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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.	**Case No.: 2:24-cv-08722-SVW-AS** **DEFENDANT CHAMPION POWER EQUIPMENT INC.'S ANSWER AND COUNTERCLAIMS**
CHAMPION POWER EQUIPMENT, INC. Defendant-Counterclaim Plaintiff vs. HARBOR FREIGHT TOOLS USA, INC., Plaintiff-Counterclaim Defendant.	

Defendant Champion Power Equipment, Inc. ("Champion" or "Defendant") through its counsel, answers the Complaint of Harbor Freight Tools USA, Inc. ("Harbor Freight" or "Plaintiff") as set forth below. Unless specifically admitted, Defendant denies each of the allegations of Plaintiff's Complaint.

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").

ANSWER: Champion admits that it 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"). Champion admits that it has alleged claims of patent infringement against Harbor Freight arising out of Harbor Freight's

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

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.

ANSWER: Champion admits that Champion's counsel at Ziolkowski Patent Solutions Group, sent Harbor Freight a cease-and-desist demand on March 27, 2024, and attached a copy of its 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 admits that, as part of the letter, Champion reiterated that it protects its intellectual property rights, goes to great lengths in protecting its proprietary intellectual property, and expends considerable resources in obtaining patents in the United States and other foreign jurisdictions. Champion admits that the letter from Champion's counsel indicated that Champion was "investigating HF's entry into the multi-fuel generator market." Champion admits the letter noted that if Harbor Freight wished to use Champion's proprietary technology, it would need to take a license.

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,

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sale price, and the state the sale was made in, as of May 15, 2024, as well as all inventory in stock, ordered, and 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).

ANSWER: Champion admits the allegations contained in Paragraph 4.

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."

ANSWER: Champion admits that the parties held a phone call on June 19, 2024, but were unable to resolve the dispute. Champion admits that it sent a follow up letter on June 28, 2024, noting that Harbor Freight had actual notice of Champion's patents and published patent applications as of their publication dates, yet continued to sell infringing generators, which highlighted Harbor Freight's "wonton disregard of Champion's patents" and "is tantamount to continued willful infringement". Champion admits that it informed Harbor Freight that Champion "will seek and be entitled to treble damages and attorneys' fees." Champion admits that 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." Champion denies the remaining allegations contained in Paragraph 5.

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

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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.

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

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.

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

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.

ANSWER: Champion admits the allegations contained in Paragraph 8.

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.

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

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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.

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.

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

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.

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

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.

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

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.

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

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.

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

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.

ANSWER: Champion denies the allegations contained in Paragraph 18.

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

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that do not infringe any claim of the Asserted Patent.

ANSWER: Champion denies the allegations contained in paragraph 19.

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

ANSWER: Champion admits the allegations contained in Paragraph 21. 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. 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.

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 22.

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.

ANSWER: Champion denies the allegations contained in Paragraph 23.

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.

ANSWER: Champion denies the allegations contained in Paragraph 24.

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.

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

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

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

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requested in Paragraph 26.

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

ANSWER: Champion admits the allegations contained in Paragraph 28. 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. 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.

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.

ANSWER: Champion denies the allegations contained in Paragraph 29.

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.

ANSWER: Champion denies the allegations contained in Paragraph 30.

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.

ANSWER: Champion denies the allegations contained in Paragraph 31.

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.

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

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

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.

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ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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.

ANSWER: Champion denies the allegations contained in Paragraph 36.

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 37.

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.

ANSWER: Champion denies the allegations contained in Paragraph 38.

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.

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

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

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.

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

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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.

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

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 43.

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.

ANSWER: Champion denies the allegations contained in Paragraph 44.

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.

ANSWER: Champion denies the allegations contained in Paragraph 45.

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.

ANSWER: Champion denies the allegations contained in Paragraph 46.

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.

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

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

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 51.

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.

ANSWER: Champion denies the allegations contained in Paragraph 52.

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.

ANSWER: Champion denies the allegations contained in Paragraph 53.

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’

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respective rights regarding the ’970 Patent.

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

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

ANSWER: Champion admits the allegations contained in Paragraph 57. 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. 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.

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.

ANSWER: Champion denies the allegations contained in Paragraph 58.

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.

ANSWER: Champion denies the allegations contained in Paragraph 59.

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

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'780 Patent.

ANSWER: Champion denies the allegations contained in Paragraph 60.

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.

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

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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.

ANSWER: Champion denies the allegations contained in Paragraph 65.

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.

