

Exhibit E

CHAMPION’S INFRINGEMENT CONTENTIONS FOR
U.S. PATENT NO. 11,143,145
AS ASSERTED AGAINST
HARBOR FREIGHT MODEL 70143
FILING DATE: JUNE 22, 2020
PRIORITY DATE: JUNE 12, 2015

I. Harbor Freight Model 70143



II. Brief Description

Harbor Freight Model 70143 is a dual fuel portable generator under Harbor Freight’s Predator brand. It uses a 224cc engine producing 5,000W (starting)/3,900W (running) when using gasoline and 5,000W (starting)/3,600W (running) when using liquefied petroleum gas (“LPG”; also known as propane). It can operate at 25% load for up to 18.2 hours with its 3.7-gallon gasoline tank or up to 14.6 hours with a 20-pound LPG tank. Model 70143 includes carbon monoxide (“CO”) and low oil shutoffs. It includes a battery-operated, push-button electric start and a recoil starter. A remote starting option lets a user start up and shut down the generator from up to 100 feet away using the included key fob. Model 70143 also includes seven receptacles, circuit breaker protection, and a control panel with a digital display. Model 70143 also has a fold-down locking handle.

III. Asserted Claims and Priority Date

Model 70143 is alleged to infringe claims 11, 13, and 14 (the “Asserted Claims”) of U.S. Patent No. 11,143,145 (the “’145 Patent”).

The priority date for the Asserted Claims of the ’145 Patent is October 28, 2015.

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IV. Statement Regarding Contributory and Induced Infringement

The claimed generator 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, Harbor Freight 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.

Harbor Freight 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 Harbor Freight Owner’s Manual for Model 70143 at page 17 (listing gasoline quality requirements with instructions to “If needed, fill the Fuel Tank to about 1 inch under the fill neck of the Fuel Tank with 87 octane . . .”) and at page 14 (providing instructions “[f]or LPG Operation: Connecting LPG/Propane Tank . . . e. Connect LPG/Propane tank using provided attachment kit only. Kit includes 1.5 meter (4.9 ft) Hose.”).] To the extent the Court construes any Asserted Claim to require an LPG tank, gaseous fuel, or liquid fuel for infringement, when Harbor Freight’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, Harbor Freight’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, Harbor Freight’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, Harbor Freight 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 70143 instructs customers to connect a filled LPG tank to the generator and to fill the liquid fuel tank with fuel, [*id.*], Harbor Freight knew that Model 70143 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, Harbor Freight’s customers complete the infringement of such Asserted Claims. As such, Harbor Freight’s conduct also constitutes contributory infringement of such Asserted Claims.

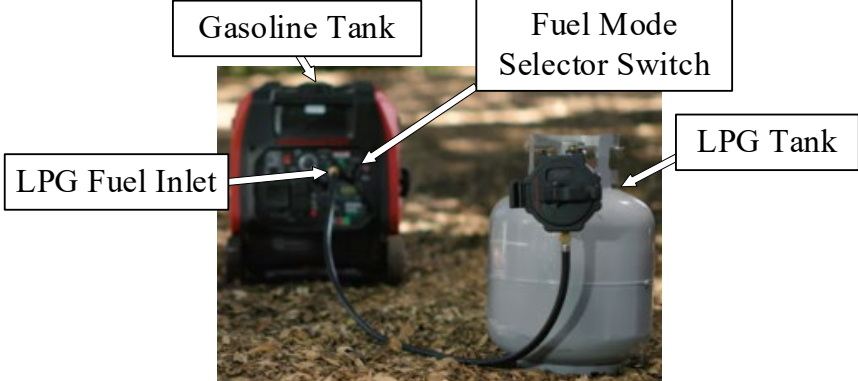
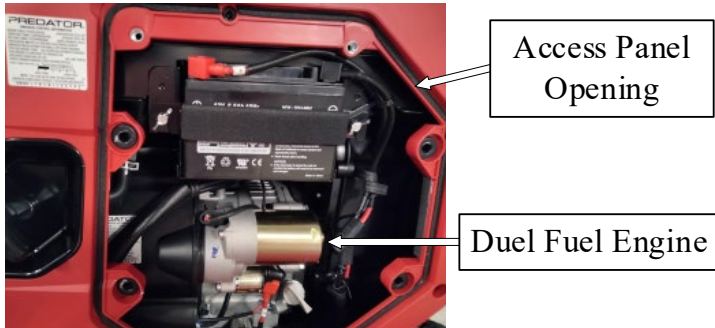
Champion incorporates this Section IV by reference into any element of any asserted claim that is construed to require attachment of a gaseous fuel tank, gaseous fuel, or filling of the liquid fuel tank with fuel.

