

Exhibit P

CHAMPION’S INFRINGEMENT CONTENTIONS FOR
U.S. PATENT NO. 11,143,145
AS ASSERTED AGAINST
GENERAC MODEL PM4500DF ET AL.
FILING DATE: JUNE 22, 2020
PRIORITY DATE: JUNE 12, 2015

I. Generac Model PM4500DF



II. Brief Description

Generac Model PM4500DF is a dual fuel portable generator under Generac’s Powermate brand. Model PM4500DF produces 4,500W (starting)/3,600W (running) when using gasoline and 4,180W (starting)/3,240W (running) when using liquified petroleum gas (“LPG”; also known as propane). Model PM4500DF can operate at 50% load for up to 14 hours with its 5-gallon gasoline tank and up to 8.75 hours on LPG. Model PM4500DF has a recoil starter for its 224cc, pull start engine with a low oil shutoff. Model PM4500DF also includes an automatic voltage regulator (“AVR”), five receptacles, circuit breaker protection, a carbon monoxide (“CO”) detection and shutoff system, and a control panel with a digital hour meter. Model PM4500DF also has a handle and 8-inch never flat wheels.

III. Accused Instrumentalities

Generac Model PM4500DF and also Generac Models PM7500DF and GP7500E DF, which are dual fuel portable generator as well, are the Accused Instrumentalities that are alleged to infringe claims 11, 13, and 14 (the “Asserted Claims”) of U.S. Patent No. 11,143,145 (the “145 Patent”).

Image of Models PM7500DF and GP7500E DF are provided below:

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PM7500DF



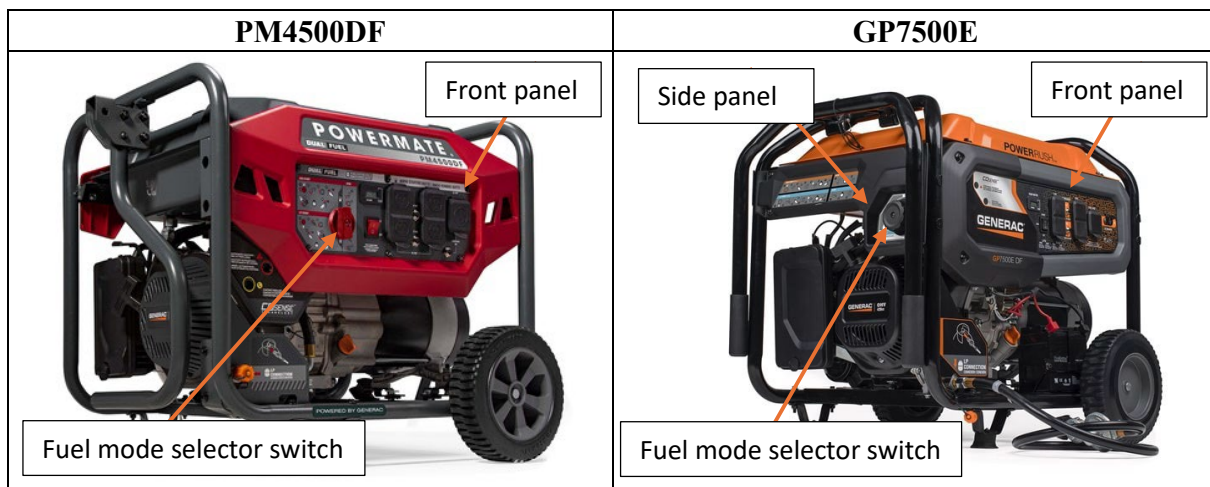
GP7500E

IV. Protocol

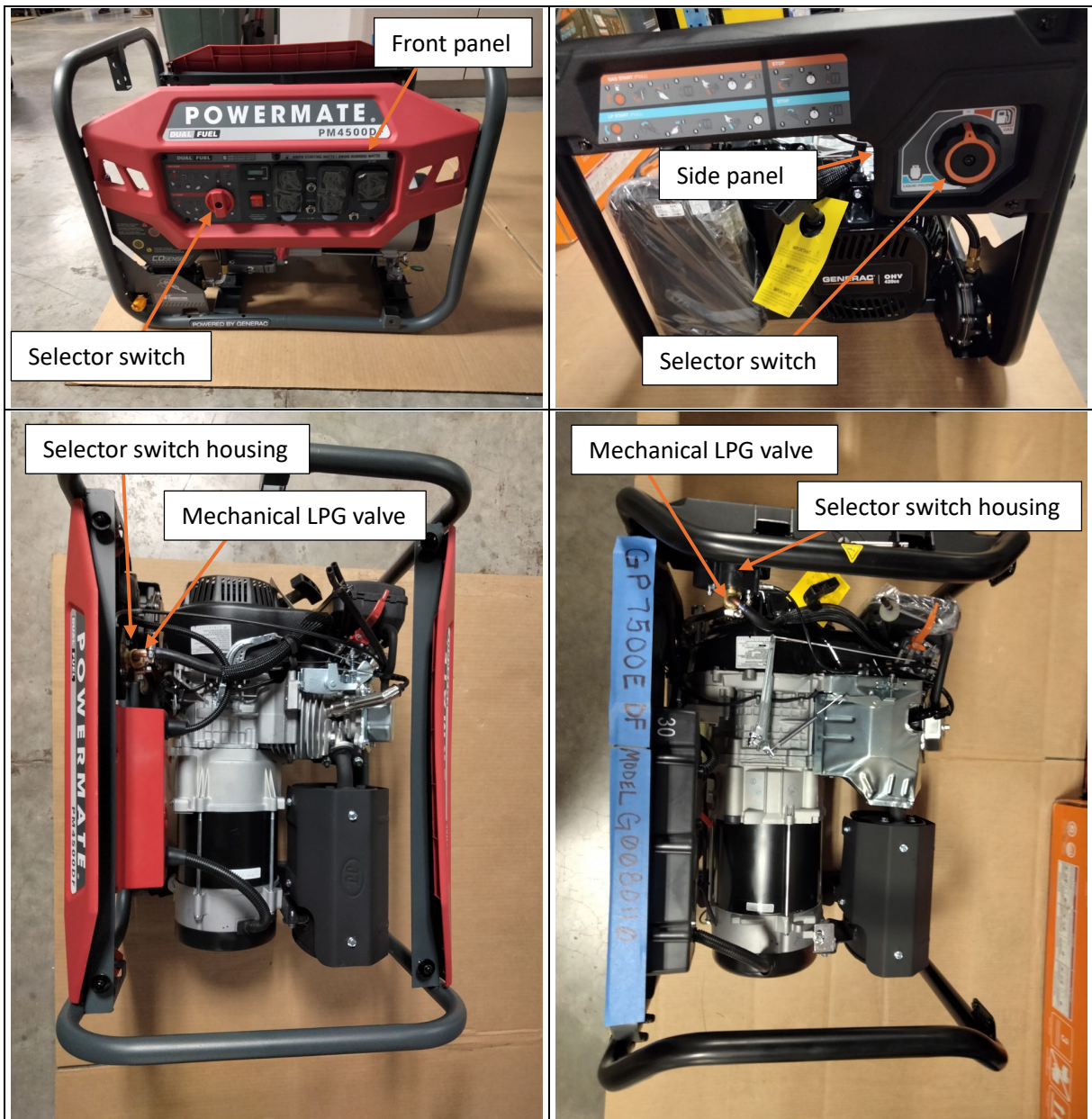
For purposes of analyzing the Asserted Claims of the '985 Patent against the Accused Instrumentalities, Model PM4500DF is considered representative. Models PM7500DF and GP7500E DF include the same components for switching between gaseous fuel and liquid fuel that infringe the claims of the '985 Patent in the same manner as discussed herein with respect to Model PM4500DF and are thus Accused Instrumentalities. In each Accused Instrumentality, the gaseous fuel is LPG, and the liquid fuel is gasoline.

