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19 *Attorneys for Defendant Firman Power Equipment Inc.*

20 UNITED STATES DISTRICT COURT  
21 DISTRICT OF ARIZONA

22 Champion Power Equipment, Inc.,  
23  
24 Plaintiff,  
25  
26 v.  
27  
28 Firman Power Equipment Inc.,  
29  
30 Defendant.

Case No. 2:23-cv-02371-DWL  
**ANSWER TO FIRST AMENDED  
COMPLAINT AND FIRST  
AMENDED COUNTERCLAIM  
(JURY TRIAL DEMANDED)**

Defendant Firman Power Equipment Inc. answers and responds as follows to the First Amended Complaint filed by Plaintiff Champion Power Equipment, Inc. in the above-captioned action (“Action”).

Firman denies each and every allegation in the First Amended Complaint, including without limitation allegations appearing in headings, except as expressly admitted here, and specifically denies that Champion is entitled to the relief sought in

1 the Prayer for Relief. Firman reserves the right to amend and/or supplement this  
2 Answer.

3 **ANSWER TO SPECIFIC ALLEGATIONS**

4 **THE PARTIES**

5 1. Champion is a duly organized and operating Nevada corporation whose  
6 principal place of business is located at 12039 Smith Avenue, Santa Fe Springs,  
7 California 90670. Champion designs and sells single-fuel and multi-fuel generators,  
8 power stations, log splitters, chipper shredders, leaf blowers, tillers, chainsaws,  
9 cultivators, lawn edgers, augers, string trimmers, pressure washers, water pumps, snow  
10 blowers, winches, hoists, accessories, and other equipment.

11 **ANSWER: Firman admits Champion sells multi-fuel generators. Firman**  
12 **lacks knowledge or information sufficient to form a belief about the truth of the**  
13 **remaining allegations of paragraph 1.**

14  
15 2. Champion goes to great lengths in protecting its proprietary intellectual  
16 property and expends considerable resources in obtaining patents in the United States  
17 and other foreign jurisdictions. Champion has filed over 70 patent applications and has  
18 been awarded 53 U.S. patents.

19 **ANSWER: Firman lacks knowledge or information sufficient to form a**  
20 **belief about the truth of the allegations of paragraph 2.**

21  
22 3. Firman is a duly organized and operating Arizona Corporation whose  
23 principal place of business is located at 8644 W Ludlow Dr., Peoria, Arizona 85381.  
24 Upon information and belief, Firman imports and sells single-fuel and multi-fuel  
25 generators, power stations, log splitters, and accessories that directly compete with  
26 Champion. Firman advertises its products for sale nationally and has advertised,  
27 marketed, and sold products infringing Champion's intellectual property rights within  
28 the State of Arizona, this district, and all other states and territories of the United States.

1           **ANSWER: Firman admits the allegations in the first sentence of**  
2 **paragraph 3. Firman admits it develops, imports, and sells single-fuel and multi-**  
3 **fuel generators, power stations, log splitters, and accessories, and that it advertises**  
4 **its products for sale nationally. Except as expressly admitted, Firman denies the**  
5 **allegations of paragraph 3.**

6  
7           4. Firman hired a key Champion employee, Mr. Greg Montgomery  
8 (“Montgomery”), as its President in 2015 and shortly thereafter began importing and  
9 selling generators having Champion technology incorporated therein. Montgomery  
10 worked at Champion from 2005 until December 12, 2014. Montgomery was the Vice  
11 President of Sales for Champion and a key employee who had intimate and confidential  
12 knowledge of Champion’s product development, designs, operation, componentry,  
13 goals, testing, shipment timeframes, customer information, customer demands, and all  
14 relevant information regarding Champion’s novel developments regarding dual-fuel and  
15 multi-fuel generators.

16           **ANSWER: Firman admits it hired Mr. Greg Montgomery as its President**  
17 **in late 2015. Firman admits Mr. Montgomery worked at Champion from 2005**  
18 **until December 2014 and that he was the Vice President of Sales for Champion.**  
19 **Except as expressly admitted, Firman denies the allegations of paragraph 4.**

20  
21           5. Montgomery attended strategic design meetings at Champion’s worldwide  
22 research and product development center in Waukesha, Wisconsin numerous times,  
23 including a multi-day “Product Meeting” held on July 8-10, 2014 where he met with the  
24 design team for the multi-fuel generators at the Champion research center, including the  
25 Vice President of Engineering, Mark Sarder, the lead inventor on the Champion  
26 dual/multi-fuel patents asserted herein.

27           **ANSWER: Firman denies the allegations of paragraph 5.**

28

1           6.       Montgomery also attended a high-level, confidential Webex meeting that  
2 included Champion ownership, top management, and engineering for the 3100W Dual  
3 Fuel Generator on October, 30, 2014 to discuss “Sales Opportunities,” “Product  
4 Structure,” “Production Schedule,” and “Development Challenges,” that included the  
5 lead inventor and Vice President of Engineering, Mark Sarder.

6           **ANSWER: Firman admits Mr. Montgomery remotely attended a meeting**  
7 **that discussed sales opportunities for generators in or around October 2014.**  
8 **Except as expressly admitted, Firman denies the allegations of paragraph 6.**

9  
10           7.       On November 18,2014, less than one month prior to Montgomery’s  
11 departure from Champion, Montgomery accessed the “Dual Fuel Switch mock-up” via  
12 email.

13           **ANSWER: Firman lacks knowledge or information sufficient to form a**  
14 **belief about the truth of the allegations of paragraph 7.**

15  
16           8.       During these meetings, along with many others and many other internal  
17 email communications, Montgomery acquired the technical information from Champion  
18 that allowed Firman to produce dual-fuel and multi-fuel generators and acquired from  
19 Mr. Sarder subject matter information of patents asserted herein. According to public  
20 records, Firman has not filed for a single patent application in the United States and has  
21 no issued patents.

22           **ANSWER: Firman admits it has not applied for patents in the United**  
23 **States and thus has no issued patents in the United States. Except as expressly**  
24 **admitted, Firman denies the allegations of paragraph 8.**

25  
26           9.       In 2016, Firman changed its color scheme to mimic that of Champion’s.  
27 Prior to 2016, Firman used a green and black color scheme and a red and black color  
28 scheme, then in early 2016, just one year after appointing Montgomery President of

1 Firman, Firman changed its color scheme to yellow and black, essentially the same as  
2 Champion's color scheme.

3 **ANSWER: Firman admits it has sold generators that use different color**  
4 **schemes, including the use of a yellow and black color scheme long before 2016.**  
5 **Except as expressly admitted, Firman denies the allegations of paragraph 9.**

6  
7 10. Champion has sent Firman cease and desist demands. Firman has ignored  
8 those demands and continues to sell infringing generators.

9 **ANSWER: Firman admits that Champion has sent at least one cease-and-**  
10 **demand letter. Except as expressly admitted, Firman denies the allegations of**  
11 **paragraph 10.**

12  
13 **JURISDICTION AND VENUE**

14 11. This is an action for patent infringement under the patent laws of the  
15 United States, 35 U.S.C. §§ 271, *et seq.*

16 **ANSWER: Firman admits this Action purports to arise under the patent**  
17 **laws of the United States, 35 U.S.C. §§ 271, *et seq.*, but denies infringement and any**  
18 **and all relief Champion seeks. Except as expressly admitted, Firman denies the**  
19 **allegations of paragraph 11.**

20  
21 12. This Court has jurisdiction over the subject matter of this patent  
22 infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

23 **ANSWER: Firman admits the allegations of paragraph 12.**

24  
25 13. This Court has personal jurisdiction over Firman because Firman has  
26 committed acts of patent infringement within the State of Arizona giving rise to this  
27 action. Firman's electronic commerce advertisements, offers for sale, and sales have  
28 established at least minimum contacts with the forum such that the exercise of

1 jurisdiction over it would not offend traditional notions of fair play and substantial  
2 justice.

3 **ANSWER: Firman admits that this Court has personal jurisdiction over it**  
4 **for purposes of this action, but denies it has committed acts of patent infringement.**  
5 **Except as expressly admitted, Firman denies the allegations of paragraph 13.**

6  
7 14. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(a),  
8 1391(b), 1391(c), and 1400(b) for at least the reasons that: (1) Firman resides in this  
9 district; and (2) Firman has committed acts within this district giving rise to this action  
10 and does business in this district, including sales, offers for sale, and providing service  
11 and/or support to its customers in this district.

12 **ANSWER: Firman admits it resides and does business in this district and**  
13 **that venue is proper in this judicial district for this action. Except as expressly**  
14 **admitted, Firman denies the allegations of paragraph 14.**

15  
16 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,221,780**

17 15. Paragraphs 1 through 14 are incorporated by reference as if fully set forth  
18 herein.

19 **ANSWER: Firman repeats its responses to paragraphs 1 through 14 as if**  
20 **fully set forth here.**

21  
22 16. U.S. Patent No. 10,221,780 is titled “DUAL FUEL LOCKOUT SWITCH  
23 FOR GENERATOR ENGINE.” U.S. Patent No. 10,221,780 was duly and legally  
24 issued on March 5, 2019. A true and correct copy of U.S. Patent No. 10,221,780 is  
25 attached as Exhibit A.

26 **ANSWER: Firman admits that U.S. Patent No. 10,221,780 is titled “DUAL**  
27 **FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE” and lists the issuance**  
28 **date on the face of the patent as March 5, 2019. Firman admits that what purports**

1 **to be a copy of the '780 patent is attached as Exhibit A. The remaining allegations**  
2 **of paragraph 16 are denied.**

3  
4 17. Champion is the lawful assignee of the entire right, title, and interest in  
5 and to U.S. Patent No. 10,221,780 and possesses all rights of recovery under the patent,  
6 including the right to recover damages for past infringement.

7 **ANSWER: Firman lacks knowledge or information sufficient to form a**  
8 **belief about the truth of the allegations of paragraph 17.**

9  
10 18. Champion has acquired and inspected the following Firman generator  
11 models that Firman has been and is making, using, selling, or offering for sale within  
12 the United States, or importing into the United States:

- 13 a. Model H03651, a dual fuel portable generator;
- 14 b. Model H03652, a dual fuel portable generator;
- 15 c. Model H05751, a dual fuel portable generator;
- 16 d. Model H05752, a dual fuel portable generator;
- 17 e. Model H05753, a dual fuel portable generator;
- 18 f. Model H07552, a dual fuel portable generator;
- 19 g. Model H07553, a dual fuel portable generator;
- 20 h. Model H08051, a dual fuel portable generator;
- 21 i. Model H08053, a dual fuel portable generator;
- 22 j. Model T04073, a tri fuel portable generator;
- 23 k. Model T07571, a tri fuel portable generator;
- 24 l. Model T07573, a tri fuel portable generator;
- 25 m. Model T08071, a tri fuel portable generator;
- 26 n. Model T08072, a tri fuel portable generator;
- 27 o. Model T09275, a tri fuel portable generator;
- 28 p. Model T09371, a tri fuel portable generator;

- 1 q. Model WH02942, a dual fuel inverter portable generator;
- 2 r. Model WH03041, a dual fuel inverter portable generator;
- 3 s. Model WH03042, a dual fuel inverter portable generator;
- 4 t. Model WH03242, a dual fuel inverter portable generator;
- 5 u. Model WH03344, a dual fuel inverter portable generator;
- 6 v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 7 and
- 8 w. Model WH03662OF, a dual fuel open frame inverter portable generator.

9 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
10 **United States, or imports into the United States, the models listed in paragraph**  
11 **18(a) through 18(w). Firman lacks knowledge or information sufficient to form a**  
12 **belief about the truth of the remaining allegations of paragraph 18.**

13  
14 19. Upon acquisition, disassembly as needed, review of owner's manuals and  
15 electrical schematics, and inspection, it was determined that each of the foregoing  
16 Firman generator models includes all of the elements of at least claims 1, 2, 6-9, 11, and  
17 13-15 of U.S. Patent No. 10,221,780. Each of the foregoing Firman generator models  
18 infringes:

- 19 a. Independent claim 1 by specifically including a mechanical fuel lockout  
20 switch for a dual fuel engine having a mechanical fuel valve actuateable  
21 between a first position and a second position to selectively control fuel  
22 flow to the dual fuel engine from a first fuel source through a first fuel line  
23 and a second fuel source through a second fuel line and a fuel lockout  
24 apparatus coupled to the mechanical fuel valve, wherein the mechanical  
25 fuel lockout switch communicates the first fuel source to the dual fuel  
26 engine and prevents communication between the second fuel source and  
27 the dual fuel engine when the mechanical fuel valve is in the first position  
28 and communicates the second fuel source to the dual fuel engine and

1 interrupts the first fuel source communication with the dual fuel engine  
2 when in the second position and wherein the fuel lockout apparatus is  
3 configured to prevent the second fuel source from coupling to the second  
4 fuel line while the mechanical fuel valve is in the first position and permit  
5 the second fuel source to couple to the second fuel line while the  
6 mechanical fuel valve is in the second position, as called for in claim 1 of  
7 U.S. Patent No. 10,221,780.

8 b. Dependent claim 2 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, the fuel lockout apparatus prevents  
10 actuation of the mechanical fuel valve to the first position when the  
11 second fuel source communicates with the dual fuel engine, as called for  
12 in claim 2 of U.S. Patent No. 10,221,780.

13 c. Dependent claim 6 by specifically including all the aforementioned  
14 elements of claim 1 and, in addition, the mechanical fuel valve and the  
15 fuel lockout apparatus operate together to ensure that fuel from the first  
16 fuel source and fuel from the second fuel source are not simultaneously  
17 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent  
18 No. 10,221,780.

19 d. Dependent claim 7 by specifically including all the aforementioned  
20 elements of claim 6 and, in addition, the first fuel source provides liquid  
21 fuel from a liquid fuel tank to the dual fuel engine and the second fuel  
22 source provides gaseous fuel from a pressurized fuel container to the dual  
23 fuel engine, as called for in claim 7 of U.S. Patent No. 10,221,780.

24 e. Independent claim 8 by specifically including a mechanical fuel lockout  
25 switch for an internal combustion engine, the mechanical fuel lockout  
26 being assembled by providing an internal combustion engine configured  
27 to operate on a fuel from a first fuel source and a different fuel from a  
28 second fuel source, coupling a mechanical fuel valve to the internal

1 combustion engine actuatable between a first position and a second  
2 position to selectively control fuel flow to the internal combustion engine  
3 from the first fuel source through a first fuel line and the second fuel  
4 source through a second fuel line, and coupling a fuel lockout apparatus to  
5 the mechanical fuel valve, wherein the fuel lockout apparatus prevents  
6 actuation of the mechanical fuel valve to the first position when the  
7 second fuel source is coupled to the internal combustion engine, as called  
8 for in claim 8 of U.S. Patent No. 10,221,780.

9 f. Dependent claim 9 by specifically including all the aforementioned  
10 elements of claim 8 and, in addition, the fuel lockout apparatus is further  
11 configured to prevent coupling of the second fuel source to the second  
12 fuel line while the mechanical fuel valve is in the first position and to  
13 permit coupling of the second fuel source to the second fuel line while the  
14 mechanical fuel valve is in the second position, as called for in claim 9 of  
15 U.S. Patent No. 10,221,780.

16 g. Dependent claim 11 by specifically including all the aforementioned  
17 elements of claim 8 and, in addition, the mechanical fuel lockout switch is  
18 assembled by coupling a fuel regulator system to the second fuel source to  
19 reduce fuel pressure therefrom and deliver fuel to the second fuel line at a  
20 pressure required for operation of the internal combustion engine, as  
21 called for in claim 11 of U.S. Patent No. 10,221,780.

22 h. Dependent claim 13 by specifically including all the aforementioned  
23 elements of claim 11 and, in addition, the mechanical fuel lockout switch  
24 is assembled by coupling one end of a quick-disconnect hose coupling to  
25 an inlet on the internal combustion engine for the second fuel source and  
26 coupling a mating end of the quick-disconnect hose coupling to an outlet  
27 of the fuel regulator system, as called for in claim 13 of U.S. Patent No.  
28 10,221,780.