ANSWER: Champion denies the allegations contained in Paragraph 66.

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.

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ANSWER: Champion denies the allegations contained in Paragraph 67.

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.

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

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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.

ANSWER: Champion denies the allegations contained in Paragraph 72.

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.

ANSWER: Champion denies the allegations contained in Paragraph 73.

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.

ANSWER: Champion denies the allegations contained in Paragraph 74.

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.

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

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that, as a matter of law, Harbor Freight infringes 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.

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 79.

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.

ANSWER: Champion denies the allegations contained in Paragraph 80.

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.

ANSWER: Champion denies the allegations contained in Paragraph 81.

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.

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

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

TENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the ‘101 Patent)

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

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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.

ANSWER: Champion denies the allegations contained in Paragraph 86.

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 87.

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.

ANSWER: Champion denies the allegations contained in Paragraph 88.

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.

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

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

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.

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

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

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

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

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.

ANSWER: Champion denies the allegations contained in Paragraph 93.

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.

ANSWER: Champion denies the allegations contained in Paragraph 94.

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 95.

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.

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

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

ANSWER: Champion admits the allegations contained in Paragraph 99. 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. Champion is the

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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.

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.

ANSWER: Champion denies the allegations contained in Paragraph 100.

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.

ANSWER: Champion denies the allegations contained in Paragraph 101.

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.

ANSWER: Champion denies the allegations contained in Paragraph 102.

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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.

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

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

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.

ANSWER: Champion restates and incorporates by reference its response to each and every allegation of the preceding paragraphs 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.

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

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 107.

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.

ANSWER: Champion denies the allegations contained in Paragraph 108.

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

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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.

ANSWER: Champion denies the allegations contained in Paragraph 109.

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.

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

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

CHAMPION'S RESPONSE TO HARBOR FREIGHT'S PRAYER FOR RELIEF

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

COUNTERCLAIMS

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

NATURE OF THE ACTION

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

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

2. Champion's counterclaims arise from Harbor Freight's unlicensed making, using, selling, or offering for sale within the United States, or importing into the United States, of products infringing Champion's patented technology. Specifically, 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").

THE PARTIES

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

4. Counterclaim Defendant 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.

JURISDICTION AND VENUE

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

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

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

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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

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

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

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

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

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

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

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

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

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

i. Independent claim 11 by specifically including a multi-fuel generator and fuel delivery system comprising 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; a fuel regulator system comprising 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 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 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, as called for in claim 11 of U.S. Patent No. 10,393,034.

j. Dependent claim 12 by specifically including all the aforementioned

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

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

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

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

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

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

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

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

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

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

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

16. 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.

17. 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.

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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

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primary pressure regulator coupled to a service valve of a pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure and 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, as called for in claim 12 of U.S. Patent No. 11,143,120.

b. Dependent claim 13 by specifically including all the aforementioned elements of claim 12 and, in addition, 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, as called for in claim 13 of U.S. Patent No. 11,143,120.

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

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

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

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

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

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

24. 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 claim 12 of U.S. Patent No. 11,143,120. Harbor Freight Model 70143 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

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primary pressure regulator coupled to a service valve of a pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure and 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, as called for in claim 12 of U.S. Patent No. 11,143,120.

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

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

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

28. 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.

29. 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 III
(Infringement of U.S. Patent No. 11,492,985)

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

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

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

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

33. 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 infringe one or more claims of U.S. Patent No. 11,492,985:

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

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

34. 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 16 and 17 of U.S. Patent No. 11,492,985. Harbor Freight Model 70476 infringes:

a. Independent claim 16 by specifically including a dual fuel generator and fuel delivery system having 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 a fuel regulator system located off board a dual fuel generator, including a primary pressure regulator coupled to a service valve of a pressurized fuel source, configured to regulate the gaseous fuel supplied from the pressurized fuel source in the first stage, the gaseous fuel regulated down to a first reduced pressure in the first stage and regulate the gaseous fuel output from the first stage in the second stage, the first reduced pressure gaseous fuel from the first stage being regulated down to a second reduced pressure in the second stage

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

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

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

36. 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, 4, 5, 7, 11, and 14-16 of U.S. Patent No. 11,492,985. Harbor Freight Model 70143 infringes:

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

b. Dependent claim 4 by specifically including all the aforementioned

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

c. Dependent claim 5 by specifically including all the aforementioned elements of claim 4 and, in addition, 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, as called for in claim 5 of U.S. Patent No. 11,492,985.