V. Claim Chart

’145 Patent Asserted Claims	Model 70143 Components
11. (Preamble) A dual fuel	Although not necessary for infringement ¹ , the preamble of claim 11 is found within Model 70143 as follows:

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

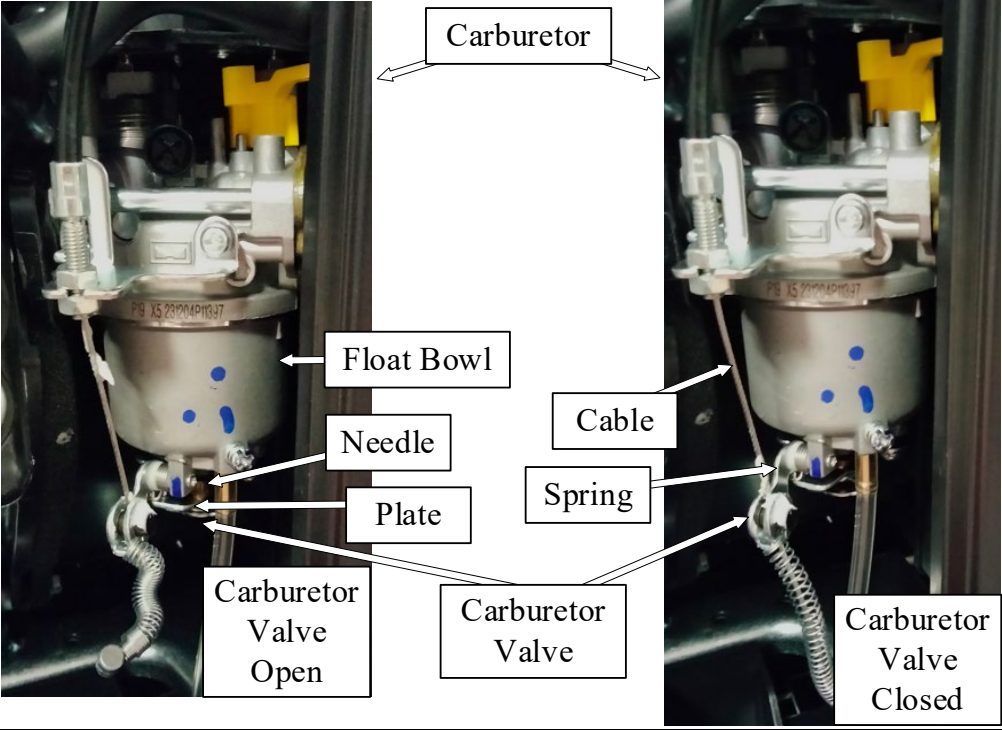
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generator comprising:	Model 70143 is a dual fuel generator that is operable on gaseous LPG from a pressurized LPG tank or liquid gasoline from a gasoline tank. A fuel mode selector allows only one fuel source to feed fuel to the engine at a time and controls which fuel source is selected. 
(a) an engine operable on a gaseous fuel and a liquid fuel;	Element (a) of claim 11 is found within Model 70143 directly and literally² as follows: Model 70143 includes a dual fuel engine that may run on gaseous LPG from the pressurized LPG tank or liquid gasoline from the gasoline tank. The LPG tank and gasoline tank feed fuel to the engine via respective fuel lines. 

