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Attorneys for Defendant-Counterclaim
Plaintiff CHAMPION POWER
EQUIPMENT, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HARBOR FREIGHT TOOLS USA, INC.,
Plaintiff,

vs.

CHAMPION POWER EQUIPMENT,
INC.
Defendant.

CHAMPION POWER EQUIPMENT,
INC.
Defendant-Counterclaim
Plaintiff

vs.

HARBOR FREIGHT TOOLS USA, INC.,
Plaintiff-Counterclaim
Defendant.

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

**DEFENDANT CHAMPION POWER
EQUIPMENT INC.'S ANSWER AND
COUNTERCLAIMS**

1 Defendant Champion Power Equipment, Inc. (“Champion” or “Defendant”)
2 through its counsel, answers the Complaint of Harbor Freight Tools USA, Inc.
3 (“Harbor Freight” or “Plaintiff”) as set forth below. Unless specifically admitted,
4 Defendant denies each of the allegations of Plaintiff’s Complaint.

5 **NATURE OF THE ACTION**

6 2. This is an action for declaratory judgment of non-infringement arising
7 under the patent laws of the United States, Title 35 of the United States Code. Harbor
8 Freight requests this relief because Champion claims that Harbor Freight infringes
9 United States Patent Nos. 10,393,034 (“the ’034 Patent”); 11,143,120 (“the ’120
10 Patent”); 11,492,985 (“the ’985 Patent”); 11,530,654 (“the ’654 Patent”); 11,840,970
11 (“the ’970 Patent”); 10,221,780 (“the ’780 Patent”); 11,905,895 (“the ’895 Patent”);
12 10,697,398 (“the ’398 Patent”); 11,143,145 (“the ’145 Patent”); 10,598,101 (“the
13 ’101 Patent”); 11,306,667 (“the ’667 Patent”); 11,761,390 (“the ’390 Patent”); and
14 11,905,896 (“the ’896 Patent”)(collectively, the “Asserted Patents”) by making,
15 using, selling, offering for sale, and/or importing the following Harbor Freight
16 products: Model 70476 13kW Tri-Fuel and Model 70143 5kW Dual-Fuel generators
17 (collectively, the “Accused Products”).

18 **ANSWER:** Champion admits that it claims that Harbor Freight infringes
19 United States Patent Nos. 10,393,034 (“the ’034 Patent”); 11,143,120 (“the ’120
20 Patent”); 11,492,985 (“the ’985 Patent”); 11,530,654 (“the ’654 Patent”); 11,840,970
21 (“the ’970 Patent”); 10,221,780 (“the ’780 Patent”); 11,905,895 (“the ’895 Patent”);
22 10,697,398 (“the ’398 Patent”); 11,143,145 (“the ’145 Patent”); 10,598,101 (“the
23 ’101 Patent”); 11,306,667 (“the ’667 Patent”); 11,761,390 (“the ’390 Patent”); and
24 11,905,896 (“the ’896 Patent”) (collectively, the “Asserted Patents”) by making,
25 using, selling, offering for sale, and/or importing the following Harbor Freight
26 products: Model 70476 13kW Tri-Fuel and Model 70143 5kW Dual-Fuel generators
27 (collectively, the “Accused Products”). Champion admits that it has alleged claims of
28 patent infringement against Harbor Freight arising out of Harbor Freight’s

1 infringement of the Asserted Patents. Champion denies that Harbor Freight is entitled
2 to the relief requested in Paragraph 1.

3 3. On March 27, 2024, Champion’s counsel at Ziolkowski Patent Solutions
4 Group, sent a letter to Harbor Freight’s CEO asserting that Champion is
5 “aggressively” enforcing its intellectual property rights, while attaching a list of the
6 Asserted Patents, and a copy of an amended complaint filed in United States District
7 Court for the District of Arizona in *Champion Power Equipment, Inc. v. Firman*
8 *Power Equipment Inc.*, Case No. 2:23-cv-02371. Champion’s counsel stated that it
9 was “investigating HF’s entry into the multi-fuel generator market” and threatened
10 litigation if Harbor Freight did not take a license to the Asserted Patents.

11 **ANSWER:** Champion admits that Champion’s counsel at Ziolkowski Patent
12 Solutions Group, sent Harbor Freight a cease-and-desist demand on March 27, 2024,
13 and attached a copy of its amended complaint filed in United States District Court for
14 the District of Arizona in *Champion Power Equipment, Inc. v. Firman Power*
15 *Equipment Inc.*, Case No. 2:23-cv-02371. Champion admits that, as part of the letter,
16 Champion reiterated that it protects its intellectual property rights, goes to great
17 lengths in protecting its proprietary intellectual property, and expends considerable
18 resources in obtaining patents in the United States and other foreign jurisdictions.
19 Champion admits that the letter from Champion’s counsel indicated that Champion
20 was “investigating HF’s entry into the multi-fuel generator market.” Champion
21 admits the letter noted that if Harbor Freight wished to use Champion’s proprietary
22 technology, it would need to take a license.

23 4. On May 17, 2024, Champion’s counsel again contacted Harbor Freight
24 this time, inter alia, claiming that Champion had “acquired, disassembled, and
25 inspected” the Accused Products, and alleging that the products infringed Champion’s
26 patents for multi-fuel generators. Champion’s counsel “demand[ed] that HF
27 immediately cease and desist from all further sales of the [Accused Products] and
28 provide [Champion] the data of all sales for each cited model, including date of sale,

1 sale price, and the state the sale was made in, as of May 15, 2024, as well as all
2 inventory in stock, ordered, and in transit after May 15, 2024.” Champion’s counsel
3 further demanded that Harbor Freight “cease and desist of the manufacture, sale,
4 importation, and/or offer to sell” the Accused Products. In closing, Champion’s
5 counsel “required a complete response no later than **June 14, 2024,**” and if Harbor
6 Freight did not comply, stating in no uncertain terms that Champion “will file suit.”
7 (emphasis in original).

8 **ANSWER:** Champion admits the allegations contained in Paragraph 4.

9 5. The parties held a phone call on June 19, 2024, but were unable to resolve
10 the dispute. On June 28, 2024, Champion’s counsel followed up with another letter
11 again threatening litigation, but this time escalating its aggression by proclaiming that
12 “HF’s [alleged] wonton disregard of Champion’s patents” “is tantamount to continued
13 willful infringement” and that Champion “will seek and be entitled to treble damages
14 and attorneys’ fees.” In that letter, Champion’s counsel asked a member of Harbor
15 Freight’s legal team if he was “authorized and willing to accept Service of a
16 Complaint on behalf of Harbor Freight.”

17 **ANSWER:** Champion admits that the parties held a phone call on June 19,
18 2024, but were unable to resolve the dispute. Champion admits that it sent a follow
19 up letter on June 28, 2024, noting that Harbor Freight had actual notice of Champion’s
20 patents and published patent applications as of their publication dates, yet continued
21 to sell infringing generators, which highlighted Harbor Freight’s “wonton disregard
22 of Champion’s patents” and “is tantamount to continued willful infringement”.
23 Champion admits that it informed Harbor Freight that Champion “will seek and be
24 entitled to treble damages and attorneys’ fees.” Champion admits that Champion’s
25 counsel asked a member of Harbor Freight’s legal team if he was “authorized and
26 willing to accept Service of a Complaint on behalf of Harbor Freight.” Champion
27 denies the remaining allegations contained in Paragraph 5.

28 6. Champion’s hostile litigation campaign will harm the reputation of

1 Harbor Freight; and Champion's affirmative allegations of infringement of the
2 Asserted Patents by Harbor Freight's Accused Products has created a justiciable
3 controversy between Harbor Freight and Champion.

4 **ANSWER:** Champion lacks knowledge or information sufficient to form a
5 belief as to the truth of the allegations contained in Paragraph 6. Champion admits
6 that it is raising affirmative allegations of infringement of the Asserted Patents by
7 Harbor Freight's Accused Products. Champion denies the remaining allegations
8 contained in Paragraph 6.

9 7. As a result of Champion's communication with Harbor Freight of its
10 intention to pursue claims of infringement of the Asserted Patents against Harbor
11 Freight, Harbor Freight is under reasonable apprehension of suit by Champion.

12 **ANSWER:** Champion admits that it has already filed suit against Harbor
13 Freight, and therefore, admits that Harbor Freight is under reasonable apprehension
14 of suit by Champion. Champion denies the remaining allegations contained in
15 Paragraph 7.

16 **THE PARTIES**

17 8. Plaintiff Harbor Freight is a corporation organized under the laws of the
18 State of Delaware with a place of business at 26677 Agoura Rd., Calabasas, CA
19 91302.

20 **ANSWER:** Champion admits the allegations contained in Paragraph 8.

21 9. On information and belief, Champion is a corporation organized under
22 the laws of Nevada, whose principal place of business in California is located at 12039
23 Smith Avenue, Santa Fe Springs, California 90670.

24 **ANSWER:** Champion admits-in-part and denies-in-part the allegations
25 contained in Paragraph 9. Champion admits that it is a duly organized and operating
26 Nevada corporation incorporated at 6370 S Pioneer Way, Unit 101, Las Vegas,
27 Nevada 89113. Champion's principal place of business is in Las Vegas.

JURISDICTION AND VENUE

10. This action is based on the patent laws of the United States, Title 35 of the United States Code, § 1 *et. seq.*, with a specific remedy sought under the Federal Declaratory Judgments Act, 28 U.S.C. §§ 2201 and 2202. An actual, substantial, and continuing justiciable controversy exists between Harbor Freight and Champion that requires a declaration of rights by this Court.

ANSWER: Champion admits that this is an action based on the patent laws of the United States, Title 35 of the United States Code, § 1 *et. seq.* Champion admits that there is an actual, substantial, and continuing justiciable controversy between the parties. Champion denies that Harbor Freight is entitled to the relief requested in Paragraph 10.

11. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

ANSWER: Champion admits the allegations contained in Paragraph 11.

12. This Court has personal jurisdiction over Champion. On information and belief, Champion has its principal place of business in Santa Fe Springs, California. Champion, at least through agents, also regularly does, solicits, and transacts business in this District and elsewhere in the State of California. On further information and belief, Kendall J. Collie, named inventor of at least the '034 and '120 Patents, resides in Anaheim Hills, California. Hence, Champion's activities in this forum and its actions toward Harbor Freight in this forum in connection with this dispute establish its sufficient minimum contacts with this District such that Champion is also subject to specific personal jurisdiction in this District.

ANSWER: Champion admits that it has a facility in Santa Fe Springs, California and that it transacts business in this District and the State of California. Champion denies that its principal place of business is in Santa Fe Springs, California. Furthermore, Champion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 and therefore denies the same.

1 13. On information and belief, venue is proper in this Court pursuant to 28
2 U.S.C. § 1391(c) because Champion resides in this District and Champion has
3 committed acts within this District giving rise to this action and does business in this
4 District.

5 **ANSWER:** Champion admits-in-part and denies-in-part the allegations
6 contained in Paragraph 13. Champion is a duly organized and operating Nevada
7 corporation incorporated and residing at 6370 S Pioneer Way, Unit 101, Las Vegas,
8 Nevada 89113, with its principal place of business in Las Vegas. Champion admits
9 that it has a facility in Santa Fe Springs, California, which is in this District. Champion
10 denies the remaining allegations contained in Paragraph 13.

11 **HARBOR FREIGHT’S BACKGROUND**

12 14. Harbor Freight was founded in 1977 as a small, family-run business that
13 sells tools. It remains family owned, but has grown to over 1,500 retail stores
14 nationwide, serving over 75 million customers with 28,000 employees. 26,000 of
15 those employees—over 92% of Harbor Freight’s workforce—are employed in the
16 United States. Harbor Freight has created thousands of jobs in the United States in 48
17 states, including many in California.

18 **ANSWER:** Champion lacks knowledge or information sufficient to form a
19 belief as to the truth of the allegations contained in Paragraph 14 and therefore denies
20 the same.

21 15. Harbor Freight’s innovative business model cuts out “middlemen” in the
22 distribution chain by selling its products directly to consumers through its own U.S.
23 retail stores and website. Harbor Freight sources products directly from international
24 factories following internal development and quality testing. Harbor Freight then sells
25 those tools directly on its website, www.harborfreight.com, and in Harbor Freight
26 owned and branded stores to cut out separate retailer costs and profits. Harbor Freight
27 passes on the savings to consumers. This allows it to sell tools at much lower prices
28 than competing brands to benefit consumers.

1 **ANSWER:** Champion lacks knowledge or information sufficient to form a
2 belief as to the truth of the allegations contained in Paragraph 15 and therefore denies
3 the same.

4 16. To ensure high quality, Harbor Freight engages in rigorous product
5 development and quality testing. Only products that meet this rigorous quality testing
6 are sold in Harbor Freight stores.

7 **ANSWER:** Champion lacks knowledge or information sufficient to form a
8 belief as to the truth of the allegations contained in Paragraph 16 and therefore denies
9 the same.

10 17. On information and belief, competitors struggle to compete because their
11 prices are often much higher than Harbor Freight's for products of similar features
12 and quality. On information and belief, competitors typically source products from
13 distributors that manage several overseas factories with little knowledge or
14 involvement from the brand. Unlike Harbor Freight, competitors sell tools in big box
15 stores, such as Home Depot, which requires them to mark up their retail prices to
16 maintain profits at the expense of consumers.

17 **ANSWER:** Champion lacks knowledge or information sufficient to form a
18 belief as to the truth of the allegations contained in Paragraph 17 and therefore denies
19 the same.

20 **HARBOR FREIGHT DOES NOT INFRINGE THE ASSERTED PATENTS**

21 18. The Accused Products do not directly or indirectly infringe any claim of
22 the Asserted Patents, literally or under the doctrine of equivalents.

23 **ANSWER:** Champion denies the allegations contained in Paragraph 18.

24 19. No third party infringes any claim of the Asserted Patents by using
25 Harbor Freight's Accused Products. Harbor Freight has not caused, directed,
26 requested, or facilitated any such infringement, much less with specific intent to do.
27 Harbor Freight's Accused Products are not designed for use in any combination that
28 infringes any claim of the Asserted Patents. To the contrary, each has substantial uses

1 that do not infringe any claim of the Asserted Patent.

2 **ANSWER:** Champion denies the allegations contained in paragraph 19.

3 **FIRST CAUSE OF ACTION**
4 **(Declaratory Judgment of Non-Infringement of the '034 Patent)**

5 20. Harbor Freight restates and incorporates by reference the allegations in
6 paragraphs 1-19 of this Complaint as if fully set forth herein.

7 **ANSWER:** Champion restates and incorporates by reference its response to
8 each and every allegation of the preceding paragraphs as if fully set forth herein.

9 21. Champion claims to own all rights, title, and interest in and under the
10 '034 Patent. A true and correct copy of the '034 Patent is attached hereto as Exhibit
11 A.

12 **ANSWER:** Champion admits the allegations contained in Paragraph 21. U.S.
13 Patent No. 10,393,034 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL
14 COMBUSTION ENGINE." U.S. Patent No. 10,393,034 was duly and legally issued
15 on August 27, 2019. Champion is the lawful assignee of the entire right, title, and
16 interest in and to U.S. Patent No. 10,393,034 and possesses all rights of recovery
17 under the patent, including the right to recover damages for past infringement.

18 22. Harbor Freight does not directly or indirectly infringe any claim of the
19 '034 patent, either literally or under the doctrine of equivalents, at least because the
20 Accused Products do not have a multi-fuel generator and fuel delivery system
21 comprising (1) a multi-fuel internal combustion engine configured to operate on a
22 liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a
23 pressurized fuel source through a gaseous fuel line, (2) an alternator driven by the
24 multi-fuel internal combustion engine, (3) a fuel regulator system comprising (a) a
25 primary pressure regulator coupled to a service valve of the pressurized fuel source to
26 regulate fuel supplied from the pressurized fuel source to a reduced pressure and (b)
27 a secondary pressure regulator coupled to the primary pressure regulator to regulate
28 fuel supplied from the primary pressure regulator to a desired pressure for delivery

1 through the gaseous fuel line to operate the engine, and (4) an electro-mechanical
2 valve system coupled to the engine and operated by an electrical switch powered by
3 one of the alternator, a battery, and a magneto that controls fuel flow to the engine
4 from the liquid fuel source and the pressurized fuel source.

5 **ANSWER:** Champion denies the allegations contained in Paragraph 22.

6 23. Moreover, as another non-limiting example, the Accused Products do
7 not practice a secondary pressure regulator coupled to the primary pressure regulator
8 to regulate fuel supplied from the primary pressure regulator to a desired pressure for
9 delivery through the gaseous fuel line to operate the engine.

10 **ANSWER:** Champion denies the allegations contained in Paragraph 23.

11 24. No third party infringes any claims of the '034 Patent by using Harbor
12 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
13 any such infringement, much less with specific intent to do so. The Accused Products
14 are not designed for use in any combination that infringes any claims of the '034
15 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
16 '034 Patent.

17 **ANSWER:** Champion denies the allegations contained in Paragraph 24.

18 25. A substantial, immediate, and real controversy therefore exists between
19 Harbor Freight and Champion regarding whether Harbor Freight infringes the '034
20 Patent. A judicial declaration is appropriate and necessary to determine the parties'
21 respective rights regarding the '034 Patent.

