

Exhibit P

CHAMPION'S INFRINGEMENT CONTENTIONS FOR
U.S. PATENT NO. 11,143,145
AS ASSERTED AGAINST
HARBOR FREIGHT MODEL 70476
FILING DATE: JUNE 22, 2020
PRIORITY DATE: JUNE 12, 2015

I. Harbor Freight Model 70476



II. Brief Description

Harbor Freight Model 70476 is a tri-fuel portable generator under Harbor Freight's Predator brand. It uses a 458cc engine producing 13,000W (starting)/10,000W (running) when using gasoline, 12,000W (starting)/9,100W (running) when using liquefied petroleum gas ("LPG"; also known as propane), and 10,000W (starting)/7,800W (running) when using natural gas ("NG"). It can operate at 50% load for up to 12.1 hours with its 10.7-gallon gasoline tank or up to 16 hours with a 100-pound LPG tank. Model 70476 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 70476 also includes seven receptacles, circuit breaker protection, and a control panel with a digital display. Model 70476 also has a fold-down locking handle.

III. Asserted Claims and Priority Date

Model 70476 is alleged to infringe claims 1-8 and 10 (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 70476 at page 18 (listing gasoline quality requirements with instructions to “4. If needed, fill the Fuel Tank to about 1 inch under the fill neck of the Fuel Tank with 87 octane”) and at page 19 (providing instructions “[f]or LPG Operation . . . 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 70476 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 70476 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.

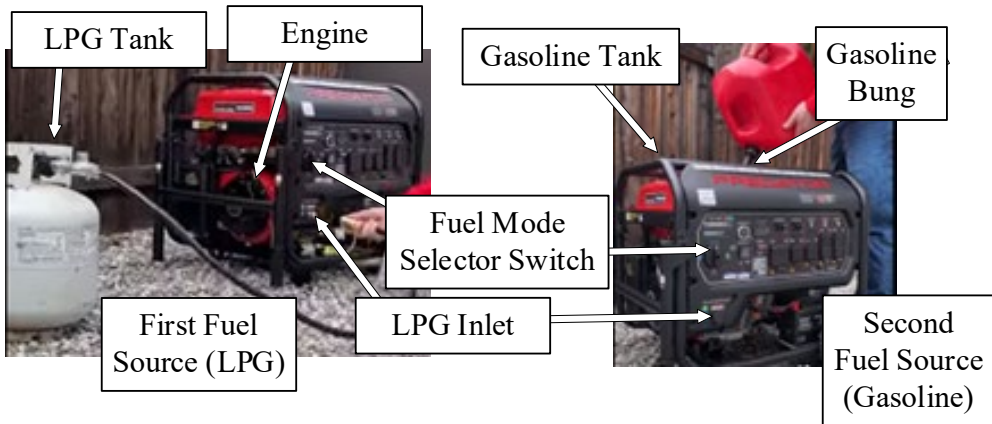
Champion incorporates this Section IV by reference into any element of any asserted claim that is construed to require attachment of a gaseous fuel tank, gaseous fuel, or filling of the liquid fuel tank with fuel.

V. Claim Chart

’145 Patent Asserted Claims	Model 70476 Components
1. (Preamble) A dual fuel	Although not necessary for infringement ¹ , the preamble of claim 1 is found within Model 70476 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 claim body and uses the preamble only to state a purpose or intended use for the invention.’”) (quoting *Cataline*