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

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

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

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

g. Dependent claim 15 by specifically including all the aforementioned elements of claim 14 and, in addition, 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, as called for in claim 15 of U.S. Patent No. 11,492,985.

h. Independent claim 16 by specifically including a dual fuel generator and fuel delivery system comprising: a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising: 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 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

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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., as called for in claim 16 of U.S. Patent No. 11,492,985.

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

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

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

40. 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.

41. 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 IV
(Infringement of U.S. Patent No. 11,530,654)

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

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

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11,530,654 is attached as Exhibit D.

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

45. 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. 11,530,654:

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

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

46. 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 6 and 7 of U.S. Patent No. 11,530,654. Harbor Freight Model 70476 infringes:

a. Independent claim 6 by specifically including a dual fuel generator and fuel delivery system having a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line, a fuel regulator system located off board the dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel

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

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

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

48. 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 6 and 10 of U.S. Patent No. 11,530,654. Harbor Freight Model 70143 infringes:

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

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fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from a liquid fuel source through a liquid fuel line and the pressurized fuel source through the gaseous fuel line and that opens and closes the liquid fuel line to selectively control fuel flow from the liquid fuel source to the dual fuel generator, and a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the pressurized fuel source from coupling to the gaseous fuel line while the 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, as called for in claim 6 of U.S. Patent No. 11,530,654.

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

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

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

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

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

52. 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.

53. 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 V
(Infringement of U.S. Patent No. 11,840,970)

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

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

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

57. 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. 11,840,970:

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

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

58. 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, 2, 20, and 21 of U.S. Patent No. 11,840,970. Harbor Freight Model 70476 infringes:

a. Independent claim 1 by specifically including a dual fuel generator and fuel delivery system including a dual fuel generator having 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 a carburetor attached to an intake of the engine to mix air and fuel and connect the liquid fuel line to the intake; a fuel regulator system located off board the dual fuel generator, the fuel regulator system including 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 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 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, as called for in claim 1 of U.S.

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Patent No. 11,840,970.

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

c. Independent claim 20 by specifically including a dual fuel generator and fuel delivery system comprising: 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, the dual fuel generator comprising: a gaseous fuel valve coupled to an inlet of the gaseous fuel line and connectable to the pressurized fuel source, and 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; and a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising: a primary pressure regulator connectable 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 a secondary pressure regulator coupled to the primary pressure regulator and connectable to the gaseous fuel valve, the secondary pressure regulator 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, as called for in claim 20 of U.S. Patent No. 11,840,970.

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

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

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

60. 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, 2, 12-14, 20, 21, 34, 44, 45, and 48 of U.S. Patent No. 11,840,970. Harbor Freight Model 70143 infringes:

a. Independent claim 1 by specifically including a dual fuel generator and fuel delivery system including a dual fuel generator having 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 a carburetor attached to an intake of the engine to mix air and fuel and connect the liquid fuel line to the intake; a fuel regulator system located off board the dual fuel generator, the fuel regulator system including 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 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 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, as called for in claim 1 of U.S. Patent No. 11,840,970.

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

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

c. Independent claim 12 by specifically including a dual fuel generator and fuel delivery system comprising: a dual fuel generator comprising: a generator housing, an alternator mounted within the generator housing, and an engine driving the alternator and mounted within the generator housing, the 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; a fuel regulator system located off board the dual fuel generator, the fuel regulator system configured to: regulate the gaseous fuel supplied from the pressurized fuel source in a first stage, the gaseous fuel regulated down to a reduced pressure in the first stage; and regulate the reduced pressure gaseous fuel in a second stage, the reduced pressure gaseous fuel from the first stage regulated down to a desired pressure in the second stage for delivery through the gaseous fuel line to operate the dual fuel generator; and 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 dual fuel generator is free of any pressure regulator mounted within the generator housing, as called for in claim 12 of U.S. Patent No. 11,840,970.

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

e. Dependent claim 14 by specifically including all the aforementioned

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

f. Independent claim 20 by specifically including a dual fuel generator and fuel delivery system comprising: 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, the dual fuel generator comprising: a gaseous fuel valve coupled to an inlet of the gaseous fuel line and connectable to the pressurized fuel source, and 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; and a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising: a primary pressure regulator connectable 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 a secondary pressure regulator coupled to the primary pressure regulator and connectable to the gaseous fuel valve, the secondary pressure regulator 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,

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

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

h. Independent claim 34 by specifically including a dual fuel generator and fuel delivery system comprising: a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising: 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 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 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 outputs gaseous fuel to the dual fuel generator during operation thereof on gaseous fuel at the desired pressure from the secondary pressure regulator, as called for in claim 34 of U.S. Patent No. 11,840,970.