22 **ANSWER:** Paragraph 25 contains legal argument to which no response is
23 required. To the extent a response is required, denied. There is no real controversy
24 that, as a matter of law, Harbor Freight infringes the '034 Patent.

25 26. Harbor Freight seeks a judgment declaring that Harbor Freight does not
26 directly or indirectly infringes at least claims 1-3, 5-9, 11-14, 18-20, and 22 of the
27 '034 Patent.

28 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief

1 requested in Paragraph 26.

2 **SECOND CAUSE OF ACTION**
3 **(Declaratory Judgment of Non-Infringement of the '120 Patent)**

4 27. Harbor Freight restates and incorporates by reference the allegations in
5 paragraphs 1-26 of this Complaint as if fully set forth herein.

6 **ANSWER:** Champion restates and incorporates by reference its response to
7 each and every allegation of the preceding paragraphs as if fully set forth herein.

8 28. Champion claims to own all rights, title, and interest in and under the
9 '120 Patent. A true and correct copy of the '120 Patent is attached hereto as Exhibit
10 B.

11 **ANSWER:** Champion admits the allegations contained in Paragraph 28. U.S.
12 Patent No. 11,143,120 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL
13 COMBUSTION ENGINE." U.S. Patent No. 11,143,120 was duly and legally issued
14 on October 12, 2021. Champion is the lawful assignee of the entire right, title, and
15 interest in and to U.S. Patent No. 11,143,120 and possesses all rights of recovery
16 under the patent, including the right to recover damages for past infringement.

17 29. Harbor Freight does not directly or indirectly infringe any claim of the
18 '120 patent, either literally or under the doctrine of equivalents, at least because the
19 Accused Products do not have a multi-fuel generator and fuel delivery system
20 comprising (1) a multi-fuel internal combustion engine configured to operate on a
21 liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous
22 fuel supplied from a pressurized fuel source through a gaseous fuel line, (2) an
23 alternator driven by the multi-fuel internal combustion engine, and (3) a fuel regulator
24 system comprising (a) a primary pressure regulator coupled to a service valve of the
25 pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a
26 reduced pressure and (b) a secondary pressure regulator coupled to the primary
27 pressure regulator to regulate fuel supplied from the primary pressure regulator to a
28 desired pressure for delivery through the gaseous fuel line to operate the engine.

1 **ANSWER:** Champion denies the allegations contained in Paragraph 29.

2 30. Moreover, as another non-limiting example, the Accused Products do
3 not practice a secondary pressure regulator coupled to the primary pressure regulator
4 to regulate fuel supplied from the primary pressure regulator to a desired pressure for
5 delivery through the gaseous fuel line to operate the engine.

6 **ANSWER:** Champion denies the allegations contained in Paragraph 30.

7 31. No third party infringes any claims of the '120 Patent by using Harbor
8 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
9 any such infringement, much less with specific intent to do so. The Accused Products
10 are not designed for use in any combination that infringes any claims of the '120
11 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
12 '120 Patent.

13 **ANSWER:** Champion denies the allegations contained in Paragraph 31.

14 32. A substantial, immediate, and real controversy therefore exists between
15 Harbor Freight and Champion regarding whether Harbor Freight infringes the '120
16 Patent. A judicial declaration is appropriate and necessary to determine the parties'
17 respective rights regarding the '120 Patent.

18 **ANSWER:** Paragraph 32 contains legal argument to which no response is
19 required. To the extent a response is required, denied. There is no real controversy
20 that, as a matter of law, Harbor Freight infringes the '120 Patent.

21 33. Harbor Freight seeks a judgment declaring that Harbor Freight does not
22 directly or indirectly infringe any claim of the '120 Patent.

23 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
24 requested in Paragraph 33.

25 **THIRD CAUSE OF ACTION**
26 **(Declaratory Judgment of Non-Infringement of the '985 Patent)**

27 34. Harbor Freight restates and incorporates by reference the allegations in
28 paragraphs 1-33 of this Complaint as if fully set forth herein.

1 **ANSWER:** Champion restates and incorporates by reference its response to
2 each and every allegation of the preceding paragraphs as if fully set forth herein.

3 35. Champion claims to own all rights, title, and interest in and under the
4 '985 Patent. A true and correct copy of the '985 Patent is attached hereto as Exhibit
5 C.

6 **ANSWER:** Champion admits the allegations contained in Paragraph 35. U.S.
7 Patent No. 11,492,985 is titled "OFF-BOARD FUEL REGULATOR FOR
8 GENERATOR ENGINE." U.S. Patent No. 11,492,985 was duly and legally issued
9 on November 8, 2022. Champion is the lawful assignee of the entire right, title, and
10 interest in and to U.S. Patent No. 11,492,985 and possesses all rights of recovery
11 under the patent, including the right to recover damages for past infringement.

12 36. Harbor Freight does not directly or indirectly infringe any claim of the
13 '985 patent, either literally or under the doctrine of equivalents, at least because the
14 Accused Products do not have a dual-fuel generator and fuel delivery system
15 comprising (1) a dual fuel generator configured to operate on a liquid fuel supplied
16 from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from
17 a pressurized fuel source through a gaseous fuel line, and (2) a fuel regulator system
18 located off-board the dual-fuel generator, the fuel regulator system comprising (a) a
19 primary pressure regulator coupled to a service valve of the pressurized fuel source
20 and configured to regulate the fuel supplied from the pressurized fuel source to a first
21 reduced pressure and (b) a secondary pressure regulator coupled to the primary
22 pressure regulator and configured to regulate the gaseous fuel supplied from the
23 primary pressure regulator down from the first reduced pressure to a second reduced
24 pressure for delivery through the gaseous fuel line to operate the dual fuel generator,
25 wherein the fuel regulator system outputs gaseous fuel to the dual fuel generator for
26 operation thereof at the second reduced pressure.

27 **ANSWER:** Champion denies the allegations contained in Paragraph 36.

28 37. Moreover, as another non-limiting example, the Accused Products do

1 not practice a secondary pressure regulator coupled to the primary pressure regulator
2 to regulate fuel supplied from the primary pressure regulator to a desired pressure for
3 delivery through the gaseous fuel line to operate the engine.

4 **ANSWER:** Champion denies the allegations contained in Paragraph 37.

5 38. No third party infringes any claims of the '985 Patent by using Harbor
6 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
7 any such infringement, much less with specific intent to do so. The Accused Products
8 are not designed for use in any combination that infringes any claims of the '985
9 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
10 '985 Patent.

11 **ANSWER:** Champion denies the allegations contained in Paragraph 38.

12 39. A substantial, immediate, and real controversy therefore exists between
13 Harbor Freight and Champion regarding whether Harbor Freight infringes the '985
14 Patent. A judicial declaration is appropriate and necessary to determine the parties'
15 respective rights regarding the '985 Patent.

16 **ANSWER:** Paragraph 39 contains legal argument to which no response is
17 required. To the extent a response is required, denied. There is no real controversy
18 that, as a matter of law, Harbor Freight infringes the '985 Patent.

19 40. Harbor Freight seeks a judgment declaring that Harbor Freight does not
20 directly or indirectly infringe any claim of the '985 Patent.

21 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
22 requested in Paragraph 40.

23 **FOURTH CAUSE OF ACTION**

24 **(Declaratory Judgment of Non-Infringement of the '654 Patent)**

25 41. Harbor Freight restates and incorporates by reference the allegations in
26 paragraphs 1-40 of this Complaint as if fully set forth herein.

27 **ANSWER:** Champion restates and incorporates by reference its response to
28 each and every allegation of the preceding paragraphs as if fully set forth herein.

1 42. Champion claims to own all rights, title, and interest in and under the
2 '654 Patent. A true and correct copy of the '654 Patent is attached hereto as Exhibit
3 D.

4 **ANSWER:** Champion admits the allegations contained in Paragraph 42. U.S.
5 Patent No. 11,530,654 is titled "OFF-BOARD FUEL REGULATOR FOR
6 GENERATOR ENGINE." U.S. Patent No. 11,530,654 was duly and legally issued
7 on December 20, 2022. Champion is the lawful assignee of the entire right, title, and
8 interest in and to U.S. Patent No. 11,530,654 and possesses all rights of recovery
9 under the patent, including the right to recover damages for past infringement.

10 43. Harbor Freight does not directly or indirectly infringe any claim of the
11 '654 patent, either literally or under the doctrine of equivalents, at least because the
12 Accused Products do not have a dual fuel generator and fuel delivery system
13 comprising (1) a dual fuel generator configured to operate on a liquid fuel supplied
14 from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from
15 a pressurized fuel source through a gaseous fuel line, (2) a fuel regulator system
16 located off board the dual fuel generator, the fuel regulator system comprising (a) a
17 primary pressure regulator coupled to a service valve of the pressurized fuel source
18 and configured to regulate the fuel supplied from the pressurized fuel source to a
19 reduced pressure and (b) a secondary pressure regulator coupled to the primary
20 pressure regulator and configured to regulate the gaseous fuel supplied from the
21 primary pressure regulator to a desired pressure for delivery through the gaseous fuel
22 line to operate the dual fuel generator, (3) a mechanical fuel valve actuatable between
23 a first position and a second position to selectively control fuel flow to the dual fuel
24 generator from the liquid fuel source through the liquid fuel line and the pressurized
25 fuel source through the gaseous fuel line, wherein the mechanical fuel valve opens
26 and closes the liquid fuel line to selectively control fuel flow from the liquid fuel
27 source to the dual fuel generator, and (4) a fuel lockout apparatus coupled to the
28 mechanical fuel valve and configured to prevent the pressurize fuel source from

1 coupling to the gaseous fuel line while the mechanical fuel valve opens the liquid fuel
2 line and permit the pressurized fuel source to couple to the gaseous fuel line while the
3 mechanical fuel valve closes the liquid fuel line.

4 **ANSWER:** Champion denies the allegations contained in Paragraph 43.

5 44. Moreover, as another non-limiting example, the Accused Products do
6 not practice a secondary pressure regulator coupled to the primary pressure and
7 configured to regulate the gaseous fuel supplied from the primary pressure regulator
8 to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel
9 generator.

10 **ANSWER:** Champion denies the allegations contained in Paragraph 44.

11 45. The Accused Products also do not practice a fuel lockout apparatus
12 coupled to the mechanical fuel valve and configured to prevent the pressurize fuel
13 source from coupling to the gaseous fuel line while the mechanical fuel valve opens
14 the liquid fuel line and permits the pressurized fuel source to couple to the gaseous
15 fuel line while the mechanical fuel valve closes the liquid fuel line.

16 **ANSWER:** Champion denies the allegations contained in Paragraph 45.

17 46. No third party infringes any claims of the '654 Patent by using Harbor
18 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
19 any such infringement, much less with specific intent to do so. The Accused Products
20 are not designed for use in any combination that infringes any claims of the '654
21 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
22 '654 Patent.

23 **ANSWER:** Champion denies the allegations contained in Paragraph 46.

24 47. A substantial, immediate, and real controversy therefore exists between
25 Harbor Freight and Champion regarding whether Harbor Freight infringes the '654
26 Patent. A judicial declaration is appropriate and necessary to determine the parties'
27 respective rights regarding the '654 Patent.

28 **ANSWER:** Paragraph 47 contains legal argument to which no response is

1 required. To the extent a response is required, denied. There is no real controversy
2 that, as a matter of law, Harbor Freight infringes the '654 Patent.

3 48. Harbor Freight seeks a judgment declaring that Harbor Freight does not
4 directly or indirectly infringe any claim of the '654 Patent.

5 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
6 requested in Paragraph 48.

7 **FIFTH CAUSE OF ACTION**
8 **(Declaratory Judgment of Non-Infringement of the '970 Patent)**

9 49. Harbor Freight restates and incorporates by reference the allegations in
10 paragraphs 1-48 of this Complaint as if fully set forth herein.

11 **ANSWER:** Champion restates and incorporates by reference its response to
12 each and every allegation of the preceding paragraphs as if fully set forth herein.

13 50. Champion claims to own all rights, title, and interested in and under the
14 '970 Patent. A true and correct copy of the '970 Patent is attached hereto as Exhibit
15 E.

16 **ANSWER:** U.S. Patent No. 11,840,970 is titled "DUAL FUEL GENERATOR
17 WITH REMOTE REGULATOR." U.S. Patent No. 11,840,970 was duly and legally
18 issued on December 12, 2023. Champion is the lawful assignee of the entire right,
19 title, and interest in and to U.S. Patent No. 11,840,970 and possesses all rights of
20 recovery under the patent, including the right to recover damages for past
21 infringement.

22 51. Harbor Freight does not directly or indirectly infringe any claim of the
23 '970 patent, either literally or under the doctrine of equivalents, at least because the
24 Accused Products do not have a dual fuel generator and fuel delivery system
25 comprising (1) a dual fuel generator comprising (a) an engine configured to operate
26 on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a
27 gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line and
28 (b) a carburetor attached to an intake of the engine to mix air and fuel and connect the

1 liquid fuel line to the intake, (2) a fuel regulator system located off board the dual fuel
2 generator, the fuel regulator system comprising (a) a primary pressure regulator
3 coupled to a service valve of the pressurized fuel source and configured to regulate
4 the fuel supplied from the pressurized fuel source to a reduced pressure and (b) a
5 secondary pressure regulator coupled to the primary pressure regulator and configured
6 to regulate the gaseous fuel supplied from the primary pressure regulator to a desired
7 pressure for delivery through the gaseous fuel line to operate the dual fuel generator,
8 and (3) a mechanical fuel valve actuatable between a first position and a second
9 position to selectively control fuel flow to the engine from the liquid fuel source
10 through the liquid fuel line and the pressurized fuel source through the gaseous fuel
11 line.

12 **ANSWER:** Champion denies the allegations contained in Paragraph 51.

13 52. Moreover, as another non-limiting example, the Accused Products do
14 not practice a secondary pressure regulator coupled to the primary pressure and
15 configured to regulate the gaseous fuel supplied from the primary pressure regulator
16 to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel
17 generator.

18 **ANSWER:** Champion denies the allegations contained in Paragraph 52.

19 53. No third party infringes any claims of the '970 Patent by using Harbor
20 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
21 any such infringement, much less with specific intent to do so. The Accused Products
22 are not designed for use in any combination that infringes any claims of the '970
23 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
24 '970 Patent.

25 **ANSWER:** Champion denies the allegations contained in Paragraph 53.

26 54. A substantial, immediate, and real controversy therefore exists between
27 Harbor Freight and Champion regarding whether Harbor Freight infringes the '970
28 Patent. A judicial declaration is appropriate and necessary to determine the parties'

1 respective rights regarding the '970 Patent.

2 **ANSWER:** Paragraph 54 contains legal argument to which no response is
3 required. To the extent a response is required, denied. There is no real controversy
4 that, as a matter of law, Harbor Freight infringes the '970 Patent.

5 55. Harbor Freight seeks a judgment declaring that Harbor Freight does not
6 directly or indirectly infringe any claim of the '970 Patent.

7 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
8 requested in Paragraph 55.

9 **SIXTH CAUSE OF ACTION**
10 **(Declaratory Judgment of Non-Infringement of the '780 Patent)**

11 56. Harbor Freight restates and incorporates by reference the allegations in
12 paragraphs 1-55 of this Complaint as if fully set forth herein.

13 **ANSWER:** Champion restates and incorporates by reference its response to
14 each and every allegation of the preceding paragraphs as if fully set forth herein.

15 57. Champion claims to own all rights, title, and interest in and under the
16 '780 Patent. A true and correct copy of the '780 Patent is attached hereto as Exhibit
17 F.

18 **ANSWER:** Champion admits the allegations contained in Paragraph 57. U.S.
19 Patent No. 10,221,780 is titled "DUAL FUEL LOCKOUT SWITCH FOR
20 GENERATOR ENGINE." U.S. Patent No. 10,221,780 was duly and legally issued
21 on March 5, 2019. Champion is the lawful assignee of the entire right, title, and
22 interest in and to U.S. Patent No. 10,221,780 and possesses all rights of recovery
23 under the patent, including the right to recover damages for past infringement.

24 58. Harbor Freight does not directly or indirectly infringe any claim of the
25 '780 patent, either literally or under the doctrine of equivalents, at least because the
26 Accused Products do not have a mechanical fuel lockout switch for a dual fuel engine
27 comprising (1) a mechanical fuel valve actuatable between a first position and a
28 second position to selectively control fuel flow to the dual fuel engine from a first fuel

1 source through a first fuel line and a second fuel source through a second fuel line,
2 and (2) a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the
3 mechanical fuel lockout switch communicates the first fuel source to the dual fuel
4 engine and prevents communication between the second fuel source and the dual fuel
5 engine when the mechanical fuel valve is in the first position, communicates the
6 second fuel source to the dual fuel engine and interrupts the first fuel source
7 communication with the dual fuel engine when in the second position, and wherein
8 the fuel lockout apparatus is configured to: prevent the second fuel source from
9 coupling to the second fuel line while the mechanical fuel valve is in the first position,
10 and permit the second fuel source to couple to the second fuel line while the
11 mechanical fuel valve is in the second position.

12 **ANSWER:** Champion denies the allegations contained in Paragraph 58.