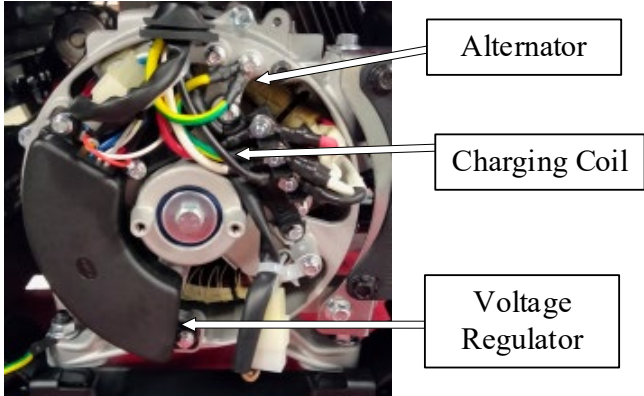
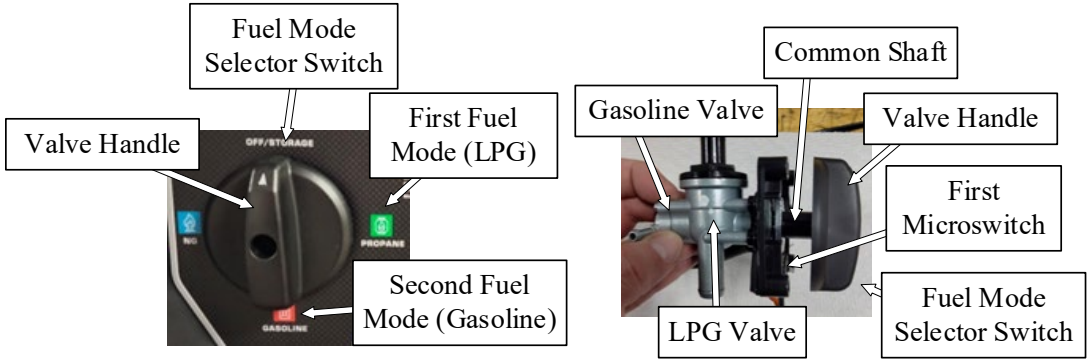
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generator comprising:	Since Model 70476 is a tri fuel generator that is operable on three fuels, Model 70476 is also a dual fuel generator that is operable on two fuels.
(a) an engine operable on a gaseous fuel and a liquid fuel;	Element (a) of claim 1 is found within Model 70476 directly and literally² as follows: Model 70476 includes a multi-fuel engine that can run on either gaseous LPG or liquid gasoline. The first fuel source is an LPG tank, and the second fuel source is a gasoline tank. Both fuel sources feed fuel to the engine and associated carburetor. A fuel mode selector switch operates which one is open and closed, only allowing one to open at a time.  The diagram illustrates the fuel system of the Harbor Freight Model 70476 generator. It shows two fuel sources: an LPG tank (labeled 'First Fuel Source (LPG)') and a gasoline tank (labeled 'Second Fuel Source (Gasoline)'). The LPG tank is connected to the engine via an 'LPG Inlet'. The gasoline tank is connected to the engine via a 'Gasoline Bung'. A 'Fuel Mode Selector Switch' is shown, which controls the flow of fuel from either source to the 'Engine'. The engine is labeled 'Engine'.
(b) an electrical power generator driven by the engine and comprising a charging coil;	Element (b) of claim 1 is found within Model 70476 directly and literally as follows: The engine turns an alternator to generate electricity. The alternator includes a charging coil and voltage regulator.

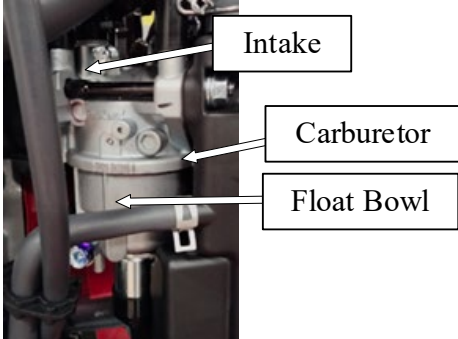
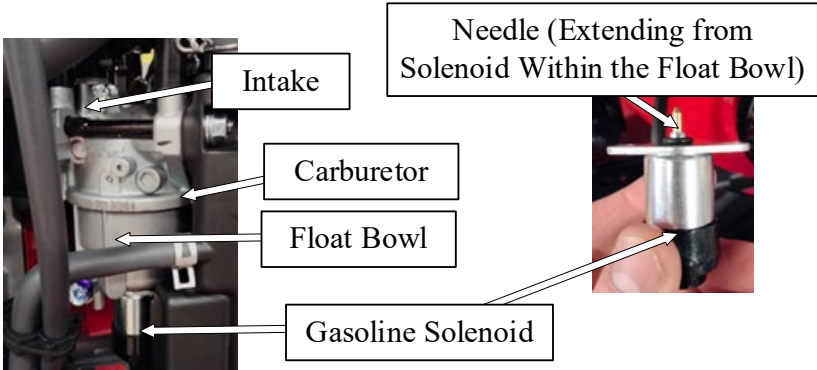
Mktg. Int'l, Inc. v. Coolsavings.com, Inc., 289 F.3d 801, 808 (Fed. Cir. 2002)). Nonetheless, Champion provides general description of Model 70476 next to the preamble to show how it meets the preamble and to assist in the infringement analysis by giving an overview of the Accused Instrumentalities. 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.