1 i. Dependent claim 14 by specifically including all the aforementioned  
2 elements of claim 8 and, in addition, the mechanical fuel lockout switch is  
3 assembled by providing gasoline in a liquid fuel tank as the first fuel  
4 source and a liquefied petroleum gas (LPG) in a pressurized fuel container  
5 as the second fuel source, as called for in claim 14 of U.S. Patent No.  
6 10,221,780.

7 j. Independent claim 15 by specifically including a mechanical fuel lockout  
8 switch for a dual fuel engine having a mechanical fuel valve actuatable  
9 between a first position and a second position to selectively control fuel  
10 flow to the dual fuel engine from a first fuel source through a first fuel line  
11 and a second fuel source through a second fuel line and a fuel lockout  
12 apparatus coupled to the mechanical fuel valve, wherein the mechanical  
13 fuel lockout switch communicates the first fuel source to the dual fuel  
14 engine and prevents communication between the second fuel source and  
15 the dual fuel engine when the mechanical fuel valve is in the first position  
16 and communicates the second fuel source to the dual fuel engine and  
17 interrupts the first fuel source communication with the dual fuel engine  
18 when in the second position and wherein the fuel lockout apparatus  
19 prevents actuation of the mechanical fuel valve to the first position when  
20 the second fuel source communicates with the dual fuel engine.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 18(a)-(w)  
22 infringes at least claims 1, 2, 6-9, 11, and 13-15 of U.S. Patent No. 10,221,780.

23 **ANSWER: Firman denies the allegations of paragraph 19.**

24

25 20. Upon information and belief, Firman has been and is now making, using,  
26 selling, or offering for sale within the United States, or importing into the United States,  
27 the following additional generator models:

28 a. Model H03654, a dual fuel portable generator;

- 1 b. Model H05754, a dual fuel portable generator;
- 2 c. Model H07554, a dual fuel portable generator;
- 3 d. Model H08052, a dual fuel portable generator;
- 4 e. Model T07571F, a refurbished tri fuel portable generator;
- 5 f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 6 g. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 7 and
- 8 h. Model WH03342, a dual fuel inverter portable generator.

9 **ANSWER: Firman denies the allegations of paragraph 20(c). Firman**  
10 **admits the remaining allegations of paragraph 20.**

11  
12 21. Upon review of images, owner's manuals, and electrical schematics of the  
13 foregoing Firman generator models and comparisons of the images, owner's manuals,  
14 and electrical schematics of the foregoing Firman generator models to those of the  
15 Firman generator models listed in Paragraph 18, it was determined that each of the  
16 foregoing Firman generator models includes all of the elements of at least claims 1, 2,  
17 6-9, 11, and 13-15 of U.S. Patent No. 10,221,780. Each of the foregoing Firman  
18 generator models infringes:

- 19 a. Independent claim 1 by specifically including a mechanical fuel lockout  
20 switch for a dual fuel engine having a mechanical fuel valve actuatable  
21 between a first position and a second position to selectively control fuel  
22 flow to the dual fuel engine from a first fuel source through a first fuel line  
23 and a second fuel source through a second fuel line and a fuel lockout  
24 apparatus coupled to the mechanical fuel valve, wherein the mechanical  
25 fuel lockout switch communicates the first fuel source to the dual fuel  
26 engine and prevents communication between the second fuel source and  
27 the dual fuel engine when the mechanical fuel valve is in the first position  
28 and communicates the second fuel source to the dual fuel engine and

1 interrupts the first fuel source communication with the dual fuel engine  
2 when in the second position and wherein the fuel lockout apparatus is  
3 configured to prevent the second fuel source from coupling to the second  
4 fuel line while the mechanical fuel valve is in the first position and permit  
5 the second fuel source to couple to the second fuel line while the  
6 mechanical fuel valve is in the second position, as called for in claim 1 of  
7 U.S. Patent No. 10,221,780.

8 b. Dependent claim 2 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, the fuel lockout apparatus prevents  
10 actuation of the mechanical fuel valve to the first position when the  
11 second fuel source communicates with the dual fuel engine, as called for  
12 in claim 2 of U.S. Patent No. 10,221,780.

13 c. Dependent claim 6 by specifically including all the aforementioned  
14 elements of claim 1 and, in addition, the mechanical fuel valve and the  
15 fuel lockout apparatus operate together to ensure that fuel from the first  
16 fuel source and fuel from the second fuel source are not simultaneously  
17 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent  
18 No. 10,221,780.

19 d. Dependent claim 7 by specifically including all the aforementioned  
20 elements of claim 6 and, in addition, the first fuel source provides liquid  
21 fuel from a liquid fuel tank to the dual fuel engine and the second fuel  
22 source provides gaseous fuel from a pressurized fuel container to the dual  
23 fuel engine, as called for in claim 7 of U.S. Patent No. 10,221,780.

24 e. Independent claim 8 by specifically including a mechanical fuel lockout  
25 switch for an internal combustion engine, the mechanical fuel lockout  
26 being assembled by providing an internal combustion engine configured  
27 to operate on a fuel from a first fuel source and a different fuel from a  
28 second fuel source, coupling a mechanical fuel valve to the internal

1 combustion engine actuatable between a first position and a second  
2 position to selectively control fuel flow to the internal combustion engine  
3 from the first fuel source through a first fuel line and the second fuel  
4 source through a second fuel line, and coupling a fuel lockout apparatus to  
5 the mechanical fuel valve, wherein the fuel lockout apparatus prevents  
6 actuation of the mechanical fuel valve to the first position when the  
7 second fuel source is coupled to the internal combustion engine, as called  
8 for in claim 8 of U.S. Patent No. 10,221,780.

9 f. Dependent claim 9 by specifically including all the aforementioned  
10 elements of claim 8 and, in addition, the fuel lockout apparatus is further  
11 configured to prevent coupling of the second fuel source to the second  
12 fuel line while the mechanical fuel valve is in the first position and to  
13 permit coupling of the second fuel source to the second fuel line while the  
14 mechanical fuel valve is in the second position, as called for in claim 9 of  
15 U.S. Patent No. 10,221,780.

16 g. Dependent claim 11 by specifically including all the aforementioned  
17 elements of claim 8 and, in addition, the mechanical fuel lockout switch is  
18 assembled by coupling a fuel regulator system to the second fuel source to  
19 reduce fuel pressure therefrom and deliver fuel to the second fuel line at a  
20 pressure required for operation of the internal combustion engine, as  
21 called for in claim 11 of U.S. Patent No. 10,221,780.

22 h. Dependent claim 13 by specifically including all the aforementioned  
23 elements of claim 11 and, in addition, the mechanical fuel lockout switch  
24 is assembled by coupling one end of a quick-disconnect hose coupling to  
25 an inlet on the internal combustion engine for the second fuel source and  
26 coupling a mating end of the quick-disconnect hose coupling to an outlet  
27 of the fuel regulator system, as called for in claim 13 of U.S. Patent No.  
28 10,221,780.

1 i. Dependent claim 14 by specifically including all the aforementioned  
2 elements of claim 8 and, in addition, the mechanical fuel lockout switch is  
3 assembled by providing gasoline in a liquid fuel tank as the first fuel  
4 source and LPG in a pressurized fuel container as the second fuel source,  
5 as called for in claim 14 of U.S. Patent No. 10,221,780.

6 j. Independent claim 15 by specifically including a mechanical fuel lockout  
7 switch for a dual fuel engine having a mechanical fuel valve actuatable  
8 between a first position and a second position to selectively control fuel  
9 flow to the dual fuel engine from a first fuel source through a first fuel line  
10 and a second fuel source through a second fuel line and a fuel lockout  
11 apparatus coupled to the mechanical fuel valve, wherein the mechanical  
12 fuel lockout switch communicates the first fuel source to the dual fuel  
13 engine and prevents communication between the second fuel source and  
14 the dual fuel engine when the mechanical fuel valve is in the first position  
15 and communicates the second fuel source to the dual fuel engine and  
16 interrupts the first fuel source communication with the dual fuel engine  
17 when in the second position and wherein the fuel lockout apparatus  
18 prevents actuation of the mechanical fuel valve to the first position when  
19 the second fuel source communicates with the dual fuel engine.

20 Therefore, each of the foregoing Firman generator models listed in Paragraph 20(a)-(h)  
21 infringes at least claims 1, 2, 6-9, 11 and 13-15 of U.S. Patent No. 10,221,780.

22 **ANSWER: Firman denies the allegations of paragraph 21.**

23  
24 22. Champion has no adequate remedy at law against Firman's acts of  
25 infringement and will suffer irreparable harm unless Firman is preliminarily and  
26 permanently enjoined from its infringement of U.S. Patent No. 10,221,780.

27 **ANSWER: Firman denies the allegations of paragraph 22.**

28

1 23. Upon information and belief, Firman’s infringement has been willful,  
2 deliberate, and with knowledge of Champion’s rights under U.S. Patent No. 10,221,780.

3 **ANSWER: Firman denies the allegations of paragraph 23.**

4  
5 24. Firman's President, Montgomery, had actual knowledge of Champion's  
6 patents, Champion's patent applications, inventions, and product development (together,  
7 the “Champion IP”) as of the date of his departure from Champion in December 2014.  
8 Subsequent to Montgomery's departure, he was hired by Firman. Upon information and  
9 belief, Montgomery disclosed the Champion IP to Firman, and thereafter, Firman  
10 monitored the Champion IP, including Champion's published patent applications.

11 **ANSWER: Firman admits it hired Mr. Greg Montgomery as its President**  
12 **in late 2015. Firman admits Mr. Montgomery worked at Champion from 2005**  
13 **until December 2014. Except as expressly admitted, Firman denies the allegations**  
14 **of paragraph 24.**

15  
16 25. Upon information and belief, Firman had actual knowledge of the  
17 Champion IP, including Champion's published patent applications.

18 **ANSWER: Firman admits that in September 2019, Champion sent a cease-**  
19 **and-demand letter to Firman that included what purported to be a copy of the '034**  
20 **patent. Except as expressly admitted, Firman denies the allegations of paragraph**  
21 **25.**

22  
23 26. Upon information and belief, at least as of September 6, 2019, the date  
24 Champion sent Firman a cease and desist letter demanding the cessation of infringement  
25 by Firman of the Champion IP, Firman continued to monitor the Champion IP,  
26 including Champion's published patent applications, and had actual notice of all of  
27 Champion's patents and published patent applications as of their publication dates.

28

1           **ANSWER: Firman admits that in September 2019, Champion sent a cease-**  
2 **and-demand letter to Firman that included what purported to be a copy of the '034**  
3 **patent. Except as expressly admitted, Firman denies the allegations of paragraph**  
4 **26.**

5  
6           27. Firman, by way of its infringing activity, has caused and continues to  
7 cause Champion to suffer damages in an amount to be determined at trial.

8           **ANSWER: Firman denies the allegations of paragraph 27.**

9  
10           **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 10,393,034**

11           28. Paragraphs 1 through 27 are incorporated by reference as if fully set forth  
12 herein.

13           **ANSWER: Firman repeats its responses to paragraphs 1 through 27 as if**  
14 **fully set forth here.**

15  
16           29. U.S. Patent No. 10,393,034 is titled “FUEL SYSTEM FOR A MULTI-  
17 FUEL INTERNAL COMBUSTION ENGINE.” U.S. Patent No. 10,393,034 was duly  
18 and legally issued on August 27, 2019. A true and correct copy of U.S. Patent  
19 No. 10,393,034 is attached as Exhibit B.

20           **ANSWER: Firman admits that U.S. Patent No. 10,393,034 is titled “FUEL**  
21 **SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE” and lists**  
22 **the issuance date on the face of the patent as August 27, 2019. Firman admits that**  
23 **what purports to be a copy of the '034 patent is attached as Exhibit B. The**  
24 **remaining allegations of paragraph 29 are denied.**

25  
26           30. Champion is the lawful assignee of the entire right, title, and interest in  
27 and to U.S. Patent No. 10,393,034 and possesses all rights of recovery under the patent,  
28 including the right to recover damages for past infringement.

1           **ANSWER: Firman lacks knowledge or information sufficient to form a**  
2 **belief about the truth of the allegations of paragraph 30.**

3  
4           31. Champion has acquired and inspected the following Firman generator  
5 models that Firman has been and is making, using, selling, or offering for sale within  
6 the United States, or importing into the United States:

- 7           a. Model H03651, a dual fuel portable generator;
- 8           b. Model H03652, a dual fuel portable generator;
- 9           c. Model H05751, a dual fuel portable generator;
- 10           d. Model H05752, a dual fuel portable generator;
- 11           e. Model H05753, a dual fuel portable generator;
- 12           f. Model H07552, a dual fuel portable generator;
- 13           g. Model H07553, a dual fuel portable generator;
- 14           h. Model H08051, a dual fuel portable generator;
- 15           i. Model H08053, a dual fuel portable generator;
- 16           j. Model T04073, a tri fuel portable generator;
- 17           k. Model T07571, a tri fuel portable generator;
- 18           l. Model T07573, a tri fuel portable generator;
- 19           m. Model T08071, a tri fuel portable generator;
- 20           n. Model T08072, a tri fuel portable generator;
- 21           o. Model T09275, a tri fuel portable generator;
- 22           p. Model T09371, a tri fuel portable generator;
- 23           q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 24           and
- 25           r. Model WH03662OF, a dual fuel open frame inverter portable generator.

26           **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
27 **United States, or imports into the United States, the models listed in paragraph**

28

1 **31(a) through 31(r). Firman lacks knowledge or information sufficient to form a**  
2 **belief about the truth of the remaining allegations of paragraph 31.**

3  
4 32. Upon acquisition, disassembly as needed, review of owner's manuals and  
5 electrical schematics, and inspection, it was determined that each of the foregoing  
6 Firman generator models includes all of the elements of at least claims 1, 2, 5, 7-9, 11,  
7 13, 14, 18, and 19 of U.S. Patent No. 10,393,034. Each of the foregoing Firman  
8 generator models infringes:

- 9 a. Independent claim 1 by specifically including a multi-fuel engine having  
10 an engine operable on a liquid fuel and a gaseous fuel, a carburetor  
11 attached to an intake of the engine to mix air and fuel and connect a liquid  
12 fuel source to the intake, the carburetor comprising a float bowl, a liquid  
13 cutoff solenoid coupled to the carburetor to open and close a liquid fuel  
14 path to the engine downstream from; the float bowl, a gaseous cutoff  
15 coupled to open and close a gaseous fuel source to the engine,; and a  
16 switch selectively coupling a power source to the liquid cutoff solenoid to  
17 open and close the liquid fuel path, as called for in claim 1 of U.S. Patent  
18 No. 10,393,034.
- 19 b. Dependent claim 2 by specifically including all the aforementioned  
20 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
21 positioned on the liquid fuel path, which extends from the float bowl to a  
22 throat of the carburetor, to open and close the liquid fuel path and the  
23 gaseous cutoff solenoid couples the gaseous fuel source to the intake to  
24 control flow of the gaseous fuel to the engine, as called for in claim 2 of  
25 U.S. Patent No. 10,393,034.
- 26 c. Dependent claim 5 by specifically including all the aforementioned  
27 elements of claim 1 and, in addition, the engine is a dual fuel engine that  
28 operates on gasoline from the liquid fuel source and LPG from the

1 gaseous fuel source, as called for in claim 5 of U.S. Patent No.  
2 10,393,034.

3 d. Dependent claim 7 by specifically including all the aforementioned  
4 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
5 selectively operable to cut off fuel flow from the float bowl to a nozzle in  
6 a venturi of the carburetor upstream from a throttle for the engine, as  
7 called for in claim 7 of U.S. Patent No. 10,393,034.

8 e. Dependent claim 8 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, the carburetor connects the gaseous  
10 fuel source to the intake, as called for in claim 8 of U.S. Patent No.  
11 10,393,034.

12 f. Dependent claim 9 by specifically including all the aforementioned  
13 elements of claim 1 and, in addition, a liquid fuel valve positioned on a  
14 liquid fuel line coupling the liquid fuel source to the carburetor to open  
15 and close the liquid fuel source to the engine, as called for in claim 9 of  
16 U.S. Patent No. 10,393,034.