13 59. Moreover, as a non-limiting example, the Accused Products do not
14 practice a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the
15 mechanical fuel lockout switch communicates with the first fuel source to the dual
16 fuel engine when the mechanical fuel valve is in the first position, communicates with
17 the second fuel source to the dual fuel engine and interrupts the first fuel source
18 communication with the dual fuel engine when in the second position, and wherein
19 the fuel lockout apparatus is configured to: prevent the second fuel source from
20 coupling to the second fuel line while the mechanical fuel valve is in the first position,
21 and permit the second fuel source to couple to the second fuel line while the
22 mechanical fuel valve is in the second position.

23 **ANSWER:** Champion denies the allegations contained in Paragraph 59.

24 60. No third party infringes any claims of the '780 Patent by using Harbor
25 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
26 any such infringement, much less with specific intent to do so. The Accused Products
27 are not designed for use in any combination that infringes any claims of the '780
28 Patent. To the contrary, each has substantial uses that do not infringe any claim of the

1 '780 Patent.

2 **ANSWER:** Champion denies the allegations contained in Paragraph 60.

3 61. A substantial, immediate, and real controversy therefore exists between
4 Harbor Freight and Champion regarding whether Harbor Freight infringes the '780
5 Patent. A judicial declaration is appropriate and necessary to determine the parties'
6 respective rights regarding the '780 Patent.

7 **ANSWER:** Paragraph 61 contains legal argument to which no response is
8 required. To the extent a response is required, denied. There is no real controversy
9 that, as a matter of law, Harbor Freight infringes the '780 Patent.

10 62. Harbor Freight seeks a judgment declaring that Harbor Freight does not
11 directly or indirectly infringe any claim of the '780 Patent.

12 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
13 requested in Paragraph 62.

14 **SEVENTH CAUSE OF ACTION**
15 **(Declaratory Judgment of Non-Infringement of the '895 Patent)**

16 63. Harbor Freight restates and incorporates by reference the allegations in
17 paragraphs 1-62 of this Complaint as if fully set forth herein.

18 **ANSWER:** Champion restates and incorporates by reference its response to
19 each and every allegation of the preceding paragraphs as if fully set forth herein.

20 64. Champion claims to own all rights, title, and interest in and under the
21 '895 Patent. A true and correct copy of the '895 Patent is attached hereto as Exhibit
22 G.

23 **ANSWER:** Champion admits the allegations contained in Paragraph 64. U.S.
24 Patent No. 11,905,895 is titled "DUAL FUEL LOCKOUT SWITCH FOR
25 GENERATOR ENGINE." U.S. Patent No. 11,905,895 was duly and legally issued
26 on February 20, 2024. Champion is the lawful assignee of the entire right, title, and
27 interest in and to U.S. Patent No. 11,905,895 and possesses all rights of recovery
28 under the patent, including the right to recover damages for past infringement.

1 65. Harbor Freight does not directly or indirectly infringe any claim of the
2 '895 patent, either literally or under the doctrine of equivalents, at least because the
3 Accused Products do not have a mechanical fuel lockout switch for a dual fuel engine
4 comprising (1) a mechanical fuel valve actuatable between a first position and a
5 second position to selectively control fuel flow to the dual fuel engine from a first fuel
6 source through a first fuel line and a second fuel source through a second fuel line,
7 the mechanical fuel valve configured to allow communication between the first fuel
8 source and the dual fuel engine and prevent communication between the second fuel
9 source and the dual fuel engine while in the first position and prevent communication
10 between the first fuel source and the dual fuel engine while in the second position,
11 and (2) a fuel lockout apparatus coupled to the mechanical fuel valve and configured
12 to prevent the second fuel source from coupling to the second fuel line while the
13 mechanical fuel valve is in the first position and to permit the second fuel source to
14 couple to the second fuel line while the mechanical fuel valve is in the second position.

15 **ANSWER:** Champion denies the allegations contained in Paragraph 65.

16 66. Moreover, as another non-limiting example, the Accused Products do
17 not practice a fuel lockout apparatus coupled to the mechanical fuel valve and
18 configured to prevent the pressurize fuel source from coupling to the gaseous fuel line
19 while the mechanical fuel valve opens the liquid fuel line and permit the pressurized
20 fuel source to couple to the gaseous fuel line while the mechanical fuel valve closes
21 the liquid fuel line.

22 **ANSWER:** Champion denies the allegations contained in Paragraph 66.

23 67. No third party infringes any claims of the '895 Patent by using Harbor
24 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
25 any such infringement, much less with specific intent to do so. The Accused Products
26 are not designed for use in any combination that infringes any claims of the '895
27 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
28 '895 Patent.

1 **ANSWER:** Champion denies the allegations contained in Paragraph 67.

2 68. A substantial, immediate, and real controversy therefore exists between
3 Harbor Freight and Champion regarding whether Harbor Freight infringes the '895
4 Patent. A judicial declaration is appropriate and necessary to determine the parties'
5 respective rights regarding the '895 Patent.

6 **ANSWER:** Paragraph 68 contains legal argument to which no response is
7 required. To the extent a response is required, denied. There is no real controversy
8 that, as a matter of law, Harbor Freight infringes the '895 Patent.

9 69. Harbor Freight seeks a judgment declaring that Harbor Freight does not
10 directly or indirectly infringe any claim of the '895 Patent.

11 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
12 requested in Paragraph 69.

13 **EIGHTH CAUSE OF ACTION**
14 **(Declaratory Judgment of Non-Infringement of the '398 Patent)**

15 70. Harbor Freight restates and incorporates by reference the allegations in
16 paragraphs 1-69 of this Complaint as if fully set forth herein.

17 **ANSWER:** Champion restates and incorporates by reference its response to
18 each and every allegation of the preceding paragraphs as if fully set forth herein.

19 71. Champion claims to own all rights, title, and interest in and under the
20 '398 Patent. A true and correct copy of the '398 Patent is attached hereto as Exhibit
21 H.

22 **ANSWER:** Champion admits the allegations contained in Paragraph 71. U.S.
23 Patent No. 10,697,398 is titled "BATTERYLESS DUAL FUEL ENGINE WITH
24 LIQUID FUEL CUT-OFF." U.S. Patent No. 10,697,398 was duly and legally issued
25 on June 30, 2020. Champion is the lawful assignee of the entire right, title, and interest
26 in and to U.S. Patent No. 10,697,398 and possesses all rights of recovery under the
27 patent, including the right to recover damages for past infringement.

28 72. Harbor Freight does not directly or indirectly infringe any claim of the

1 '398 Patent, either literally or under the doctrine of equivalents, at least because the
2 Accused Products do not practice a dual fuel engine comprising (1) an engine operable
3 on a gaseous fuel and a liquid fuel, (2) a switch to change operation of the engine
4 between gaseous fuel and liquid fuel, (3) a carburetor attached to an intake of the
5 engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel
6 source, (4) a liquid fuel valve positioned along a liquid fuel line coupling the liquid
7 fuel source to the carburetor, (5) a gaseous fuel valve positioned along a gaseous fuel
8 line coupling the gaseous fuel source to the carburetor, and (6) a liquid fuel cut-off
9 incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch
10 from liquid fuel to gaseous fuel.

11 **ANSWER:** Champion denies the allegations contained in Paragraph 72.

12 73. Moreover, as another non-limiting example, the Accused Products do
13 not practice a liquid fuel cut-off incorporated into the carburetor to interrupt liquid
14 fuel upon actuation of the switch from liquid fuel to gaseous fuel.

15 **ANSWER:** Champion denies the allegations contained in Paragraph 73.

16 74. No third party infringes any claims of the '398 Patent by using Harbor
17 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
18 any such infringement, much less with specific intent to do so. The Accused Products
19 are not designed for use in any combination that infringes any claims of the '398
20 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
21 '398 Patent.

22 **ANSWER:** Champion denies the allegations contained in Paragraph 74.

23 75. A substantial, immediate, and real controversy therefore exists between
24 Harbor Freight and Champion regarding whether Harbor Freight infringes the '398
25 Patent. A judicial declaration is appropriate and necessary to determine the parties'
26 respective rights regarding the '398 Patent.

27 **ANSWER:** Paragraph 75 contains legal argument to which no response is
28 required. To the extent a response is required, denied. There is no real controversy

1 that, as a matter of law, Harbor Freight infringes the '398 Patent.

2 76. Harbor Freight seeks a judgment declaring that Harbor Freight does not
3 directly or indirectly infringe any claim of the '398 Patent.

4 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
5 requested in Paragraph 76.

6 **NINTH CAUSE OF ACTION**
7 **(Declaratory Judgment of Non-Infringement of the '145 Patent)**

8 77. Harbor Freight restates and incorporates by reference the allegations in
9 paragraphs 1-76 of this Complaint as if fully set forth herein.

10 **ANSWER:** Champion restates and incorporates by reference its response to
11 each and every allegation of the preceding paragraphs as if fully set forth herein.

12 78. Champion claims to own all rights, title, and interest in and under the
13 '145 Patent. A true and correct copy of the '145 Patent is attached hereto as Exhibit
14 I.

15 **ANSWER:** Champion admits the allegations contained in Paragraph 78. U.S.
16 Patent No. 11,143,145 is titled "BATTERYLESS DUAL FUEL ENGINE WITH
17 LIQUID FUEL CUT-OFF." U.S. Patent No. 11,143,145 was duly and legally issued
18 on October 12, 2021. Champion is the lawful assignee of the entire right, title, and
19 interest in and to U.S. Patent No. 11,143,145 and possesses all rights of recovery
20 under the patent, including the right to recover damages for past infringement.

21 79. Harbor Freight does not directly or indirectly infringe any claim of the
22 '145 Patent, either literally or under the doctrine of equivalents, at least because the
23 Accused Products do not practice a dual fuel generator comprising (1) an engine
24 operable on a gaseous fuel and a liquid fuel, (2) an electrical power generator driven
25 by the engine and comprising a charging coil, (3) a switch to change operation of the
26 engine between gaseous fuel and liquid fuel, (4) a carburetor attached to an intake of
27 the engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel
28 source, (5) a liquid fuel cut-off solenoid to interrupt liquid fuel flow to the engine

1 upon actuation of the switch from liquid fuel to gaseous fuel, and (6) a voltage
2 regulator coupled to the charging coil to receive power therefrom and that operates to
3 provide a regulated voltage to the liquid fuel cut-off solenoid.

4 **ANSWER:** Champion denies the allegations contained in Paragraph 79.

5 80. Moreover, as another non-limiting example, the Accused Products do
6 not practice a switch to change operation of the engine between gaseous fuel and
7 liquid fuel.

8 **ANSWER:** Champion denies the allegations contained in Paragraph 80.

9 81. No third party infringes any claims of the '145 Patent by using Harbor
10 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
11 any such infringement, much less with specific intent to do so. The Accused Products
12 are not designed for use in any combination that infringes any claims of the '145
13 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
14 '145 Patent.

15 **ANSWER:** Champion denies the allegations contained in Paragraph 81.

16 82. A substantial, immediate, and real controversy therefore exists between
17 Harbor Freight and Champion regarding whether Harbor Freight infringes the '145
18 Patent. A judicial declaration is appropriate and necessary to determine the parties'
19 respective rights regarding the '145 Patent.

20 **ANSWER:** Paragraph 82 contains legal argument to which no response is
21 required. To the extent a response is required, denied. There is no real controversy
22 that, as a matter of law, Harbor Freight infringes the '145 Patent.

23 83. Harbor Freight seeks a judgment declaring that Harbor Freight does not
24 directly or indirectly infringe any claim of the '145 Patent.

25 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
26 requested in Paragraph 83.

27 **TENTH CAUSE OF ACTION**
28 **(Declaratory Judgment of Non-Infringement of the '101 Patent)**

1 84. Harbor Freight restates and incorporates by reference the allegations in
2 paragraphs 1-83 of this Complaint as if fully set forth herein.

3 **ANSWER:** Champion restates and incorporates by reference its response to
4 each and every allegation of the preceding paragraphs as if fully set forth herein.

5 85. Champion claims to own all rights, title, and interest in and under the
6 '101 Patent. A true and correct copy of the '101 Patent is attached hereto as Exhibit
7 J.

8 **ANSWER:** Champion admits the allegations contained in Paragraph 85. U.S.
9 Patent No. 10,598,101 is titled "DUAL FUEL SELECTOR SWITCH." U.S. Patent
10 No. 10,598,101 was duly and legally issued on March 24, 2020. Champion is the
11 lawful assignee of the entire right, title, and interest in and to U.S. Patent No.
12 10,598,101 and possesses all rights of recovery under the patent, including the right
13 to recover damages for past infringement.

14 86. Harbor Freight does not directly or indirectly infringe any claim of the
15 '101 Patent, either literally or under the doctrine of equivalents, at least because the
16 Accused Products do not practice a fuel selector for use with a dual fuel generator,
17 the fuel selector comprising (1) a valve assembly fluidly connected to each of a first
18 fuel source and a second fuel source, the valve assembly being operable to selectively
19 control a first fuel flow and a second fuel flow from the first fuel source and the second
20 fuel source, respectively, to an engine of the dual fuel generator, and (2) a selector
21 switch positioned on the valve assembly to allow a user to manually select one of the
22 first fuel flow and the second fuel flow, wherein the valve assembly comprises (a) a
23 first fuel valve having open and closed positions to selectively control the first fuel
24 flow to the engine, and (b) a second fuel valve having open and closed positions to
25 selectively control the second fuel flow to the engine, and wherein the first fuel valve
26 and the second fuel valve are mechanical valves.

27 **ANSWER:** Champion denies the allegations contained in Paragraph 86.

28 87. Moreover, as another non-limiting example, the Accused Products do

1 not practice a selector switch positioned on the valve assembly to allow a user to
2 manually select one of the first fuel flow and the second fuel flow.

3 **ANSWER:** Champion denies the allegations contained in Paragraph 87.

4 88. No third party infringes any claims of the '101 Patent by using Harbor
5 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
6 any such infringement, much less with specific intent to do so. The Accused Products
7 are not designed for use in any combination that infringes any claims of the '101
8 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
9 '101 Patent.

10 **ANSWER:** Champion denies the allegations contained in Paragraph 88.

11 89. A substantial, immediate, and real controversy therefore exists between
12 Harbor Freight and Champion regarding whether Harbor Freight infringes the '101
13 Patent. A judicial declaration is appropriate and necessary to determine the parties'
14 respective rights regarding the '101 Patent.

15 **ANSWER:** Paragraph 89 contains legal argument to which no response is
16 required. To the extent a response is required, denied. There is no real controversy
17 that, as a matter of law, Harbor Freight infringes the '101 Patent.

18 90. Harbor Freight seeks a judgment declaring that Harbor Freight does not
19 directly or indirectly infringe any claim of the '101 Patent.

20 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
21 requested in Paragraph 90.

22 **ELEVENTH CAUSE OF ACTION**
23 **(Declaratory Judgment of Non-Infringement of the '667 Patent)**

24 91. Harbor Freight restates and incorporates by reference the allegations in
25 paragraphs 1-90 of this Complaint as if fully set forth herein.

26 **ANSWER:** Champion restates and incorporates by reference its response to
27 each and every allegation of the preceding paragraphs as if fully set forth herein.

28 92. Champion claims to own all rights, title, and interest in and under the

1 '667 Patent. A true and correct copy of the '667 Patent is attached hereto as Exhibit
2 K.

3 **ANSWER:** Champion admits the allegations contained in Paragraph 92. U.S.
4 Patent No. 11,306,667 is titled "DUAL FUEL SELECTOR SWITCH." U.S. Patent
5 No. 11,306,667 was duly and legally issued on April 19, 2022. Champion is the lawful
6 assignee of the entire right, title, and interest in and to U.S. Patent No. 11,306,667 and
7 possesses all rights of recovery under the patent, including the right to recover
8 damages for past infringement.

9 93. Harbor Freight does not directly or indirectly infringe any claim of the
10 '667 Patent, either literally or under the doctrine of equivalents, at least because the
11 Accused Products do not practice a fuel selector for use with a dual fuel generator,
12 the fuel selector comprising (1) a valve assembly fluidly connected to each of a first
13 fuel source and a second fuel source, (2) the valve assembly being operable to
14 selectively control a first fuel flow and a second fuel flow from the first fuel source
15 and the second fuel source, respectively, to an engine of the dual fuel generator, and
16 (3) a selector switch positioned on the valve assembly to allow a user to manually
17 select one of the first fuel flow and the second fuel flow, wherein the valve assembly
18 comprises (a) two fuel inputs, with a first fuel input connected to the first fuel source
19 and a second fuel input connected to the second fuel source, and (b) two fuel outputs
20 for selectively supplying fuel to the engine from the first fuel source or the second
21 fuel source.

22 **ANSWER:** Champion denies the allegations contained in Paragraph 93.

23 94. Moreover, as another non-limiting example, the Accused Products do
24 not practice a selector switch positioned on the valve assembly to allow a user to
25 manually select one of the first fuel flow and the second fuel flow.

26 **ANSWER:** Champion denies the allegations contained in Paragraph 94.

27 95. No third party infringes any claims of the '667 Patent by using Harbor
28 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated

1 any such infringement, much less with specific intent to do so. The Accused Products
2 are not designed for use in any combination that infringes any claims of the '667
3 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
4 '667 Patent.

5 **ANSWER:** Champion denies the allegations contained in Paragraph 95.