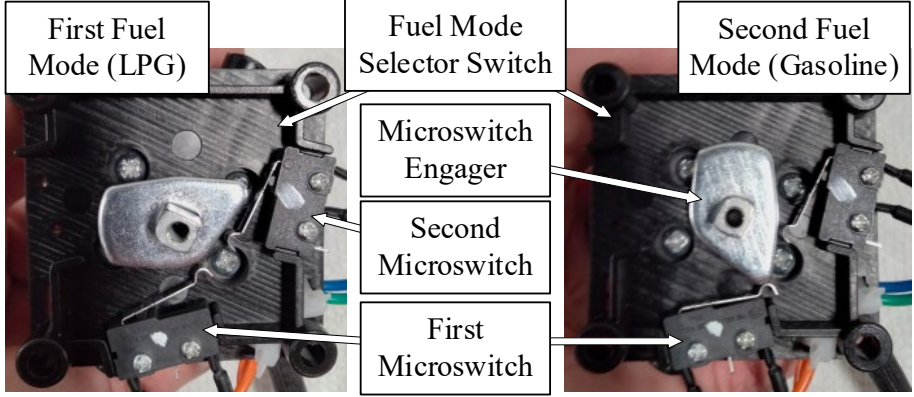
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	 Alternator Charging Coil Voltage Regulator
(c) a switch to change operation of the engine between gaseous fuel and liquid fuel;	Element (c) of claim 1 is found within Model 70476 directly and literally as follows:  Fuel Mode Selector Switch Valve Handle First Fuel Mode (LPG) Second Fuel Mode (Gasoline) Gasoline Valve Common Shaft Valve Handle First Microswitch Fuel Mode Selector Switch LPG Valve The selector switch is manually rotated to choose an LPG Mode or Gasoline Mode associated with a first LPG fuel flow and a second gasoline fuel flow. The selector switch includes a valve handle that controls both the LPG valve and the gasoline valve via a common shaft.
(d) 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;	Element (d) of claim 1 is found within Model 70476 directly and literally as follows: The carburetor is attached to the intake and receives gasoline and LPG via fuel hoses. The fuel is mixed with air and delivered to the engine.

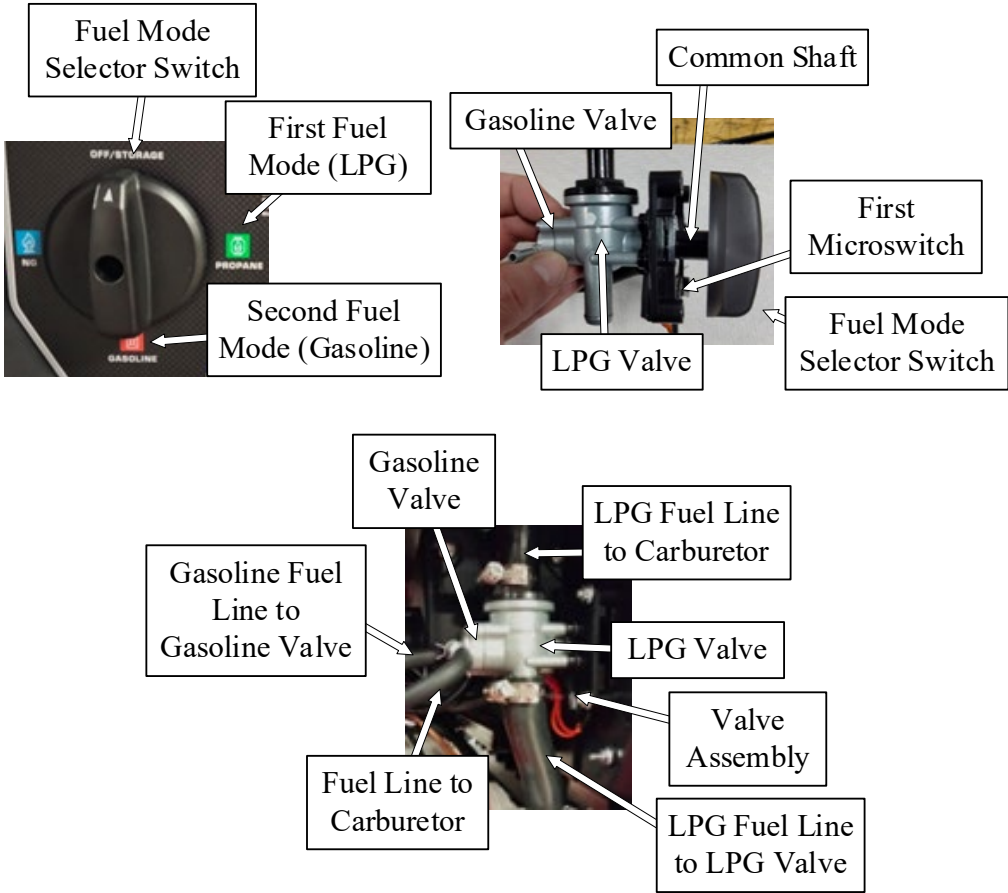
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(e) a liquid fuel cut-off solenoid to interrupt liquid fuel flow to the engine upon actuation of the switch from liquid fuel to gaseous fuel; and	Element (e) of claim 1 is found within Model 70476 directly and literally as follows: A liquid gasoline solenoid is coupled to the carburetor float bowl. The solenoid can extend and retract a needle within the float bowl to prevent and allow the flow of gasoline downstream of the float bowl. Thus, the solenoid selectively opens and closes a liquid fuel path to the engine.  First and second microswitches are included on the selector switch. When the selector switch is in Gasoline Mode, a microswitch engager on the selector switch engages only the first microswitch, and the gasoline solenoid opens to allow gasoline to flow. When the selector switch is in LPG Mode, the microswitch engager does not engage either of the first and second microswitches, and the gasoline solenoid receives power from the alternator to close and cut off the flow of liquid gasoline to the engine. Thus, the engagement of the first microswitch selectively couples power from the alternator to the gasoline solenoid to open and close the liquid fuel path through the carburetor.

