. Patent No. 10,697,398.
14. **“The ’145 Patent”** means U.S. Patent No. 11,143,145.
15. **“The ’101 Patent”** means U.S. Patent No. 10,598,101.
16. **“The ’667 Patent”** means U.S. Patent No. 11,306,667.
17. **“The ’390 Patent”** means U.S. Patent No. 11,761,390.
18. **“The ’896 Patent”** means U.S. Patent No. 11,905,896.
19. **“Asserted Patents”** or **“Patents-in-Suit”** means the ’034 Patent, ’120 Patent, ’985 Patent, ’654 Patent, ’970 Patent, ’780 Patent, ’895 Patent, ’398 Patent, ’145 Patent, ’101 Patent, ’667 Patent, ’390 Patent, and ’896 Patent collectively, and any other patents identified by Champion in any Counterclaim or other pleading in this case as Infringed by HFT. **“Patent-in-Suit”** means any one or more of the Patents-in-Suit.
20. **“System Art Product”** means the SCAG Turf Tiger Device.
21. **“Document”** shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term includes any written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or

reproduced (whether on paper, cards, charts, file, or printouts; tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription; computer tapes, databases, e-mails; pictures, photographs, slides, films, microfilms, motion pictures; or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature Including originals, drafts, and all non-identical copies of each Document (which, by reason of any variation, such as the presence of absence of hand-written notes or underlining, represents a distinct version). By way of example, the term “Document” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications, certificates of registration, opinions of counsel; memoranda of agreements, assignments, licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

22. **“Communication”** means any transmittal, conveyance, or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand, question, or other information by any medium, whether by written, oral, or other means, Including electronic communications and electronic mail.

23. **“Person”** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall

include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

24. **“Thing”** means any tangible objects of any kind and nature other than a Document, Including prototypes, models, and physical specimens thereof.

25. **“Refer to,” “referring to,” “relate to,” “related to,” “relating to,” “regarding,”** or **“concerning”** means in whole or in part constituting, containing, contradicting, embodying, commenting on, depicting, demonstrating, refuting, evidencing, representing, discussing, reflecting, describing, analyzing, identifying, mentioning, stating, summarizing, bearing upon, pertaining to, comprising, involving, alluding to, commenting on, referring directly or indirectly to, dealing with, or in any way pertaining to.

26. The terms **“and”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The terms **“any,” “all,” “every,”** and **“each”** each means and includes the other.

28. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

29. **“Include”** and **“Including”** mean including without limitation.

30. The provision of definitions set forth herein shall not be construed to be an admission that identical or similar terms in the claims of the Patents-in-Suit should receive such construction and shall have no binding effect on HFT in this or any other proceeding.

DEPOSITION TOPICS

TOPIC NO. 1:

The design, structure, and operation of the System Art Product.ss

TOPIC NO. 2:

The sale, offer for sale, or public use of the System Art Product.

TOPIC NO. 3:

The search for and collection of Documents and Things in response to the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 4:

The creation, maintenance, accessibility, authenticity, and public availability of the Documents or Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 5:

The subject matter disclosed in the Documents or Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 6:

Your policies and procedures for maintaining the Documents and Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith, in the regular course of business.

UNITED STATES DISTRICT COURT

for the

Central District of California

Harbor Freight Tools USA, Inc.

Plaintiff

v.

Champion Power Equipment, Inc.

Defendant

Civil Action No. 2:24-cv-08722-SVW-AS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Scott Millea, Northern Tool & Equipment Company Inc.,
2800 Southcross Drive West, Burnsville, MN 53306*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Please see attachment.

