QUINN EMANUEL URQUHART
& SULLIVAN, LLP
David M. Grable
davegrable@quinnemanuel.com
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
Telephone: (213) 443 3000
Facsimile: (213) 443 3100

QUINN EMANUEL URQUHART
& SULLIVAN, LLP
Eric Huang (*pro hac vice forthcoming*)
erichuang@quinnemanuel.com
Jason C. Williams (*pro hac vice forthcoming*)
jasonwilliams@quinnemanuel.com
Ari Wugalter (*pro hac vice forthcoming*)
ariwugalter@quinnemanuel.com
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Attorneys for Plaintiff Harbor Freight Tools, USA.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

HARBOR FREIGHT TOOLS USA, INC., Plaintiff, vs. CHAMPION POWER EQUIPMENT, INC., Defendant.	CASE NO.: **COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT** **DEMAND FOR JURY TRIAL**

1. Plaintiff Harbor Freight Tools USA, Inc. ("Harbor Freight" or "Plaintiff") hereby alleges as follows for this declaratory judgment of non-infringement against Defendant Champion Power Equipment, Inc. ("Champion"):

NATURE OF THE ACTION

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

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

4. On May 17, 2024, Champion's counsel again contacted Harbor Freight this time, *inter alia,* claiming that Champion had "acquired, disassembled, and inspected" the Accused Products, and alleging that the products infringed Champion's

patents for multi-fuel generators. Champion's counsel "demand[ed] that HF immediately cease and desist from all further sales of the [Accused Products] and provide [Champion] the data of all sales for each cited model, including date of sale, sale price, and the state the sale was made in, as of May 15, 2024, as well as all inventory in stock, ordered, an in transit after May 15, 2024." Champion's counsel further demanded that Harbor Freight "cease and desist of the manufacture, sale, importation, and/or offer to sell" the Accused Products. In closing, Champion's counsel "required a complete response no later than **June 14, 2024,**" and if Harbor Freight did not comply, stating in no uncertain terms that Champion "will file suit." (emphasis in original).

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

6. Champion's hostile litigation campaign will harm the reputation of Harbor Freight; and Champion's affirmative allegations of infringement of the Asserted Patents by Harbor Freight's Accused Products has created a justiciable controversy between Harbor Freight and Champion.

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

THE PARTIES

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

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

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.

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

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.

13. On information and belief, venue is proper in this Court pursuant to 28 U.S.C. § 1391(c) because Champion resides in this District and Champion has

committed acts within this District giving rise to this action and does business in this District.

HARBOR FREIGHT'S BACKGROUND

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

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

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

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

HARBOR FREIGHT DOES NOT INFRINGE THE ASSERTED PATENTS

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

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

FIRST CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '034 Patent)

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

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

22. Harbor Freight does not directly or indirectly infringe any claim of the '034 patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not have a multi-fuel generator and fuel delivery system comprising (1) a multi-fuel internal combustion engine configured to operate on a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source though a gaseous fuel line, (2) an alternator driven by the multi-fuel internal combustion engine, (3) a fuel regulator system comprising (a) a primary pressure regulator coupled to a service valve of the pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure and (b) a secondary pressure regulator coupled to the primary pressure regulator to regulate fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine, and (4) an electro-mechanical

valve system coupled to the engine and operated by an electrical switch powered by one of the alternator, a battery, and a magneto that controls fuel flow to the engine from the liquid fuel source and the pressurized fuel source.

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

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

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

26. Harbor Freight seeks a judgment declaring that Harbor Freight does not directly or indirectly infringe any claim of the ’034 Patent.

SECOND CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the ’120 Patent)

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

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

29. Harbor Freight does not directly or indirectly infringe any claim of the ’120 patent, either literally or under the doctrine of equivalents, at least because the

Accused Products do not have a multi-fuel generator and fuel delivery system comprising (1) 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, (2) an alternator driven by the multi-fuel internal combustion engine, and (3) a fuel regulator system comprising (a) a primary pressure regulator coupled to a service valve of the pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure and (b) a secondary pressure regulator coupled to the primary pressure regulator to regulate fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine.