A minor difference exists in Model GP7500E DF. In this model, the same components are included, but with a slightly different positioning of the components. More specifically, the fuel mode selector switch is not positioned on the front panel like in the other generator models. Instead, the fuel mode selector switch is positioned on a side panel adjacent to the front panel. This alternate configuration of Model GP7500E DF does not change the infringement contentions for any of the Asserted Claims, which are equally applicable to the alternate configuration.

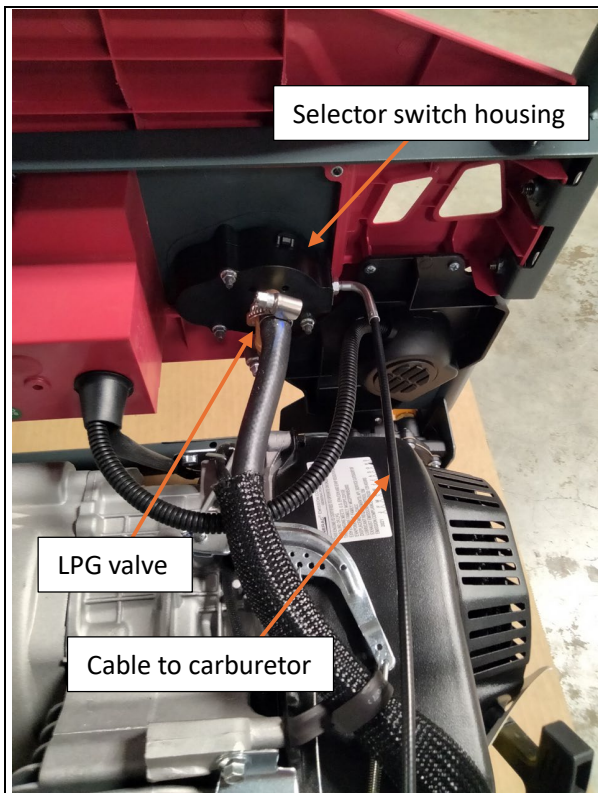
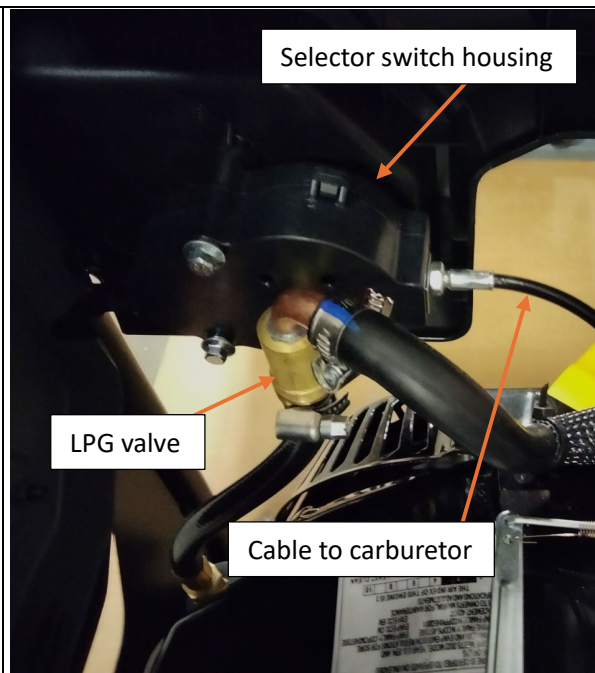
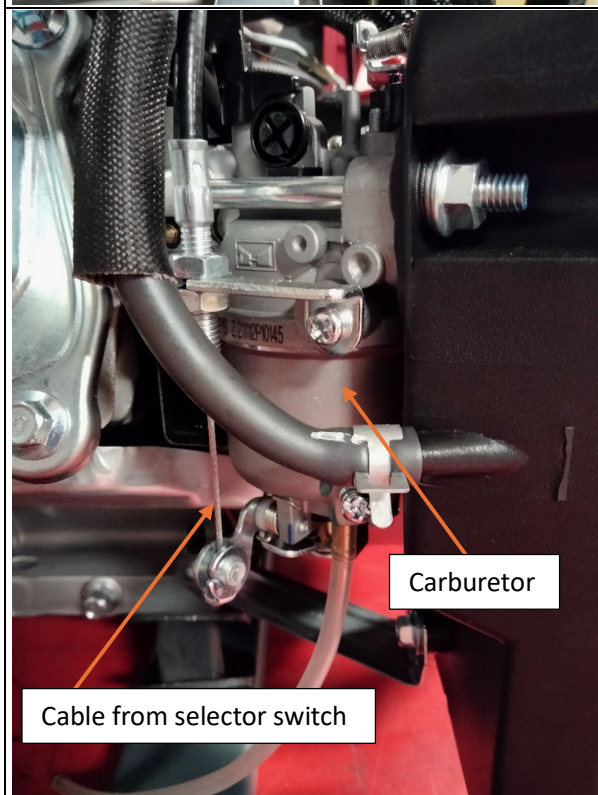
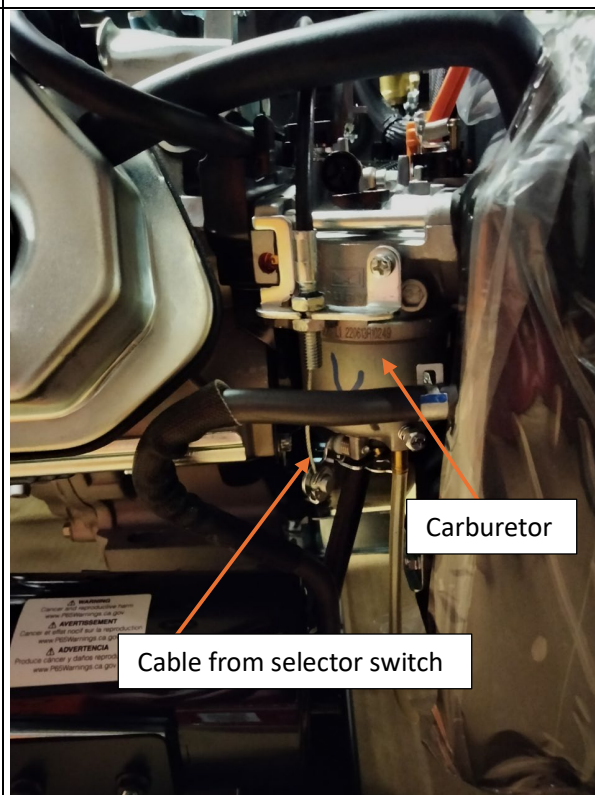
Images comparing Model PM4500DF and GP7500E DF are provided below to show the minor difference in configuration:



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Accordingly, while the claim chart provided below in Section VII is illustrated with reference to Model PM4500DF, each element in the claim chart is found in Models PM7500DF and GP7500E DF in the same manner as illustrated with reference to Model PM4500DF.

V. Priority Dates

The priority date for the Asserted Claims of the '145 Patent is October 28, 2015:

VI. Statement Regarding Contributory and Induced Infringement

The claimed dual fuel engine operates on different fuels, like a liquid fuel (e.g., gasoline) or a gaseous fuel (e.g., LPG), but a gaseous fuel tank (e.g., an LPG tank), the gaseous fuel in the gaseous fuel tank, and liquid fuel in the liquid fuel tank (e.g., gasoline in a gasoline tank) are not required for infringement unless explicitly claimed in the Asserted Claims. Nonetheless, to the extent the Court construes any claim to require a gaseous fuel tank, gaseous fuel in the gaseous fuel tank, or liquid fuel in a liquid fuel tank, Generac contributes to or induces infringement by instructing its users to use a gaseous fuel tank and gaseous fuel and to fill the liquid fuel tank in order to operate the dual fuel engine.

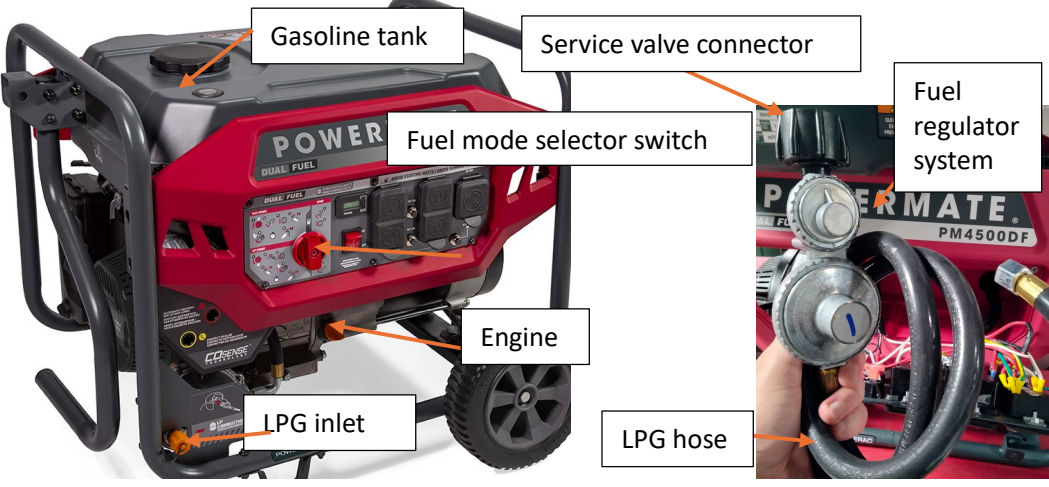
Generac induces infringement of various Asserted Claims by specifically instructing its customers to attach an LPG tank to the engine and to put liquid fuel in the liquid fuel tank. [See Generac Owner's Manual for Model PM4500DF at 11 (listing gasoline quality requirements with instructions to "4. Slowing add recommended fuel" and making several notes on the use of LPG) and at 12 (providing instructions to, "Before Starting Engine," "2. If using gasoline, verify fuel level is correct. 3. If using LP[G], verify the fuel hose is properly connected to the LP[G] tank and the second stage regulator.".)] To the extent the Court construes any Asserted Claim to require an LPG tank, gaseous fuel, or liquid fuel for infringement, when Generac's customers use the Accused Instrumentalities with a filled LPG tank connected and with fuel in the liquid fuel tank, the infringement of any such Asserted Claims is completed. As such, Generac's instructions to customers to connect a filled LPG tank and fill the liquid fuel tank before operation of the Accused Instrumentalities constitutes indirect infringement.

For the same reasons, Generac's conduct also constitutes contributory infringement. To the extent the Court's claim construction requires an LPG tank, gaseous fuel, or liquid fuel for infringement, Generac supplies its customers every component necessary to infringe the Asserted Claims except the filled LPG tank and the liquid fuel. Because the Owner's Manual for Model PM4500DF instructs customers to connect a filled LPG tank to the generator and to fill the liquid fuel tank with fuel, [*id.*], Generac knew that Model PM4500DF would be used to infringe any applicable Asserted Claims. By connecting and using the Accused Instrumentalities with a filled LPG tank connected or with liquid fuel in the liquid fuel tank, Generac's customers complete the infringement of such Asserted Claims. As such, Generac's conduct also constitutes contributory infringement of such Asserted Claims.

Champion incorporates this Section VI by reference into any element of any asserted claim that is construed to require attachment of a gaseous fuel tank, gaseous fuel, or filling of the liquid fuel tank with fuel.

