SENT VIA EMAIL (JCutler@harborfreight.com)

June 28, 2024

Attorney Jeffrey N. Cutler
Director & Sr. Counsel – Intellectual Property
Harbor Freight Tools
26677 Agoura Road
Calabasas, CA 91302

RE: Willful Patent Infringement

Dear Attorney Cutler:

Thank you for taking my call June 19, 2024. This letter will confirm our conversation in which you affirmed receiving and reviewing the 222 pages of claim charts we sent you on May 17, 2024.

You stated that Champion had not proven that the Harbor Freight (HF) generators infringe any of the Champion patents because the HF generators "do not have a sliding switch", even though those claim charts show a specific one-to-one component-to-limitation claim analysis, with photographic evidence.

Your analysis is grossly flawed. You have a credible allegation in front of you that definitively shows that the two generator models being sold under the Predator name, via the Harbor Freight retail outlets, infringe upon 13 patents, blatantly infringing 32 independent claims, and an additional 89 dependent claims. Yet, your argument is you don't have a sliding switch. Your attempt to read limitations from a preferred embodiment from the specification into the claims is absurd. You did not analyze the accused devices against the elements as claimed and failed to provide any reasoning for your conclusions.

HF's wonton disregard of Champion's patents with such a careless review and response is tantamount to continued willful infringement. Accordingly, my client will seek and be entitled to treble damages and attorneys' fees.

Lastly, I asked you if HF considered Champion's offer to license its technology and patents, to which you replied that it had not. I read you the sentence from my May 17th letter [1], but you soundly rebuked the offer and have not supplied any of the requested materials that would be required for any license discussion.

[1] "Champion is willing to offer HF a license to its patents at reasonable terms. If this is of interest to HF, please provide us with the aforementioned sales, stocked, shipped, and ordered data by the requested date below."

Please let me know if you are authorized and willing to accept Service of a Complaint on behalf of Harbor Freight.

Sincerely,

Timothy J. Ziolkowski

TJZ:rlt

cc: Tammy Stafford, DVP – Assistant General Counsel (TStafford@harborfreight.com)
Scott Stefaniak, Sr. Manager – QA Product Development (SStefaniak@harborfreight.com)

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