UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:24-cv-08722-SVW-AS	Date	October 15, 2025
Title	*Harbor Freight Tools USA, Inc. v. Champion Power Equipment, Inc.*		

Present: The Honorable	STEPHEN V. WILSON, U.S. DISTRICT JUDGE	
Daniel Tamayo		N/A
Deputy Clerk		Court Reporter / Recorder
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
N/A		N/A

Proceedings: ORDER GIVING LEAVE FOR PARTIES TO FILE SUPPLEMENTAL BRIEFING ON TENTATIVE CLAIM CONSTRUCTIONS

I. Introduction

This case is a patent dispute, wherein Plaintiff Harbor Freight Tools USA, Inc. ("Harbor Freight") seeks declaratory judgment of noninfringement against Defendant Champion Power Equipment, Inc. ("Champion"). (ECF No. 1). Champion has countersued for infringement. (ECF No. 47). Relevant to this case are thirteen patents: (1) Patent No. 10,393,034 ("the '034 patent"), (2) Patent No. 11,143,120 ("the '120 patent"), (3) Patent No. 11,492,985 ("the '985 patent"), (4) Patent No. 11,530,654 ("the '654 patent"), (5) Patent No. 11,840, 970 ("the '970 patent"), (6) Patent No. 10,221,780 ("the '780 patent"), (7) Patent No. 11,905,895 ("the '895 patent"), (8) Patent No. 10,697,398 ("the '398 patent"), (9) Patent No. 11,143,145 ("the '145 patent"), (10) Patent No. 10,598,101 ("the '101 patent"), (11) 11,306,667 ("the '667 patent"), (12) Patent No. 11,761,390 ("the '390 patent"), and (13) Patent No. 11,905,896 ("the '896 patent"). A date has not yet been set for trial, but a Markman Hearing was held on September 30, 2025. (ECF No. 93). In the aftermath of that hearing and for the following reasons, the Court GRANTS both parties leave to file supplementary briefing on the Court's proposed claim constructions. Although this order contains tentative constructions, **this order is not a final claim construction ruling.**

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Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 1

II. Discussion

At the Markman Hearing, the Court heard arguments as to possible constructions for five claims at issue in this case. Four of those proposed constructions, though derived from briefings of the parties and attached expert declarations, were drafted by the Court. As such, Defendant orally requested leave to file supplemental briefing to respond to the novel constructions.

The Court has weighed Defendant's request and determined in its discretion that in the interest of fairness and accuracy, particularly considering the high rate of appellate reversal in the area of claim construction, it will benefit both the parties and the Court for the parties to receive a final opportunity to be heard. Accordingly, the Court herein provides **tentative constructions** not only for the claims orally discussed at the Markman Hearing, but for all twelve claims currently at issue before the Court. This must not be confused with a final ruling on the issue; the following constructions merely reflect the Court's current views and **are not final**. The Court will entertain supplemental briefing limited to these tentative constructions before issuing a final Claim Construction Order, and the Court may modify its constructions after reviewing any supplemental submissions.

A. "Selector Switch" ('101/'667/'390/'896)

The claim term "selector switch"—as used in the '101 patent, the '667 patent, the '390 patent, and the '896 patent—was discussed in oral argument at the Markman Hearing. Those arguments have been noted, but the Court will entertain any non-repetitive arguments. The tentative construction for "selector switch" is:

"<u>Mechanical device whose positioning precludes simultaneous access to two fuels</u>."

It may be noted that this construction was not proposed by either party but rather drafted by the Court based on the patents-in-suit, parties' initial briefings, and expert declarations.

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Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 2

B. "Valve Assembly" ('101/'667/'390/'896)

The claim term "valve assembly"—as used in the '101 patent, the '667 patent, the '390 patent, and the '896 patent—was not discussed in oral argument at the Markman Hearing. The Court will entertain all arguments as to its proposed construction. The tentative construction for "valve assembly" is:

"<u>One or more valves arranged together, along with mechanisms for their operation</u>."

It may be noted that this construction was not proposed by either party but rather drafted by the Court based on a review of the patents-at-suit, the parties' initial briefings, and expert declarations. In the opinion of this Court, it also represents a middle ground between the parties' proposed constructions.