Place: 150 S Fifth Street, Suite 1775, Minneapolis, MN 55402
Email: qe-harborfreight-champion@quinnemanuel.com

Date and Time:

07/23/2025 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/01/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Jason Williams

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff
Harbor Freight Tools USA, Inc., who issues or requests this subpoena, are:

Jason Williams, 295 5th Ave, New York, NY 10016, (212) 849-7401, jasonwilliams@quinnemanuel.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:24-cv-08722-SVW-AS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A
DEFINITIONS

1. The Instructions and Requests for Production below are subject to and incorporate the following definitions, regardless of whether upper or lower case letters are used:

2. “**Northstar**,” “**You**,” or “**Your**” means Northern Tool & Equipment Company Inc., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by any such entities, and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by any such entities, as well as the agents, officers, directors, employees, consultants, representatives, and attorneys of any such entities.

3. “**Plaintiff**” or “**HFT**” means Harbor Freight Tools USA, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other Persons acting on behalf of any of the foregoing, and Plaintiff’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestics, that are owned or controlled by Plaintiff, and all predecessors and successors in interest to such entities.

4. “**Defendant**” or “**Champion**” means, Champion Power Equipment, Inc., its officers, directors, members, principals, employees, agents, representatives, affiliates, or others acting on behalf of Defendant.

5. “**Action**” means the case titled *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, currently pending in the United States District Court for the Central District of California.

6. **“The ’120 Patent”** means U.S. Patent No. 11,143,120.
7. **“The ’034 Patent”** means U.S. Patent No. 10,393,034.
8. **“The ’985 Patent”** means U.S. Patent No. 11,492,985.
9. **“The ’654 Patent”** means U.S. Patent No. 11,530,654.
10. **“The ’970 Patent”** means U.S. Patent No. 11,840,970.
11. **“The ’780 Patent”** means U.S. Patent No. 10,221,780.
12. **“The ’895 Patent”** means U.S. Patent No. 11,905,895.
13. **“The ’398 Patent”** means U.S. Patent No. 10,697,398.
14. **“The ’145 Patent”** means U.S. Patent No. 11,143,145.
15. **“The ’101 Patent”** means U.S. Patent No. 10,598,101.
16. **“The ’667 Patent”** means U.S. Patent No. 11,306,667.
17. **“The ’390 Patent”** means U.S. Patent No. 11,761,390.
18. **“The ’896 Patent”** means U.S. Patent No. 11,905,896.
19. **“Asserted Patents”** or **“Patents-in-Suit”** means the ’034 Patent, ’120 Patent, ’985 Patent, ’654 Patent, ’970 Patent, ’780 Patent, ’895 Patent, ’398 Patent, ’145 Patent, ’101 Patent, ’667 Patent, ’390 Patent, and ’896 Patent collectively, and any other patents identified by Champion in any Counterclaim or other pleading in this case as Infringed by HFT. **“Patent-in-Suit”** means any one or more of the Patents-in-Suit.
20. **“System Art Product”** means the Northstar Tri-Fuel 8000 TFG Device.
21. **“Document”** shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term includes any written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or

reproduced (whether on paper, cards, charts, file, or printouts; tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription; computer tapes, databases, e-mails; pictures, photographs, slides, films, microfilms, motion pictures; or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature Including originals, drafts, and all non-identical copies of each Document (which, by reason of any variation, such as the presence of absence of hand-written notes or underlining, represents a distinct version). By way of example, the term “Document” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications, certificates of registration, opinions of counsel; memoranda of agreements, assignments, licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

22. **“Communication”** means any transmittal, conveyance, or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand, question, or other information by any medium, whether by written, oral, or other means, Including electronic communications and electronic mail.

23. **“Person”** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall

include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

24. **“Thing”** means any tangible objects of any kind and nature other than a Document, Including prototypes, models, and physical specimens thereof.

25. **“Refer to,” “referring to,” “relate to,” “related to,” “relating to,” “regarding,”** or **“concerning”** means in whole or in part constituting, containing, contradicting, embodying, commenting on, depicting, demonstrating, refuting, evidencing, representing, discussing, reflecting, describing, analyzing, identifying, mentioning, stating, summarizing, bearing upon, pertaining to, comprising, involving, alluding to, commenting on, referring directly or indirectly to, dealing with, or in any way pertaining to.

26. The terms **“and”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The terms **“any,” “all,” “every,”** and **“each”** each means and includes the other.

28. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

29. **“Include”** and **“Including”** mean including without limitation.

30. The provision of definitions set forth herein shall not be construed to be an admission that identical or similar terms in the claims of the Patents-in-Suit should receive such construction and shall have no binding effect on HFT in this or any other proceeding.

INSTRUCTIONS

1. Produce all responsive Documents, electronically stored information, and Things in Your possession, custody, or control, wherever located, in the manner in which they are maintained.

2. State, for each request, whether or not there exist any Documents within the scope of the request and whether any such Documents are in Your possession, custody, or control.

3. If any Document is withheld from production on the basis of privilege, immunity, or any similar claim, please specify: (i) the date of the Document; (ii) the subject matter of the Document; (iii) the type of Document (memorandum, pamphlet, report, etc.); (iv) such other information as is sufficient to identify the Document, Including, where appropriate, the author, addressee, and any other recipient of the Document, and where not apparent, the relationship of the author, addressee, and any other recipient to each other; and (v) an explanation of the basis for withholding the Document.

4. If You object to the scope or breadth of any request, respond within the scope or breadth of production that You contend is proper and define the scope or breadth in which You have responded.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documents and Things sufficient to show the design, structure, and operation of the System Art Product.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to show the first sale, first offer for sale, or first public use of the System Art Product.

REQUEST FOR PRODUCTION NO. 3:

A sample of each of the System Art Product.

REQUEST FOR PRODUCTION NO. 4:

All Communications between You and Champion concerning this Action, the Asserted Patents, and the System Art Product.

UNITED STATES DISTRICT COURT

for the

Central District of California

Harbor Freight Tools USA, Inc.

Plaintiff

v.

Champion Power Equipment, Inc.

Defendant

Civil Action No. 2:24-cv-08722-SVW-AS

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Scott Millea, Northern Tool & Equipment Company Inc.,
2800 Southcross Drive West, Burnsville, MN 55306*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: Please see attachment.

Place: 150 S Fifth Street, Suite 1775, Minneapolis, MN 55402

Date and Time: 07/30/2025 9:00 am

The deposition will be recorded by this method: Stenographic, audio, video, real-time reporting

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/01/2025

CLERK OF COURT

OR

/s/ Jason Williams

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff Harbor Freight Tools USA, Inc.

, who issues or requests this subpoena, are:
Jason Williams, 295 5th Ave, New York, NY 10016, (212) 849-7401, jasonwilliams@quinnemanuel.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:24-cv-08722-SVW-AS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT B
DEFINITIONS

1. The Instructions and Requests for Production below are subject to and incorporate the following definitions, regardless of whether upper or lower case letters are used:

2. “**Northstar**,” “**You**,” or “**Your**” means Northern Tool & Equipment Company Inc., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by any such entities, and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by any such entities, as well as the agents, officers, directors, employees, consultants, representatives, and attorneys of any such entities.

3. “**Plaintiff**” or “**HFT**” means Harbor Freight Tools USA, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other Persons acting on behalf of any of the foregoing, and Plaintiff’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestics, that are owned or controlled by Plaintiff, and all predecessors and successors in interest to such entities.

4. “**Defendant**” or “**Champion**” means, Champion Power Equipment, Inc., its officers, directors, members, principals, employees, agents, representatives, affiliates, or others acting on behalf of Defendant.

5. “**Action**” means the case titled *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, currently pending in the United States District Court for the Central District of California.