6 96. A substantial, immediate, and real controversy therefore exists between
7 Harbor Freight and Champion regarding whether Harbor Freight infringes the '667
8 Patent. A judicial declaration is appropriate and necessary to determine the parties'
9 respective rights regarding the '667 Patent.

10 **ANSWER:** Paragraph 96 contains legal argument to which no response is
11 required. To the extent a response is required, denied. There is no real controversy
12 that, as a matter of law, Harbor Freight infringes the '667 Patent.

13 97. Harbor Freight seeks a judgment declaring that Harbor Freight does not
14 directly or indirectly infringe any claim of the '667 Patent.

15 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
16 requested in Paragraph 97.

17 **TWELFTH CAUSE OF ACTION**
18 **(Declaratory Judgment of Non-Infringement of the '390 Patent)**

19 98. Harbor Freight restates and incorporates by reference the allegations in
20 paragraphs 1-97 of this Complaint as if fully set forth herein.

21 **ANSWER:** Champion restates and incorporates by reference its response to
22 each and every allegation of the preceding paragraphs as if fully set forth herein.

23 99. Champion claims to own all rights, title, and interest in and under the
24 '390 Patent. A true and correct copy of the '390 Patent is attached hereto as Exhibit
25 L.

26 **ANSWER:** Champion admits the allegations contained in Paragraph 99. U.S.
27 Patent No. 11,761,390 is titled "DUAL FUEL SELECTOR SWITCH." U.S. Patent
28 No. 11,761,390 was duly and legally issued on September 19, 2023. Champion is the

1 lawful assignee of the entire right, title, and interest in and to U.S. Patent No.
2 11,761,390 and possesses all rights of recovery under the patent, including the right
3 to recover damages for past infringement.

4 100. Harbor Freight does not directly or indirectly infringe any claim of the
5 '390 Patent, either literally or under the doctrine of equivalents, at least because the
6 Accused Products do not practice a fuel selector of a dual fuel generator comprising
7 (1) a selector switch having (a) a first fuel mode configured to enable a first fuel flow
8 from a first fuel source to an engine of the dual fuel generator, and (b) a second fuel
9 mode configured to enable a second fuel flow from a second fuel source to the engine
10 of the dual fuel generator, (2) a fuel solenoid having open and closed positions, and
11 (3) a solenoid switch having a closed position to activate the fuel solenoid and an open
12 position, wherein, when the selector switch is in the first fuel mode, the fuel solenoid
13 is in the closed position and, when the selector switch is in the second fuel mode, the
14 solenoid switch is in the open position and the fuel solenoid is in the open position.

15 **ANSWER:** Champion denies the allegations contained in Paragraph 100.

16 101. Moreover, as another non-limiting example, the Accused Products do
17 not practice a selector switch having a first fuel mode configured to enable a first fuel
18 flow from a first fuel source to an engine of the dual fuel generator, and a second fuel
19 mode configured to enable a second fuel flow from a second fuel source to the engine
20 of the dual fuel generator.

21 **ANSWER:** Champion denies the allegations contained in Paragraph 101.

22 102. No third party infringes any claims of the '390 Patent by using Harbor
23 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
24 any such infringement, much less with specific intent to do so. The Accused Products
25 are not designed for use in any combination that infringes any claims of the '390
26 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
27 '390 Patent.

28 **ANSWER:** Champion denies the allegations contained in Paragraph 102.

1 103. A substantial, immediate, and real controversy therefore exists between
2 Harbor Freight and Champion regarding whether Harbor Freight infringes the '390
3 Patent. A judicial declaration is appropriate and necessary to determine the parties'
4 respective rights regarding the '390 Patent.

5 **ANSWER:** Paragraph 103 contains legal argument to which no response is
6 required. To the extent a response is required, denied. There is no real controversy
7 that, as a matter of law, Harbor Freight infringes the '390 Patent.

8 104. Harbor Freight seeks a judgment declaring that Harbor Freight does not
9 directly or indirectly infringe any claim of the '390 Patent.

10 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
11 requested in Paragraph 104.

12 **THIRTEENTH CAUSE OF ACTION**
13 **(Declaratory Judgment of Non-Infringement of the '896 Patent)**

14 105. Harbor Freight restates and incorporates by reference the allegations in
15 paragraphs 1-104 of this Complaint as if fully set forth herein.

16 **ANSWER:** Champion restates and incorporates by reference its response to
17 each and every allegation of the preceding paragraphs as if fully set forth herein.

18 106. Champion claims to own all rights, title, and interest in and under the
19 '896 Patent. A true and correct copy of the '896 Patent is attached hereto as Exhibit
20 M.

21 **ANSWER:** Champion admits the allegations contained in Paragraph 106. U.S.
22 Patent No. 11,905,896 is titled "DUAL FUEL SELECTOR SWITCH." U.S. Patent
23 No. 11,905,896 was duly and legally issued on February 20, 2024. Champion is the
24 lawful assignee of the entire right, title, and interest in and to U.S. Patent No.
25 11,905,896 and possesses all rights of recovery under the patent, including the right
26 to recover damages for past infringement.

27 107. Harbor Freight does not directly or indirectly infringe any claim of the
28 '896 Patent, either literally or under the doctrine of equivalents, at least because the

1 Accused Products do not practice a dual fuel generator comprising (1) an internal
2 combustion engine couplable to a first fuel source and a second fuel source to
3 selectively receive fuel therefrom, (2) a fuel selector configured to control a flow of
4 fuel to the internal combustion engine, the fuel selector comprising (a) a selector plate,
5 (b) a first fuel valve assembly positioned adjacent to the selector plate and including
6 a first fuel valve and a first fuel valve handle, the first fuel valve handle being
7 actuatable between an ON position and an OFF position to selectively open and close
8 the first fuel valve, (c) a second fuel valve assembly positioned adjacent to the selector
9 plate and including a second fuel valve and a second fuel valve handle, (3) the second
10 fuel valve handle being actuatable between an ON position and an OFF position to
11 selectively open and close the second fuel valve, (4) a selector switch slidably coupled
12 to the selector plate so as to be movable between (a) a first position in which the
13 selector switch covers the second fuel valve handle so as to prevent actuation of the
14 second valve handle to the ON position, and (b) a second position in which the
15 selector switch covers the first valve handle so as to prevent actuation of the first valve
16 handle to the ON position, and (5) a carburetor fuel shutoff solenoid that is activated
17 when the selector switch is in the first position.

18 **ANSWER:** Champion denies the allegations contained in Paragraph 107.

19 108. Moreover, as another non-limiting example, the Accused Products do
20 not practice a selector switch slidably coupled to the selector plate so as to be movable
21 between a first position in which the selector switch covers the second fuel valve
22 handle so as to prevent actuation of the second valve handle to the ON position and a
23 second position in which the selector switch covers the first valve handle so as to
24 prevent actuation of the first valve handle to the ON position.

25 **ANSWER:** Champion denies the allegations contained in Paragraph 108.

26 109. No third party infringes any claims of the '896 Patent by using Harbor
27 Freight's products. Harbor Freight has not caused, directed, requested, or facilitated
28 any such infringement, much less with specific intent to do so. The Accused Products

1 are not designed for use in any combination that infringes any claims of the '896
2 Patent. To the contrary, each has substantial uses that do not infringe any claim of the
3 '896 Patent.

4 **ANSWER:** Champion denies the allegations contained in Paragraph 109.

5 110. A substantial, immediate, and real controversy therefore exists between
6 Harbor Freight and Champion regarding whether Harbor Freight infringes the '896
7 Patent. A judicial declaration is appropriate and necessary to determine the parties'
8 respective rights regarding the '896 Patent.

9 **ANSWER:** Paragraph 110 contains legal argument to which no response is
10 required. To the extent a response is required, denied. There is no real controversy
11 that, as a matter of law, Harbor Freight infringes the '896 Patent.

12 111. Harbor Freight seeks a judgment declaring that Harbor Freight does not
13 directly or indirectly infringe any claim of the '896 Patent.

14 **ANSWER:** Champion denies that Harbor Freight is entitled to the relief
15 requested in Paragraph 111.

16 **CHAMPION'S RESPONSE TO HARBOR FREIGHT'S PRAYER FOR**

17 **RELIEF**

18 Champion denies that Harbor Freight is entitled to the relief sought in the
19 Complaint (or any other relief) and thus requests that the Court issue a judgement in
20 Champion's favor, and award Champion its costs, reasonable attorneys' fees, and any
21 other relief the Court may deem just and proper.

22 **COUNTERCLAIMS**

23 Defendant-Counterclaim Plaintiff Champion Power Equipment, Inc.
24 ("Counterclaim Plaintiff" or "Champion") states for its counterclaims against
25 Plaintiff-Counterclaim Defendant Harbor Freight Tools USA, Inc. ("Counterclaim
26 Defendant" or "Harbor Freight") as follows:

27 **NATURE OF THE ACTION**

28 1. Champion's counterclaims for patent infringement arise under the patent

1 laws of the United States, 35 U.S.C. §§ 271, et seq.

2 2. Champion's counterclaims arise from Harbor Freight's unlicensed
3 making, using, selling, or offering for sale within the United States, or importing into
4 the United States, of products infringing Champion's patented technology.
5 Specifically, Harbor Freight infringes United States Patent Nos. 10,393,034 ("the
6 '034 Patent"); 11,143,120 ("the '120 Patent"); 11,492,985 ("the '985 Patent");
7 11,530,654 ("the '654 Patent"); 11,840,970 ("the '970 Patent"); 10,221,780 ("the
8 '780 Patent"); 11,905,895 ("the '895 Patent"); 10,697,398 ("the '398 Patent");
9 11,143,145 ("the '145 Patent"); 10,598,101 ("the '101 Patent"); 11,306,667 ("the
10 '667 Patent"); 11,761,390 ("the '390 Patent"); and 11,905,896 ("the '896
11 Patent")(collectively, the "Asserted Patents") by making, using, selling, offering for
12 sale, and/or importing the following Harbor Freight products: Model 70476 13kW
13 Tri-Fuel and Model 70143 5kW Dual-Fuel generators (collectively, the "Accused
14 Products").

15 **THE PARTIES**

16 3. Counterclaim Plaintiff Champion is a duly organized and operating
17 Nevada corporation incorporated at 6370 S Pioneer Way, Unit 101, Las Vegas,
18 Nevada 89113. Champion's principal place of business is in Las Vegas.

19 4. Counterclaim Defendant Harbor Freight is a corporation organized under
20 the laws of the State of Delaware with a place of business at 26677 Agoura Rd.,
21 Calabasas, CA 91302.

22 **JURISDICTION AND VENUE**

23 5. This Court has jurisdiction over the subject matter of Champion's patent
24 infringement counterclaims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25 6. Harbor Freight has consented to the personal jurisdiction of this Court
26 by filing this action in this judicial district.

27 7. Harbor Freight has consented to venue in this judicial district by filing
28 this action in this judicial district.

COUNTERCLAIM I
(Infringement of U.S. Patent No. 10,393,034)

8. Paragraphs 1 through 8 of Champion's counterclaims are incorporated by reference as if fully set forth herein.

9. U.S. Patent No. 10,393,034 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE." U.S. Patent No. 10,393,034 was duly and legally issued on August 27, 2019. A true and correct copy of U.S. Patent No. 10,393,034 is attached as Exhibit A.

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

11. Champion has acquired and inspected the following Harbor Freight generator model that Harbor Freight has been and is making, using, selling, or offering for sale within the United States, or importing into the United States, and that infringes one or more claims of U.S. Patent No. 10,393,034: Harbor Freight Model 70476, a multi-fuel generator.

12. Upon acquisition, disassembly as needed, review of the owner's manual and electrical schematics, and inspection, it was determined that Harbor Freight Model 70476 includes all of the elements of at least claims 1-3, 5-9, 11-14, 18-20, and 22 of U.S. Patent No. 10,393,034. Harbor Freight Model 70476 infringes:

- a. Independent claim 1 by specifically including a multi-fuel engine comprising an engine operable on a liquid fuel and a gaseous fuel; a carburetor attached to an intake of the engine to mix air and fuel and connect a liquid fuel source to the intake, the carburetor comprising a float bowl; a liquid cutoff solenoid coupled to the carburetor to open and close a liquid fuel path to the engine downstream from the float bowl; a gaseous cutoff coupled to open and close a gaseous fuel source to the engine; and a switch selectively coupling a power source to the liquid

1 cutoff solenoid to open and close the liquid fuel path, as called for in
2 claim 1 of U.S. Patent No. 10,393,034.

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

10 c. Dependent claim 3 by specifically including all the aforementioned
11 elements of claim 1 and, in addition, the switch actuates the liquid cutoff
12 solenoid to enable changing engine operation between the liquid fuel and
13 the gaseous fuel, so as to prevent fuel flow from the liquid fuel source
14 and the gaseous fuel source simultaneously and allow switching between
15 fuel sources on-the-fly during engine operation, as called for in claim 3
16 of U.S. Patent No. 10,393,034.

17 d. Dependent claim 5 by specifically including all the aforementioned
18 elements of claim 1 and, in addition, the engine is a dual fuel engine that
19 operates on gasoline from the liquid fuel source and LPG from the
20 gaseous fuel source, as called for in claim 5 of U.S. Patent No.
21 10,393,034.

22 e. Dependent claim 6 by specifically including all the aforementioned
23 elements of claim 1 and, in addition, activating the gaseous cutoff
24 simultaneously activates the liquid cutoff solenoid, as called for in claim
25 6 of U.S. Patent No. 10,393,034.

26 f. Dependent claim 7 by specifically including all the aforementioned
27 elements of claim 1 and, in addition, the liquid cutoff solenoid is
28 selectively operable to cut off fuel flow from the float bowl to a nozzle

1 in a venturi of the carburetor upstream from a throttle for the engine, as
2 called for in claim 7 of U.S. Patent No. 10,393,034.

3 g. Dependent claim 8 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, the carburetor connects the gaseous
5 fuel source to the intake, as called for in claim 8 of U.S. Patent No.
6 10,393,034.

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

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

28 j. Dependent claim 12 by specifically including all the aforementioned

1 elements of claim 11 and, in addition, the electro-mechanical valve
2 system is configured to switch operation of the generator from multiple
3 fuel sources while the generator is running, as called for in claim 12 of
4 U.S. Patent No. 10,393,034.

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

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

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

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

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

3 o. Dependent claim 20 by specifically including all the aforementioned
4 elements of claim 19 and, in addition, a switch to change operation of
5 the engine from liquid fuel to gaseous fuel and from gaseous fuel to
6 liquid fuel while the engine is running, as called for in claim 20 of U.S.
7 Patent No. 10,393,034.

8 p. Dependent claim 22 by specifically including all the aforementioned
9 elements of claim 20 and, in addition, the switch operates the carburetor
10 cutoff solenoid and the gaseous fuel cutoff solenoid to substantially
11 prevent simultaneous fuel delivery of the liquid fuel and the gaseous fuel
12 to the engine, as called for in claim 22 of U.S. Patent No. 10,393,034.

13 13. Therefore, Harbor Freight Model 70476 infringes at least claims 1-3, 5-
14 9, 11-14, 19, 20, and 22 of U.S. Patent No. 10,393,034.

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

18 15. Upon information and belief, Harbor Freight's infringement has been
19 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
20 10,393,034.

21 16. Upon information and belief, at least as of March 27, 2024, May 17,
22 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
23 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
24 Champion's patents, Harbor Freight has monitored Champion's patents and published
25 patent applications and had actual notice of all of Champion's patents and published
26 patent applications as of their publication dates.

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

COUNTERCLAIM II
(Infringement of U.S. Patent No. 11,143,120)

18. Paragraphs 1 through 18 of Champion's counterclaims are incorporated by reference as if fully set forth herein.

19. U.S. Patent No. 11,143,120 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE." U.S. Patent No. 11,143,120 was duly and legally issued on October 12, 2021. A true and correct copy of U.S. Patent No. 11,143,120 is attached as Exhibit B.

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

21. Champion has acquired and inspected the following Harbor Freight generator models that Harbor Freight has been and is making, using, selling, or offering for sale within the United States, or importing into the United States, and that infringe one or more claims of U.S. Patent No. 11,143,120:

- a. Harbor Freight Model 70476, a multi-fuel portable generator; and
- b. Harbor Freight Model 70143, a multi-fuel portable generator.

22. Upon acquisition, disassembly as needed, review of the owner's manual and electrical schematics, and inspection, it was determined that Harbor Freight Model 70476 includes all of the elements of at least claims 12-15, 18, and 19 of U.S. Patent No. 11,143,120. Harbor Freight Model 70476 infringes:

- a. Independent claim 12 by specifically including a multi-fuel generator and fuel delivery system having a multi-fuel internal combustion engine configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line, an alternator driven by the multi-fuel internal combustion engine, and a fuel regulator system including a

1 primary pressure regulator coupled to a service valve of a pressurized
2 fuel source to regulate fuel supplied from the pressurized fuel source to
3 a reduced pressure and a secondary pressure regulator coupled to the
4 primary pressure regulator to regulate fuel supplied from the primary
5 pressure regulator to a desired pressure for delivery through the gaseous
6 fuel line to operate the engine, as called for in claim 12 of U.S. Patent
7 No. 11,143,120.