17 g. Independent claim 11 by specifically including a multi-fuel generator and  
18 fuel delivery system having a multi-fuel internal combustion engine  
19 configured to operate on a liquid fuel supplied from a liquid fuel source  
20 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
21 fuel source through a gaseous fuel line, an alternator driven by the multi-  
22 fuel internal combustion engine, a fuel regulator system including a  
23 primary pressure regulator coupled to a service valve of the pressurized  
24 fuel source to regulate fuel supplied from the pressurized fuel source to a  
25 reduced pressure and a secondary pressure regulator coupled to the  
26 primary pressure regulator to regulate fuel supplied from the primary  
27 pressure regulator to a desired pressure for delivery through the gaseous  
28 fuel line to operate the engine, and an electro-mechanical valve system

1 coupled to the engine and operated by an electrical switch powered by one  
2 of the alternator, a battery, and a magneto that controls fuel flow to the  
3 engine from the liquid fuel source and the pressurized fuel source, as  
4 called for in claim 11 of U.S. Patent No. 10,393,034.

5 h. Dependent claim 13 by specifically including all the aforementioned  
6 elements of claim 11 and, in addition, the electro-mechanical valve system  
7 is configured to prevent simultaneous delivery of the liquid fuel and the  
8 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.  
9 10,393,034.

10 i. Dependent claim 14 by specifically including all the aforementioned  
11 elements of claim 11 and, in addition, the electro-mechanical valve system  
12 has the electro-mechanical valve system and a gaseous fuel cutoff  
13 solenoid coupled to the gaseous fuel line to control flow of the gaseous  
14 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

15 j. Independent claim 18 by specifically including a multi-fuel internal  
16 combustion engine having an engine operable on liquid fuel supplied  
17 through a liquid fuel line from a liquid fuel source and gaseous fuel  
18 supplied through a gaseous fuel line from a pressurized fuel source, a  
19 carburetor coupled to an intake of the engine to mix air and fuel and  
20 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff  
21 solenoid coupled to control fuel flow within the carburetor from the liquid  
22 fuel line and selectively engage engine operation on liquid fuel, and a  
23 gaseous fuel valve coupled to control fuel flow through the gaseous fuel  
24 line and selectively engage engine operation on gaseous fuel, as called for  
25 in claim 18 of U.S. Patent No. 10,393,034.

26 k. Dependent claim 19 by specifically including all the aforementioned  
27 elements of claim 18 and, in addition, the gaseous fuel valve comprises a  
28

1 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.  
2 10,393,034.

3 Therefore, each of the foregoing Firman generator models listed in Paragraph 31(a)-(r)  
4 infringes at least claims 1, 2, 5, 7-9, 11, 13, 14, 18, and 19 of U.S. Patent  
5 No. 10,393,034.

6 **ANSWER: Firman denies the allegations of paragraph 32.**

7

8 33. Champion has also acquired and inspected the following Firman generator  
9 models that Firman has been and is making, using, selling, or offering for sale within  
10 the United States, or importing into the United States:

- 11 a. Model WH02942, a dual fuel inverter portable generator;
- 12 b. Model WH03041, a dual fuel inverter portable generator;
- 13 c. Model WH03042, a dual fuel inverter portable generator;
- 14 d. Model WH03242, a dual fuel inverter portable generator; and
- 15 e. Model WH03344, a dual fuel inverter portable generator.

16 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
17 **United States, or imports into the United States, the models listed in paragraph**  
18 **33(a) through 33(e). Firman lacks knowledge or information sufficient to form a**  
19 **belief about the truth of the remaining allegations of paragraph 33.**

20

21 34. Upon acquisition, disassembly as needed, review of owner's manuals and  
22 electrical schematics, and inspection, it was determined that each of the foregoing  
23 Firman generator models includes all of the elements of at least claims 1, 2, 5-9, 11, 13,  
24 14, 18, 19, and 24 of U.S. Patent No. 10,393,034. Each of the foregoing Firman  
25 generator models infringes:

- 26 a. Independent claim 1 by specifically including a multi-fuel engine having  
27 an engine operable on a liquid fuel and a gaseous fuel, a carburetor  
28 attached to an intake of the engine to mix air and fuel and connect a liquid

1 fuel source to the intake, the carburetor comprising a float bowl, a liquid  
2 cutoff solenoid coupled to the carburetor to open and close a liquid fuel  
3 path to the engine downstream from the float bowl, a gaseous cutoff  
4 coupled to open and close a gaseous fuel source to the engine, and a  
5 switch selectively coupling a power source to the liquid cutoff solenoid to  
6 open and close the liquid fuel path, as called for in claim 1 of U.S. Patent  
7 No. 10,393,034.

8 b. Dependent claim 2 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
10 positioned on the liquid fuel path, which extends from the float bowl to a  
11 throat of the carburetor, to open and close the liquid fuel path and the  
12 gaseous cutoff solenoid couples the gaseous fuel source to the intake to  
13 control flow of the gaseous fuel to the engine, as called for in claim 2 of  
14 U.S. Patent No. 10,393,034.

15 c. Dependent claim 5 by specifically including all the aforementioned  
16 elements of claim 1 and, in addition, the engine is a dual fuel engine that  
17 operates on gasoline from the liquid fuel source and LPG from the  
18 gaseous fuel source, as called for in claim 5 of U.S. Patent No.  
19 10,393,034.

20 d. Dependent claim 6 by specifically including all the aforementioned  
21 elements of claim 1 and, in addition, activating the gaseous cutoff  
22 simultaneously activates the liquid cutoff solenoid, as called for in claim 6  
23 of U.S. Patent No. 10,393,034.

24 e. Dependent claim 7 by specifically including all the aforementioned  
25 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
26 selectively operable to cut off fuel flow from the float bowl to a nozzle in  
27 a venturi of the carburetor upstream from a throttle for the engine, as  
28 called for in claim 7 of U.S. Patent No. 10,393,034.

- 1 f. Dependent claim 8 by specifically including all the aforementioned  
2 elements of claim 1 and, in addition, the carburetor connects the gaseous  
3 fuel source to the intake, as called for in claim 8 of U.S. Patent No.  
4 10,393,034.
- 5 g. Dependent claim 9 by specifically including all the aforementioned  
6 elements of claim 1 and, in addition, a liquid fuel valve positioned on a  
7 liquid fuel line coupling the liquid fuel source to the carburetor to open  
8 and close the liquid fuel source to the engine, as called for in claim 9 of  
9 U.S. Patent No. 10,393,034.
- 10 h. Independent claim 11 by specifically including a multi-fuel generator and  
11 fuel delivery system having a multi-fuel internal combustion engine  
12 configured to operate on a liquid fuel supplied from a liquid fuel source  
13 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
14 fuel source through a gaseous fuel line, an alternator driven by the multi-  
15 fuel internal combustion engine, a fuel regulator system including a  
16 primary pressure regulator coupled to a service valve of the pressurized  
17 fuel source to regulate fuel supplied from the pressurized fuel source to a  
18 reduced pressure and a secondary pressure regulator coupled to the  
19 primary pressure regulator to regulate fuel supplied from the primary  
20 pressure regulator to a desired pressure for delivery through the gaseous  
21 fuel line to operate the engine, and an electro-mechanical valve system  
22 coupled to the engine and operated by an electrical switch powered by one  
23 of the alternator, a battery, and a magneto that controls fuel flow to the  
24 engine from the liquid fuel source and the pressurized fuel source, as  
25 called for in claim 11 of U.S. Patent No. 10,393,034.
- 26 i. Dependent claim 13 by specifically including all the aforementioned  
27 elements of claim 11 and, in addition, the electro-mechanical valve system  
28 is configured to prevent simultaneous delivery of the liquid fuel and the

1 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.  
2 10,393,034.

3 j. Dependent claim 14 by specifically including all the aforementioned  
4 elements of claim 11 and, in addition, the electro-mechanical valve system  
5 has the electro-mechanical valve system and a gaseous fuel cutoff  
6 solenoid coupled to the gaseous fuel line to control flow of the gaseous  
7 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

8 k. Independent claim 18 by specifically including a multi-fuel internal  
9 combustion engine having an engine operable on liquid fuel supplied  
10 through a liquid fuel line from a liquid fuel source and gaseous fuel  
11 supplied through a gaseous fuel line from a pressurized fuel source, a  
12 carburetor coupled to an intake of the engine to mix air and fuel and  
13 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff  
14 solenoid coupled to control fuel flow within the carburetor from the liquid  
15 fuel line and selectively engage engine operation on liquid fuel, and a  
16 gaseous fuel valve coupled to control fuel flow through the gaseous fuel  
17 line and selectively engage engine operation on gaseous fuel, as called for  
18 in claim 18 of U.S. Patent No. 10,393,034.

19 l. Dependent claim 19 by specifically including all the aforementioned  
20 elements of claim 18 and, in addition, the gaseous fuel valve comprises a  
21 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.  
22 10,393,034.

23 m. Dependent claim 24 by specifically including all the aforementioned  
24 elements of claim 18 and, in addition, an alternator driven by the engine to  
25 form a generator and a fuel regulator system located off-board the  
26 generator and having a primary pressure regulator coupled to a service  
27 valve of the pressurized fuel source to regulate the fuel supplied from the  
28 pressurized fuel source to a reduced pressure and a secondary pressure

1 regulator coupled to the primary pressure regulator to regulate the gaseous  
2 fuel supplied from the primary pressure regulator to a desired pressure for  
3 delivery through the gaseous fuel line to operate the engine, as called for  
4 in claim 24 of U.S. Patent No. 10,393,034.

5 Therefore, each of the foregoing Firman generator models listed in Paragraph 33(a)-(e)  
6 infringes at least claims 1, 2, 5-9, 11, 13, 14, 18, 19, and 24 of U.S. Patent No.  
7 10,393,034.

8 **ANSWER: Firman denies the allegations of paragraph 34.**

9  
10 35. Upon information and belief, Firman has been and is now making, using,  
11 selling, or offering for sale within the United States, or importing into the United States,  
12 the following additional generator models:

- 13 a. Model H03654, a dual fuel portable generator;
- 14 b. Model H05754, a dual fuel portable generator;
- 15 c. Model H07554, a dual fuel portable generator;
- 16 d. Model H08052, a dual fuel portable generator; and
- 17 e. Model T07571F, a refurbished tri fuel portable generator.

18 **ANSWER: Firman denies the allegations of paragraph 35(c). Firman**  
19 **admits the remaining allegations of paragraph 35.**

20  
21 36. Upon review of images, owner's manuals, and electrical schematics of the  
22 foregoing Firman generator models and comparisons of the images, owner's manuals,  
23 and electrical schematics of the foregoing Firman generator models to those of the  
24 Firman generator models listed in Paragraphs 31 and 33, it was determined that each of  
25 the foregoing Firman generator models includes all of the elements of at least claims 1,  
26 2, 5, 7-9, 11, 13, 14, 18 and 19 of U.S. Patent No. 10,393,034. Each of the foregoing  
27 Firman generator models infringes:

28

- 1 a. Independent claim 1 by specifically including a multi-fuel engine having  
2 an engine operable on a liquid fuel, a carburetor attached to an intake of  
3 the engine to mix air and fuel and connect a liquid fuel source to the  
4 intake, the carburetor comprising a float bowl, a liquid cutoff solenoid  
5 coupled to the carburetor to open and close a liquid fuel path to the engine  
6 downstream from the float bowl, a gaseous cutoff coupled to open and  
7 close a gaseous fuel source to the engine, and a switch selectively  
8 coupling a power source to the liquid cutoff solenoid to open and close the  
9 liquid fuel path as called for in claim 1 of U.S. Patent No. 10,393,034.
- 10 b. Dependent claim 2 by specifically including all the aforementioned  
11 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
12 positioned on the liquid fuel path, which extends from the float bowl to a  
13 throat of the carburetor, to open and close the liquid fuel path and the  
14 gaseous cutoff solenoid couples the gaseous fuel source to the intake to  
15 control flow of the gaseous fuel to the engine, as called for in claim 2 of  
16 U.S. Patent No. 10,393,034.
- 17 c. Dependent claim 5 by specifically including all the aforementioned  
18 elements of claim 1 and, in addition, the engine is a dual fuel engine that  
19 operates on gasoline from the liquid fuel source and LPG from the  
20 gaseous fuel source, as called for in claim 5 of U.S. Patent No.  
21 10,393,034.
- 22 d. Dependent claim 7 by specifically including all the aforementioned  
23 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
24 selectively operable to cut off fuel flow from the float bowl to a nozzle in  
25 a venturi of the carburetor upstream from a throttle for the engine, as  
26 called for in claim 7 of U.S. Patent No. 10,393,034.
- 27 e. Dependent claim 8 by specifically including all the aforementioned  
28 elements of claim 1 and, in addition, the carburetor connects the gaseous

1 fuel source to the intake, as called for in claim 8 of U.S. Patent No.  
2 10,393,034.

3 f. Dependent claim 9 by specifically including all the aforementioned  
4 elements of claim 1 and, in addition, a liquid fuel valve positioned on a  
5 liquid fuel line coupling the liquid fuel source to the carburetor to open  
6 and close the liquid fuel source to the engine, as called for in claim 9 of  
7 U.S. Patent No. 10,393,034.

8 g. Independent claim 11 by specifically including a multi-fuel generator and  
9 fuel delivery system having a multi-fuel internal combustion engine  
10 configured to operate on a liquid fuel supplied from a liquid fuel source  
11 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
12 fuel source through a gaseous fuel line, an alternator driven by the multi-  
13 fuel internal combustion engine, a fuel regulator system including a  
14 primary pressure regulator coupled to a service valve of the pressurized  
15 fuel source to regulate fuel supplied from the pressurized fuel source to a  
16 reduced pressure and a secondary pressure regulator coupled to the  
17 primary pressure regulator to regulate fuel supplied from the primary  
18 pressure regulator to a desired pressure for delivery through the gaseous  
19 fuel line to operate the engine, and an electro-mechanical valve system  
20 coupled to the engine and operated by an electrical switch powered by one  
21 of the alternator, a battery, and a magneto that controls fuel flow to the  
22 engine from the liquid fuel source and the pressurized fuel source, as  
23 called for in claim 11 of U.S. Patent No. 10,393,034.

24 h. Dependent claim 13 by specifically including all the aforementioned  
25 elements of claim 11 and, in addition, the electro-mechanical valve system  
26 is configured to prevent simultaneous delivery of the liquid fuel and the  
27 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.  
28 10,393,034.

- 1 i. Dependent claim 14 by specifically including all the aforementioned  
2 elements of claim 11 and, in addition, the electro-mechanical valve system  
3 has the electro-mechanical valve system and a gaseous fuel cutoff  
4 solenoid coupled to the gaseous fuel line to control flow of the gaseous  
5 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.
- 6 j. Independent claim 18 by specifically including a multi-fuel internal  
7 combustion engine having an engine operable on liquid fuel supplied  
8 through a liquid fuel line from a liquid fuel source and gaseous fuel  
9 supplied through a gaseous fuel line from a pressurized fuel source, a  
10 carburetor coupled to an intake of the engine to mix air and fuel and  
11 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff  
12 solenoid coupled to control fuel flow within the carburetor from the liquid  
13 fuel line and selectively engage engine operation on liquid fuel, and a  
14 gaseous fuel valve coupled to control fuel flow through the gaseous fuel  
15 line and selectively engage engine operation on gaseous fuel, as called for  
16 in claim 18 of U.S. Patent No. 10,393,034.
- 17 k. Dependent claim 19 by specifically including all the aforementioned  
18 elements of claim 18 and, in addition, the gaseous fuel valve comprises a  
19 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.  
20 10,393,034.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 35(a)-(e)  
22 infringes at least claims 1, 2, 5, 7-9, 11, 13, 14, 18, and 19 of U.S. Patent  
23 No. 10,393,034.

24 **ANSWER: Firman denies the allegations of paragraph 36.**

25  
26 37. Upon information and belief, Firman has been and is now making, using,  
27 selling, or offering for sale within the United States, or importing into the United States,  
28 the following additional generator models:

- 1 a. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 2 b. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 3 and
- 4 c. Model WH03342, a dual fuel inverter portable generator.