6. **“The ’120 Patent”** means U.S. Patent No. 11,143,120.
7. **“The ’034 Patent”** means U.S. Patent No. 10,393,034.
8. **“The ’985 Patent”** means U.S. Patent No. 11,492,985.
9. **“The ’654 Patent”** means U.S. Patent No. 11,530,654.
10. **“The ’970 Patent”** means U.S. Patent No. 11,840,970.
11. **“The ’780 Patent”** means U.S. Patent No. 10,221,780.
12. **“The ’895 Patent”** means U.S. Patent No. 11,905,895.
13. **“The ’398 Patent”** means U.S. Patent No. 10,697,398.
14. **“The ’145 Patent”** means U.S. Patent No. 11,143,145.
15. **“The ’101 Patent”** means U.S. Patent No. 10,598,101.
16. **“The ’667 Patent”** means U.S. Patent No. 11,306,667.
17. **“The ’390 Patent”** means U.S. Patent No. 11,761,390.
18. **“The ’896 Patent”** means U.S. Patent No. 11,905,896.
19. **“Asserted Patents”** or **“Patents-in-Suit”** means the ’034 Patent, ’120 Patent, ’985 Patent, ’654 Patent, ’970 Patent, ’780 Patent, ’895 Patent, ’398 Patent, ’145 Patent, ’101 Patent, ’667 Patent, ’390 Patent, and ’896 Patent collectively, and any other patents identified by Champion in any Counterclaim or other pleading in this case as Infringed by HFT. **“Patent-in-Suit”** means any one or more of the Patents-in-Suit.
20. **“System Art Product”** means the Northstar Tri-Fuel 8000 TFG Device.
21. **“Document”** shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term includes any written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or

reproduced (whether on paper, cards, charts, file, or printouts; tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription; computer tapes, databases, e-mails; pictures, photographs, slides, films, microfilms, motion pictures; or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature Including originals, drafts, and all non-identical copies of each Document (which, by reason of any variation, such as the presence of absence of hand-written notes or underlining, represents a distinct version). By way of example, the term “Document” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications, certificates of registration, opinions of counsel; memoranda of agreements, assignments, licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

22. **“Communication”** means any transmittal, conveyance, or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand, question, or other information by any medium, whether by written, oral, or other means, Including electronic communications and electronic mail.

23. **“Person”** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall

include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

24. **“Thing”** means any tangible objects of any kind and nature other than a Document, Including prototypes, models, and physical specimens thereof.

25. **“Refer to,” “referring to,” “relate to,” “related to,” “relating to,” “regarding,”** or **“concerning”** means in whole or in part constituting, containing, contradicting, embodying, commenting on, depicting, demonstrating, refuting, evidencing, representing, discussing, reflecting, describing, analyzing, identifying, mentioning, stating, summarizing, bearing upon, pertaining to, comprising, involving, alluding to, commenting on, referring directly or indirectly to, dealing with, or in any way pertaining to.

26. The terms **“and”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The terms **“any,” “all,” “every,”** and **“each”** each means and includes the other.

28. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

29. **“Include”** and **“Including”** mean including without limitation.

30. The provision of definitions set forth herein shall not be construed to be an admission that identical or similar terms in the claims of the Patents-in-Suit should receive such construction and shall have no binding effect on HFT in this or any other proceeding.

DEPOSITION TOPICS

TOPIC NO. 1:

The design, structure, and operation of the System Art Product.

TOPIC NO. 2:

The sale, offer for sale, or public use of the System Art Product.

TOPIC NO. 3:

The search for and collection of Documents and Things in response to the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 4:

The creation, maintenance, accessibility, authenticity, and public availability of the Documents or Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 5:

The subject matter disclosed in the Documents or Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 6:

Your policies and procedures for maintaining the Documents and Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith, in the regular course of business.

UNITED STATES DISTRICT COURT

for the

Central District of California

Harbor Freight Tools USA, Inc.

Plaintiff

v.

Champion Power Equipment, Inc.

Defendant

Civil Action No. 2:24-cv-08722-SVW-AS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Dan Call and Peter Call, Winco, Inc.
225 S Cordova Ave, Le Center, MN 56057-1805

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Please see attachment.