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

14 c. Dependent claim 14 by specifically including all the aforementioned
15 elements of claim 13 and, in addition, wherein the electro-mechanical
16 valve system is configured to switch operation of the generator from
17 multiple fuel sources while the generator is running, as called for in claim
18 14 of U.S. Patent No. 11,143,120.

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

24 e. Independent claim 18 by specifically including a carburetor for use in a
25 multi-fuel internal combustion engine, the carburetor comprising: a
26 throat in which fuel and air are mixed in throat to provide an air-fuel
27 mixture for the multi-fuel internal combustion engine; a valve located in
28 the throat to provide a choke and throttle for the multi-fuel internal

1 combustion engine; a float bowl to hold liquid fuel; a main fuel circuit
2 positioned downstream from the float bowl and extending from the float
3 bowl to the throat; an idle fuel circuit that provides a flow path to the
4 throat downstream of the throttle to run the engine at idle; and a
5 carburetor cutoff solenoid configured to selectively control fuel flow
6 through the main fuel circuit and the idle fuel circuit, as called for in
7 claim 18 of U.S. Patent No. 11,143,120.

8 f. Dependent claim 19 by specifically including all the aforementioned
9 elements of claim 18 and, in addition, wherein the carburetor cutoff
10 solenoid is operatively coupled to a switch that changes operation of the
11 engine from liquid fuel to gaseous fuel and from gaseous fuel to liquid
12 fuel while the engine is running, and wherein the carburetor cutoff
13 solenoid is closed to stop liquid fuel flow through the main fuel circuit
14 and the idle fuel circuit when the switch changes operation of the engine
15 from liquid fuel to gaseous fuel, as called for in claim 19 of U.S. Patent
16 No. 11,143,120.

17 23. Therefore, Harbor Freight Model 70476 infringes at least claims 12-15,
18 18, and 19 of U.S. Patent No. 11,143,120.

19 24. Upon acquisition, disassembly as needed, review of the owner's manual
20 and electrical schematics, and inspection, it was determined that Harbor Freight
21 Model 70143 includes all of the elements of at least claim 12 of U.S. Patent No.
22 11,143,120. Harbor Freight Model 70143 infringes:

23 a. Independent claim 12 by specifically including a multi-fuel generator
24 and fuel delivery system having a multi-fuel internal combustion engine
25 configured to operate on a liquid fuel supplied from a liquid fuel source
26 through a liquid fuel line and a gaseous fuel supplied from a pressurized
27 fuel source through a gaseous fuel line, an alternator driven by the multi-
28 fuel internal combustion engine, and a fuel regulator system including a

1 primary pressure regulator coupled to a service valve of a pressurized
2 fuel source to regulate fuel supplied from the pressurized fuel source to
3 a reduced pressure and a secondary pressure regulator coupled to the
4 primary pressure regulator to regulate fuel supplied from the primary
5 pressure regulator to a desired pressure for delivery through the gaseous
6 fuel line to operate the engine, as called for in claim 12 of U.S. Patent
7 No. 11,143,120.

8 25. Therefore, Harbor Freight Model 70143 infringes at least claim 12 of
9 U.S. Patent No. 11,143,120.

10 26. Champion has no adequate remedy at law against Harbor Freight's acts
11 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
12 and permanently enjoined from its infringement of U.S. Patent No. 11,143,120.

13 27. Upon information and belief, Harbor Freight's infringement has been
14 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
15 11,143,120.

16 28. Upon information and belief, at least as of March 27, 2024, May 17,
17 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
18 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
19 Champion's patents, Harbor Freight has monitored Champion's patents and published
20 patent applications and had actual notice of all of Champion's patents and published
21 patent applications as of their publication dates.

22 29. Harbor Freight, by way of its infringing activity, has caused and
23 continues to cause Champion to suffer damages in an amount to be determined at trial.

24 **COUNTERCLAIM III**
25 **(Infringement of U.S. Patent No. 11,492,985)**

26 30. Paragraphs 1 through 30 of Champion's counterclaims are incorporated
27 by reference as if fully set forth herein.

28 31. U.S. Patent No. 11,492,985 is titled "OFF-BOARD FUEL

1 REGULATOR FOR GENERATOR ENGINE.” U.S. Patent No. 11,492,985 was duly
2 and legally issued on November 8, 2022. A true and correct copy of U.S. Patent No.
3 11,492,985 is attached as Exhibit C.

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

7 33. Champion has acquired and inspected the following Harbor Freight
8 generator model that Harbor Freight has been and is making, using, selling, or offering
9 for sale within the United States, or importing into the United States, and that infringe
10 one or more claims of U.S. Patent No. 11,492,985:

- 11 a. Harbor Freight Model 70476, a multi-fuel portable generator; and
- 12 b. Harbor Freight Model 70143, a multi-fuel portable generator.

13 34. Upon acquisition, disassembly as needed, review of the owner’s manual
14 and electrical schematics, and inspection, it was determined that Harbor Freight
15 Model 70476 includes all of the elements of at least claims 16 and 17 of U.S. Patent
16 No. 11,492,985. Harbor Freight Model 70476 infringes:

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

1 for delivery through the gaseous fuel line to operate the generator,
2 wherein the fuel regulator system outputs gaseous fuel to the generator
3 for operation of the engine at the second reduced pressure, as called for
4 in claim 16 of U.S. Patent No. 11,492,985.

5 b. Dependent claim 17 by specifically including all the aforementioned
6 elements of claim 16 and, in addition, wherein the primary and secondary
7 pressure regulators are integral components of a dual stage pressure
8 regulator, as called for in claim 17 of U.S. Patent No. 11,492,985.

9 35. Therefore, Harbor Freight Model 70476 infringes at least claims 16 and
10 17 of U.S. Patent No. 11,492,985.

11 36. Upon acquisition, disassembly as needed, review of the owner's manual
12 and electrical schematics, and inspection, it was determined that Harbor Freight
13 Model 70143 includes all of the elements of at least claims 1, 4, 5, 7, 11, and 14-16
14 of U.S. Patent No. 11,492,985. Harbor Freight Model 70143 infringes:

15 a. Independent claim 1 by specifically including a generator and fuel
16 delivery system comprising a generator free of any pressure regulator
17 and configured to operate on a gaseous fuel supplied from a pressurized
18 fuel source through a gaseous fuel line; a fuel regulator system located
19 off-board the generator and comprising a first stage and a second stage,
20 the fuel regulator system configured to: regulate the gaseous fuel
21 supplied from the pressurized fuel source in the first stage, the gaseous
22 fuel regulated down to a reduced pressure in the first stage; and regulate
23 the reduced pressure gaseous fuel in the second stage, the reduced
24 pressure gaseous fuel from the first stage regulated down to a desired
25 pressure in the second stage for delivery through the gaseous fuel line to
26 operate the generator, as called for in claim 1 of U.S. Patent No.
27 11,492,985.

28 b. Dependent claim 4 by specifically including all the aforementioned

1 elements of claim 1 and, in addition, wherein the generator comprises a
2 dual fuel generator configured to operate on the gaseous fuel and on a
3 liquid fuel, the liquid fuel supplied from a liquid fuel source through a
4 liquid fuel line, as called for in claim 4 of U.S. Patent No. 11,492,985.

5 c. Dependent claim 5 by specifically including all the aforementioned
6 elements of claim 4 and, in addition, a mechanical fuel valve actuatable
7 between a first position and a second position to selectively control fuel
8 flow to the dual fuel generator from the liquid fuel source through the
9 liquid fuel line and the pressurized fuel source through the gaseous fuel
10 line, as called for in claim 5 of U.S. Patent No. 11,492,985.

11 d. Dependent claim 7 by specifically including all the aforementioned
12 elements of claim 1 and, in addition, wherein the first stage comprises a
13 primary pressure regulator and the second stage comprises a secondary
14 pressure regulator; and wherein the generator and fuel delivery system
15 further comprises a quick-connect hose coupling including: a first end
16 coupled to an outlet of the secondary pressure regulator; and a second
17 end coupled to an inlet of the gaseous fuel line to couple the secondary
18 pressure regulator to the gaseous fuel line, as called for in claim 7 of U.S.
19 Patent No. 11,492,985.

20 e. Independent claim 11 by specifically including a generator and fuel
21 delivery system comprising: a generator comprising an engine
22 configured to operate on a gaseous fuel supplied from a pressurized fuel
23 source through a gaseous fuel line; a fuel regulator system located off-
24 board the generator and comprising a first stage and a second stage, the
25 fuel regulator system configured to: regulate the gaseous fuel supplied
26 from the pressurized fuel source in the first stage, the gaseous fuel
27 regulated down to a first reduced pressure in the first stage; and regulate
28 the gaseous fuel output from the first stage in the second stage, the first

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

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

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

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

1 first reduced pressure to a second reduced pressure for delivery through
2 the gaseous fuel line to operate the dual fuel generator; wherein the fuel
3 regulator system outputs gaseous fuel to the dual fuel generator for
4 operation thereof at the second reduced pressure., as called for in claim
5 16 of U.S. Patent No. 11,492,985.

6 37. Therefore, Harbor Freight Model 70143 infringes at least claims 1, 4, 5,
7 7, 11, and 14-16 of U.S. Patent No. 11,492,985.

8 38. Champion has no adequate remedy at law against Harbor Freight's acts
9 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
10 and permanently enjoined from its infringement of U.S. Patent No. 11,492,985.

11 39. Upon information and belief, Harbor Freight's infringement has been
12 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
13 11,492,985.

14 40. Upon information and belief, at least as of March 27, 2024, May 17,
15 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
16 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
17 Champion's patents, Harbor Freight has monitored Champion's patents and published
18 patent applications and had actual notice of all of Champion's patents and published
19 patent applications as of their publication dates.

20 41. Harbor Freight, by way of its infringing activity, has caused and
21 continues to cause Champion to suffer damages in an amount to be determined at trial.

22 **COUNTERCLAIM IV**
23 **(Infringement of U.S. Patent No. 11,530,654)**

24 42. Paragraphs 1 through 42 of Champion's counterclaims are incorporated
25 by reference as if fully set forth herein.

26 43. U.S. Patent No. 11,530,654 is titled "OFF-BOARD FUEL
27 REGULATOR FOR GENERATOR ENGINE." U.S. Patent No. 11,530,654 was duly
28 and legally issued on December 20, 2022. A true and correct copy of U.S. Patent No.

1 11,530,654 is attached as Exhibit D.

2 44. Champion is the lawful assignee of the entire right, title, and interest in
3 and to U.S. Patent No. 11,530,654 and possesses all rights of recovery under the
4 patent, including the right to recover damages for past infringement.

5 45. Champion has acquired and inspected the following Harbor Freight
6 generator models that Harbor Freight has been and is making, using, selling, or
7 offering for sale within the United States, or importing into the United States, and that
8 infringe one or more claims of U.S. Patent No. 11,530,654:

9 a. Harbor Freight Model 70476, a multi-fuel portable generator; and

10 b. Harbor Freight Model 70143, a multi-fuel portable generator.

11 46. Upon acquisition, disassembly as needed, review of the owner's manual
12 and electrical schematics, and inspection, it was determined that Harbor Freight
13 Model 70476 includes all of the elements of at least claims 6 and 7 of U.S. Patent No.
14 11,530,654. Harbor Freight Model 70476 infringes:

15 a. Independent claim 6 by specifically including a dual fuel generator and
16 fuel delivery system having a dual fuel generator configured to operate
17 on a liquid fuel supplied from a liquid fuel source through a liquid fuel
18 line and a gaseous fuel supplied from a pressurized fuel source through
19 a gaseous fuel line, a fuel regulator system located off board the dual fuel
20 generator and having a primary pressure regulator coupled to a service
21 valve of a pressurized fuel source and configured to regulate a gaseous
22 fuel supplied from the pressurized fuel source to a first reduced pressure
23 and a secondary pressure regulator coupled to the primary pressure
24 regulator and configured to regulate the gaseous fuel supplied from the
25 primary pressure regulator down from the first reduced pressure to a
26 second reduced pressure for delivery through a gaseous fuel line to
27 operate the dual fuel generator, a mechanical fuel valve actuatable
28 between a first position and a second position to selectively control fuel

1 flow to the dual fuel generator from a liquid fuel source through a liquid
2 fuel line and the pressurized fuel source through the gaseous fuel line
3 and that opens and closes the liquid fuel line to selectively control fuel
4 flow from the liquid fuel source to the dual fuel generator, and a fuel
5 lockout apparatus coupled to the mechanical fuel valve and configured
6 to prevent the pressurized fuel source from coupling to the gaseous fuel
7 line while the mechanical fuel valve opens the liquid fuel line and permit
8 the pressurized fuel source to couple to the gaseous fuel line while the
9 mechanical fuel valve closes the liquid fuel line, as called for in claim 6
10 of U.S. Patent No. 11,530,654.

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

16 47. Therefore, Harbor Freight Model 70476 infringes at least claims 6 and 7
17 of U.S. Patent No. 11,530,654.

18 48. Upon acquisition, disassembly as needed, review of the owner's manual
19 and electrical schematics, and inspection, it was determined that Harbor Freight
20 Model 70143 includes all of the elements of at least claims 6 and 10 of U.S. Patent
21 No. 11,530,654. Harbor Freight Model 70143 infringes:

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

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

- 18 b. Independent claim 10 by specifically including A generator and fuel
19 delivery system comprising: a generator configured to operate on a
20 gaseous fuel supplied from a pressurized fuel source through a gaseous
21 fuel line; a fuel regulator system located off-board the generator, the fuel
22 regulator system configured to: regulate the gaseous fuel supplied from
23 the pressurized fuel source in a first stage, the gaseous fuel regulated
24 down to a reduced pressure in the first stage; and regulate the reduced
25 pressure gaseous fuel in a second stage, the reduced pressure gaseous
26 fuel from the first stage regulated down to a desired pressure in the
27 second stage for delivery through the gaseous fuel line to operate the
28 generator; and wherein the generator is free of any pressure regulator, as

1 called for in claim 10 of U.S. Patent No. 11,530,654.

2 49. Therefore, Harbor Freight Model 70143 infringes at least claims 6 and
3 10 of U.S. Patent No. 11,530,654.

4 50. Champion has no adequate remedy at law against Harbor Freight's acts
5 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
6 and permanently enjoined from its infringement of U.S. Patent No. 11,492,985.

7 51. Upon information and belief, Harbor Freight's infringement has been
8 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
9 11,492,985.

10 52. Upon information and belief, at least as of March 27, 2024, May 17,
11 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
12 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
13 Champion's patents, Harbor Freight has monitored Champion's patents and published
14 patent applications and had actual notice of all of Champion's patents and published
15 patent applications as of their publication dates.

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

18 **COUNTERCLAIM V**
19 **(Infringement of U.S. Patent No. 11,840,970)**

20 54. Paragraphs 1 through 54 of Champion's counterclaims are incorporated
21 by reference as if fully set forth herein.

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

26 56. Champion is the lawful assignee of the entire right, title, and interest in
27 and to U.S. Patent No. 11,840,970 and possesses all rights of recovery under the
28 patent, including the right to recover damages for past infringement.

1 57. Champion has acquired and inspected the following Harbor Freight
2 generator models that Harbor Freight has been and is making, using, selling, or
3 offering for sale within the United States, or importing into the United States, and that
4 infringe one or more claims of U.S. Patent No. 11,840,970:

- 5 a. Harbor Freight Model 70476, a multi-fuel portable generator; and
- 6 b. Harbor Freight Model 70143, a multi-fuel portable generator.

7 58. Upon acquisition, disassembly as needed, review of the owner's manual
8 and electrical schematics, and inspection, it was determined that Harbor Freight
9 Model 70476 includes all of the elements of at least claims 1, 2, 20, and 21 of U.S.
10 Patent No. 11,840,970. Harbor Freight Model 70476 infringes:

- 11 a. Independent claim 1 by specifically including a dual fuel generator and
12 fuel delivery system including a dual fuel generator having an engine
13 configured to operate on a liquid fuel supplied from a liquid fuel source
14 through a liquid fuel line and a gaseous fuel supplied from a pressurized
15 fuel source through a gaseous fuel line and a carburetor attached to an
16 intake of the engine to mix air and fuel and connect the liquid fuel line
17 to the intake; a fuel regulator system located off board the dual fuel
18 generator, the fuel regulator system including a primary pressure
19 regulator coupled to a service valve of the pressurized fuel source and
20 configured to regulate the fuel supplied from the pressurized fuel source
21 to a reduced pressure and a secondary pressure regulator coupled to the
22 primary pressure regulator and configured to regulate the gaseous fuel
23 supplied from the primary pressure regulator to a desired pressure for
24 delivery through the gaseous fuel line to operate the dual fuel generator;
25 and a mechanical fuel valve actuatable between a first position and a
26 second position to selectively control fuel flow to the engine from the
27 liquid fuel source through the liquid fuel line and the pressurized fuel
28 source through the gaseous fuel line, as called for in claim 1 of U.S.

1 Patent No. 11,840,970.

2 b. Dependent claim 2 by specifically including all the aforementioned
3 elements of claim 1 and, in addition, the carburetor connects the gaseous
4 fuel line to the intake, as called for in claim 2 of U.S. Patent No.
5 11,840,970.