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

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

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

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

THIRD CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '985 Patent)

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

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

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

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

38. No third party infringes any claims of the '985 Patent by using Harbor Freight's products. Harbor Freight has not caused, directed, requested, or facilitated

any such infringement, much less with specific intent to do so. The Accused Products are not designed for use in any combination that infringes any claims of the '985 Patent. To the contrary, each has substantial uses that do not infringe any claim of the '985 Patent.

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

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

FOURTH CAUSE OF ACTION

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

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

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

43. Harbor Freight does not directly or indirectly infringe any claim of the '654 patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not have a dual fuel generator and fuel delivery system comprising (1) a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line, (2) a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising (a) a primary pressure regulator coupled to a service valve of the pressurized fuel source and configured to regulate the fuel supplied from the pressurized fuel source to a reduced pressure and (b) a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the

primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel generator, (3) a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from the liquid fuel source through the liquid fuel line and the pressurized fuel source through the gaseous fuel line, wherein the mechanical fuel valve opens and closes the liquid fuel line to selectively control fuel flow from the liquid fuel source to the dual fuel generator, and (4) a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the pressurize fuel source from coupling to the gaseous fuel line while the mechanical fuel valve opens the liquid fuel line and permit the pressurized fuel source to couple to the gaseous fuel line while the mechanical fuel valve closes the liquid fuel line.

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

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

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

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

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

FIFTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '970 Patent)

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

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

51. Harbor Freight does not directly or indirectly infringe any claim of the '970 patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not have a dual fuel generator and fuel delivery system comprising (1) a dual fuel generator comprising (a) an 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 and (b) a carburetor attached to an intake of the engine to mix air and fuel and connect the liquid fuel line to the intake, (2) a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising (a) a primary pressure regulator coupled to a service valve of the pressurized fuel source and configured to regulate the fuel supplied from the pressurized fuel source to a reduced pressure and (b) a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel generator,

and (3) a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the engine from the liquid fuel source through the liquid fuel line and the pressurized fuel source through the gaseous fuel line.

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

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

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

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

SIXTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the ’780 Patent)

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

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

58. Harbor Freight does not directly or indirectly infringe any claim of the ’780 patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not have a mechanical fuel lockout switch for a dual fuel engine comprising (1) a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line, and (2) a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the mechanical fuel lockout switch communicates the first fuel source to the dual fuel engine and prevents communication between the second fuel source and the dual fuel engine when the mechanical fuel valve is in the first position, communicates the second fuel source to the dual fuel engine and interrupts the first fuel source communication with the dual fuel engine when in the second position, and wherein the fuel lockout apparatus is configured to: prevent the second fuel source from coupling to the second fuel line while the mechanical fuel valve is in the first position, and permit the second fuel source to couple to the second fuel line while the mechanical fuel valve is in the second position.

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

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

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

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

SEVENTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the ’895 Patent)

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

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

65. Harbor Freight does not directly or indirectly infringe any claim of the ’895 patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not have a mechanical fuel lockout switch for a dual fuel engine comprising (1) a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line, the mechanical fuel valve configured to allow communication between the first fuel source and the dual fuel engine and prevent communication between the second fuel source and the dual fuel engine while in the first position and prevent communication

between the first fuel source and the dual fuel engine while in the second position, and (2) a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the second fuel source from coupling to the second fuel line while the mechanical fuel valve is in the first position and to permit the second fuel source to couple to the second fuel line while the mechanical fuel valve is in the second position.

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

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

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

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

EIGHTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the ’398 Patent)

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

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

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

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

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

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

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

NINTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '145 Patent)

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

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

79. Harbor Freight does not directly or indirectly infringe any claim of the '145 Patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not practice a dual fuel generator comprising (1) an engine operable on a gaseous fuel and a liquid fuel, (2) an electrical power generator driven by the engine and comprising a charging coil, (3) a switch to change operation of the engine between gaseous fuel and liquid fuel, (4) a carburetor attached to an intake of the engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel source, (5) a liquid fuel cut-off solenoid to interrupt liquid fuel flow to the engine upon actuation of the switch from liquid fuel to gaseous fuel, and (6) a voltage regulator coupled to the charging coil to receive power therefrom and that operates to provide a regulated voltage to the liquid fuel cut-off solenoid.

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

81. No third party infringes any claims of the '145 Patent by using Harbor Freight's products. Harbor Freight has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The Accused Products are not designed for use in any combination that infringes any claims of the '145

Patent. To the contrary, each has substantial uses that do not infringe any claim of the '145 Patent.