5 **ANSWER: Firman admits the allegations of paragraph 37.**

6

7 38. Upon review of images, owner's manuals, and electrical schematics of the  
8 foregoing Firman generator models and comparisons of the images, owner's manuals,  
9 and electrical schematics of the foregoing Firman generator models to those of the  
10 Firman generator models listed in Paragraphs 31 and 33, it was determined that each of  
11 the foregoing Firman generator models includes all of the elements of at least claims 1,  
12 2, 5-9, 11, 13, 14, 18, 19, and 24 of U.S. Patent No. 10,393,034. Each of the foregoing  
13 Firman generator models infringes:

- 14 a. Independent claim 1 by specifically including a multi-fuel engine having  
15 an engine operable on a liquid fuel and a gaseous fuel, a carburetor  
16 attached to an intake of the engine to mix air and fuel and connect a liquid  
17 fuel source to the intake, the carburetor comprising a float bowl, a liquid  
18 cutoff solenoid coupled to the carburetor to open and close a liquid fuel  
19 path to the engine downstream from the float bowl, a gaseous cutoff  
20 coupled to open and close a gaseous fuel source to the engine, and a  
21 switch selectively coupling a power source to the liquid cutoff solenoid to  
22 open and close the liquid fuel path, as called for in claim 1 of U.S. Patent  
23 No. 10,393,034.
- 24 b. Dependent claim 2 by specifically including all the aforementioned  
25 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
26 positioned on the liquid fuel path, which extends from the float bowl to a  
27 throat of the carburetor, to open and close the liquid fuel path and the  
28 gaseous cutoff solenoid couples the gaseous fuel source to the intake to

- 1 control flow of the gaseous fuel to the engine, as called for in claim 2 of  
2 U.S. Patent No. 10,393,034.
- 3 c. Dependent claim 5 by specifically including all the aforementioned  
4 elements of claim 1 and, in addition, the engine is a dual fuel engine that  
5 operates on gasoline from the liquid fuel source and LPG from the  
6 gaseous fuel source, as called for in claim 5 of U.S. Patent No.  
7 10,393,034.
- 8 d. Dependent claim 6 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, activating the gaseous cutoff  
10 simultaneously activates the liquid cutoff solenoid, as called for in claim 6  
11 of U.S. Patent No. 10,393,034.
- 12 e. Dependent claim 7 by specifically including all the aforementioned  
13 elements of claim 1 and, in addition, the liquid cutoff solenoid is  
14 selectively operable to cut off fuel flow from the float bowl to a nozzle in  
15 a venturi of the carburetor upstream from a throttle for the engine, as  
16 called for in claim 7 of U.S. Patent No. 10,393,034.
- 17 f. Dependent claim 8 by specifically including all the aforementioned  
18 elements of claim 1 and, in addition, the carburetor connects the gaseous  
19 fuel source to the intake, as called for in claim 8 of U.S. Patent No.  
20 10,393,034.
- 21 g. Dependent claim 9 by specifically including all the aforementioned  
22 elements of claim 1 and, in addition, a liquid fuel valve positioned on a  
23 liquid fuel line coupling the liquid fuel source to the carburetor to open  
24 and close the liquid fuel source to the engine, as called for in claim 9 of  
25 U.S. Patent No. 10,393,034.
- 26 h. Independent claim 11 by specifically including a multi-fuel generator and  
27 fuel delivery system having a multi-fuel internal combustion engine  
28 configured to operate on a liquid fuel supplied from a liquid fuel source

1 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
2 fuel source through a gaseous fuel line, an alternator driven by the multi-  
3 fuel internal combustion engine, a fuel regulator system including a  
4 primary pressure regulator coupled to a service valve of the pressurized  
5 fuel source to regulate fuel supplied from the pressurized fuel source to a  
6 reduced pressure and a secondary pressure regulator coupled to the  
7 primary pressure regulator to regulate fuel supplied from the primary  
8 pressure regulator to a desired pressure for delivery through the gaseous  
9 fuel line to operate the engine, and an electro-mechanical valve system  
10 coupled to the engine and operated by an electrical switch powered by one  
11 of the alternator, a battery, and a magneto that controls fuel flow to the  
12 engine from the liquid fuel source and the pressurized fuel source, as  
13 called for in claim 11 of U.S. Patent No. 10,393,034.

14 i. Dependent claim 13 by specifically including all the aforementioned  
15 elements of claim 11 and, in addition, the electro-mechanical valve system  
16 is configured to prevent simultaneous delivery of the liquid fuel and the  
17 gaseous fuel to the engine, as called for in claim 13 of U.S. Patent No.  
18 10,393,034.

19 j. Dependent claim 14 by specifically including all the aforementioned  
20 elements of claim 11 and, in addition, the electro-mechanical valve system  
21 has the electro-mechanical valve system and a gaseous fuel cutoff  
22 solenoid coupled to the gaseous fuel line to control flow of the gaseous  
23 fuel to the engine, as called for in claim 14 of U.S. Patent No. 10,393,034.

24 k. Independent claim 18 by specifically including a multi-fuel internal  
25 combustion engine having an engine operable on liquid fuel supplied  
26 through a liquid fuel line from a liquid fuel source and gaseous fuel  
27 supplied through a gaseous fuel line from a pressurized fuel source, a  
28 carburetor coupled to an intake of the engine to mix air and fuel and

1 connect to the liquid fuel line and the gaseous fuel line, a carburetor cutoff  
2 solenoid coupled to control fuel flow within the carburetor from the liquid  
3 fuel line and selectively engage engine operation on liquid fuel, and a  
4 gaseous fuel valve coupled to control fuel flow through the gaseous fuel  
5 line and selectively engage engine operation on gaseous fuel, as called for  
6 in claim 18 of U.S. Patent No. 10,393,034.

7 l. Dependent claim 19 by specifically including all the aforementioned  
8 elements of claim 18 and, in addition, the gaseous fuel valve comprises a  
9 gaseous fuel cutoff solenoid, as called for in claim 19 of U.S. Patent No.  
10 10,393,034.

11 m. Dependent claim 24 by specifically including all the aforementioned  
12 elements of claim 18 and, in addition, an alternator driven by the engine to  
13 form a generator and a fuel regulator system located off-board the  
14 generator and having a primary pressure regulator coupled to a service  
15 valve of the pressurized fuel source to regulate the fuel supplied from the  
16 pressurized fuel source to a reduced pressure and a secondary pressure  
17 regulator coupled to the primary pressure regulator to regulate the gaseous  
18 fuel supplied from the primary pressure regulator to a desired pressure for  
19 delivery through the gaseous fuel line to operate the engine, as called for  
20 in claim 24 of U.S. Patent No. 10,393,034.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 37(a)-(c)  
22 infringes at least claims 1, 2, 5-9, 11, 13, 14, 18, 19, and 24 of U.S. Patent No.  
23 10,393,034.

24 **ANSWER: Firman denies the allegations of paragraph 38.**

25  
26 39. Champion has no adequate remedy at law against Firman's acts of  
27 infringement and will suffer irreparable harm unless Firman is preliminarily and  
28 permanently enjoined from its infringement of U.S. Patent No. 10,393,034.

1           **ANSWER: Firman denies the allegations of paragraph 39.**

2

3           40. Upon information and belief, Firman’s infringement has been willful,  
4 deliberate, and with knowledge of Champion’s rights under U.S. Patent No. 10,393,034.

5           **ANSWER: Firman denies the allegations of paragraph 40.**

6

7           41. Firman, by way of its infringing activity, has caused and continues to  
8 cause Champion to suffer damages in an amount to be determined at trial.

9           **ANSWER: Firman denies the allegations of paragraph 41.**

10

11           **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 10,598,101**

12           42. Paragraphs 1 through 41 are incorporated by reference as if fully set forth  
13 herein.

14           **ANSWER: Firman repeats its responses to paragraphs 1 through 41 as if**  
15 **fully set forth here.**

16

17           43. U.S. Patent No. 10,598,101 is titled “DUAL FUEL SELECTOR  
18 SWITCH.” U.S. Patent No. 10,598,101 was duly and legally issued on March 24, 2020.  
19 A true and correct copy of U.S. Patent No. 10,598,101 is attached as Exhibit C.

20           **ANSWER: Firman admits that U.S. Patent No. 10,598,101 is titled “DUAL**  
21 **FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent**  
22 **as March 24, 2020. Firman admits that what purports to be a copy of the ’101**  
23 **patent is attached as Exhibit C. The remaining allegations of paragraph 43 are**  
24 **denied.**

25

26           44. Champion is the lawful assignee of the entire right, title, and interest in  
27 and to U.S. Patent No. 10,598,101 and possesses all rights of recovery under the patent,  
28 including the right to recover damages for past infringement.

1           **ANSWER: Firman lacks knowledge or information sufficient to form a**  
2 **belief about the truth of the allegations of paragraph 44.**

3  
4           45. Champion has acquired and inspected the following Firman generator  
5 models that Firman has been and is making, using, selling, or offering for sale within  
6 the United States, or importing into the United States:

- 7           a. Model H03651, a dual fuel portable generator;
- 8           b. Model H03652, a dual fuel portable generator;
- 9           c. Model H05751, a dual fuel portable generator;
- 10           d. Model H05752, a dual fuel portable generator;
- 11           e. Model H05753, a dual fuel portable generator;
- 12           f. Model H07552, a dual fuel portable generator;
- 13           g. Model H07553, a dual fuel portable generator;
- 14           h. Model H08051, a dual fuel portable generator;
- 15           i. Model H08053, a dual fuel portable generator;
- 16           j. Model T04073, a tri fuel portable generator;
- 17           k. Model T07571, a tri fuel portable generator;
- 18           l. Model T07573, a tri fuel portable generator;
- 19           m. Model T08071, a tri fuel portable generator;
- 20           n. Model T08072, a tri fuel portable generator;
- 21           o. Model T09275, a tri fuel portable generator;
- 22           p. Model T09371, a tri fuel portable generator;
- 23           q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 24           and
- 25           r. Model WH03662OF, a dual fuel open frame inverter portable generator.

26           **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
27 **United States, or imports into the United States, the models listed in paragraph**

28

1 **45(a) through 45(r). Firman lacks knowledge or information sufficient to form a**  
2 **belief about the truth of the remaining allegations of paragraph 45.**

3  
4 46. Upon acquisition, disassembly as needed, review of owner's manuals and  
5 electrical schematics, and inspection, it was determined that each of the foregoing  
6 Firman generator models includes all of the elements of at least claim 18 of U.S. Patent  
7 No. 10,598,101. Each of the foregoing Firman generator models infringes independent  
8 claim 18 by specifically including a fuel selector for use with a dual fuel generator, the  
9 fuel selector having a valve assembly fluidly connected to each of a first fuel source and  
10 a second fuel source, being operable to selectively control a first fuel flow and a second  
11 fuel flow from the first fuel source and the second fuel source, respectively, to an engine  
12 of the dual fuel generator, and including two fuel inputs, with a first fuel input  
13 connected to the first fuel source, and a second fuel input connected to the second fuel  
14 source, two fuel outputs supplying fuel from only one of the first fuel source or the  
15 second fuel source, a first fuel valve having open and closed positions to selectively  
16 control the first fuel flow to the engine, and a second fuel valve having open and closed  
17 positions to selectively control the second fuel flow to the engine, and a selector switch  
18 positioned on the valve assembly to allow a user to manually select one of the first fuel  
19 flow and the second fuel flow, as called for in claim 18 of U.S. Patent No. 10,598,101.  
20 Therefore, each of the foregoing Firman generator models listed in Paragraph 45(a)-(r)  
21 infringes at least claim 18 of U.S. Patent No. 10,598,101.

22 **ANSWER: Firman denies the allegations of paragraph 46.**

23  
24 47. Champion has also acquired and inspected the following Firman generator  
25 models that Firman has been and is making, using, selling, or offering for sale within  
26 the United States, or importing into the United States:

- 27 a. Model WH02942, a dual fuel inverter portable generator;  
28 b. Model WH03041, a dual fuel inverter portable generator;

- 1 c. Model WH03042, a dual fuel inverter portable generator;
- 2 d. Model WH03242, a dual fuel inverter portable generator; and
- 3 e. Model WH03344, a dual fuel inverter portable generator.

4 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
5 **United States, or imports into the United States, the models listed in paragraph**  
6 **47(a) through 47(e). Firman lacks knowledge or information sufficient to form a**  
7 **belief about the truth of the remaining allegations of paragraph 47.**

8  
9 48. Upon acquisition, disassembly as needed, review of owner's manuals and  
10 electrical schematics, and inspection, it was determined that each of the foregoing  
11 Firman generator models includes all of the elements of at least claims 17 and 18 of  
12 U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models infringes:

- 13 a. Independent claim 17 by specifically including a fuel selector of a dual  
14 fuel generator having a valve assembly positioned on or adjacent the  
15 selector switch and fluidly connected to each of a first fuel source and a  
16 second fuel source, the valve assembly being operable to selectively  
17 control a first fuel flow and a second fuel flow from the first fuel source  
18 and the second fuel source, respectively, to an engine of the dual fuel  
19 generator; a selector switch with a first fuel mode and a second fuel mode;  
20 a solenoid switch having open and closed positions; and a fuel solenoid  
21 having open and closed positions; wherein, when the selector switch is in  
22 the first fuel mode, the solenoid switch and the fuel solenoid are in the  
23 closed positions and, when the selector switch is in the second fuel mode,  
24 the solenoid switch and the fuel solenoid are in the open positions,  
25 wherein the selector switch triggers the solenoid switch when changed  
26 from the second fuel mode to the first fuel mode, so as to cause the  
27 solenoid switch and the fuel solenoid to operate in the closed positions,  
28 and wherein positioning of the selector switch in the first fuel mode and

1 the second fuel mode enables a selection of one of the first fuel flow and  
2 the second fuel flow as called for in claim 17 of U.S. Patent  
3 No. 10,598,101.

4 b. Independent claim 18 specifically including a fuel selector for use with a  
5 dual fuel generator, the fuel selector having a valve assembly fluidly  
6 connected to each of a first fuel source and a second fuel source, being  
7 operable to selectively control a first fuel flow and a second fuel flow  
8 from the first fuel source and the second fuel source, respectively, to an  
9 engine of the dual fuel generator, and including two fuel inputs, with a  
10 first fuel input connected to the first fuel source, and a second fuel input  
11 connected to the second fuel source, two fuel outputs supplying fuel from  
12 only one of the first fuel source or the second fuel source, a first fuel valve  
13 having open and closed positions to selectively control the first fuel flow  
14 to the engine; and a second fuel valve having open and closed positions to  
15 selectively control the second fuel flow to the engine; and a selector  
16 switch positioned on the valve assembly to allow a user to manually select  
17 one of the first fuel flow and the second fuel flow, as called for in claim  
18 18 of U.S. Patent No. 10,598,101.

19 Therefore, each of the foregoing Firman generator models listed in Paragraph 47(a)-(e)  
20 infringes at least claims 17 and 18 of U.S. Patent No. 10,598,101.

21 **ANSWER: Firman denies the allegations of paragraph 48.**

22  
23 49. Upon information and belief, Firman has been and is now making, using,  
24 selling, or offering for sale within the United States, or importing into the United States,  
25 the following additional generator models:

- 26 a. Model H03654, a dual fuel portable generator;
- 27 b. Model H05754, a dual fuel portable generator;
- 28 c. Model H07554, a dual fuel portable generator;

- 1 d. Model H08052, a dual fuel portable generator; and
- 2 e. Model T07571F, a refurbished tri fuel portable generator.

3 **ANSWER: Firman denies the allegations of paragraph 49(c). Firman**  
4 **admits the remaining allegations of paragraph 49.**

5

6 50. Upon review of images, owner's manuals, and electrical schematics of the  
7 foregoing Finnan generator models and comparisons of the images, owner's manuals,  
8 and electrical schematics of the foregoing Firman generator models to those of the  
9 Firman generator models listed in Paragraphs 45 and 47 it was determined that each of  
10 the foregoing Firman generator models includes all of the elements of at least claim 18  
11 of U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models  
12 infringes independent claim 18 by specifically including a fuel selector for use with a  
13 dual fuel generator, the fuel selector having a valve assembly fluidly connected to each  
14 of a first fuel source and a second fuel source, being operable to selectively control a  
15 first fuel flow and a second fuel flow from the first fuel source and the second fuel  
16 source, respectively, to an engine of the dual fuel generator, and including two fuel  
17 inputs, with a first fuel input connected to the first fuel source, and a second fuel input  
18 connected to the second fuel source, two fuel outputs supplying fuel from only one of  
19 the first fuel source or the second fuel source, a first fuel valve having open and closed  
20 positions to selectively control the first fuel flow to the engine; and a second fuel valve  
21 having open and closed positions to selectively control the second fuel flow to the  
22 engine; and a selector switch positioned on the valve assembly to allow a user to  
23 manually select one of the first fuel flow and the second fuel flow, as called for in claim  
24 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing Firman generator  
25 models listed in Paragraph 49(a)-(e) infringes at least claim 18 of U.S. Patent  
26 No. 10,598,101.