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

26 d. Dependent claim 21 by specifically including all the aforementioned
27 elements of claim 20 and, in addition, wherein the pressurized fuel
28 source is independent and disconnected from the dual fuel generator, as

1 called for in claim 21 of U.S. Patent No. 11,840,970.

2 59. Therefore, Harbor Freight Model 70476 infringes at least claims 1, 2, 20
3 and 21 of U.S. Patent No. 11,840,970.

4 60. Upon acquisition, disassembly as needed, review of the owner's manual
5 and electrical schematics, and inspection, it was determined that Harbor Freight
6 Model 70143 includes all of the elements of at least claims 1, 2, 12-14, 20, 21, 34, 44,
7 45, and 48 of U.S. Patent No. 11,840,970. Harbor Freight Model 70143 infringes:

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

27 b. Dependent claim 2 by specifically including all the aforementioned
28 elements of claim 1 and, in addition, the carburetor connects the gaseous

1 fuel line to the intake, as called for in claim 2 of U.S. Patent No.
2 11,840,970.

3 c. Independent claim 12 by specifically including a dual fuel generator and
4 fuel delivery system comprising: a dual fuel generator comprising: a
5 generator housing, an alternator mounted within the generator housing,
6 and an engine driving the alternator and mounted within the generator
7 housing, the engine configured to operate on a liquid fuel supplied from
8 a liquid fuel source through a liquid fuel line and a gaseous fuel supplied
9 from a pressurized fuel source through a gaseous fuel line; a fuel
10 regulator system located off board the dual fuel generator, the fuel
11 regulator system configured to: regulate the gaseous fuel supplied from
12 the pressurized fuel source in a first stage, the gaseous fuel regulated
13 down to a reduced pressure in the first stage; and regulate the reduced
14 pressure gaseous fuel in a second stage, the reduced pressure gaseous
15 fuel from the first stage regulated down to a desired pressure in the
16 second stage for delivery through the gaseous fuel line to operate the dual
17 fuel generator; and a mechanical fuel valve actuatable between a first
18 position and a second position to selectively control fuel flow to the dual
19 fuel generator from the liquid fuel source through the liquid fuel line and
20 the pressurized fuel source through the gaseous fuel line; wherein the
21 dual fuel generator is free of any pressure regulator mounted within the
22 generator housing, as called for in claim 12 of U.S. Patent No.
23 11,840,970.

24 d. Dependent claim 13 by specifically including all the aforementioned
25 elements of claim 12 and, in addition, wherein the mechanical fuel valve
26 is mounted on or within the generator housing, as called for in claim 13
27 of U.S. Patent No. 11,840,970.

28 e. Dependent claim 14 by specifically including all the aforementioned

1 elements of claim 12 and, in addition, wherein the first stage comprises
2 a primary pressure regulator coupled to a service valve of the pressurized
3 fuel source and configured to regulate the gaseous fuel supplied from the
4 pressurized fuel source to the reduced pressure; and wherein the second
5 stage comprises a secondary pressure regulator coupled to the primary
6 pressure regulator and configured to regulate the gaseous fuel supplied
7 from the primary pressure regulator to the desired pressure for delivery
8 through the gaseous fuel line to operate the dual fuel generator, as called
9 for in claim 14 of U.S. Patent No. 11,840,970.

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

1 as called for in claim 20 of U.S. Patent No. 11,840,970.

2 g. Dependent claim 21 by specifically including all the aforementioned
3 elements of claim 20 and, in addition, wherein the pressurized fuel
4 source is independent and disconnected from the dual fuel generator, as
5 called for in claim 21 of U.S. Patent No. 11,840,970.

6 h. Independent claim 34 by specifically including a dual fuel generator and
7 fuel delivery system comprising: a dual fuel generator configured to
8 operate on a liquid fuel supplied from a liquid fuel source through a
9 liquid fuel line and a gaseous fuel supplied from a pressurized fuel source
10 through a gaseous fuel line; a fuel regulator system located off board the
11 dual fuel generator, the fuel regulator system comprising: a primary
12 pressure regulator coupled to a service valve of the pressurized fuel
13 source and configured to regulate the fuel supplied from the pressurized
14 fuel source to a reduced pressure, and a secondary pressure regulator
15 coupled to the primary pressure regulator and configured to regulate the
16 gaseous fuel supplied from the primary pressure regulator to a desired
17 pressure for delivery through the gaseous fuel line to operate the dual
18 fuel generator; and a mechanical fuel valve actuatable between a first
19 position and a second position to selectively control fuel flow to the dual
20 fuel generator from the liquid fuel source through the liquid fuel line and
21 the pressurized fuel source through the gaseous fuel line; wherein the
22 mechanical fuel valve outputs gaseous fuel to the dual fuel generator
23 during operation thereof on gaseous fuel at the desired pressure from the
24 secondary pressure regulator, as called for in claim 34 of U.S. Patent No.
25 11,840,970.

26 i. Independent claim 44 by specifically including a dual fuel generator and
27 fuel delivery system comprising a dual fuel generator comprising: an
28 alternator; a dual fuel engine coupled to drive the alternator, the dual fuel

1 engine configured to operate on a liquid fuel supplied from a liquid fuel
2 source and a gaseous fuel supplied from a pressurized fuel source; a
3 liquid fuel line coupled to the dual fuel engine to provide the liquid fuel
4 from the liquid fuel source; a gaseous fuel line coupled to the dual fuel
5 engine to provide the gaseous fuel from the pressurized fuel source; and
6 a mechanical fuel valve actuatable between a first position and a second
7 position to selectively control fuel flow to the dual fuel engine from the
8 liquid fuel source through the liquid fuel line and the pressurized fuel
9 source through the gaseous fuel line; wherein the dual fuel generator is
10 free from any gaseous fuel pressure regulator, as called for in claim 44
11 of U.S. Patent No. 11,840,970.

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

16 k. Dependent claim 48 by specifically including all the aforementioned
17 elements of claim 44 and, in addition, wherein the mechanical fuel valve
18 comprises a liquid fuel valve coupled to the liquid fuel line and a gaseous
19 fuel valve coupled to the gaseous fuel line, as called for in claim 48 of
20 U.S. Patent No. 11,840,970.

21 61. Therefore, Harbor Freight Model 70143 infringes at least claims 1, 2, 12-
22 14, 20, 21, 34, 44, 45, and 48 of U.S. Patent No. 11,840,970.

23 62. Champion has no adequate remedy at law against Harbor Freight's acts
24 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
25 and permanently enjoined from its infringement of U.S. Patent No. 11,840,970.

26 63. Upon information and belief, Harbor Freight's infringement has been
27 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
28 11,840,970.

64. Upon information and belief, at least as of March 27, 2024, May 17, 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence demanding (1) the cessation of infringement or (2) license by Harbor Freight of Champion's patents, Harbor Freight has monitored Champion's patents and published patent applications and had actual notice of all of Champion's patents and published patent applications as of their publication dates.

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

COUNTERCLAIM VI
(Infringement of U.S. Patent No. 10,221,780)

66. Paragraphs 1 through 66 of Champion's counterclaims are incorporated by reference as if fully set forth herein.

67. U.S. Patent No. 10,221,780 is titled "DUAL FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE." U.S. Patent No. 10,221,780 was duly and legally issued on March 5, 2019. A true and correct copy of U.S. Patent No. 10,221,780 is attached as Exhibit F.

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

69. Champion has acquired and inspected the following Harbor Freight generator model that Harbor Freight has been and is making, using, selling, or offering for sale within the United States, or importing into the United States, and that infringes one or more claims of U.S. Patent No. 10,697,398: Harbor Freight Model 70143, a multi-fuel portable generator.

70. Upon acquisition, disassembly as needed, review of the owner's manual and electrical schematics, and inspection, it was determined that Harbor Freight Model 70143 includes all of the elements of at least claims 1, 6, 8, and 15 of U.S. Patent No. 10,221,780. Harbor Freight Model 70143 infringes:

- 1 a. Independent claim 1 by specifically including a mechanical fuel lockout
2 switch for a dual fuel engine having a mechanical fuel valve actuateable
3 between a first position and a second position to selectively control fuel
4 flow to the dual fuel engine from a first fuel source through a first fuel
5 line and a second fuel source through a second fuel line and a fuel lockout
6 apparatus coupled to the mechanical fuel valve, wherein the mechanical
7 fuel lockout switch communicates the first fuel source to the dual fuel
8 engine and prevents communication between the second fuel source and
9 the dual fuel engine when the mechanical fuel valve is in the first position
10 and communicates the second fuel source to the dual fuel engine and
11 interrupts the first fuel source communication with the dual fuel engine
12 when in the second position and wherein the fuel lockout apparatus is
13 configured to prevent the second fuel source from coupling to the second
14 fuel line while the mechanical fuel valve is in the first position and permit
15 the second fuel source to couple to the second fuel line while the
16 mechanical fuel valve is in the second position, as called for in claim 1
17 of U.S. Patent No. 10,221,780.
- 18 b. Dependent claim 6 by specifically including all the aforementioned
19 elements of claim 1 and, in addition, the mechanical fuel valve and the
20 fuel lockout apparatus operate together to ensure that fuel from the first
21 fuel source and fuel from the second fuel source are not simultaneously
22 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent
23 No. 10,221,780.
- 24 c. Independent claim 8 by specifically including a mechanical fuel lockout
25 switch for an internal combustion engine, the mechanical fuel lockout
26 being assembled by providing an internal combustion engine configured
27 to operate on a fuel from a first fuel source and a different fuel from a
28 second fuel source, coupling a mechanical fuel valve to the internal

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

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

23 71. Therefore, Harbor Freight Model 70143 infringes at least claims 1, 6, 8,
24 and 15 of U.S. Patent No. 10,221,780.

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

28 73. Upon information and belief, Harbor Freight's infringement has been

1 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
2 10,221,780.

3 74. Upon information and belief, at least as of March 27, 2024, May 17,
4 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
5 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
6 Champion's patents, Harbor Freight has monitored Champion's patents and published
7 patent applications and had actual notice of all of Champion's patents and published
8 patent applications as of their publication dates.

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

11 **COUNTERCLAIM VII**
12 **(Infringement of U.S. Patent No. 11,905,895)**

13 76. Paragraphs 1 through 76 of Champion's counterclaims are incorporated
14 by reference as if fully set forth herein.

15 77. U.S. Patent No. 11,905,895 is titled "DUAL FUEL LOCKOUT
16 SWITCH FOR GENERATOR ENGINE." U.S. Patent No. 11,905,895 was duly and
17 legally issued on February 20, 2024. A true and correct copy of U.S. Patent No.
18 11,905,895 is attached as Exhibit G.

19 78. Champion is the lawful assignee of the entire right, title, and interest in
20 and to U.S. Patent No. 11,905,895 and possesses all rights of recovery under the
21 patent, including the right to recover damages for past infringement.

22 79. Champion has acquired and inspected the following Harbor Freight
23 generator models that Harbor Freight has been and is making, using, selling, or
24 offering for sale within the United States, or importing into the United States, and that
25 infringe one or more claims of U.S. Patent No. 11,905,895:

- 26 a. Harbor Freight Model 70476, a multi-fuel portable generator; and
27 b. Harbor Freight Model 70143, a multi-fuel portable generator.

28 80. Upon acquisition, disassembly as needed, review of the owner's manual

1 and electrical schematics, and inspection, it was determined that Harbor Freight
2 Model 70476 and Harbor Freight Model 70143 include all of the elements of at least
3 claims 1, 6-8, 12, and 13 of U.S. Patent No. 11,905,895. Harbor Freight Models 70476
4 and 70143 infringe:

5 a. Independent claim 1 by specifically including a mechanical fuel lockout
6 switch for a dual fuel engine having a mechanical fuel valve actuatable
7 between a first position and a second position to selectively control fuel
8 flow to the dual fuel engine from a first fuel source through a first fuel
9 line and a second fuel source through a second fuel line, the mechanical
10 fuel valve configured to allow communication between the first fuel
11 source and the dual fuel engine and prevent communication between the
12 second fuel source and the dual fuel engine while in the first position and
13 prevent communication between the first fuel source and the dual fuel
14 engine while in the second position; and a fuel lockout apparatus coupled
15 to the mechanical fuel valve and configured to prevent the second fuel
16 source from coupling to the second fuel line while the mechanical fuel
17 valve is in the first position and permit the second fuel source to couple
18 to the second fuel line while the mechanical fuel valve is in the second
19 position, as called for in claim 1 of U.S. Patent No. 11,905,895.

20 b. Dependent claim 6 by specifically including all the aforementioned
21 elements of claim 1 and, in addition, the mechanical fuel valve and the
22 fuel lockout apparatus operate together to ensure that fuel from the first
23 fuel source and fuel from the second fuel source are not simultaneously
24 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent
25 No. 11,905,895.

26 c. Dependent claim 7 by specifically including all the aforementioned
27 elements of claim 6 and, in addition, wherein the mechanical fuel valve
28 is configured to: provide liquid fuel from a liquid fuel tank of the first

1 fuel source to the dual fuel engine while in the first position, and provide
2 gaseous fuel from a pressurized fuel container of the second fuel source
3 to the dual fuel engine while in the second position, as called for in claim
4 7 of U.S. Patent No. 11,905,895.

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

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

25 f. Dependent claim 13 by specifically including all the aforementioned
26 elements of claim 12 and, in addition, wherein the mechanical fuel valve
27 is configured to: provide liquid fuel from a liquid fuel tank of the first
28 fuel source to the dual fuel engine while in the first position, and provide

1 gaseous fuel from a pressurized fuel container of the second fuel source
2 to the dual fuel engine while in the second position, as called for in claim
3 13 of U.S. Patent No. 11,905,895.

4 81. Therefore, Harbor Freight Models 70476 and 70143 infringe at least
5 claims 1, 6-8, 12, and 13 of U.S. Patent No. 11,905,895.

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

9 83. Upon information and belief, Harbor Freight's infringement has been
10 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
11 11,905,895.

12 84. Upon information and belief, at least as of March 27, 2024, May 17,
13 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
14 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
15 Champion's patents, Harbor Freight has monitored Champion's patents and published
16 patent applications and had actual notice of all of Champion's patents and published
17 patent applications as of their publication dates.

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

20 **COUNTERCLAIM VIII**
21 **(Infringement of U.S. Patent No. 10,697,398)**

22 86. Paragraphs 1 through 86 of Champion's counterclaims are incorporated
23 by reference as if fully set forth herein.

24 87. U.S. Patent No. 10,697,398 is titled "BATTERYLESS DUAL FUEL
25 ENGINE WITH LIQUID FUEL CUT-OFF." U.S. Patent No. 10,697,398 was duly
26 and legally issued on June 30, 2020. A true and correct copy of U.S. Patent No.
27 10,697,398 is attached as Exhibit H.

28 88. Champion is the lawful assignee of the entire right, title, and interest in

1 and to U.S. Patent No. 10,697,398 and possesses all rights of recovery under the
2 patent, including the right to recover damages for past infringement.

3 89. Champion has acquired and inspected the following Harbor Freight
4 generator models that Harbor Freight has been and is making, using, selling, or
5 offering for sale within the United States, or importing into the United States, and that
6 infringe one or more claims of U.S. Patent No. 10,697,398:

- 7 a. Harbor Freight Model 70476, a multi-fuel portable generator; and
- 8 b. Harbor Freight Model 70143, a multi-fuel portable generator.

9 90. Upon acquisition, disassembly as needed, review of the owner's manual
10 and electrical schematics, and inspection, it was determined that Harbor Freight
11 Model 70476 includes all of the elements of at least claims 1, 3-8, 10, 19, and 22 of
12 U.S. Patent No. 10,697,398. Harbor Freight Model 70476 infringes:

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

- 24 b. Dependent claim 3 by specifically including all the aforementioned
25 elements of claim 1 and, in addition, wherein the gaseous fuel is LPG
26 and the liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.
27 10,697,398.

- 28 c. Dependent claim 4 by specifically including all the aforementioned

1 elements of claim 1 and, in addition, wherein the engine is a pull-start
2 engine having an electrical power generator to supply electrical power,
3 as called for in claim 4 of U.S. Patent No. 10,697,398.

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

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

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

21 g. Dependent claim 8 by specifically including all the aforementioned
22 elements of claim 6 and, in addition, wherein the solenoid valve is
23 normally open to provide liquid fuel to the engine when the solenoid
24 valve is unpowered, as called for in claim 8 of U.S. Patent No.
25 10,697,398.

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

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

3 i. Dependent claim 19 by specifically including all the aforementioned
4 elements of claim 1 and, in addition, wherein the liquid fuel cut-off is
5 magnetically actuated to selectively interrupt liquid fuel, as called for in
6 claim 19 of U.S. Patent No. 10,697,398.

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

11 91. Therefore, Harbor Freight Model 70476 infringes at least claims 1, 3-8,
12 10, 19, and 22 of U.S. Patent No. 10,697,398.

13 92. Upon acquisition, disassembly as needed, review of the owner's manual
14 and electrical schematics, and inspection, it was determined that Harbor Freight
15 Model 70143 includes all of the elements of at least claims 1, 3, 4, 22, 57, and 58 of
16 U.S. Patent No. 10,697,398. Harbor Freight Model 70143 infringes:

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

28 b. Dependent claim 3 by specifically including all the aforementioned

1 elements of claim 1 and, in addition, wherein the gaseous fuel is LPG
2 and the liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.
3 10,697,398.