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(f) 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.	Element (f) of claim 1 is found within Model 70476 directly and literally as follows: The alternator includes a voltage regulator. The voltage regulator is coupled to the charging coil and receives power therefrom. The rotating crankshaft of the engine turns the alternator which converts rotational energy into electrical energy. The voltage regulator regulates the voltage to a suitable form to power the cutoff solenoid.
2. (Preamble) The dual fuel generator of claim 1 further comprising:	Claim 2 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 2 the contentions set forth above for claim 1.
(a) a liquid fuel valve along a liquid fuel line coupling the liquid fuel source to the carburetor; and	Element (a) of claim 2 is found within Model 70476 directly and literally as follows: A mechanical gasoline valve receives gasoline from the gasoline tank feeds fuel and delivers gasoline to the carburetor and engine. The selector switch includes a common shaft that rotates the mechanical gasoline valve as the selector switch is rotated.

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(b) a gaseous fuel valve along a gaseous fuel line coupling the gaseous fuel source to the carburetor.	Element (b) of claim 2 is found within Model 70476 directly and literally as follows: A mechanical LPG valve (shown above with respect to paragraph (a) of claim 2) receives LPG from the pressurized LPG tank and delivers LPG to the carburetor and engine. The selector switch common shaft rotates the LPG valve as the selector switch is rotated.
3. The dual fuel generator of claim 2, wherein each of the liquid fuel valve and the gaseous fuel valve	Claim 3 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 5 the contentions set forth above for claims 2 and 1. Each of the gasoline and LPG valves controlled by the selector switch common shaft are mechanical valves.

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comprises a mechanical valve.	
4. The dual fuel generator of claim 2, wherein the liquid fuel cut-off solenoid is attached to the carburetor.	Claim 4 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 4 the contentions set forth above for claims 2 and 1. The gasoline solenoid is attached to the carburetor float bowl.
5. The dual fuel generator of claim 1, wherein the gaseous fuel is LPG and the liquid fuel is gasoline.	Claim 5 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 5 the contentions set forth above for claim 1. The engine can run on gaseous LPG from the pressurized LPG tank or liquid gasoline from the gasoline tank.
6. The dual fuel generator of claim 1,	Claim 6 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 6 the contentions set forth above for claim 1.
(a) wherein the switch is an electro-mechanical switch connecting one fuel source to the carburetor and connected to the electrical power generator, and	Element (a) of claim 6 is found within Model 70476 directly and literally as follows: The selector switch connects the gasoline tank or the LPG tank to the carburetor by controlling the mechanical gasoline and LPG valves via the common shaft and by controlling the gasoline and LPG solenoids via the first and second microswitches, which are coupled to the alternator.
(b) wherein the liquid fuel cut-off solenoid is connected to	Element (b) of claim 6 is found within Model 70476 directly and literally as follows: When the selector switch is in Gasoline Mode, a microswitch engager on the selector switch engages only the first microswitch, and the gasoline solenoid opens to allow gasoline to flow.

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open and close a fuel path to the engine in response to reception of electrical power from the switch.	When the selector switch is in LPG Mode, the microswitch engager does not engage either of the first and second microswitches, and the gasoline solenoid receives power from the alternator to close and cut off the flow of liquid gasoline to the engine.
7. The dual fuel generator of claim 6, wherein the switch selectively powers the solenoid valve by controlling electrical connection between the solenoid valve and the electrical power generator.	Claim 7 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 7 the contentions set forth above for claims 6 and 1. When the selector switch is in Gasoline Mode, a microswitch engager on the selector switch engages only the first microswitch, and the gasoline solenoid opens to allow gasoline to flow. When the selector switch is in LPG Mode, the microswitch engager does not engage either of the first and second microswitches, and the gasoline solenoid receives power from the alternator to close and cut off the flow of liquid gasoline to the engine.
8. The dual fuel generator of claim 1, 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.	Claim 8 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 8 the contentions set forth above for claim 1. The gasoline solenoid is normally open when unpowered.

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10. The dual fuel generator of claim 1, wherein the electrical power generator comprises a magneto or an alternator.	Claim 10 is found within Model 70476 directly and literally as follows: Champion incorporates by reference in claim 10 the contentions set forth above for claim 1. The generator creates electrical energy by using rotational motion from an engine to spin an alternator.
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