27 **ANSWER: Firman denies the allegations of paragraph 50.**

28

1           51. Upon information and belief, Firman also has been and is now making,  
2 using, selling, or offering for sale within the United States, or importing into the United  
3 States, the following additional generator models:

- 4           a. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 5           b. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 6                   and
- 7           c. Model WH03342, a dual fuel inverter portable generator.

8           **ANSWER: Firman admits the allegations of Paragraph 51.**

9  
10           52. Upon review of images, owner’s manuals, and electrical schematics of the  
11 foregoing Firman generator models and comparisons of the images, owner’s manuals,  
12 and electrical schematics of the foregoing Firman generator models to those of the  
13 Firman generator models listed in Paragraphs 45 and 47, it was determined that each of  
14 the foregoing Firman generator models includes all of the elements of at least claims 17  
15 and 18 of U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models  
16 infringes:

- 17           a. Independent claim 17 by specifically including a fuel selector of a dual  
18 fuel generator having a valve assembly positioned on or adjacent the  
19 selector switch and fluidly connected to each of a first fuel source and a  
20 second fuel source, the valve assembly being operable to selectively  
21 control a first fuel flow and a second fuel flow from the first fuel source  
22 and the second fuel source, respectively, to an engine of the dual fuel  
23 generator; a selector switch with a first fuel mode and a second fuel  
24 model; a solenoid switch having open and closed positions; and a fuel  
25 solenoid having open and closed positions; wherein, when the selector  
26 switch is in the first fuel mode, the solenoid switch and the fuel solenoid  
27 are in the closed positions and, when the selector switch is in the second  
28 fuel mode, the solenoid switch and the fuel solenoid are in the open

1 positions, wherein the selector switch triggers the solenoid switch when  
2 changed from the second fuel mode to the first fuel mode, so as to cause  
3 the solenoid switch and the fuel solenoid to operate in the closed  
4 positions, and wherein positioning of the selector switch in the first fuel  
5 mode and the second fuel mode enables a selection of one of the first fuel  
6 flow and the second fuel flow as called for in claim 17 of U.S. Patent  
7 No. 10,598,101.

8 b. Independent claim 18 by specifically including a fuel selector for use with  
9 a dual fuel generator, the fuel selector having a valve assembly fluidly  
10 connected to each of a first fuel source and a second fuel source, being  
11 operable to selectively control a first fuel flow and a second fuel flow  
12 from the first fuel source and the second fuel source, respectively, to an  
13 engine of the dual fuel generator, and including two fuel inputs, with a  
14 first fuel input connected to the first fuel source, and a second fuel input  
15 connected to the second fuel source, two fuel outputs supplying fuel from  
16 only one of the first fuel source or the second fuel source, a first fuel valve  
17 having open and closed positions to selectively control the first fuel flow  
18 to the engine, and a second fuel valve having open and closed positions to  
19 selectively control the second fuel flow to the engine; and a selector  
20 switch positioned on the valve assembly to allow a user to manually select  
21 one of the first fuel flow and the second fuel flow, as called for in claim  
22 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing  
23 Firman generator models infringes at least claims 17 and 18 of U.S. Patent  
24 No. 10,598,101. Therefore, each of the foregoing Firman generator  
25 models listed in Paragraph 51(a)-(c) infringes at least claims 17 and 18 of  
26 U.S. Patent No. 10,598,101.

27 Therefore, each of the foregoing Firman generator models listed in Paragraph 51(a)-(c)  
28 infringes at least claims 17 and 18 of U.S. Patent No. 10,598,101.

1           **ANSWER: Firman denies the allegations of paragraph 52.**

2

3           53. Champion has no adequate remedy at law against Firman’s acts of  
4 infringement and will suffer irreparable harm unless Firman is preliminarily and  
5 permanently enjoined from its infringement of U.S. Patent No. 10,598,101.

6           **ANSWER: Firman denies the allegations of paragraph 53.**

7

8           54. Upon information and belief, Firman’s infringement has been willful,  
9 deliberate, and with knowledge of Champion’s rights under U.S. Patent No. 10,598,101.

10           **ANSWER: Firman denies the allegations of paragraph 54.**

11

12           55. Firman, by way of its infringing activity, has caused and continues to  
13 cause Champion to suffer damages in an amount to be determined at trial.

14           **ANSWER: Firman denies the allegations of paragraph 55.**

15

16           **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 10,697,398**

17           56. Paragraphs 1 through 55 are incorporated by reference as if fully set forth  
18 herein.

19           **ANSWER: Firman repeats its responses to paragraphs 1 through 55 as if**  
20 **fully set forth herein.**

21

22           57. U.S. Patent No. 10,697,398 is titled “BATTERYLESS DUAL FUEL  
23 ENGINE WITH LIQUID FUEL CUT-OFF.” U.S. Patent No. 10,697,398 was duly and  
24 legally issued on June 30, 2020. A true and correct copy of U.S. Patent No. 10,697,398  
25 is attached as Exhibit D.

26           **ANSWER: Firman admits that U.S. Patent No. 10,697,398 is titled**  
27 **“BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF” and**  
28 **lists the issuance date on the face of the patent as June 30, 2020. Firman admits**

1 **that what purports to be a copy of the '398 patent is attached as Exhibit D. The**  
2 **remaining allegations of paragraph 57 are denied.**

3  
4 58. Champion is the lawful assignee of the entire right, title, and interest in  
5 and to U.S. Patent No. 10,697,398 and possesses all rights of recovery under the patent,  
6 including the right to recover damages for past infringement.

7 **ANSWER: Firman lacks knowledge or information sufficient to form a**  
8 **belief about the truth of the allegations of paragraph 58.**

9  
10 59. Champion has acquired and inspected the following Firman generator  
11 models that Firman has been and is making, using, selling, or offering for sale within  
12 the United States, or importing into the United States:

- 13 a. Model H03651, a dual fuel portable generator;
- 14 b. Model H03652, a dual fuel portable generator;
- 15 c. Model H05751, a dual fuel portable generator;
- 16 d. Model H05752, a dual fuel portable generator;
- 17 e. Model H05753, a dual fuel portable generator;
- 18 f. Model H07552, a dual fuel portable generator;
- 19 g. Model H07553, a dual fuel portable generator;
- 20 h. Model H08051, a dual fuel portable generator;
- 21 i. Model H08053, a dual fuel portable generator;
- 22 j. Model T04073, a tri fuel portable generator;
- 23 k. Model T07571, a tri fuel portable generator;
- 24 l. Model T07573, a tri fuel portable generator;
- 25 m. Model T08071, a tri fuel portable generator;
- 26 n. Model T08072, a tri fuel portable generator;
- 27 o. Model T09275, a tri fuel portable generator;
- 28 p. Model T09371, a tri fuel portable generator;

- 1 q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 2 and
- 3 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

4 **ANSWER: Firman admits it makes, uses, sells, or offers for sales within the**  
5 **United States, or imports into the United States, the models listed in paragraph**  
6 **59(a) through 59(r). Firman lacks knowledge or information sufficient to form a**  
7 **belief about the truth of the remaining allegations of paragraph 59.**

8  
9 60. Upon acquisition, disassembly as needed, review of owner’s manuals and  
10 electrical schematics, and inspection, it was determined that each of the foregoing  
11 Firman generator models includes all of the elements of at least claims 1, 3-7, 10, 22,  
12 and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman generator models  
13 infringes:

- 14 a. Independent claim 1 by specifically including a dual fuel engine having an  
15 engine operable on a gaseous fuel and a liquid fuel, a switch to change  
16 operation of an engine between gaseous fuel and liquid fuel, a carburetor  
17 attached to an intake of the engine mix air and fuel and connect to a  
18 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned  
19 along a liquid fuel line coupling a liquid fuel source to a carburetor, a  
20 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous  
21 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the  
22 carburetor to interrupt liquid fuel upon actuation of the switch from liquid  
23 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.
- 24 b. Dependent claim 3 by specifically including all the aforementioned  
25 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
26 liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.  
27 10,697,398.

- 1 c. Dependent claim 4 by specifically including all the aforementioned  
2 elements of claim 1 and, in addition, the engine is a pull-start engine  
3 having an electrical power generator to supply electrical power, as called  
4 for in claim 4 of U.S. Patent No. 10,697,398.
- 5 d. Dependent claim 5 by specifically including all the aforementioned  
6 elements of claim 4 and, in addition, the switch is an electro-mechanical  
7 switch connecting one fuel source to the carburetor and connected to the  
8 electrical power generator and the liquid fuel cut-off is a solenoid  
9 connected to open and close a fuel path to the pull-start engine in response  
10 to reception of electrical power from the switch, as called for in claim 5 of  
11 U.S. Patent No. 10,697,398.
- 12 e. Dependent claim 6 by specifically including all the aforementioned  
13 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid  
14 valve that operates within the carburetor to control liquid fuel flow to the  
15 engine and is powered by the electrical power generator, as called for in  
16 claim 6 of U.S. Patent No. 10,697,398.
- 17 f. Dependent claim 7 by specifically including all the aforementioned  
18 elements of claim 6 and, in addition, the switch selectively powers the  
19 solenoid valve by controlling electrical connection between the solenoid  
20 valve and the electrical power generator, as called for in claim 7 of U.S.  
21 Patent No. 10,697,398.
- 22 g. Dependent claim 10 by specifically including all the aforementioned  
23 elements of claim 6 and, in addition, the electrical power generator  
24 comprises a magneto or an alternator coupled to a voltage regulator to  
25 provide a regulated voltage to the solenoid valve, as called for in claim 10  
26 of U.S. Patent No. 10,697,398.
- 27 h. Dependent claim 22 by specifically including all the aforementioned  
28 elements of claim 1 and, in addition, the liquid fuel cut-off is physically

1 attached to an outer surface of the carburetor, as called for in claim 22 of  
2 U.S. Patent No. 10,697,398.

3 i. Independent claim 57 by specifically including a dual fuel engine, the dual  
4 fuel engine being assembled by providing an engine operable on a  
5 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the  
6 engine, the carburetor having a throat to mix gaseous fuel with air and  
7 liquid fuel with air, a float bowl, and a fuel passage extending from the  
8 float bowl to the throat to provide liquid fuel; coupling a switch to an  
9 engine to change operation of the engine between gaseous fuel and liquid  
10 fuel and attaching a liquid fuel cut-off to a carburetor to close a fuel  
11 passage extending from a float bowl of the carburetor to a throat to the  
12 carburetor to provide liquid fuel upon actuation of the switch from liquid  
13 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.

14 Therefore, each of the foregoing Firman generator models listed in Paragraph 59(a)-(r)  
15 infringes at least claims 1, 3-7, 10, 22, and 57 of U.S. Patent No. 10,697,398.

16 **ANSWER: Firman denies the allegations of paragraph 60.**

17  
18 61. Champion has also acquired and inspected the following Firman generator  
19 models that Firman has been and is making, using, selling, or offering for sale within  
20 the United States, or importing into the United States:

- 21 a. Model WH02942, a dual fuel inverter portable generator;
- 22 b. Model WH03041, a dual fuel inverter portable generator;
- 23 c. Model WH03042, a dual fuel inverter portable generator;
- 24 d. Model WH03242, a dual fuel inverter portable generator; and
- 25 e. Model WH03344, a dual fuel inverter portable generator.

26 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
27 **United States, or imports into the United States, the models listed in paragraph**

28

1 **61(a) through 61(e). Firman lacks knowledge or information sufficient to form a**  
2 **belief about the truth of the remaining allegations of paragraph 61.**

3  
4 62. Upon acquisition, disassembly as needed, review of owner's manuals and  
5 electrical schematics, and inspection, it was determined that each of the foregoing  
6 Firman generator models includes all of the elements of at least claims 1, 3-10, 22, and  
7 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman generator models  
8 infringes:

- 9 a. Independent claim 1 by specifically including a dual fuel engine having an  
10 engine operable on a gaseous fuel and a liquid fuel, a switch to change  
11 operation of an engine between gaseous fuel and liquid fuel, a carburetor  
12 attached to an intake of the engine to mix air and fuel and connect to a  
13 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned  
14 along a liquid fuel line coupling a liquid fuel source to a carburetor, a  
15 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous  
16 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the  
17 carburetor to interrupt liquid fuel upon actuation of the switch from liquid  
18 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.
- 19 b. Dependent claim 3 by specifically including all the aforementioned  
20 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
21 liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.  
22 10,697,398.
- 23 c. Dependent claim 4 by specifically including all the aforementioned  
24 elements of claim 1 and, in addition, the engine is a pull-start engine  
25 having an electrical power generator to supply electrical power, as called  
26 for in claim 4 of U.S. Patent No. 10,697,398.
- 27 d. Dependent claim 5 by specifically including all the aforementioned  
28 elements of claim 4 and, in addition, the switch is an electro-mechanical

1 switch connecting one fuel source to the carburetor and connected to the  
2 electrical power generator and the liquid fuel cut-off is a solenoid  
3 connected to open and close a fuel path to the pull-start engine in response  
4 to reception of electrical power from the switch, as called for in claim 5 of  
5 U.S. Patent No. 10,697,398.

6 e. Dependent claim 6 by specifically including all the aforementioned  
7 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid  
8 valve that operates within the carburetor to control liquid fuel flow to the  
9 engine and is powered by the electrical power generator, as called for in  
10 claim 6 of U.S. Patent No. 10,697,398.

11 f. Dependent claim 7 by specifically including all the aforementioned  
12 elements of claim 6 and, in addition, the switch selectively powers the  
13 solenoid valve by controlling electrical connection between the solenoid  
14 valve and the electrical power generator, as called for in claim 7 of U.S.  
15 Patent No. 10,697,398.

16 g. Dependent claim 8 by specifically including all the aforementioned  
17 elements of claim 6 and, in addition, the solenoid valve is normally open  
18 to provide liquid fuel to the engine when the solenoid valve is unpowered,  
19 as called for in claim 8 of U.S. Patent No. 10,697,398.

20 h. Dependent claim 9 by specifically including all the aforementioned  
21 elements of claim 8 and, in addition, a pull-starter drives the electrical  
22 power generator to power and close the solenoid valve while starting the  
23 engine on gaseous fuel, as called for in claim 9 of U.S. Patent No.  
24 10,697,398.

25 i. Dependent claim 10 by specifically including all the aforementioned  
26 elements of claim 6 and, in addition, the electrical power generator  
27 comprises a magneto or an alternator coupled to a voltage regulator to  
28

1 provide a regulated voltage to the solenoid valve, as called for in claim 10  
2 of U.S. Patent No. 10,697,398.

3 j. Dependent claim 22 by specifically including all the aforementioned  
4 elements of claim 1 and, in addition, the liquid fuel cut-off is physically  
5 attached to an outer surface of the carburetor, as called for in claim 22 of  
6 U.S. Patent No. 10,697,398.

7 k. Independent claim 57 by specifically including a dual fuel engine, the dual  
8 fuel engine being assembled by providing an engine operable on a  
9 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the  
10 engine, the carburetor having a throat to mix gaseous fuel with air and  
11 liquid fuel with air, a float bowl, and a fuel passage extending from the  
12 float bowl to the throat to provide liquid fuel; coupling a switch to an  
13 engine to change operation of the engine between gaseous fuel and liquid  
14 fuel; and attaching a liquid fuel cut-off to a carburetor to close a fuel  
15 passage extending from a float bowl of the carburetor to a throat to the  
16 carburetor to provide liquid fuel upon actuation of the switch from liquid  
17 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.

18 Therefore, each of the foregoing Firman generator models listed in Paragraph 61(a)-(e)  
19 infringes at least claims 1, 3-10, 22, and 57 of U.S. Patent No. 10,697,398.