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

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

TENTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '101 Patent)

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

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

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

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

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

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

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

ELEVENTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '667 Patent)

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

92. Champion claims to own all rights, title, and interest in and under the '667 Patent. A true and correct copy of the '667 Patent is attached hereto as Exhibit K.

93. Harbor Freight does not directly or indirectly infringe any claim of the '667 Patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not practice a fuel selector for use with a dual fuel generator, the fuel selector comprising (1) a valve assembly fluidly connected to each of a first fuel source and a second fuel source, (2) the valve assembly being operable to selectively control a first fuel flow and a second fuel flow from the first fuel source

and the second fuel source, respectively, to an engine of the dual fuel generator, and (3) a selector switch positioned on the valve assembly to allow a user to manually select one of the first fuel flow and the second fuel flow, wherein the valve assembly comprises (a) two fuel inputs, with a first fuel input connected to the first fuel source and a second fuel input connected to the second fuel source, and (b) two fuel outputs for selectively supplying fuel to the engine from the first fuel source or the second fuel source.

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

95. No third party infringes any claims of the ’667 Patent by using Harbor Freight’s products. Harbor Freight has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The Accused Products are not designed for use in any combination that infringes any claims of the ’667 Patent. To the contrary, each has substantial uses that do not infringe any claim of the ’667 Patent.

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

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

TWELFTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the ’390 Patent)

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

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

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

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

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

103. A substantial, immediate, and real controversy therefore exists between Harbor Freight and Champion regarding whether Harbor Freight infringes the '390

Patent. A judicial declaration is appropriate and necessary to determine the parties' respective rights regarding the '390 Patent.

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

THIRTEENTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '896 Patent)

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

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

107. Harbor Freight does not directly or indirectly infringe any claim of the '896 Patent, either literally or under the doctrine of equivalents, at least because the Accused Products do not practice a dual fuel generator comprising (1) an internal combustion engine couplable to a first fuel source and a second fuel source to selectively receive fuel therefrom, (2) a fuel selector configured to control a flow of fuel to the internal combustion engine, the fuel selector comprising (a) a selector plate, (b) a first fuel valve assembly positioned adjacent to the selector plate and including a first fuel valve and a first fuel valve handle, the first fuel valve handle being actuatable between an ON position and an OFF position to selectively open and close the first fuel valve, (c) a second fuel valve assembly positioned adjacent to the selector plate and including a second fuel valve and a second fuel valve handle, (3) the second fuel valve handle being actuatable between an ON position and an OFF position to selectively open and close the second fuel valve, (4) a selector switch slidably coupled to the selector plate so as to be movable between (a) a first position in which the selector switch covers the second fuel valve handle so as to prevent actuation of the second valve handle to the ON position, and (b) a second position in which the selector switch covers the first valve handle so as to prevent actuation of the first valve

handle to the ON position, and (5) a carburetor fuel shutoff solenoid that is activated when the selector switch is in the first position.

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

109. No third party infringes any claims of the '896 Patent by using Harbor Freight's products. Harbor Freight has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The Accused Products are not designed for use in any combination that infringes any claims of the '896 Patent. To the contrary, each has substantial uses that do not infringe any claim of the '896 Patent.

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

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

PRAYER FOR RELIEF

WHEREFORE, Harbor Freight prays for judgment as follows:

A. Declaring that Harbor Freight's Accused Products do not infringe, directly, or indirectly, the Asserted Patents;

B. Declaring that Harbor Freight does not induce infringement of the Asserted Patents;

C. Declaring that Harbor Freight does not contributorily infringe on the Asserted Patents;

D. Declaring that judgment be entered in favor of Harbor Freight and against Champion on Harbor Freight's claims

E. Finding that this is an exceptional case under 35 U.S.C. § 285;

F. An award of costs and attorneys' fees to Harbor Freight; and

G. Granting Harbor Freight such further and additional relief as the Court deems just and proper.

JURY DEMAND

Harbor Freight demands a jury trial on all issues and claims so triable.

DATED: October 9, 2024

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By */s/ David M. Grable*

David M. Grable
davegrable@quinnemanuel.com
Attorneys for Plaintiff Harbor Freight Tools USA, Inc.