Place: 150 S Fifth Street, Suite 1775, Minneapolis, MN 55402
Email: qe-harborfreight-champion@quinnemanuel.com

Date and Time:

07/24/2025 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/01/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Jason Williams

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff
Harbor Freight Tools USA, Inc., who issues or requests this subpoena, are:
Jason Williams, 295 5th Ave, New York, NY 10016, (212) 849-7401, jasonwilliams@quinnemanuel.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:24-cv-08722-SVW-AS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A
DEFINITIONS

1. The Instructions and Requests for Production below are subject to and incorporate the following definitions, regardless of whether upper or lower case letters are used:

2. “**Winco**,” “**You**,” or “**Your**” means Winco, Inc., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by any such entities, and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by any such entities, as well as the agents, officers, directors, employees, consultants, representatives, and attorneys of any such entities.

3. “**Plaintiff**” or “**HFT**” means Harbor Freight Tools USA, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other Persons acting on behalf of any of the foregoing, and Plaintiff’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestics, that are owned or controlled by Plaintiff, and all predecessors and successors in interest to such entities.

4. “**Defendant**” or “**Champion**” means, Champion Power Equipment, Inc., its officers, directors, members, principals, employees, agents, representatives, affiliates, or others acting on behalf of Defendant.

5. “**Action**” means the case titled *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, currently pending in the United States District Court for the Central District of California.

6. **“The ’120 Patent”** means U.S. Patent No. 11,143,120.
7. **“The ’034 Patent”** means U.S. Patent No. 10,393,034.
8. **“The ’985 Patent”** means U.S. Patent No. 11,492,985.
9. **“The ’654 Patent”** means U.S. Patent No. 11,530,654.
10. **“The ’970 Patent”** means U.S. Patent No. 11,840,970.
11. **“The ’780 Patent”** means U.S. Patent No. 10,221,780.
12. **“The ’895 Patent”** means U.S. Patent No. 11,905,895.
13. **“The ’398 Patent”** means U.S. Patent No. 10,697,398.
14. **“The ’145 Patent”** means U.S. Patent No. 11,143,145.
15. **“The ’101 Patent”** means U.S. Patent No. 10,598,101.
16. **“The ’667 Patent”** means U.S. Patent No. 11,306,667.
17. **“The ’390 Patent”** means U.S. Patent No. 11,761,390.
18. **“The ’896 Patent”** means U.S. Patent No. 11,905,896.
19. **“Asserted Patents”** or **“Patents-in-Suit”** means the ’034 Patent, ’120 Patent, ’985 Patent, ’654 Patent, ’970 Patent, ’780 Patent, ’895 Patent, ’398 Patent, ’145 Patent, ’101 Patent, ’667 Patent, ’390 Patent, and ’896 Patent collectively, and any other patents identified by Champion in any Counterclaim or other pleading in this case as Infringed by HFT. **“Patent-in-Suit”** means any one or more of the Patents-in-Suit.
20. **“System Art Products”** means the Win HPS12000HE Device with Kit, Winco HPS12000HE, Winco HPS12000HE Fuel Solenoid Kit, Winco HPS9000VE, Winco HPS9000VE Fuel Solenoid Kit, Winco HPS6000HE, Winco HPS6000HE Fuel Solenoid Kit.
21. **“Document”** shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term includes any

written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or reproduced (whether on paper, cards, charts, file, or printouts; tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription; computer tapes, databases, e-mails; pictures, photographs, slides, films, microfilms, motion pictures; or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature Including originals, drafts, and all non-identical copies of each Document (which, by reason of any variation, such as the presence of absence of hand-written notes or underlining, represents a distinct version). By way of example, the term “Document” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications, certificates of registration, opinions of counsel; memoranda of agreements, assignments, licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

22. **“Communication”** means any transmittal, conveyance, or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand, question, or other information by any medium, whether by written, oral, or other means, Including electronic communications and electronic mail.

23. **“Person”** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person’s behalf.

24. **“Thing”** means any tangible objects of any kind and nature other than a Document, Including prototypes, models, and physical specimens thereof.