20 **ANSWER: Firman denies the allegations of paragraph 62.**

21

22 63. Upon information and belief, Firman has been and is now making, using,  
23 selling, or offering for sale within the United States, or importing into the United States,  
24 the following additional generator models:

- 25 a. Model H03654, a dual fuel portable generator;
- 26 b. Model H05754, a dual fuel portable generator;
- 27 c. Model H07554, a dual fuel portable generator;
- 28 d. Model H08052, a dual fuel portable generator; and

1 e. Model T07571F, a refurbished tri fuel portable generator.

2 **ANSWER: Firman denies the allegations of paragraph 63(c). Firman**  
3 **admits the remaining allegations of paragraph 63.**

4  
5 64. Upon review of images, owner's manuals, and electrical schematics of the  
6 foregoing Firman generator models and comparisons of the images, owner's manuals,  
7 and electrical schematics of the foregoing Firman generator models to those of the  
8 Firman generator models listed in Paragraphs 59 and 61, it was determined that each of  
9 the foregoing Firman generator models includes all of the elements of at least claims 1,  
10 3-7, 10, 22, and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman  
11 generator models infringes:

12 a. Independent claim 1 by specifically including a dual fuel engine having an  
13 engine operable on a gaseous fuel and a liquid fuel, a switch to change  
14 operation of an engine between gaseous fuel and liquid fuel, a carburetor  
15 attached to an intake of the engine to mix air and fuel and connect to a  
16 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned  
17 along a liquid fuel line coupling a liquid fuel source to a carburetor, a  
18 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous  
19 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the  
20 carburetor to interrupt liquid fuel upon actuation of the switch from liquid  
21 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.

22 b. Dependent claim 3 by specifically including all the aforementioned  
23 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
24 liquid fuel is gasoline, as called for in claim 3 of U.S. Patent No.  
25 10,697,398.

26 c. Dependent claim 4 by specifically including all the aforementioned  
27 elements of claim 1 and, in addition, the engine is a pull-start engine  
28

1 having an electrical power generator to supply electrical power, as called  
2 for in claim 4 of U.S. Patent No. 10,697,398.

3 d. Dependent claim 5 by specifically including all the aforementioned  
4 elements of claim 4 and, in addition, the switch is an electro-mechanical  
5 switch connecting one fuel source to the carburetor and connected to the  
6 electrical power generator and the liquid fuel cut-off is a solenoid  
7 connected to open and close a fuel path to the pull-start engine in response  
8 to reception of electrical power from the switch, as called for in claim 5 of  
9 U.S. Patent No. 10,697,398.

10 e. Dependent claim 6 by specifically including all the aforementioned  
11 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid  
12 valve that operates within the carburetor to control liquid fuel flow to the  
13 engine and is powered by the electrical power generator, as called for in  
14 claim 6 of U.S. Patent No. 10,697,398.

15 f. Dependent claim 7 by specifically including all the aforementioned  
16 elements of claim 6 and, in addition, the switch selectively powers the  
17 solenoid valve by controlling electrical connection between the solenoid  
18 valve and the electrical power generator, as called for in claim 7 of U.S.  
19 Patent No. 10,697,398.

20 g. Dependent claim 10 by specifically including all the aforementioned  
21 elements of claim 6 and, in addition, the electrical power generator  
22 comprises a magneto or an alternator coupled to a voltage regulator to  
23 provide a regulated voltage to the solenoid valve, as called for in claim 10  
24 of U.S. Patent No. 10,697,398.

25 h. Dependent claim 22 by specifically including all the aforementioned  
26 elements of claim 1 and, in addition, the liquid fuel cut-off is physically  
27 attached to an outer surface of the carburetor, as called for in claim 22 of  
28 U.S. Patent No. 10,697,398.

1 i. Independent claim 57 by specifically including a dual fuel engine, the dual  
2 fuel engine being assembled by providing an engine operable on a  
3 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the  
4 engine, the carburetor having a throat to mix gaseous fuel with air and  
5 liquid fuel with air, a float bowl, and a fuel passage extending from the  
6 float bowl to the throat to provide liquid fuel; coupling a switch to an  
7 engine to change operation of the engine between gaseous fuel and liquid  
8 fuel; and attaching a liquid fuel cut-off to a carburetor to close a fuel  
9 passage extending from a float bowl of the carburetor to a throat to the  
10 carburetor to provide liquid fuel upon actuation of the switch from liquid  
11 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.

12 Therefore, each of the foregoing Firman generator models listed in Paragraph 63(a)-(e)  
13 infringes at least claims 1, 3-7, 10, 22, and 57 of U.S. Patent No. 10,697,398.

14 **ANSWER: Firman denies the allegations of paragraph 64.**

15  
16 65. Upon information and belief, Firman has been and is now making, using,  
17 selling, or offering for sale within the United States, or importing into the United States,  
18 the following additional generator models:

- 19 a. Model WH02942F, a refurbished dual fuel inverter portable generator;  
20 b. Model WH03242F, a refurbished dual fuel inverter portable generator;  
21 and  
22 c. Model WH03342, a dual fuel inverter portable generator.

23 **ANSWER: Firman admits the allegations of paragraph 65.**

24  
25 66. Upon review of images, owner's manuals, and electrical schematics of the  
26 foregoing Firman generator models and comparisons of the images, owner's manuals,  
27 and electrical schematics of the foregoing Firman generator models to those of the  
28 Firman generator models listed in Paragraphs 59 and 61, it was determined that each of

1 the foregoing Firman generator models includes all of the elements of at least claims 1,  
2 3-10, 22, and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman  
3 generator models infringes:

- 4 a. Independent claim 1 by specifically including a dual fuel engine having an  
5 engine operable on a gaseous fuel and a liquid fuel, a switch to change  
6 operation of an engine between gaseous fuel and liquid fuel, a carburetor  
7 attached to an intake of the engine to mix air and fuel and connect to a  
8 gaseous fuel source and a liquid fuel source, a liquid fuel valve positioned  
9 along a liquid fuel line coupling a liquid fuel source to a carburetor, a  
10 gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous  
11 fuel source to the carburetor, and a liquid fuel cut-off incorporated into the  
12 carburetor to interrupt liquid fuel upon actuation of the switch from liquid  
13 to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398.
- 14 b. Dependent claim 3 by specifically including all the aforementioned  
15 elements of claim 1 and in addition, the gaseous fuel is LPG and the liquid  
16 fuel is gasoline, as called for in claim 3 of U.S. Patent No. 10,697,398.
- 17 c. Dependent claim 4 by specifically including all the aforementioned  
18 elements of claim 1 and, in addition, the engine is a pull-start engine  
19 having an electrical power generator to supply electrical power, as called  
20 for in claim 4 of U.S. Patent No. 10,697,398.
- 21 d. Dependent claim 5 by specifically including all the aforementioned  
22 elements of claim 4 and, in addition, the switch is an electro-mechanical  
23 switch connecting one fuel source to the carburetor and connected to the  
24 electrical power generator and the liquid fuel cut-off is a solenoid  
25 connected to open and close a fuel path to the pull-start engine in response  
26 to reception of electrical power from the switch, as called for in claim 5 of  
27 U.S. Patent No. 10,697,398.
- 28

- 1 e. Dependent claim 6 by specifically including all the aforementioned  
2 elements of claim 4 and, in addition, the liquid fuel cut-off is a solenoid  
3 valve that operates within the carburetor to control liquid fuel flow to the  
4 engine and is powered by the electrical power generator, as called for in  
5 claim 6 of U.S. Patent No. 10,697,398.
- 6 f. Dependent claim 7 by specifically including all the aforementioned  
7 elements of claim 6 and, in addition, the switch selectively powers the  
8 solenoid valve by controlling electrical connection between the solenoid  
9 valve and the electrical power generator, as called for in claim 7 of U.S.  
10 Patent No. 10,697,398.
- 11 g. Dependent claim 8 by specifically including all the aforementioned  
12 elements of claim 6 and, in addition, the solenoid valve is normally open  
13 to provide liquid fuel to the engine when the solenoid valve is unpowered,  
14 as called for in claim 8 of U.S. Patent No. 10,697,398.
- 15 h. Dependent claim 9 by specifically including all the aforementioned  
16 elements of claim 8 and, in addition, a pull-starter drives the electrical  
17 power generator to power and close the solenoid valve while starting the  
18 engine on gaseous fuel, as called for in claim 9 of U.S. Patent No.  
19 10,697,398.
- 20 i. Dependent claim 10 by specifically including all the aforementioned  
21 elements of claim 6 and, in addition, the electrical power generator  
22 comprises a magneto or an alternator coupled to a voltage regulator to  
23 provide a regulated voltage to the solenoid valve, as called for in claim 10  
24 of U.S. Patent No. 10,697,398.
- 25 j. Dependent claim 22 by specifically including all the aforementioned  
26 elements of claim 1 and, in addition, the liquid fuel cut-off is physically  
27 attached to an outer surface of the carburetor, as called for in claim 22 of  
28 U.S. Patent No. 10,697,398.

1 k. Independent claim 57 by specifically including a dual fuel engine, the dual  
2 fuel engine being assembled by providing an engine operable on a  
3 gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the  
4 engine, the carburetor having a throat to mix gaseous fuel with air and  
5 liquid fuel with air, a float bowl, and a fuel passage extending from the  
6 float bowl to the throat to provide liquid fuel; coupling a switch to an  
7 engine to change operation of the engine between gaseous fuel and liquid  
8 fuel; and attaching a liquid fuel cut-off to a carburetor to close a fuel  
9 passage extending from a float bowl of the carburetor to a throat to the  
10 carburetor to provide liquid fuel upon actuation of the switch from liquid  
11 to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398.  
12 Therefore, each of the foregoing Firman generator models infringes at  
13 least claims 1 and 57 of U.S. Patent No. 10,697,398.

14 Therefore, each of the foregoing Firman generator models listed in Paragraph 65(a)-(c)  
15 infringes at least claims 1, 3-10, 22, and 57 of U.S. Patent No. 10,697,398.

16 **ANSWER: Firman denies the allegations of paragraph 66.**

17

18 67. Champion has no adequate remedy at law against Firman's acts of  
19 infringement and will suffer irreparable harm unless Firman is preliminarily and  
20 permanently enjoined from its infringement of U.S. Patent No. 10,697,398.

21 **ANSWER: Firman denies the allegations of paragraph 67.**

22

23 68. Upon information and belief, Firman's infringement has been willful,  
24 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 10,697,398.

25 **ANSWER: Firman denies the allegations of paragraph 68.**

26

27 69. Firman, by way of its infringing activity, has caused and continues to  
28 cause Champion to suffer damages in an amount to be determined at trial.

1           **ANSWER: Firman denies the allegations of paragraph 69.**

2

3           **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 11,143,120**

4           70. Paragraphs 1 through 69 are incorporated by reference as if fully set forth  
5 herein.

6           **ANSWER: Firman repeats its responses to paragraphs 1 through 69 as if  
7 fully set forth here.**

8

9           71. U.S. Patent No. 11,143,120 is titled “FUEL SYSTEM FOR A MULTI-  
10 FUEL INTERNAL COMBUSTION ENGINE.” U.S. Patent No. 11,143,120 was duly  
11 and legally issued on October 12, 2021. A true and correct copy of U.S. Patent  
12 No. 11,143,120 is attached as Exhibit E.

13           **ANSWER: Firman admits that U.S. Patent No. 11,143,120 is titled “FUEL  
14 SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE” and lists  
15 the issuance date on the face of the patent as October 12, 2021. Firman admits that  
16 what purports to be a copy of the ’120 patent is attached as Exhibit E. The  
17 remaining allegations of paragraph 71 are denied.**

18

19           72. Champion is the lawful assignee of the entire right, title, and interest in  
20 and to U.S. Patent No. 11,143,120 and possesses all rights of recovery under the patent,  
21 including the right to recover damages for past infringement.

22           **ANSWER: Firman lacks knowledge or information sufficient to form a  
23 belief about the truth of the allegations of paragraph 72.**

24

25           73. Champion has acquired and inspected the following Firman generator  
26 models that Firman has been and is making, using, selling, or offering for sale within  
27 the United States, or importing into the United States:

28           a. Model H03651, a dual fuel portable generator;

- 1 b. Model H03652, a dual fuel portable generator;
- 2 c. Model H05751, a dual fuel portable generator;
- 3 d. Model H05752, a dual fuel portable generator;
- 4 e. Model H05753, a dual fuel portable generator;
- 5 f. Model H07552, a dual fuel portable generator;
- 6 g. Model H07553, a dual fuel portable generator;
- 7 h. Model H08051, a dual fuel portable generator;
- 8 i. Model H08053, a dual fuel portable generator;
- 9 j. Model T04073, a tri fuel portable generator;
- 10 k. Model T07571, a tri fuel portable generator;
- 11 l. Model T07573, a tri fuel portable generator;
- 12 m. Model T08071, a tri fuel portable generator;
- 13 n. Model T08072, a tri fuel portable generator;
- 14 o. Model T09275, a tri fuel portable generator;
- 15 p. Model T09371, a tri fuel portable generator;
- 16 q. Model WH02942, a dual fuel inverter portable generator;
- 17 r. Model WH03041, a dual fuel inverter portable generator;
- 18 s. Model WH03042, a dual fuel inverter portable generator;
- 19 t. Model WH03242, a dual fuel inverter portable generator;
- 20 u. Model WH03344, a dual fuel inverter portable generator;
- 21 v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 22 and
- 23 w. Model WH03662OF, a dual fuel open frame inverter portable generator.

24 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
25 **United States, or imports into the United States, the models listed in paragraph**  
26 **73(a) through 73(w). Firman lacks knowledge or information sufficient to form a**  
27 **belief about the truth of the remaining allegations of paragraph 73.**

28

1           74. Upon acquisition, disassembly as needed, review of owner’s manuals and  
2 electrical schematics, and inspection, it was determined that each of the foregoing  
3 Firman generator models includes all of the elements of at least claims 12, 13, and 15 of  
4 U.S. Patent No. 11,143,120. Each of the foregoing Firman generator models infringes:

5           a. Independent claim 12 by specifically including a multi-fuel generator and  
6 fuel delivery system having a multi-fuel internal combustion engine  
7 configured to operate on a liquid fuel supplied from a liquid fuel source  
8 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
9 fuel source through a gaseous fuel line, an alternator driven by the multi-  
10 fuel internal combustion engine, and a fuel regulator system including a  
11 primary pressure regulator coupled to a service valve of a pressurized fuel  
12 source to regulate fuel supplied from the pressurized fuel source to a  
13 reduced pressure and a secondary pressure regulator coupled to the  
14 primary pressure regulator to regulate fuel supplied from the primary  
15 pressure regulator to a desired pressure for delivery through the gaseous  
16 fuel line to operate the engine, as called for in claim 12 of U.S. Patent  
17 No. 11,143,120.

18           b. Dependent claim 13 by specifically including all the aforementioned  
19 elements of claim 12 and, in addition, an electro-mechanical valve system  
20 coupled to the engine and operated by an electrical switch powered by one  
21 of the alternator, a battery, and a magneto that controls fuel flow to the  
22 engine from the liquid fuel source and the pressurized fuel source, as  
23 called for in claim 13 of U.S. Patent No. 11,143,120.

24           c. Dependent claim 15 by specifically including all the aforementioned  
25 elements of claim 13 and, in addition, the electro-mechanical valve system  
26 is configured to prevent simultaneous delivery of the liquid fuel and the  
27 gaseous fuel to the engine, as called for in claim 15 of U.S. Patent No.  
28 11,143,120.

1 Therefore, each of the foregoing Firman generator models listed in Paragraph 73(a)-(w)  
2 infringes at least claims 12, 13, and 15 of U.S. Patent No. 11,143,120.

3 **ANSWER: Firman denies the allegations of paragraph 74.**

4  
5 75. Upon information and belief, Firman has been and is now making, using,  
6 selling, or offering for sale within the United States, or importing into the United States,  
7 the following additional generator models:

- 8 a. Model H03654, a dual fuel portable generator;
- 9 b. Model H05754, a dual fuel portable generator;
- 10 c. Model H07554, a dual fuel portable generator;
- 11 d. Model H08052, a dual fuel portable generator;
- 12 e. Model T07571F, a refurbished tri fuel portable generator;
- 13 f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 14 g. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 15 and
- 16 h. Model WH03342, a dual fuel inverter portable generator.