4 c. Dependent claim 4 by specifically including all the aforementioned
5 elements of claim 1 and, in addition, wherein the engine is a pull-start
6 engine having an electrical power generator to supply electrical power,
7 as called for in claim 4 of U.S. Patent No. 10,697,398.

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

12 e. Independent claim 57 by specifically including a method of assembling
13 a dual fuel engine comprising: providing an engine operable on a gaseous
14 fuel and a liquid fuel; attaching a carburetor to an intake of the engine,
15 the carburetor comprising: a throat to mix gaseous fuel with air and liquid
16 fuel with air, a float bowl, and a fuel passage extending from the float
17 bowl to the throat to provide liquid fuel; coupling a switch to the engine
18 to change operation of the engine between gaseous fuel and liquid fuel;
19 and attaching a liquid fuel cut-off to the carburetor to close the fuel
20 passage upon actuation of the switch from liquid fuel to gaseous fuel, as
21 called for in claim 57 of U.S. Patent No. 10,697,398.

22 f. Dependent claim 58 by specifically including all the aforementioned
23 elements of claim 57 and, in addition, further comprising coupling a
24 manually operated control operatively to the liquid fuel cut-off, as called
25 for in claim 58 of U.S. Patent No. 10,697,398.

26 93. Therefore, Harbor Freight Model 70143 infringes at least claims 1, 3, 4,
27 22, 57, and 58 of U.S. Patent No. 10,697,398.

28 94. Champion has no adequate remedy at law against Harbor Freight's acts

1 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
2 and permanently enjoined from its infringement of U.S. Patent No. 10,697,398.

3 95. Upon information and belief, Harbor Freight's infringement has been
4 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
5 10,697,398.

6 96. Upon information and belief, at least as of March 27, 2024, May 17,
7 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
8 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
9 Champion's patents, Harbor Freight has monitored Champion's patents and published
10 patent applications and had actual notice of all of Champion's patents and published
11 patent applications as of their publication dates.

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

14 **COUNTERCLAIM IX**
15 **(Infringement of U.S. Patent No. 11,143,145)**

16 98. Paragraphs 1 through 98 of Champion's counterclaims are incorporated
17 by reference as if fully set forth herein.

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

22 100. Champion is the lawful assignee of the entire right, title, and interest in
23 and to U.S. Patent No. 11,143,145 and possesses all rights of recovery under the
24 patent, including the right to recover damages for past infringement.

25 101. Champion has acquired and inspected the following Harbor Freight
26 generator models that Harbor Freight has been and is making, using, selling, or
27 offering for sale within the United States, or importing into the United States, and that
28 infringe one or more claims of U.S. Patent No. 11,143,145:

1 a. Harbor Freight Model 70476, a multi-fuel portable generator; and

2 b. Harbor Freight Model 70143, a multi-fuel portable generator.

3 102. Upon acquisition, disassembly as needed, review of the owner's manual
4 and electrical schematics, and inspection, it was determined that Harbor Freight
5 Model 70476 includes all of the elements of at least claims 1-8 and 10 of U.S. Patent
6 No. 11,143,145. Harbor Freight Model 70476 infringes:

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

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

24 c. Dependent claim 3 by specifically including all the aforementioned
25 elements of claim 2 and, in addition, wherein each of the liquid fuel valve
26 and the gaseous fuel valve comprises a mechanical valve, as called for
27 in claim 3 of U.S. Patent No. 11,143,145.

28 d. Dependent claim 4 by specifically including all the aforementioned

1 elements of claim 2 and, in addition, wherein the liquid fuel cut-off
2 solenoid is attached to the carburetor, as called for in claim 4 of U.S.
3 Patent No. 11,143,145.

4 e. Dependent claim 5 by specifically including all the aforementioned
5 elements of claim 1 and, in addition, wherein the gaseous fuel is LPG
6 and the liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.
7 11,143,145.

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

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

20 h. Dependent claim 8 by specifically including all the aforementioned
21 elements of claim 1 and, in addition, wherein the liquid fuel cut-off
22 solenoid is normally open to provide liquid fuel to the engine when the
23 liquid fuel cut-off solenoid is unpowered, as called for in claim 8 of U.S.
24 Patent No. 11,143,145.

25 i. Dependent claim 10 by specifically including all the aforementioned
26 elements of claim 1 and, in addition, wherein the electrical power
27 generator comprises a magneto or an alternator, as called for in claim 10
28 of U.S. Patent No. 11,143,145

1 103. Therefore, Harbor Freight Model 70476 infringes at least claims 1-8 and
2 10 of U.S. Patent No. 11,143,145.

3 104. Upon acquisition, disassembly as needed, review of the owner's manual
4 and electrical schematics, and inspection, it was determined that Harbor Freight
5 Model 70143 includes all of the elements of at least claims 11, 13, and 14 of U.S.
6 Patent No. 11,143,145. Harbor Freight Model 70143 infringes:

7 a. Independent claim 11 by specifically including a dual fuel generator
8 comprising: an engine operable on a gaseous fuel and a liquid fuel; a
9 carburetor attached to an intake of the engine to mix air and fuel and
10 connect to a gaseous fuel source and a liquid fuel source; and a manually
11 actuated fuel shutoff coupled to the carburetor, the manually actuated
12 fuel shutoff comprising: a first end in the carburetor that actuates to
13 selectively allow or block a flow of fuel through the carburetor; and a
14 second end external to the carburetor to actuate the first end, as called
15 for in claim 11 of U.S. Patent No. 11,143,145.

16 b. Dependent claim 13 by specifically including all the aforementioned
17 elements of claim 11 and, in addition, wherein the gaseous fuel is LPG
18 and the liquid fuel is gasoline, as called for in claim 13 of U.S. Patent
19 No. 11,143,145.

20 c. Dependent claim 14 by specifically including all the aforementioned
21 elements of claim 11 and, in addition, wherein the manually actuated fuel
22 shutoff comprises a rotating mechanical valve, as called for in claim 14
23 of U.S. Patent No. 11,143,145

24 105. Therefore, Harbor Freight Model 70143 infringes at least claims 11, 13,
25 and 14 of U.S. Patent No. 11,143,145.

26 106. Champion has no adequate remedy at law against Harbor Freight's acts
27 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
28 and permanently enjoined from its infringement of U.S. Patent No. 11,143,145.

1 107. Upon information and belief, Harbor Freight's infringement has been
2 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
3 11,143,145.

4 108. Upon information and belief, at least as of March 27, 2024, May 17,
5 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
6 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
7 Champion's patents, Harbor Freight has monitored Champion's patents and published
8 patent applications and had actual notice of all of Champion's patents and published
9 patent applications as of their publication dates.

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

12 **COUNTERCLAIM X**
13 **(Infringement of U.S. Patent No. 10,598,101)**

14 110. Paragraphs 1 through 110 of Champion's counterclaims are incorporated
15 by reference as if fully set forth herein.

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

19 112. Champion is the lawful assignee of the entire right, title, and interest in
20 and to U.S. Patent No. 10,598,101 and possesses all rights of recovery under the
21 patent, including the right to recover damages for past infringement.

22 113. Champion has acquired and inspected the following Harbor Freight
23 generator models that Harbor Freight has been and is making, using, selling, or
24 offering for sale within the United States, or importing into the United States, and that
25 infringe one or more claims of U.S. Patent No. 10,598,101:

- 26 a. Harbor Freight Model 70476, a multi-fuel portable generator; and
27 b. Harbor Freight Model 70143, a multi-fuel portable generator.

28 114. Upon acquisition, disassembly as needed, review of the owner's manual

1 and electrical schematics, and inspection, it was determined that Harbor Freight
2 Model 70476 includes all of the elements of at least claims 1, 2, 8-10, and 16-19 of
3 U.S. Patent No. 10,598,101. Harbor Freight Model 70476 infringes:

4 a. Independent claim 1 by specifically including a fuel selector for use with
5 a dual fuel generator, the fuel selector comprising: a valve assembly
6 fluidly connected to each of a first fuel source and a second fuel source,
7 the valve assembly being operable to selectively control a first fuel flow
8 and a second fuel flow from the first fuel source and the second fuel
9 source, respectively, to an engine of the dual fuel generator; and a
10 selector switch positioned on the valve assembly to allow a user to
11 manually select one of the first fuel flow and the second fuel flow;
12 wherein the valve assembly comprises: a first fuel valve having open and
13 closed positions to selectively control the first fuel flow to the engine;
14 and a second fuel valve having open and closed positions to selectively
15 control the second fuel flow to the engine; and wherein the first fuel
16 valve and the second fuel valve are mechanical valves, as called for in
17 claim 1 of U.S. Patent No. 10,598,101.

18 b. Dependent claim 2 by specifically including all the aforementioned
19 elements of claim 1 and, in addition, wherein the selector switch provides
20 for manual actuation of the first fuel valve and the second fuel valve
21 between the open and closed positions, as called for in claim 2 of U.S.
22 Patent No. 10,598,101.

23 c. Dependent claim 8 by specifically including all the aforementioned
24 elements of claim 1 and, in addition, wherein the first fuel valve is
25 attached to a liquefied petroleum gas (LPG) fuel source and wherein the
26 second fuel valve is attached to a gasoline source, as called for in claim
27 8 of U.S. Patent No. 10,598,101.

28 d. Dependent claim 9 by specifically including all the aforementioned

1 elements of claim 1 and, in addition, wherein the mechanical valve of
2 each of the first fuel valve and the second fuel valve is a non-solenoid
3 valve, as called for in claim 9 of U.S. Patent No. 10,598,101.

4 e. Independent claim 10 by specifically including a fuel selector for use
5 with a dual fuel generator, the fuel selector comprising: a valve assembly
6 fluidly connected to each of a first fuel source and a second fuel source,
7 the valve assembly being operable to selectively control a first fuel flow
8 and a second fuel flow from the first fuel source and the second fuel
9 source, respectively, to an engine of the dual fuel generator; and at least
10 one valve handle positioned on and operably connected to the valve
11 assembly to actuate the valve assembly to enable one of the first fuel
12 flow and the second fuel flow to the engine; wherein the valve assembly
13 comprises: a first fuel valve having open and closed positions to
14 selectively control the first fuel flow to the engine; and a second fuel
15 valve having open and closed positions to selectively control the second
16 fuel flow to the engine; and wherein the at least one valve handle is
17 mechanically coupled to the first fuel valve and the second fuel valve to
18 selectively open and close the first fuel valve and the second fuel valve
19 responsive to actuation thereof, as called for in claim 10 of U.S. Patent
20 No. 10,598,101.

21 f. Dependent claim 16 by specifically including all the aforementioned
22 elements of claim 10 and, in addition, wherein the first fuel source
23 comprises LPG and the second fuel source comprises gasoline, as called
24 for in claim 16 of U.S. Patent No. 10,598,101.

25 g. Independent claim 17 by specifically including a fuel selector of a dual
26 fuel generator having a valve assembly positioned on or adjacent the
27 selector switch and fluidly connected to each of a first fuel source and a
28 second fuel source, the valve assembly being operable to selectively

1 control a first fuel flow and a second fuel flow from the first fuel source
2 and the second fuel source, respectively, to an engine of the dual fuel
3 generator; a selector switch with a first fuel mode and a second fuel
4 mode; a solenoid switch having open and closed positions; and a fuel
5 solenoid having open and closed positions; wherein, when the selector
6 switch is in the first fuel mode, the solenoid switch and the fuel solenoid
7 are in the closed positions and, when the selector switch is in the second
8 fuel mode, the solenoid switch and the fuel solenoid are in the open
9 positions, wherein the selector switch triggers the solenoid switch when
10 changed from the second fuel mode to the first fuel mode, so as to cause
11 the solenoid switch and the fuel solenoid to operate in the closed
12 positions, and wherein positioning of the selector switch in the first fuel
13 mode and the second fuel mode enables a selection of one of the first
14 fuel flow and the second fuel flow, as called for in claim 17 of U.S. Patent
15 No. 10,598,101.

16 h. Independent claim 18 by specifically including a fuel selector for use
17 with a dual fuel generator, the fuel selector comprising: a valve assembly
18 fluidly connected to each of a first fuel source and a second fuel source,
19 the valve assembly being operable to selectively control a first fuel flow
20 and a second fuel flow from the first fuel source and the second fuel
21 source, respectively, to an engine of the dual fuel generator; and a
22 selector switch positioned on the valve assembly to allow a user to
23 manually select one of the first fuel flow and the second fuel flow;
24 wherein the valve assembly comprises: two fuel inputs, with a first fuel
25 input connected to the first fuel source and a second fuel input connected
26 to the second fuel source; and two fuel outputs supplying fuel from only
27 one of the first fuel source or the second fuel source, wherein the valve
28 assembly comprises a first fuel valve having open and closed positions

1 to selectively control the first fuel flow to the engine; and a second fuel
2 valve having open and closed positions to selectively control the second
3 fuel flow to the engine, as called for in claim 18 of U.S. Patent No.
4 10,598,101.

- 5 i. Dependent claim 19 by specifically including all the aforementioned
6 elements of claim 18 and, in addition, wherein the first fuel valve and the
7 second fuel valve are non-solenoid, mechanical valves, as called for in
8 claim 19 of U.S. Patent No. 10,598,101.

9 115. Therefore, Harbor Freight Model 70476 infringes at least claims 1, 2, 8-
10 10, and 16-19 of U.S. Patent No. 10,598,101.

11 116. Upon acquisition, disassembly as needed, review of the owner's manual
12 and electrical schematics, and inspection, it was determined that Harbor Freight
13 Model 70143 includes all of the elements of at least claims 1, 2, 8-10, 16, 18, and 19
14 of U.S. Patent No. 10,598,101. Harbor Freight Model 70143 infringes:

- 15 a. Independent claim 1 by specifically including a fuel selector for use with
16 a dual fuel generator, the fuel selector comprising: a valve assembly
17 fluidly connected to each of a first fuel source and a second fuel source,
18 the valve assembly being operable to selectively control a first fuel flow
19 and a second fuel flow from the first fuel source and the second fuel
20 source, respectively, to an engine of the dual fuel generator; and a
21 selector switch positioned on the valve assembly to allow a user to
22 manually select one of the first fuel flow and the second fuel flow;
23 wherein the valve assembly comprises: a first fuel valve having open and
24 closed positions to selectively control the first fuel flow to the engine;
25 and a second fuel valve having open and closed positions to selectively
26 control the second fuel flow to the engine; and wherein the first fuel
27 valve and the second fuel valve are mechanical valves, as called for in
28 claim 1 of U.S. Patent No. 10,598,101.

- 1 b. Dependent claim 2 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, wherein the selector switch provides
3 for manual actuation of the first fuel valve and the second fuel valve
4 between the open and closed positions, as called for in claim 2 of U.S.
5 Patent No. 10,598,101.
- 6 c. Dependent claim 8 by specifically including all the aforementioned
7 elements of claim 1 and, in addition, wherein the first fuel valve is
8 attached to a liquefied petroleum gas (LPG) fuel source and wherein the
9 second fuel valve is attached to a gasoline source, as called for in claim
10 8 of U.S. Patent No. 10,598,101.
- 11 d. Dependent claim 9 by specifically including all the aforementioned
12 elements of claim 1 and, in addition, wherein the mechanical valve of
13 each of the first fuel valve and the second fuel valve is a non-solenoid
14 valve, as called for in claim 9 of U.S. Patent No. 10,598,101.
- 15 e. Independent claim 10 by specifically including a fuel selector for use
16 with a dual fuel generator, the fuel selector comprising: a valve assembly
17 fluidly connected to each of a first fuel source and a second fuel source,
18 the valve assembly being operable to selectively control a first fuel flow
19 and a second fuel flow from the first fuel source and the second fuel
20 source, respectively, to an engine of the dual fuel generator; and at least
21 one valve handle positioned on and operably connected to the valve
22 assembly to actuate the valve assembly to enable one of the first fuel
23 flow and the second fuel flow to the engine; wherein the valve assembly
24 comprises: a first fuel valve having open and closed positions to
25 selectively control the first fuel flow to the engine; and a second fuel
26 valve having open and closed positions to selectively control the second
27 fuel flow to the engine; and wherein the at least one valve handle is
28 mechanically coupled to the first fuel valve and the second fuel valve to

1 selectively open and close the first fuel valve and the second fuel valve
2 responsive to actuation thereof, as called for in claim 10 of U.S. Patent
3 No. 10,598,101.

4 f. Dependent claim 16 by specifically including all the aforementioned
5 elements of claim 10 and, in addition, wherein the first fuel source
6 comprises LPG and the second fuel source comprises gasoline, as called
7 for in claim 16 of U.S. Patent No. 10,598,101.

8 g. Independent claim 18 by specifically including a fuel selector for use
9 with a dual fuel generator, the fuel selector comprising: a valve assembly
10 fluidly connected to each of a first fuel source and a second fuel source,
11 the valve assembly being operable to selectively control a first fuel flow
12 and a second fuel flow from the first fuel source and the second fuel
13 source, respectively, to an engine of the dual fuel generator; and a
14 selector switch positioned on the valve assembly to allow a user to
15 manually select one of the first fuel flow and the second fuel flow;
16 wherein the valve assembly comprises: two fuel inputs, with a first fuel
17 input connected to the first fuel source and a second fuel input connected
18 to the second fuel source; and two fuel outputs supplying fuel from only
19 one of the first fuel source or the second fuel source, wherein the valve
20 assembly comprises a first fuel valve having open and closed positions
21 to selectively control the first fuel flow to the engine; and a second fuel
22 valve having open and closed positions to selectively control the second
23 fuel flow to the engine, as called for in claim 18 of U.S. Patent No.
24 10,598,101.