25. **“Refer to,” “referring to,” “relate to,” “related to,” “relating to,” “regarding,”** or **“concerning”** means in whole or in part constituting, containing, contradicting, embodying, commenting on, depicting, demonstrating, refuting, evidencing, representing, discussing, reflecting, describing, analyzing, identifying, mentioning, stating, summarizing, bearing upon, pertaining to, comprising, involving, alluding to, commenting on, referring directly or indirectly to, dealing with, or in any way pertaining to.

26. The terms **“and”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The terms **“any,” “all,” “every,”** and **“each”** each means and includes the other.

28. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

29. **“Include”** and **“Including”** mean including without limitation.

30. The provision of definitions set forth herein shall not be construed to be an admission that identical or similar terms in the claims of the Patents-in-Suit should receive such construction and shall have no binding effect on HFT in this or any other proceeding.

INSTRUCTIONS

1. Produce all responsive Documents, electronically stored information, and Things in Your possession, custody, or control, wherever located, in the manner in which they are maintained.
2. State, for each request, whether or not there exist any Documents within the scope of the request and whether any such Documents are in Your possession, custody, or control.
3. If any Document is withheld from production on the basis of privilege, immunity, or any similar claim, please specify: (i) the date of the Document; (ii) the subject matter of the Document; (iii) the type of Document (memorandum, pamphlet, report, etc.); (iv) such other information as is sufficient to identify the Document, Including, where appropriate, the author, addressee, and any other recipient of the Document, and where not apparent, the relationship of the author, addressee, and any other recipient to each other; and (v) an explanation of the basis for withholding the Document.
4. If You object to the scope or breadth of any request, respond within the scope or breadth of production that You contend is proper and define the scope or breadth in which You have responded.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documents and Things sufficient to show the design, structure, and operation of each of the System Art Products.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to show the first sale, first offer for sale, or first public use of the System Art Products.

REQUEST FOR PRODUCTION NO. 3:

A sample of each of the System Art Products.

REQUEST FOR PRODUCTION NO. 4:

All Communications between You and Champion concerning this Action, the Asserted Patents, and the System Art Products.

UNITED STATES DISTRICT COURT

for the

Central District of California

Harbor Freight Tools USA, Inc.

Plaintiff

v.

Champion Power Equipment, Inc.

Defendant

Civil Action No. 2:24-cv-08722-SVW-AS

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Dan Call and Peter Call, Winco, Inc.
225 S Cordova Ave, Le Center, MN 56057-1805*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: Please see attachment.

Place: 150 S Fifth Street, Suite 1775, Minneapolis, MN 55402

Date and Time: 07/31/2025 9:00 am

The deposition will be recorded by this method: Stenographic, audio, video, real-time reporting

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/01/2025

CLERK OF COURT

OR

/s/ Jason Williams

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff Harbor Freight Tools USA, Inc.

, who issues or requests this subpoena, are:
Jason Williams, 295 5th Ave, New York, NY 10016, (212) 849-7401, jasonwilliams@quinnemanuel.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:24-cv-08722-SVW-AS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT B
DEFINITIONS

1. The Instructions and Requests for Production below are subject to and incorporate the following definitions, regardless of whether upper or lower case letters are used:

2. “**Winco**,” “**You**,” or “**Your**” means Winco, Inc., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by any such entities, and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by any such entities, as well as the agents, officers, directors, employees, consultants, representatives, and attorneys of any such entities.

3. “**Plaintiff**” or “**HFT**” means Harbor Freight Tools USA, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other Persons acting on behalf of any of the foregoing, and Plaintiff’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestics, that are owned or controlled by Plaintiff, and all predecessors and successors in interest to such entities.

4. “**Defendant**” or “**Champion**” means, Champion Power Equipment, Inc., its officers, directors, members, principals, employees, agents, representatives, affiliates, or others acting on behalf of Defendant.

5. “**Action**” means the case titled *Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*, Case No. 2:24-cv-08722-SVW-AS, currently pending in the United States District Court for the Central District of California.