17 **ANSWER: Firman denies the allegations of paragraph 75(c). Firman**  
18 **admits the remaining allegations of paragraph 75.**

19  
20 76. Upon review of images, owner's manuals, and electrical schematics of the  
21 foregoing Firman generator models and comparisons of the images, owner's manuals,  
22 and electrical schematics of the foregoing Firman generator models to those of the  
23 Firman generator models listed in Paragraph 73, it was determined that each of the  
24 foregoing Firman generator models includes all of the elements of at least claims 12, 13,  
25 and 15 of U.S. Patent No. 11,143,120. Each of the foregoing Firman generator models  
26 infringes:

- 27 a. Independent claim 12 by specifically including a multi-fuel generator and  
28 fuel delivery system having a multi-fuel internal combustion engine

1 configured to operate on a liquid fuel supplied from a liquid fuel source  
2 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
3 fuel source through a gaseous fuel line, an alternator driven by the multi-  
4 fuel internal combustion engine, and a fuel regulator system including a  
5 primary pressure regulator coupled to a service valve of a pressurized fuel  
6 source to regulate fuel supplied from the pressurized fuel source to a  
7 reduced pressure and a secondary pressure regulator coupled to the  
8 primary pressure regulator to regulate fuel supplied from the primary  
9 pressure regulator to a desired pressure for delivery through the gaseous  
10 fuel line to operate the engine, as called for in claim 12 of U.S. Patent  
11 No. 11,143,120.

12 b. Dependent claim 13 by specifically including all the aforementioned  
13 elements of claim 12 and, in addition, an electro-mechanical valve system  
14 coupled to the engine and operated by an electrical switch powered by one  
15 of the alternator, a battery, and a magneto that controls fuel flow to the  
16 engine from the liquid fuel source and the pressurized fuel source, as  
17 called for in claim 13 of U.S. Patent No. 11,143,120.

18 c. Dependent claim 15 by specifically including all the aforementioned  
19 elements of claim 13 and, in addition, the electro-mechanical valve system  
20 is configured to prevent simultaneous delivery of the liquid fuel and the  
21 gaseous fuel to the engine, as called for in claim 15 of U.S. Patent No.  
22 11,143,120.

23 Therefore, each of the foregoing Firman generator models listed in Paragraph 75(a)-(h)  
24 infringes at least claims 12, 13 and a 15 of U.S. Patent No. 11,143,120.

25 **ANSWER: Firman denies the allegations of paragraph 76.**

26  
27  
28

1 77. Champion has no adequate remedy at law against Firman’s acts of  
2 infringement and will suffer irreparable harm unless Firman is preliminarily and  
3 permanently enjoined from its infringement of U.S. Patent No. 11,143,120.

4 **ANSWER: Firman denies the allegations of paragraph 77.**

5  
6 78. Upon information and belief, Firman’s infringement has been willful,  
7 deliberate, and with knowledge of Champion’s rights under U.S. Patent No. 11,143,120.

8 **ANSWER: Firman denies the allegations of paragraph 78.**

9  
10 79. Firman, by way of its infringing activity, has caused and continues to  
11 cause Champion to suffer damages in an amount to be determined at trial.

12 **ANSWER: Firman denies the allegations of paragraph 79.**

13  
14 **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 11,143,145**

15 80. Paragraphs 1 through 79 are incorporated by reference as if fully set forth  
16 herein.

17 **ANSWER: Firman repeats its responses to paragraphs 1 through 79 as if**  
18 **fully set forth here.**

19  
20 81. U.S. Patent No. 11,143,145 is titled “BATTERYLESS DUAL FUEL  
21 ENGINE WITH LIQUID FUEL CUT-OFF.” U.S. Patent No. 11,143,145 was duly and  
22 legally issued on October 12, 2021. A true and correct copy of U.S. Patent  
23 No. 11,143,145 is attached as Exhibit F.

24 **ANSWER: Firman admits that U.S. Patent No. 11,143,145 is titled**  
25 **“BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF” and**  
26 **lists the issuance date on the face of the patent as October 12, 2021. Firman admits**  
27 **that what purports to be a copy of the ’145 patent is attached as Exhibit F. The**  
28 **remaining allegations of paragraph 81 are denied.**

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82. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,143,145 and possesses all rights of recovery under the patent, including the right to recover damages for past infringement.

**ANSWER: Firman lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 82.**

83. Champion has acquired and inspected the following Firman generator models that Firman has been and is making, using, selling, or offering for sale within the United States, or importing into the United States:

- a. Model H03651, a dual fuel portable generator;
  - b. Model H03652, a dual fuel portable generator;
  - c. Model H05751, a dual fuel portable generator;
  - d. Model H05752, a dual fuel portable generator;
  - e. Model H05753, a dual fuel portable generator;
  - f. Model H07552, a dual fuel portable generator;
  - g. Model H07553, a dual fuel portable generator;
  - h. Model H08051, a dual fuel portable generator;
  - i. Model H08053, a dual fuel portable generator;
  - j. Model T04073, a tri fuel portable generator;
  - k. Model T07571, a tri fuel portable generator;
  - l. Model T07573, a tri fuel portable generator;
  - m. Model T08071, a tri fuel portable generator;
  - n. Model T08072, a tri fuel portable generator;
  - o. Model T09275, a tri fuel portable generator;
  - p. Model T09371, a tri fuel portable generator;
  - q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- and

1 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

2 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
3 **United States, or imports into the United States, the models listed in paragraph**  
4 **83(a) through 83(r). Firman lacks knowledge or information sufficient to form a**  
5 **belief about the truth of the remaining allegations of paragraph 83.**

6  
7 84. Upon acquisition, disassembly as needed, review of owner's manuals and  
8 electrical schematics, and inspection, it was determined that each of the foregoing  
9 Firman generator models includes all of the elements of at least claims 1, 2, and 4-7 of  
10 U.S. Patent No. 11,143,145. Each of the foregoing Firman generator models infringes:

11 a. Independent claim 1 by specifically including a dual fuel generator having  
12 an engine operable on a gaseous fuel and a liquid fuel, an electrical power  
13 generator driven by the engine and including a charging coil, a switch to  
14 change operation of the engine between gaseous fuel and liquid fuel, a  
15 carburetor attached to an intake of the engine to mix air and fuel and  
16 connect to a gaseous fuel source and a liquid fuel source, a liquid fuel cut-  
17 off solenoid to interrupt liquid fuel flow to the engine upon actuation of  
18 the switch from liquid fuel to gaseous fuel, and a voltage regulator  
19 coupled to the charging coil to receive power therefrom and that operates  
20 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called  
21 for in claim 1 of U.S. Patent No. 11,143,145.

22 b. Dependent claim 2 by specifically including all the aforementioned  
23 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel  
24 line coupling the liquid fuel source to the carburetor and a gaseous fuel  
25 valve along a gaseous fuel line coupling the gaseous fuel source to the  
26 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

27 c. Dependent claim 4 by specifically including all the aforementioned  
28 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is

1 attached to the carburetor, as called for in claim 4 of U.S. Patent No.  
2 11,143,145.

3 d. Dependent claim 5 by specifically including all the aforementioned  
4 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
5 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.  
6 11,143,145.

7 e. Dependent claim 6 by specifically including all the aforementioned  
8 elements of claim 1 and, in addition, the switch is an electro-mechanical  
9 switch connecting one fuel source to the carburetor and connected to the  
10 electrical power generator and the liquid fuel cut-off solenoid is connected  
11 to open and close a fuel path to the engine in response to reception of  
12 electrical power from the switch, as called for in claim 6 of U.S. Patent  
13 No. 11,143,145.

14 f. Dependent claim 7 by specifically including all the aforementioned  
15 elements of claim 6 and, in addition, the switch selectively powers the  
16 solenoid valve by controlling electrical connection between the solenoid  
17 valve and the electrical power generator, as called for in claim 7 of U.S.  
18 Patent No. 11,143,145.

19 Therefore, each of the foregoing Firman generator models listed in Paragraph 83(a)-(f)  
20 infringes at least claims 1, 2 and 4-7 of U.S. Patent No. 11,143,145.

21 **ANSWER: Firman denies the allegations of paragraph 84.**

22  
23 85. Champion has also acquired and inspected the following Firman generator  
24 models that Firman has been and is making, using, selling, or offering for sale within  
25 the United States, or importing into the United States:

- 26 a. Model WH02942, a dual fuel inverter portable generator;  
27 b. Model WH03041, a dual fuel inverter portable generator;  
28 c. Model WH03042, a dual fuel inverter portable generator;

- 1 d. Model WH03242, a dual fuel inverter portable generator; and
- 2 e. Model WH03344, a dual fuel inverter portable generator.

3 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
4 **United States, or imports into the United States, the models listed in paragraph**  
5 **85(a) through 85(e). Firman lacks knowledge or information sufficient to form a**  
6 **belief about the truth of the remaining allegations of paragraph 85.**

7  
8 86. Upon acquisition, disassembly as needed, review of owner's manuals and  
9 electrical schematics, and inspection, it was determined that each of the foregoing  
10 Firman generator models includes all of the elements of at least claims 1, 2, and 4-8 of  
11 U.S. Patent No. 11,143,145. Each of the foregoing Firman generator models infringes:

- 12 a. Independent claim 1 by specifically including a dual fuel generator having  
13 an engine operable on a gaseous fuel and a liquid fuel, an electrical power  
14 generator driven by the engine and including a charging coil, a switch to  
15 change operation of the engine between gaseous fuel and liquid fuel, a  
16 carburetor attached to an intake of the engine to mix air and fuel and  
17 connect to a gaseous fuel source and a liquid fuel source, a liquid fuel  
18 cut-off solenoid to interrupt liquid fuel flow to the engine upon actuation  
19 of the switch from liquid fuel to gaseous fuel, and a voltage regulator  
20 coupled to the charging coil to receive power therefrom and that operates  
21 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called  
22 for in claim 1 of U.S. Patent No. 11,143,145.
- 23 b. Dependent claim 2 by specifically including all the aforementioned  
24 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel  
25 line coupling the liquid fuel source to the carburetor and a gaseous fuel  
26 valve along a gaseous fuel line coupling the gaseous fuel source to the  
27 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

- 1 c. Dependent claim 4 by specifically including all the aforementioned  
2 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is  
3 attached to the carburetor, as called for in claim 4 of U.S. Patent No.  
4 11,143,145.
- 5 d. Dependent claim 5 by specifically including all the aforementioned  
6 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
7 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.  
8 11,143,145.
- 9 e. Dependent claim 6 by specifically including all the aforementioned  
10 elements of claim 1 and, in addition, the switch is an electro-mechanical  
11 switch connecting one fuel source to the carburetor and connected to the  
12 electrical power generator and the liquid fuel cut-off solenoid is connected  
13 to open and close a fuel path to the engine in response to reception of  
14 electrical power from the switch, as called for in claim 6 of U.S. Patent  
15 No. 11,143,145.
- 16 f. Dependent claim 7 by specifically including all the aforementioned  
17 elements of claim 6 and, in addition, the switch selectively powers the  
18 solenoid valve by controlling electrical connection between the solenoid  
19 valve and the electrical power generator, as called for in claim 7 of U.S.  
20 Patent No. 11,143,145.
- 21 g. Dependent claim 8 by specifically including all the aforementioned  
22 elements of claim 1 and, in addition, the liquid fuel cut-off solenoid is  
23 normally open to provide liquid fuel to the engine when the liquid fuel  
24 cut-off solenoid is unpowered, as called for in claim 8 of U.S. Patent No.  
25 11,143,145.

26 Therefore, each of the foregoing Firman generator models listed in Paragraph 85(a)-(e)  
27 infringes at least claims 1, 2, and 4-8 of U.S. Patent No. 11,143,145.

28 **ANSWER: Firman denies the allegations of paragraph 86.**

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87. Upon information and belief, Firman has been and is now making, using, selling, or offering for sale within the United States, or importing into the United States, the following additional generator models:

- a. Model H03654, a dual fuel portable generator;
- b. Model H05754, a dual fuel portable generator;
- c. Model H07554, a dual fuel portable generator;
- d. Model H08052, a dual fuel portable generator; and
- e. Model T07571F, a refurbished tri fuel portable generator.;

**ANSWER: Firman denies the allegations of paragraph 87(c). Firman admits the remaining allegations of paragraph 87.**

88. Upon review of images, owner’s manuals, and electrical schematics of the foregoing Firman generator models and comparisons of the images, owner’s manuals, and electrical schematics of the foregoing Firman generator models to those of the Firman generator models listed in Paragraphs 83 and 85, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 2, and 4-7 of U.S. Patent No. 11,143,145. Each of the foregoing Firman generator models infringes:

- a. Independent claim 1 by specifically including a dual fuel generator having an engine operable on a gaseous fuel and a liquid fuel, an electrical power generator driven by the engine and including a charging coil, a switch to change operation of the engine between gaseous fuel and liquid fuel, 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, 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 a voltage regulator coupled to the charging coil to receive power therefrom and that operates

- 1 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called  
2 for in claim 1 of U.S. Patent No. 11,143,145.
- 3 b. Dependent claim 2 by specifically including all the aforementioned  
4 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel  
5 line coupling the liquid fuel source to the carburetor and a gaseous fuel  
6 valve along a gaseous fuel line coupling the gaseous fuel source to the  
7 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.
- 8 c. Dependent claim 4 by specifically including all the aforementioned  
9 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is  
10 attached to the carburetor, as called for in claim 4 of U.S. Patent No.  
11 11,143,145.
- 12 d. Dependent claim 5 by specifically including all the aforementioned  
13 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
14 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.  
15 11,143,145.
- 16 e. Dependent claim 6 by specifically including all the aforementioned  
17 elements of claim 1 and, in addition, the switch is an electro-mechanical  
18 switch connecting one fuel source to the carburetor and connected to the  
19 electrical power generator and the liquid fuel cut-off solenoid is connected  
20 to open and close a fuel path to the engine in response to reception of  
21 electrical power from the switch, as called for in claim 6 of U.S. Patent  
22 No. 11,143,145.
- 23 f. Dependent claim 7 by specifically including all the aforementioned  
24 elements of claim 6 and, in addition, the switch selectively powers the  
25 solenoid valve by controlling electrical connection between the solenoid  
26 valve and the electrical power generator, as called for in claim 7 of U.S.  
27 Patent No. 11,143,145.
- 28

1 Therefore, each of the foregoing Firman generator models listed in Paragraph 87(a)-(e)  
2 infringes at least claims 1, 2, and 4-7 of U.S. Patent No. 11,143,145.

3 **ANSWER: Firman denies the allegations of paragraph 88.**

4  
5 89. Upon information and belief, Firman has been and is now making, using,  
6 selling, or offering for sale within the United States, or importing into the United States,  
7 the following additional generator models:

- 8 a. Model WH02942F, a refurbished dual fuel inverter portable generator;  
9 b. Model WH03242F, a refurbished dual fuel inverter portable generator;  
10 and  
11 c. Model WH03342, a dual fuel inverter portable generator.

12 **ANSWER: Firman admits the allegations of paragraph 89.**

13  
14 90. Upon review of images, owner's manuals, and electrical schematics of the  
15 foregoing Firman generator models and comparisons of the images, owner's manuals,  
16 and electrical schematics of the foregoing Firman generator models to those of the  
17 Firman generator models listed in Paragraphs 83 and 85, it was determined that each of  
18 the foregoing Firman generator models includes all of the elements of at least claims 1,  
19 2, and 4-8 of U.S. Patent No. 11,143,145. Each of the foregoing Firman generator  
20 models infringes:

- 21 a. Independent claim 1 by specifically including a dual fuel generator having  
22 an engine operable on a gaseous fuel and a liquid fuel, an electrical power  
23 generator driven by the engine and including a charging coil, a switch to  
24 change operation of the engine between gaseous fuel and liquid fuel, a  
25 carburetor attached to an intake of the engine to mix air and fuel and  
26 connect to a gaseous fuel source and a liquid fuel source, a liquid fuel  
27 cut-off solenoid to interrupt liquid fuel flow to the engine upon actuation  
28 of the switch from liquid fuel to gaseous fuel, and a voltage regulator

1 coupled to the charging coil to receive power therefrom and that operates  
2 to provide a regulated voltage to the liquid fuel cut-off solenoid, as called  
3 for in claim 1 of U.S. Patent No. 11,143,145.