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

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

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

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

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

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

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

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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:

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a. Independent claim 1 by specifically including a mechanical fuel lockout switch for a dual fuel engine having a mechanical fuel valve actuateable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line and a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the mechanical fuel lockout switch communicates the first fuel source to the dual fuel engine and prevents communication between the second fuel source and the dual fuel engine when the mechanical fuel valve is in the first position and communicates the second fuel source to the dual fuel engine and 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, as called for in claim 1 of U.S. Patent No. 10,221,780.

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

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

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

d. Independent claim 15 by specifically including a mechanical fuel lockout switch for a dual fuel engine having a mechanical fuel valve actuateable between a first position and a second position to selectively control fuel flow to the dual fuel engine from a first fuel source through a first fuel line and a second fuel source through a second fuel line and a fuel lockout apparatus coupled to the mechanical fuel valve, wherein the mechanical fuel lockout switch communicates the first fuel source to the dual fuel engine and prevents communication between the second fuel source and the dual fuel engine when the mechanical fuel valve is in the first position and communicates the second fuel source to the dual fuel engine and interrupts the first fuel source communication with the dual fuel engine when in the second position and wherein the fuel lockout apparatus prevents actuation of the mechanical fuel valve to the first position when the second fuel source communicates with the dual fuel engine.

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

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

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

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

74. 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.

75. 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 VII
(Infringement of U.S. Patent No. 11,905,895)

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

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

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

79. 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. 11,905,895:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84. 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.

85. 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 VIII
(Infringement of U.S. Patent No. 10,697,398)

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

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

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

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

89. 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. 10,697,398:

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

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

90. 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, 3-8, 10, 19, and 22 of U.S. Patent No. 10,697,398. Harbor Freight Model 70476 infringes:

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

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

c. Dependent claim 4 by specifically including all the aforementioned

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

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

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

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

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

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

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

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

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

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

92. 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, 3, 4, 22, 57, and 58 of U.S. Patent No. 10,697,398. Harbor Freight Model 70143 infringes:

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

b. Dependent claim 3 by specifically including all the aforementioned

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

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

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

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

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

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

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

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

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

96. 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.

97. 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 IX
(Infringement of U.S. Patent No. 11,143,145)

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

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

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

101. 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. 11,143,145:

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

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

102. 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 1-8 and 10 of U.S. Patent No. 11,143,145. Harbor Freight Model 70476 infringes:

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

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

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

d. Dependent claim 4 by specifically including all the aforementioned

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

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

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

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

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

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

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

104. 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 11, 13, and 14 of U.S. Patent No. 11,143,145. Harbor Freight Model 70143 infringes:

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

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

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

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

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

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

108. 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.

109. 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 X
(Infringement of U.S. Patent No. 10,598,101)

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

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

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

113. 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. 10,598,101:

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

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

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

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

a. Independent claim 1 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector comprising: 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 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 first fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine; and wherein the first fuel valve and the second fuel valve are mechanical valves, as called for in claim 1 of U.S. Patent No. 10,598,101.

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

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

d. Dependent claim 9 by specifically including all the aforementioned

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

e. Independent claim 10 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector comprising: 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 at least one valve handle positioned on and operably connected to the valve assembly to actuate the valve assembly to enable one of the first fuel flow and the second fuel flow to the engine; wherein the valve assembly comprises: a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine; and wherein the at least one valve handle is mechanically coupled to the first fuel valve and the second fuel valve to selectively open and close the first fuel valve and the second fuel valve responsive to actuation thereof, as called for in claim 10 of U.S. Patent No. 10,598,101.

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

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

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control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source, respectively, to an engine of the dual fuel generator; a selector switch with a first fuel mode and a second fuel mode; a solenoid switch having open and closed positions; and a fuel solenoid having open and closed positions; wherein, when the selector switch is in the first fuel mode, the solenoid switch and the fuel solenoid are in the closed positions and, when the selector switch is in the second fuel mode, the solenoid switch and the fuel solenoid are in the open positions, wherein the selector switch triggers the solenoid switch when changed from the second fuel mode to the first fuel mode, so as to cause the solenoid switch and the fuel solenoid to operate in the closed positions, and wherein positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of one of the first fuel flow and the second fuel flow, as called for in claim 17 of U.S. Patent No. 10,598,101.

h. Independent claim 18 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector comprising: 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 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: 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 two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, wherein the valve assembly comprises a first fuel valve having open and closed positions

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

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

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

116. 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, 2, 8-10, 16, 18, and 19 of U.S. Patent No. 10,598,101. Harbor Freight Model 70143 infringes:

a. Independent claim 1 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector comprising: 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 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 first fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine; and wherein the first fuel valve and the second fuel valve are mechanical valves, as called for in claim 1 of U.S. Patent No. 10,598,101.