6. **“The ’120 Patent”** means U.S. Patent No. 11,143,120.
7. **“The ’034 Patent”** means U.S. Patent No. 10,393,034.
8. **“The ’985 Patent”** means U.S. Patent No. 11,492,985.
9. **“The ’654 Patent”** means U.S. Patent No. 11,530,654.
10. **“The ’970 Patent”** means U.S. Patent No. 11,840,970.
11. **“The ’780 Patent”** means U.S. Patent No. 10,221,780.
12. **“The ’895 Patent”** means U.S. Patent No. 11,905,895.
13. **“The ’398 Patent”** means U.S. Patent No. 10,697,398.
14. **“The ’145 Patent”** means U.S. Patent No. 11,143,145.
15. **“The ’101 Patent”** means U.S. Patent No. 10,598,101.
16. **“The ’667 Patent”** means U.S. Patent No. 11,306,667.
17. **“The ’390 Patent”** means U.S. Patent No. 11,761,390.
18. **“The ’896 Patent”** means U.S. Patent No. 11,905,896.
19. **“Asserted Patents”** or **“Patents-in-Suit”** means the ’034 Patent, ’120 Patent, ’985 Patent, ’654 Patent, ’970 Patent, ’780 Patent, ’895 Patent, ’398 Patent, ’145 Patent, ’101 Patent, ’667 Patent, ’390 Patent, and ’896 Patent collectively, and any other patents identified by Champion in any Counterclaim or other pleading in this case as Infringed by HFT. **“Patent-in-Suit”** means any one or more of the Patents-in-Suit.
20. **“System Art Products”** means the Win HPS12000HE Device with Kit, Winco HPS12000HE, Winco HPS12000HE Fuel Solenoid Kit, Winco HPS9000VE, Winco HPS9000VE Fuel Solenoid Kit, Winco HPS6000HE, Winco HPS6000HE Fuel Solenoid Kit.
21. **“Document”** shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term includes any

written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or reproduced (whether on paper, cards, charts, file, or printouts; tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription; computer tapes, databases, e-mails; pictures, photographs, slides, films, microfilms, motion pictures; or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature Including originals, drafts, and all non-identical copies of each Document (which, by reason of any variation, such as the presence of absence of hand-written notes or underlining, represents a distinct version). By way of example, the term “Document” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications, certificates of registration, opinions of counsel; memoranda of agreements, assignments, licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

22. **“Communication”** means any transmittal, conveyance, or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand, question, or other information by any medium, whether by written, oral, or other means, Including electronic communications and electronic mail.

23. **“Person”** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a Person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person’s behalf.

24. **“Thing”** means any tangible objects of any kind and nature other than a Document, Including prototypes, models, and physical specimens thereof.

25. **“Refer to,” “referring to,” “relate to,” “related to,” “relating to,” “regarding,”** or **“concerning”** means in whole or in part constituting, containing, contradicting, embodying, commenting on, depicting, demonstrating, refuting, evidencing, representing, discussing, reflecting, describing, analyzing, identifying, mentioning, stating, summarizing, bearing upon, pertaining to, comprising, involving, alluding to, commenting on, referring directly or indirectly to, dealing with, or in any way pertaining to.

26. The terms **“and”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The terms **“any,” “all,” “every,”** and **“each”** each means and includes the other.

28. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

29. **“Include”** and **“Including”** mean including without limitation.

30. The provision of definitions set forth herein shall not be construed to be an admission that identical or similar terms in the claims of the Patents-in-Suit should receive such construction and shall have no binding effect on HFT in this or any other proceeding.

DEPOSITION TOPICS

TOPIC NO. 1:

The design, structure, and operation of each of the System Art Products.

TOPIC NO. 2:

The sale, offer for sale, or public use of the System Art Products.

TOPIC NO. 3:

The search for and collection of Documents and Things in response to the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 4:

The creation, maintenance, accessibility, authenticity, and public availability of the Documents or Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 5:

The subject matter disclosed in the Documents or Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith.

TOPIC NO. 6:

Your policies and procedures for maintaining the Documents and Things produced in connection with the Subpoena to Produce Documents, Information, or Objects (and its attachment) served herewith, in the regular course of business.