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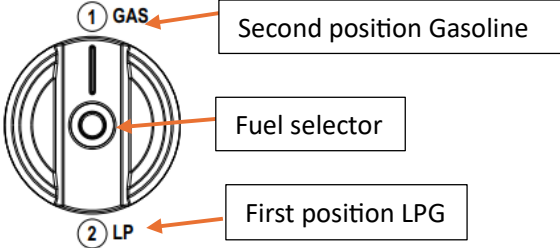
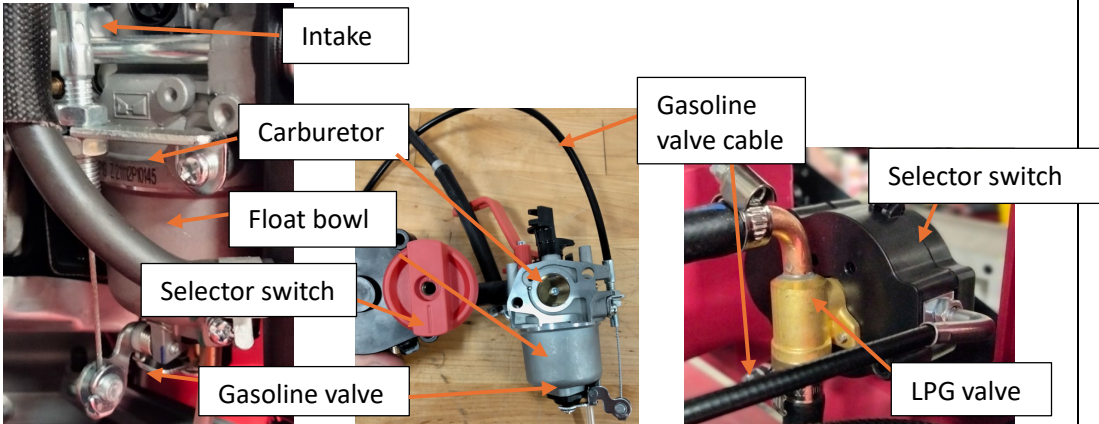
VII. Claim Chart

'145 Patent Asserted Claims	Accused Instrumentality Components Illustrated with Respect to Model PM4500DF
<p>11. (Preamble) A dual fuel generator comprising:</p>	<p>Although not necessary for infringement¹, the preamble of claim 1 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) as follows:</p> <p>Model PM4500DF includes a dual fuel engine that operates on either LPG or gasoline. The first fuel source is an LPG tank, and the second fuel source is the gasoline tank. Both fuel sources feed fuel to the carburetor and engine.</p> 
<p>(a) an engine operable on a gaseous fuel and a liquid fuel;</p>	<p>Element (a) of claim 1 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) directly and literally² as follows:</p>

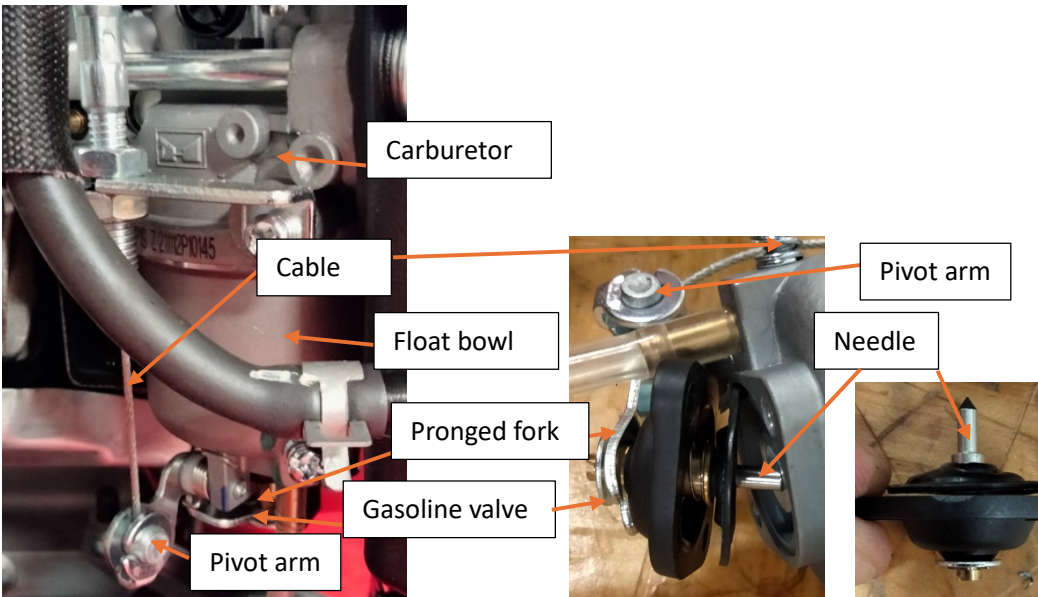
¹ The preambles of the Asserted Claims of the '145 Patent are not limiting and therefore should not be part of the infringement analysis. *See Artic Cat Inc. v. GEP Power Prods., Inc.*, 919 F.3d 1320, 1328 (Fed. Cir. 2019) (“We have long ruled that ‘a preamble is not limiting where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention.’”) (quoting *Cataline Mktg. Int’l, Inc. v. Coolsavings.com, Inc.*, 289 F.3d 801, 808 (Fed. Cir. 2002)). Nonetheless, Champion provides general description of Model PM4500DF next to the preamble to show how it meets the preamble and to assist in the infringement analysis by giving an overview of the Accused Instrumentalities. Champion incorporates this footnote by reference in the preambles of all the Asserted Claims.