C. "A Mechanical Fuel Valve" ('780/'654/'985/'970/'895)

The claim term "a mechanical fuel valve"—as used in the '780 patent, the '654 patent, the '985 patent, the '970 patent, and the '895 patent—was not discussed in oral argument at the Markman Hearing, but arguments on this proposed construction were already submitted in pre-hearing briefing from both parties. The Court will entertain any non-repetitive arguments. The tentative construction for "a mechanical fuel valve" is:

"<u>A single mechanical fuel valve.</u>"

It may be noted that this construction was proposed by Harbor Freight.

D. "Fuel Lockout Apparatus" ('780/'654/'895)

The claim term "fuel lockout apparatus"—as used in the '780 patent, the '654 patent, and the '895 patent—was briefly discussed in oral argument at the Markman Hearing, and some relevant arguments were already submitted in pre-hearing briefing from both parties. The Court will entertain any non-repetitive arguments. The tentative construction for "fuel lockout apparatus" is:

Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 3

This term is governed by 35 U.S.C. § 112(f). The recited function is "selectively block connection of an external fuel source to a fuel line." The corresponding structure is item 58 in Figs. 2, 3, 4A, and 4B, and equivalents thereof.

It may be noted that, though the Harbor Freight proposed construing this term as means-plus-function, the recited function was drafted by the Court based on a review of the patents-at-suit, parties' initial briefing, and expert declarations.

E. "From Coupling"/ "Coupling" / "To Couple" ('780/'654/'895)

The claim term "couple"—as used in various tenses in its verbal form in the '780 patent, the '654 patent, and the '895 patent—was discussed in oral argument at the Markman Hearing. Those arguments have been noted, and the Court has amended its proposed construction. It will, however, continue to entertain any non-repetitive arguments. The tentative construction for this claim term is as follows:

Couple: **"Join, attach, or link two components—either directly or through an intermediary structure—such that they can act cooperatively to achieve some function."**

From coupling: **"From joining, attaching, or linking two components—either directly or through an intermediary structure—such that they can act cooperatively to achieve some function."**

To couple: **"To join, attach, or link two components—either directly or through an intermediary structure—such that they can act cooperatively to achieve some function."**

It may be noted that this construction was not proposed by either party but rather drafted by the Court based on the patents-in-suit, relevant prosecution history, parties' initial briefings, and expert declarations. At the hearing, the parties seemed amenable to this construction.

F. "Communicate" / "Communication" ('780/'895)

The claim term "communicate," alongside its corresponding noun-form "communication"—as used in the '780 patent and the '895 patent—was discussed in oral argument at the Markman Hearing. Those arguments, particularly as to whether the construction should be limited so that it can relate only to

Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 4

fuel, have been noted. The Court will entertain any non-repetitive arguments. The tentative construction for this claim term is as follows:

Communicate: **"Connect, so as to enable fluid transfer."**
Communication: **"Fluid transfer."**

It may be noted that this construction was not proposed by either party but rather drafted by the Court based on the patents-in-suit and parties' initial briefings.

G. "Switch…to [Enable Changing/Change] Operation of the Engine Between Gaseous Fuel and Liquid Fuel" ('398/'145/'034)"

The claim term "switch…to [enable changing/change] operation of the engine between gaseous fuel and liquid fuel"—as used in the '398 patent, the '145 patent, and the '034 patent—was discussed in oral argument at the Markman Hearing. The Court has already noted those arguments, particularly those contentions that the specification clearly conveys an attempt to limit the construction to include only electrical switches. The Court will, however, entertain any non-repetitive arguments. Specifically, it is the current opinion of this Court that both parties' proposed constructions are too broad. Neither party has proposed a construction that includes reference to gaseous fuel, liquid fuel, or an engine. The term appears on its face to include explicit reference to gaseous and liquid fuel as well as to an engine. The Court therefore requires supplemental argument from both parties to clarify why those words may be read out of the term in a proper construction without losing the specificity of its meaning. This was not made clear in the pre-hearing briefing. Until that is satisfactorily explained, the tentative construction will include those words as they appear in the claim term. As such, the tentative construction for "switch…to [enable changing/change] operation of the engine between gaseous fuel and liquid fuel" is:

A device that—by means of controlling electrical current or mechanical movement—toggles between gaseous and liquid fuel inputs to the dual-fuel engine.