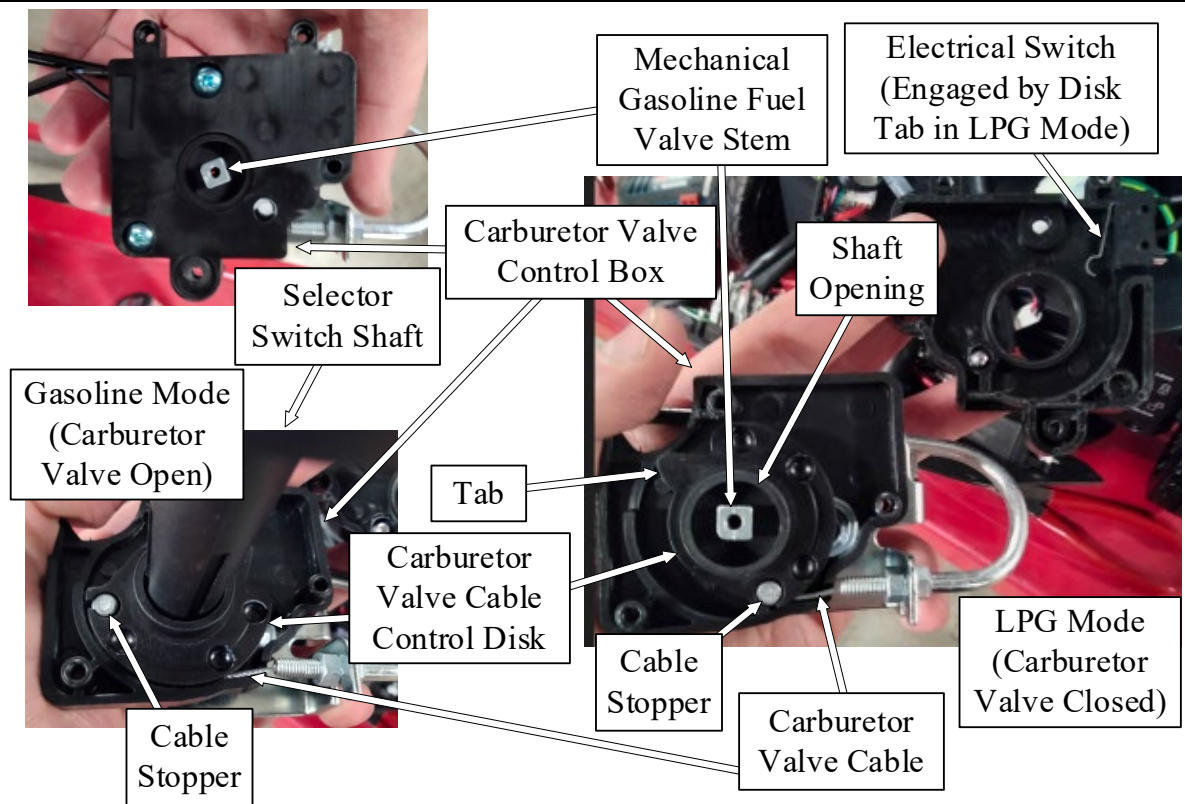
claim body and uses the preamble only to state a purpose or intended use for the invention.”) (quoting *Cataline Mktg. Int’l, Inc. v. Coolsavings.com, Inc.*, 289 F.3d 801, 808 (Fed. Cir. 2002)). Nonetheless, Champion provides general description of Model 70143 next to the preamble to show how it meets 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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(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	Element (b) of claim 11 is found within Model 70143 directly and literally as follows: A carburetor is attached to the engine's intake to mix air and fuel and connect the LPG tank and gasoline tank.  The image consists of two side-by-side photographs of a carburetor assembly. The left photograph is labeled 'Carburetor Valve Open' and the right photograph is labeled 'Carburetor Valve Closed'. Between the two photographs, there are labels with arrows pointing to specific parts: 'Carburetor' (pointing to the top), 'Float Bowl' (pointing to the main body), 'Needle' (pointing to the needle valve), 'Plate' (pointing to the needle seat), 'Cable' (pointing to the linkage cable), 'Spring' (pointing to the return spring), and 'Carburetor Valve' (pointing to the valve mechanism). The carburetor is mounted on an engine intake manifold.
(c) a manually actuated fuel shutoff coupled to the carburetor, the manually actuated fuel shutoff comprising:	Element (c) of claim 11 is found within Model 70143 directly and literally as follows:

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A mechanical gasoline fuel valve (“carburetor valve”) is located in a bottom side of the carburetor’s float bowl. The carburetor valve includes a needle that selectively opens and closes a fuel path for gasoline to flow through the carburetor to the engine. That is, the carburetor valve has a closed position in which the carburetor valve prevents gasoline from flowing to the engine and an open position in which the carburetor valve allows gasoline to flow to the engine. The carburetor valve is biased to the closed position via a spring that forces a rotating plate supporting the needle to rotate toward the float bowl. The needle may be retracted to open the fuel path through the float bowl via a cable that is able to overcome the force of the spring.

The carburetor valve is manually actuated via the selector switch. The selector switch controls the cable of the carburetor valve via a carburetor valve control box that is located behind the control panel. The carburetor valve control box includes a carburetor valve cable control disk (“cable control disk”). The cable control disk includes a shaft opening in which the selector switch shaft engages the cable control disk. The gasoline valve stem also extends into the shaft opening, and the selector switch engages the gasoline valve stem therein. The cable control disk additionally holds a cable stopper at an end of the carburetor valve cable. As the selector switch rotates, the cable control disk selectively retracts the carburetor cable by rotating the cable stopper. Retracting the carburetor cable causes the rotating plate to retract the needle and place the carburetor valve into the open position.

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(c)(1) a first end in the carburetor that actuates to selectively allow or block a flow of fuel through the carburetor; and	Element (c)(1) of claim 11 is found within Model 70143 directly and literally as follows: The needle extends into the carburetor and actuates to selectively allow or block a flow of gasoline through the float bowl.
(c)(2) a second end external to the carburetor to actuate the first end.	Element (c)2 of claim 11 is found within Model 70143 directly and literally as follows: The cable and rotating plate actuate the needle.
13. The dual fuel generator of claim 11, wherein the gaseous fuel is LPG and the liquid fuel is gasoline.	Claim 13 is found within Model 70143 directly and literally as follows: Champion incorporates by reference in claim 13 the contentions set forth above for claim 11. The gaseous fuel is LPG from the LPG tank, and the liquid fuel is gasoline from the gasoline tank.
14. The dual fuel generator of claim 11 wherein the manually actuated fuel shutoff comprises a rotating mechanical valve.	Claim 14 is found within Model 70143 directly and literally as follows: Champion incorporates by reference in claim 14 the contentions set forth above for claim 11. The carburetor valve includes the rotating plate for actuating the needle and actuating the carburetor valve between the open and closed positions. Therefore, the carburetor valve is a rotating mechanical valve.