² To the extent further discovery or claim construction reveals that any of the Accused Instrumentalities do not literally infringe the '145 Patent, Champion reserves the right to argue the Accused Instrumentalities infringe any of the Asserted Claims of the '145 Patent under the doctrine of equivalents. Champion incorporates this footnote by reference into each element of each Asserted Claim that Champion alleges is literally infringed by the Accused Instrumentalities.

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	<p>The dual fuel engine is operable on either gaseous LPG or liquid gasoline. The fuel mode selector switch (“fuel mode selector switch”) controls which one is in use and only allows only one fuel to be supplied to the engine at a time.</p>  <p>Page 14 of the user manual discloses a fuel selector switch with two positions: an LPG position and a gasoline position.</p>
<p>(b) 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</p>	<p>Element (b) of claim 11 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) directly and literally as follows:</p> <p>The carburetor mixes air and fuel in the form of gaseous LPG or gasoline, depending on the position of the selector.</p> 
<p>(c) a manually actuated fuel shutoff coupled to the carburetor, the manually actuated fuel shutoff comprising:</p>	<p>Element (c) of claim 11 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) directly and literally as follows:</p> <p>The manual fuel shutoff is a gasoline valve coupled to the float bowl. The gasoline valve is a needle valve and operates via a cable from the selector switch. As the selector switch is rotated to LPG Mode, the cable is pushed to rotate a pivot arm, causing the needle to extend and shut off the flow of liquid gasoline through the float bowl. Conversely, when the selector switch is rotated to Gasoline Mode, the cable is pulled to rotate the pivot arm, causing the needle to retract and open the flow of gasoline through the carburetor.</p>

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<p>(c)(1) a first end in the carburetor that actuates to selectively allow or block a flow of fuel through the carburetor; and</p>	<p>Element (c)(1) of claim 11 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) directly and literally as follows:</p> <p>The needle of the gasoline valve is the first end that actuates to selectively allow or block a flow of fuel through the carburetor.</p>
<p>(c)(2) and a second end external to the carburetor to actuate the first end.</p>	<p>Element (c)(2) of claim 11 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) directly and literally as follows:</p> <p>The pivot arm of the gasoline valve is the second end external to the carburetor to actuate the first end.</p>
<p>13. The dual fuel generator of claim 11, wherein the gaseous fuel is LPG and the liquid fuel is gasoline.</p>	<p>Claim 13 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) as follows:</p> <p>Champion incorporates by reference in claim 13 the contentions set forth above for claim 11.</p> <p>As explained above, the gaseous fuel is LPG, and the liquid fuel is gasoline.</p>
<p>14. The dual fuel generator of claim 11 wherein the manually actuated fuel shutoff</p>	<p>Claim 14 is found within Model PM4500DF (and, thereby, Models PM7500DF and GP7500E DF) as follows:</p>

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<p>comprises a rotating mechanical valve.</p>	<p>Champion incorporates by reference in claim 14 the contentions set forth above for claim 11.</p> <p>The selector switch is rotated to either pull or push the cable. The cable then acts on the pivot arm, which is part of the fuel shutoff. The pivot art pivots about a point, which is rotational motion. It is also mechanical in nature.</p>
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