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

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

d. Dependent claim 9 by specifically including all the aforementioned elements of claim 1 and, in addition, wherein the mechanical valve of each of the first fuel valve and the second fuel valve is a non-solenoid valve, as called for in claim 9 of U.S. Patent No. 10,598,101.

e. Independent claim 10 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector comprising: 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 at least one valve handle positioned on and operably connected to the valve assembly to actuate the valve assembly to enable one of the first fuel flow and the second fuel flow to the engine; wherein the valve assembly comprises: a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine; and wherein the at least one valve handle is mechanically coupled to the first fuel valve and the second fuel valve to

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

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

g. Independent claim 18 by specifically including a fuel selector for use with a dual fuel generator, the fuel selector comprising: 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 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: 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 two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, wherein the valve assembly comprises a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine, as called for in claim 18 of U.S. Patent No. 10,598,101.

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

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

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

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

120. 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.

121. 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 XI
(Infringement of U.S. Patent No. 11,306,667)

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

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

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

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

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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. 11,306,667:

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

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

126. 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 1-18 of U.S. Patent No. 11,306,667. Harbor Freight Model 70476 infringes:

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

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

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

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

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

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

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

h. Dependent claim 8 by specifically including all the aforementioned elements of claim 7 and, in addition, when the selector switch is in a second position, the carburetor solenoid allows the second fuel flow to the engine, as called for in claim 8 of U.S. Patent No. 11,306,667.

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

j. Independent claim 10 by specifically including a fuel selector of a dual fuel generator with 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; a selector switch having a first fuel mode and a second fuel mode, a fuel solenoid having open and closed positions; and a solenoid switch having open and closed positions to activate and deactivate the fuel solenoid; wherein when the selector switch is in the first fuel mode, the solenoid switch and the fuel solenoid are in the closed positions, when the selector switch is in the second fuel mode, the solenoid switch and the fuel solenoid are in the open positions, and positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of one of the first fuel flow and the second fuel flow, as called for in claim 10 of U.S. Patent No. 11,306,667.

k. Dependent claim 11 by specifically including all the aforementioned elements of claim 10 and, in addition, the selector switch triggers the solenoid switch when changed from the second fuel mode to the first fuel mode, so as to cause the solenoid switch and the fuel solenoid to operate in the closed positions, as called for in claim 1 of U.S. Patent No. 11,306,667.

l. Dependent claim 12 by specifically including all the aforementioned elements of claim 10 and, in addition, the valve assembly is positioned on or adjacent the selector switch, as called for in claim 12 of U.S. Patent

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No. 11,306,667.

m. Dependent claim 13 by specifically including all the aforementioned elements of claim 10 and, in addition, the valve assembly comprises: 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 two fuel outputs for selectively supplying fuel to the engine from the first fuel source or the second fuel source, as called for in claim 13 of U.S. Patent No. 11,306,667.

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

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

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

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

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

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

128. 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 1-5 of U.S. Patent No. 11,306,667. Harbor Freight Model 70143 infringes:

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

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

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

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

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

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

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

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

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

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

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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

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source to an engine of a 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, a fuel solenoid having open and closed positions, and 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, as called for in claim 1 of U.S. Patent No. 11,761,390.

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

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

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

e. Dependent claim 5 by specifically including all the aforementioned

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

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

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

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

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

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

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

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

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

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

142. 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.

143. 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 XIII
(Infringement of U.S. Patent No. 11,905,896)

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

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

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

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

147. 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. 11,905,896:

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

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

148. 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 30-32 and 34-36 of U.S. Patent No. 11,905,896. Harbor Freight Model 70476 infringes:

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

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

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

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

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

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

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

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

150. 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 30-32, 34, and 35 of U.S.

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

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

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

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

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

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

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

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

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

154. 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.

155. 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.

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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;

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

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

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

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

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

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

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

JURY DEMAND

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

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Dated: February 27, 2025

Respectfully submitted,

/s/ Jennifer E. Hoekel

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