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Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 5

It may be noted that this construction was not proposed by either party, largely for reasons explained, *supra*, after review of the patents-in-suit and expert declarations.

H. "Rotating Mechanical Valve" ('145)

The claim term "rotating mechanical valve"—as used in the '145 patent—was not discussed at the Markman Hearing, but arguments on this proposed construction were already submitted in pre-hearing briefing from both parties. The Court will entertain any non-repetitive arguments. Particularly, the Court currently finds persuasive Harbor Freight's argument that the specification highlights the absence of linear motion as a technical advantage of the rotating valve. The onus will therefore be on Champion to direct the Court to any other intrinsic evidence that tends to rebut this apparent attempt by the inventor to narrowly define the term. Until then, the tentative construction for "rotating mechanical valve" is:

"Mechanical valve that actuates in a rotative motion free from linear motion."

It may be noted that this construction was proposed by Harbor Freight.

I. "Pressure Regulator" ('034/'654/'985/'120/'970)

The claim term "pressure regulator"—as used in the '034 patent, the '654 patent, the '985 patent, the '120 patent, and the '970 patent—was not discussed at the Markman Hearing, but arguments on this proposed construction were already submitted in pre-hearing briefing from both parties. The Court will entertain any non-repetitive arguments. The tentative construction for "pressure regulator" is:

"**Device that controls pressure.**"

It may be noted that this construction was proposed by Champion.

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Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 6

J. "Integral Components Of" ('985)

The claim term "integral components of"—as used in the '985 patent—was not discussed at the Markman Hearing. The Court will entertain all arguments as to its proposed construction. The tentative construction for "integral components of" is:

"Integrated components of."

It may be noted that this construction was not proposed by either party but rather drafted by the Court based on a review of the '985 patent.

K. "Gaseous Cutoff" ('034)

The claim term "gaseous cutoff"—as used in the '034 patent—was not discussed at the Markman Hearing. The Court will entertain any arguments as to its proposed construction. Particularly, the Court would appreciate supplemental briefing from the parties as to whether it would be appropriate to simply construe this term as "gaseous cutoff solenoid," consistent with its formation throughout the prosecution history. For now, the tentative construction for "gaseous cutoff" is:

"Moveable, airtight seal."

It should be noted that this construction was not proposed by either party but was proposed by the Court after reviewing the patent-in-suit, the parties' briefing, and expert declarations.

L. "Coupled to [verb]" ('034)

The claim term "coupled to" when followed by a verb—as used in the '034 patent—was not discussed at the Markman Hearing, and though arguments on this proposed construction were already submitted in pre-hearing briefing from both parties, the Court would benefit from supplemental briefing. Specifically, Harbor Freight should provide clarification as to why the claim term "coupled to [verb]" is, in itself, indefinite. From the briefing, if read correctly, Harbor Freight seems to argue that the broader term, "a gaseous cutoff coupled to open and close a gaseous fuel the pressurized fuel source to the engine"

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Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 7

is indefinite. It may be noted that this argument is well taken and has yet to be satisfactorily rebutted by Champion. The onus will be on Champion to establish that a person having ordinary skill in the art would understand that broader claim term to describe a finite class of structures, which at present it has not. Champion would be well served to address this in its supplemental briefing as well. As it stands, that broader claim *would* likely be indefinite and invalid given the evidence currently before the Court. However, this Court must first address the construction of the disputed term, "coupled to [verb]," which, in the current opinion of the Court, has not been sufficiently shown to be indefinite. Until and unless Harbor Freight can clarify this, the tentative construction for "coupled to [verb]" is:

"Attached in such a way as to perform a desired action," where the action is the following verb.

It may be noted that this construction was not proposed by either party but rather drafted by the Court, though it is arguably similar to Champion's proposed construction.

III. Conclusion

For the foregoing reasons, before issuing any final claim construction order, the Court GRANTS leave to both parties to file supplemental briefing in response to the tentative constructions outlined *supra*. No party's brief may exceed 2,500 words. The briefs must be filed within FOURTEEN days.

IT IS SO ORDERED.

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Petitioner MWE Investments, LLC, et al. Exhibit 1086
Petitioner MWE Investments, LLC, et al. v. Champion Power Equipment, Inc.
IPR2025-01185, Page 8