25 h. Dependent claim 19 by specifically including all the aforementioned
26 elements of claim 18 and, in addition, wherein the first fuel valve and the
27 second fuel valve are non-solenoid, mechanical valves, as called for in
28 claim 19 of U.S. Patent No. 10,598,101.

1 117. Therefore, Harbor Freight Model 70143 infringes at least claims 1, 2, 8-
2 10, 16, 18, and 19 of U.S. Patent No. 10,598,101.

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

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

9 120. Upon information and belief, at least as of March 27, 2024, May 17,
10 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
11 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
12 Champion's patents, Harbor Freight has monitored Champion's patents and published
13 patent applications and had actual notice of all of Champion's patents and published
14 patent applications as of their publication dates.

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

17 **COUNTERCLAIM XI**
18 **(Infringement of U.S. Patent No. 11,306,667)**

19 122. Paragraphs 1 through 122 of Champion's counterclaims are incorporated
20 by reference as if fully set forth herein.

21 123. U.S. Patent No. 11,306,667 is titled "DUAL FUEL SELECTOR
22 SWITCH." U.S. Patent No. 11,306,667 was duly and legally issued on April 19, 2022.
23 A true and correct copy of U.S. Patent No. 11,306,667 is attached as Exhibit K.

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

27 125. Champion has acquired and inspected the following Harbor Freight
28 generator models that Harbor Freight has been and is making, using, selling, or

1 offering for sale within the United States, or importing into the United States, and that
2 infringe one or more claims of U.S. Patent No. 11,306,667:

- 3 a. Harbor Freight Model 70476, a multi-fuel portable generator; and
- 4 b. Harbor Freight Model 70143, a multi-fuel portable generator.

5 126. Upon acquisition, disassembly as needed, review of the owner's manual
6 and electrical schematics, and inspection, it was determined that Harbor Freight
7 Model 70476 includes all of the elements of at least claims 1-18 of U.S. Patent No.
8 11,306,667. Harbor Freight Model 70476 infringes:

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

- 1 c. Dependent claim 3 by specifically including all the aforementioned
2 elements of claim 1 and, in addition, the valve assembly has a first fuel
3 valve having open and closed positions to selectively control the first
4 fuel flow to the engine and a second fuel valve having open and closed
5 positions to selectively control the second fuel flow to the engine, as
6 called for in claim 3 of U.S. Patent No. 11,306,667.
- 7 d. Dependent claim 4 by specifically including all the aforementioned
8 elements of claim 3 and, in addition, the first fuel valve and the second
9 fuel valve are non-solenoid, mechanical valves, as called for in claim 4
10 of U.S. Patent No. 11,306,667.
- 11 e. Dependent claim 5 by specifically including all the aforementioned
12 elements of claim 3 and, in addition, wherein the selector switch provides
13 for manual actuation of the first fuel valve and the second fuel valve
14 between the open and closed positions, as called for in claim 5 of U.S.
15 Patent No. 11,306,667.
- 16 f. Dependent claim 6 by specifically including all the aforementioned
17 elements of claim 1 and, in addition, a carburetor solenoid switch
18 configured to activate an associated carburetor solenoid when actuated,
19 as called for in claim 6 of U.S. Patent No. 11,306,667.
- 20 g. Dependent claim 7 by specifically including all the aforementioned
21 elements of claim 6 and, in addition, the selector switch is in a first
22 position, the selector switch actuates the carburetor solenoid switch, so
23 as to activate the carburetor solenoid and stop the second fuel flow to the
24 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.
- 25 h. Dependent claim 8 by specifically including all the aforementioned
26 elements of claim 7 and, in addition, when the selector switch is in a
27 second position, the carburetor solenoid allows the second fuel flow to
28 the engine, as called for in claim 8 of U.S. Patent No. 11,306,667.

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

1 No. 11,306,667.

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

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

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

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

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

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

7 127. Therefore, Harbor Freight Model 70476 infringes at least claims 1-18 of
8 U.S. Patent No. 11,306,667.

9 128. Upon acquisition, disassembly as needed, review of the owner's manual
10 and electrical schematics, and inspection, it was determined that Harbor Freight
11 Model 70143 includes all of the elements of at least claims 1-5 of U.S. Patent No.
12 11,306,667. Harbor Freight Model 70143 infringes:

13 a. Independent claim 1 by specifically including a fuel selector for use with
14 a dual fuel generator, the fuel selector a selector having a valve assembly
15 fluidly connected to each of a first fuel source and a second fuel source,
16 being operable to selectively control a first fuel flow and a second fuel
17 flow from the first fuel source and the second fuel source, respectively,
18 to an engine of the dual fuel generator, and including two fuel inputs,
19 with a first fuel input connected to the first fuel source and a second fuel
20 input connected to the second fuel source, and two fuel outputs for
21 selectively supplying fuel to an engine from the first fuel source or the
22 second fuel source; and a selector switch positioned on the valve
23 assembly to allow a user to manually select one of the first fuel flow and
24 the second fuel flow, as called for in claim 1 of U.S. Patent No.
25 11,306,667.

26 b. Dependent claim 2 by specifically including all the aforementioned
27 elements of claim 1 and, in addition, the two fuel outputs selectively
28 supply fuel to the engine from only one of the first fuel source or the

1 second fuel source, responsive to selection of the first fuel flow or the
2 second fuel flow via the selector switch, and a corresponding operation
3 of the valve assembly, as called for in claim 2 of U.S. Patent No.
4 11,306,667.

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

11 d. Dependent claim 4 by specifically including all the aforementioned
12 elements of claim 3 and, in addition, the first fuel valve and the second
13 fuel valve are non-solenoid, mechanical valves, as called for in claim 4
14 of U.S. Patent No. 11,306,667.

15 e. Dependent claim 5 by specifically including all the aforementioned
16 elements of claim 3 and, in addition, wherein the selector switch provides
17 for manual actuation of the first fuel valve and the second fuel valve
18 between the open and closed positions, as called for in claim 5 of U.S.
19 Patent No. 11,306,667.

20 129. Therefore, Harbor Freight Model 70143 infringes at least claims 1-5 of
21 U.S. Patent No. 11,306,667.

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

25 131. Upon information and belief, Harbor Freight's infringement has been
26 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
27 11,306,667.

28 132. Upon information and belief, at least as of March 27, 2024, May 17,

2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence demanding (1) the cessation of infringement or (2) license by Harbor Freight of Champion's patents, Harbor Freight has monitored Champion's patents and published patent applications and had actual notice of all of Champion's patents and published patent applications as of their publication dates.

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

COUNTERCLAIM XII
(Infringement of U.S. Patent No. 11,761,390)

134. Paragraphs 1 through 134 of Champion's counterclaims are incorporated by reference as if fully set forth herein.

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

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

137. Champion has acquired and inspected the following Harbor Freight generator model that Harbor Freight has been and is making, using, selling, or offering for sale within the United States, or importing into the United States, and that infringes one or more claims of U.S. Patent No. 11,761,390: Harbor Freight Model 70476, a multi-fuel portable generator.

138. Upon acquisition, disassembly as needed, review of the owner's manual and electrical schematics, and inspection, it was determined that Harbor Freight Model 70476 includes all of the elements of at least claims 1-10 of U.S. Patent No. 11,761,390. Harbor Freight Model 70476 infringes:

- a. Independent claim 1 by specifically including a selector switch having a first fuel mode configured to enable a first fuel flow from a first fuel

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

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

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

24 d. Dependent claim 4 by specifically including all the aforementioned
25 elements of claim 3 and, in addition, the valve assembly is positioned on
26 or adjacent the selector switch, as called for in claim 4 of U.S. Patent No.
27 11,761,390.

28 e. Dependent claim 5 by specifically including all the aforementioned

1 elements of claim 3 and, in addition, the valve assembly includes two
2 fuel inputs, with a first fuel input connectable to the first fuel source and
3 a second fuel input connectable to the second fuel source, and two fuel
4 outputs for selectively supplying fuel to the engine from the first fuel
5 source or the second fuel source, as called for in claim 5 of U.S. Patent
6 No. 11,761,390.

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

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

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

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

27 j. Dependent claim 10 by specifically including all the aforementioned
28 elements of claim 1 and, in addition, the selector switch is in the first fuel

1 mode, the solenoid switch is in the closed position, as called for in claim
2 10 of U.S. Patent No. 11,761,390.

3 139. Therefore, Harbor Freight Model 70476 infringes at least claims 1-10 of
4 U.S. Patent No. 11,761,390.

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

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

11 142. Upon information and belief, at least as of March 27, 2024, May 17,
12 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
13 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
14 Champion's patents, Harbor Freight has monitored Champion's patents and published
15 patent applications and had actual notice of all of Champion's patents and published
16 patent applications as of their publication dates.

17 143. Harbor Freight, by way of its infringing activity, has caused and
18 continues to cause Champion to suffer damages in an amount to be determined at trial.

19 **COUNTERCLAIM XIII**
20 **(Infringement of U.S. Patent No. 11,905,896)**

21 144. Paragraphs 1 through 144 of Champion's counterclaims are incorporated
22 by reference as if fully set forth herein.

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

27 146. Champion is the lawful assignee of the entire right, title, and interest in
28 and to U.S. Patent No. 11,905,896 and possesses all rights of recovery under the

1 patent, including the right to recover damages for past infringement.

2 147. Champion has acquired and inspected the following Harbor Freight
3 generator models that Harbor Freight has been and is making, using, selling, or
4 offering for sale within the United States, or importing into the United States, and that
5 infringe one or more claims of U.S. Patent No. 11,905,896:

6 a. Harbor Freight Model 70476, a multi-fuel portable generator; and

7 b. Harbor Freight Model 70143, a multi-fuel portable generator.

8 148. Upon acquisition, disassembly as needed, review of the owner's manual
9 and electrical schematics, and inspection, it was determined that Harbor Freight
10 Model 70476 includes all of the elements of at least claims 30-32 and 34-36 of U.S.
11 Patent No. 11,905,896. Harbor Freight Model 70476 infringes:

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

25 b. Dependent claim 31 by specifically including all the aforementioned
26 elements of claim 30 and, in addition, wherein the two fuel outputs are
27 configured to selectively supply fuel to the engine from only one of the
28 first and second fuel sources responsive to selection of the first fuel flow

1 or the second fuel flow via the selector switch and a corresponding
2 operation of the valve assembly, as called for in claim 31 of U.S. Patent
3 No. 11,905,896.

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

11 d. Dependent claim 34 by specifically including all the aforementioned
12 elements of claim 32 and, in addition, wherein the first fuel valve and the
13 second fuel valve are non-solenoid, mechanical valves, as called for in
14 claim 34 of U.S. Patent No. 11,905,896.

15 e. Dependent claim 35 by specifically including all the aforementioned
16 elements of claim 32 and, in addition, wherein the selector switch
17 provides for manual actuation of the first fuel valve and the second fuel
18 valve between the open and closed positions, as called for in claim 35 of
19 U.S. Patent No. 11,905,896.

20 f. Dependent claim 36 by specifically including all the aforementioned
21 elements of claim 30 and, in addition, a carburetor solenoid switch
22 configured to activate an associated carburetor solenoid when actuated,
23 as called for in claim 36 of U.S. Patent No. 11,905,896.

24 149. Therefore, Harbor Freight Model 70476 infringes at least claims 30-32
25 and 34-36 of U.S. Patent No. 11,905,896.

26 150. Upon acquisition, disassembly as needed, review of the owner's manual
27 and electrical schematics, and inspection, it was determined that Harbor Freight
28 Model 70143 includes all of the elements of at least claims 30-32, 34, and 35 of U.S.

1 Patent No. 11,905,896. Harbor Freight Model 70143 infringes:

- 2 a. Independent claim 30 by specifically including a fuel selector for use
3 with a dual fuel generator, the fuel selector comprising: a valve assembly
4 fluidly couplable to each of a first fuel source and a second fuel source
5 and operable to selectively control a first fuel flow and a second fuel flow
6 from the first fuel source and the second fuel source, respectively, to an
7 engine of the dual fuel generator, the valve assembly comprising: two
8 fuel inputs comprising: a first fuel input couplable to the first fuel source;
9 and a second fuel input couplable to the second fuel source; and two fuel
10 outputs configured to selectively supply fuel to the engine from the first
11 fuel source or the second fuel source; and a selector switch positioned on
12 the valve assembly to allow a user to manually select the first fuel flow
13 or the second fuel flow, as called for in claim 30 of U.S. Patent No.
14 11,905,896.
- 15 b. Dependent claim 31 by specifically including all the aforementioned
16 elements of claim 30 and, in addition, wherein the two fuel outputs are
17 configured to selectively supply fuel to the engine from only one of the
18 first and second fuel sources responsive to selection of the first fuel flow
19 or the second fuel flow via the selector switch and a corresponding
20 operation of the valve assembly, as called for in claim 31 of U.S. Patent
21 No. 11,905,896.
- 22 c. Dependent claim 32 by specifically including all the aforementioned
23 elements of claim 30 and, in addition, wherein the valve assembly
24 comprises: a first fuel valve having open and closed positions to
25 selectively control the first fuel flow to the engine; and a second fuel
26 valve having open and closed positions to selectively control the second
27 fuel flow to the engine, as called for in claim 32 of U.S. Patent No.
28 11,905,896.

1 d. Dependent claim 34 by specifically including all the aforementioned
2 elements of claim 32 and, in addition, wherein the first fuel valve and the
3 second fuel valve are non-solenoid, mechanical valves, as called for in
4 claim 34 of U.S. Patent No. 11,905,896.

5 e. Dependent claim 35 by specifically including all the aforementioned
6 elements of claim 32 and, in addition, wherein the selector switch
7 provides for manual actuation of the first fuel valve and the second fuel
8 valve between the open and closed positions, as called for in claim 35 of
9 U.S. Patent No. 11,905,896.

10 151. Therefore, Harbor Freight Model 70143 infringes at least claims 30-32,
11 34, and 35 of U.S. Patent No. 11,905,896.

12 152. Champion has no adequate remedy at law against Harbor Freight's acts
13 of infringement and will suffer irreparable harm unless Harbor Freight is preliminarily
14 and permanently enjoined from its infringement of U.S. Patent No. 11,905,896.

15 153. Upon information and belief, Harbor Freight's infringement has been
16 willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No.
17 11,905,896.

18 154. Upon information and belief, at least as of March 27, 2024, May 17,
19 2024, and June 28, 2024, the dates Champion sent Harbor Freight correspondence
20 demanding (1) the cessation of infringement or (2) license by Harbor Freight of
21 Champion's patents, Harbor Freight has monitored Champion's patents and published
22 patent applications and had actual notice of all of Champion's patents and published
23 patent applications as of their publication dates.

24 155. Harbor Freight, by way of its infringing activity, has caused and
25 continues to cause Champion to suffer damages in an amount to be determined at trial.

COUNTERCLAIM PLAINTIFF CHAMPION POWER EQUIPMENT, INC.'S
PRAYER FOR RELIEF

WHEREFORE, Defendant-Counterclaim Plaintiff Champion Power Equipment, Inc. prays for relief as follows:

A. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 10,221,780;

B. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 10,393,034;

C. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 10,598,101;

D. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 10,697,398;

E. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,143,120;

F. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,143,145;

G. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,306,667;

H. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,492,985;

I. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,530,654;

J. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,761,390;

K. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,840,970;

L. That this Court adjudge and decree that Harbor Freight has infringed and continues to infringe U.S. Patent No. 11,905,895;

1 M. That this Court adjudge and decree that Harbor Freight has infringed and
2 continues to infringe U.S. Patent No. 11,905,896;

3 N. That this Court grant injunctions enjoining the aforesaid acts of
4 infringement by Harbor Freight, its officers, agents, servants, employees, subsidiaries,
5 and attorneys, and those acting in concert with them, including related individuals and
6 entities, customers, representatives, original equipment manufacturers (“OEMs”),
7 dealers, and distributors;

8 O. That this Court enter an award to Champion of such damages as it shall
9 prove at trial against Harbor Freight that are adequate to compensate Champion for
10 said infringement as permitted under the Patent Act;

11 P. That this Court order an award to Champion of up to three times the
12 amount of compensatory damages because of Harbor Freight’s willful infringement
13 and any enhanced damages as provided by 35 U.S.C. § 284;

14 Q. That this Court render a finding that this case is “exceptional” and award
15 Champion its costs and reasonable attorneys’ fees, as provided by 35 U.S.C. § 285;

16 R. That this Court award Champion pre-judgment and post-judgment
17 interests on damages to the maximum extent allowed under the law; and

18 S. That this Court grant to Champion such other, further, and different relief
19 as may be just and proper.

20 **JURY DEMAND**

21 Pursuant to Fed. R. Civ. P. 38(b), Champion respectfully demands a trial by
22 jury of all of the issues so triable in this action.

1 Dated: February 27, 2025

Respectfully submitted,

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3 /s/ Jennifer E. Hoekel

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