4 b. Dependent claim 2 by specifically including all the aforementioned  
5 elements of claim 1 and, in addition, a liquid fuel valve along a liquid fuel  
6 line coupling the liquid fuel source to the carburetor and a gaseous fuel  
7 valve along a gaseous fuel line coupling the gaseous fuel source to the  
8 carburetor, as called for in claim 2 of U.S. Patent No. 11,143,145.

9 c. Dependent claim 4 by specifically including all the aforementioned  
10 elements of claim 2 and, in addition, the liquid fuel cut-off solenoid is  
11 attached to the carburetor, as called for in claim 4 of U.S. Patent No.  
12 11,143,145.

13 d. Dependent claim 5 by specifically including all the aforementioned  
14 elements of claim 1 and, in addition, the gaseous fuel is LPG and the  
15 liquid fuel is gasoline, as called for in claim 5 of U.S. Patent No.  
16 11,143,145.

17 e. Dependent claim 6 by specifically including all the aforementioned  
18 elements of claim 1 and, in addition, the switch is an electro-mechanical  
19 switch connecting one fuel source to the carburetor and connected to the  
20 electrical power generator and the liquid fuel cut-off solenoid is connected  
21 to open and close a fuel path to the engine in response to reception of  
22 electrical power from the switch, as called for in claim 6 of U.S. Patent  
23 No. 11,143,145.

24 f. Dependent claim 7 by specifically including all the aforementioned  
25 elements of claim 6 and, in addition, the switch selectively powers the  
26 solenoid valve by controlling electrical connection between the solenoid  
27 valve and the electrical power generator, as called for in claim 7 of U.S.  
28 Patent No. 11,143,145.

1 g. Dependent claim 8 by specifically including all the aforementioned  
2 elements of claim 1 and, in addition, the liquid fuel cut-off solenoid is  
3 normally open to provide liquid fuel to the engine when the liquid fuel  
4 cut-off solenoid is unpowered, as called for in claim 8 of U.S. Patent No.  
5 11,143,145.

6 Therefore, each of the foregoing Firman generator models listed in Paragraph 89(a)-(c)  
7 infringes at least claims 1, 2, and 4-8 of U.S. Patent No. 11,143,145.

8 **ANSWER: Firman denies the allegations of paragraph 90.**

9

10 91. Champion has no adequate remedy at law against Firman's acts of  
11 infringement and will suffer irreparable harm unless Firman is preliminarily and  
12 permanently enjoined from its infringement of U.S. Patent No. 11,143,145.

13 **ANSWER: Firman denies the allegations of paragraph 91.**

14

15 92. Upon information and belief, Firman's infringement has been willful,  
16 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,143,145.

17 **ANSWER: Firman denies the allegations of paragraph 92.**

18

19 93. Firman, by way of its infringing activity, has caused and continues to  
20 cause Champion to suffer damages in an amount to be determined at trial.

21 **ANSWER: Firman denies the allegations of paragraph 93.**

22

23 **COUNT VII: INFRINGEMENT OF U.S. PATENT NO. 11,306,667**

24 94. Paragraphs 1 through 93 are incorporated by reference as if fully set forth  
25 herein.

26 **ANSWER: Firman repeats its responses to paragraphs 1 through 93 as if**  
27 **fully set forth here.**

28

1 95. U.S. Patent No. 11,306,667 is titled “DUAL FUEL SELECTOR  
2 SWITCH.” U.S. Patent No. 11,306,667 was duly and legally issued on April 19, 2022.  
3 A true and correct copy of U.S. Patent No. 11,306,667 is attached as Exhibit G.

4 **ANSWER: Firman admits that U.S. Patent No. 11,306,667 is titled “DUAL**  
5 **FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent**  
6 **as April 19, 2022. Firman admits that what purports to be a copy of the ‘667**  
7 **patent is attached as Exhibit G. The remaining allegations of paragraph 95 are**  
8 **denied.**

9  
10 96. Champion is the lawful assignee of the entire right, title, and interest in  
11 and to U.S. Patent No. 11,306,667 and possesses all rights of recovery under the patent,  
12 including the right to recover damages for past infringement.

13 **ANSWER: Firman lacks knowledge or information sufficient to form a**  
14 **belief about the truth of the allegations of paragraph 96.**

15  
16 97. Champion has acquired and inspected the following Firman generator  
17 models that Firman has been and is making, using, selling, or offering for sale within  
18 the United States, or importing into the United States:

- 19 a. Model H03651, a dual fuel portable generator;
- 20 b. Model H03652, a dual fuel portable generator;
- 21 c. Model H05751, a dual fuel portable generator;
- 22 d. Model H05752, a dual fuel portable generator;
- 23 e. Model H05753, a dual fuel portable generator;
- 24 f. Model H07552, a dual fuel portable generator;
- 25 g. Model H07553, a dual fuel portable generator;
- 26 h. Model H08051, a dual fuel portable generator;
- 27 i. Model H08053, a dual fuel portable generator;
- 28 j. Model T04073, a tri fuel portable generator;

- 1 k. Model T07571, a tri fuel portable generator;
- 2 l. Model T07573, a tri fuel portable generator;
- 3 m. Model T08071, a tri fuel portable generator;
- 4 n. Model T08072, a tri fuel portable generator;
- 5 o. Model T09275, a tri fuel portable generator;
- 6 p. Model T09371, a tri fuel portable generator;
- 7 q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 8 and
- 9 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

10 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
11 **United States, or imports into the United States, the models listed in paragraph**  
12 **97(a) through 97(r). Firman lacks knowledge or information sufficient to form a**  
13 **belief about the truth of the remaining allegations of paragraph 97.**

14  
15 98. Upon acquisition, disassembly as needed, review of owner’s manuals and  
16 electrical schematics, and inspection, it was determined that each of the foregoing  
17 Firman generator models includes all of the elements of at least claims 1, 3, 6, 7 and 9  
18 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator models  
19 infringes:

- 20 a. Independent claim 1 by specifically including a fuel selector for use with a  
21 dual fuel generator, the fuel selector a selector having a valve assembly  
22 fluidly connected to each of a first fuel source and a second fuel source  
23 being operable to selectively control a first fuel flow and a second fuel  
24 flow from the first fuel source and the second fuel source, respectively, to  
25 an engine of the dual fuel generator, and including two fuel inputs, with a  
26 first fuel input connected to the first fuel source, and a second fuel input  
27 connected to the second fuel source, and two fuel outputs for selectively  
28 supplying fuel to an engine from the first fuel source or the second fuel

1 source; and a selector switch positioned on the valve assembly to allow a  
2 user to manually select one of the first fuel flow and the second fuel flow,  
3 as called for in claim 1 of U.S. Patent No. 11,306,667.

4 b. Dependent claim 2 by specifically including all the aforementioned  
5 elements of claim 1 and, in addition, the two fuel outputs selectively  
6 supply fuel to the engine from only one of the first fuel source or the  
7 second fuel source, responsive to selection of the first fuel flow or the  
8 second fuel flow via the selector switch, and a corresponding operation of  
9 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.

10 c. Dependent claim 3 by specifically including all the aforementioned  
11 elements of claim 1 and, in addition, the valve assembly has a first fuel  
12 valve having open and closed positions to selectively control the first fuel  
13 flow to the engine and a second fuel valve having open and closed  
14 positions to selectively control the second fuel flow to the engine, as  
15 called for in claim 3 of U.S. Patent No. 11,306,667.

16 d. Dependent claim 6 by specifically including all the aforementioned  
17 elements of claim 1 and, in addition, a carburetor solenoid switch  
18 configured to activate an associated carburetor solenoid when actuated, as  
19 called for in claim 6 of U.S. Patent No. 11,306,667.

20 e. Dependent claim 7 by specifically including all the aforementioned  
21 elements of claim 6 and, in addition, the selector switch is in a first  
22 position, the selector switch actuates the carburetor solenoid switch, so as  
23 to activate the carburetor solenoid and stop the second fuel flow to the  
24 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.

25 f. Dependent claim 9 by specifically including all the aforementioned  
26 elements of claim 1 and, in addition, the first fuel source is an LPG fuel  
27 source and wherein the second fuel source is a gasoline source, as called  
28 for in claim 9 of U.S. Patent No. 11,306,667.

1 Therefore, each of the foregoing Firman generator models listed in Paragraph 97(a)-(r)  
2 infringes at least claims 1-3, 6, 7, and 9 of U.S. Patent No. 11,306,667.

3 **ANSWER: Firman denies the allegations of paragraph 98.**

4  
5 99. Champion has also acquired and inspected the following Firman generator  
6 models that Firman has been and is making, using, selling, or offering for sale within  
7 the United States, or importing into the United States:

- 8 a. Model WH02942, a dual fuel inverter portable generator;  
9 b. Model WH03041, a dual fuel inverter portable generator;  
10 c. Model WH03042, a dual fuel inverter portable generator;  
11 d. Model WH03242, a dual fuel inverter portable generator; and  
12 e. Model WH03344, a dual fuel inverter portable generator.

13 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
14 **United States, or imports into the United States, the models listed in paragraph**  
15 **99(a) through 99(e). Firman lacks knowledge or information sufficient to form a**  
16 **belief about the truth of the remaining allegations of paragraph 99.**

17  
18 100. Upon acquisition, disassembly as needed, review of owner's manuals and  
19 electrical schematics, and inspection, it was determined that each of the foregoing  
20 Firman generator models includes all of the elements of at least claims 1-3, 6, 7, and 9-  
21 18 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator models  
22 infringes:

- 23 a. Independent claim 1 by specifically including a fuel selector for use with a  
24 dual fuel generator, the fuel selector a selector having a valve assembly  
25 fluidly connective to each of a first fuel source, being operable to  
26 selectively control a first fuel flow and a second fuel flow from the first  
27 fuel source and the second fuel source, respectively, to an engine of the  
28 dual fuel generator, and including two fuel inputs, with a first fuel input

1 connected to the first fuel source, and a second fuel input connected to the  
2 second fuel source, and two fuel outputs for selectively supplying fuel to  
3 an engine from the first fuel source or the second fuel source; and a  
4 selector switch positioned on the valve assembly to allow a user to  
5 manually select one of the first fuel flow and the second fuel flow, as  
6 called for in claim 1 of U.S. Patent No. 11,306,667.

7 b. Dependent claim 2 by specifically including all the aforementioned  
8 elements of claim 1 and, in addition, the two fuel outputs selectively  
9 supply fuel to the engine from only one of the first fuel source or the  
10 second fuel source, responsive to selection of the first fuel flow or the  
11 second fuel flow via the selector switch, and a corresponding operation of  
12 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.

13 c. Dependent claim 3 by specifically including all the aforementioned  
14 elements of claim 1 and, in addition, the valve assembly has a first fuel  
15 valve having open and closed positions to selectively control the first fuel  
16 flow to the engine and a second fuel valve having open and closed  
17 positions to selectively control the second fuel flow to the engine, as  
18 called for in claim 3 of U.S. Patent No. 11,306,667.

19 d. Dependent claim 6 by specifically including all the aforementioned  
20 elements of claim 1 and, in addition, a carburetor solenoid switch  
21 configured to activate an associated carburetor solenoid when actuated, as  
22 called for in claim 6 of U.S. Patent No. 11,306,667.

23 e. Dependent claim 7 by specifically including all the aforementioned  
24 elements of claim 6 and, in addition, the selector switch is in a first  
25 position, the selector switch actuates the carburetor solenoid switch, so as  
26 to activate the carburetor solenoid and stop the second fuel flow to the  
27 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.

28

- 1 f. Dependent claim 9 by specifically including all the aforementioned  
2 elements of claim 1 and, in addition, the first fuel source is an LPG fuel  
3 source and wherein the second fuel source is a gasoline source, as called  
4 for in claim 9 of U.S. Patent No. 11,306,667.
- 5 g. Independent claim 10 by specifically including a fuel selector of a dual  
6 fuel generator with a valve assembly fluidly connected to each of a first  
7 fuel source and a second fuel source, the valve assembly being operable to  
8 selectively control a first fuel flow and a second fuel flow from the first  
9 fuel source and the second fuel source, respectively, to an engine of the  
10 dual fuel generator; a selector switch having a first fuel mode and a  
11 second fuel mode, a fuel solenoid having open and closed positions; and a  
12 solenoid switch having open and closed positions to activate and  
13 deactivate the fuel solenoid; wherein when the selector switch is in the  
14 first fuel mode, the solenoid switch and the fuel solenoid are in the closed  
15 positions, when the selector switch is in the second fuel mode, the  
16 solenoid switch and the fuel solenoid are in the open positions, and  
17 positioning of the selector switch in the first fuel mode and the second  
18 fuel mode enables a selection of one of the first fuel flow and the second  
19 fuel flow as called for in claim 10 of U.S. Patent No. 11,306,667.
- 20 h. Dependent claim 11 by specifically including all the aforementioned  
21 elements of claim 10 and, in addition, the selector switch triggers the  
22 solenoid switch when changed from the second fuel mode to the first fuel  
23 mode, so as to cause the solenoid switch and the fuel solenoid to operate  
24 in the closed positions, as called for in claim 1 of U.S. Patent No.  
25 11,306,667.
- 26 i. Dependent claim 12 by specifically including all the aforementioned  
27 elements of claim 10 and, in addition, the valve assembly is positioned on  
28

1 or adjacent the selector switch, as called for in claim 12 of U.S. Patent No.  
2 11,306,667.

3 j. Dependent claim 13 by specifically including all the aforementioned  
4 elements of claim 10 and, in addition, the valve assembly comprises: two  
5 fuel inputs, with a first fuel input connected to the first fuel source and a  
6 second fuel input connected to the second fuel source; and two fuel  
7 outputs for selectively supplying fuel to the engine from the first fuel  
8 source or the second fuel source, as called for in claim 13 of U.S. Patent  
9 No. 11,306,667.

10 k. Dependent claim 14 by specifically including all the aforementioned  
11 elements of claim 13 and, in addition, the two fuel outputs selectively  
12 supply fuel to the engine from only one of the first fuel source or the  
13 second fuel source, responsive to selection of the first fuel flow or the  
14 second fuel flow via the selector switch and a corresponding operation of  
15 the valve assembly, as called for in claim 14 of U.S. Patent No.  
16 11,306,667.

17 l. Dependent claim 15 by specifically including all the aforementioned  
18 elements of claim 13 and, in addition, the valve assembly includes a first  
19 fuel valve having open and closed positions to selectively control the first  
20 fuel flow to the engine and a second fuel valve having open and closed  
21 positions to selectively control the second fuel flow to the engine, as  
22 called for in claim 15 of U.S. Patent No. 11,306,667.

23 m. Dependent claim 16 by specifically including all the aforementioned  
24 elements of claim 10 and, in addition, the first fuel source is an LPG fuel  
25 source and wherein the second fuel source is a gasoline source, as called  
26 for in claim 16 of U.S. Patent No. 11,306,667.

27  
28

1 n. Dependent claim 17 by specifically including all the aforementioned  
2 elements of claim 10 and, in addition, the fuel solenoid is a carburetor  
3 shutoff solenoid, as called for in claim 17 of U.S. Patent No. 11,306,667.

4 o. Dependent claim 18 by specifically including all the aforementioned  
5 elements of claim 10 and, in addition, positioning the selector switch in  
6 the first fuel mode enables the selection of the first fuel source to the  
7 generator, and positioning the selector switch in the second fuel mode  
8 enables the selection of the second fuel source to the generator as called  
9 for in claim 18 of U.S. Patent No. 11,306,667.

10 Therefore, each of the foregoing Firman generator models listed in Paragraph 99(a)-(e)  
11 infringes at least claims 1-3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667.

12 **ANSWER: Firman denies the allegations of paragraph 100.**

13  
14 101. Upon information and belief, Firman has been and is now making, using,  
15 selling, or offering for sale within the United States, or importing into the United States,  
16 the following additional generator models:

- 17 a. Model H03654, a dual fuel portable generator;  
18 b. Model H05754, a dual fuel portable generator;  
19 c. Model H07554, a dual fuel portable generator;  
20 d. Model H08052, a dual fuel portable generator; and  
21 e. Model T07571F, a refurbished tri fuel portable generator.

22 **ANSWER: Firman denies the allegations of paragraph 101(c). Firman**  
23 **admits the remaining allegations of paragraph 101.**

24  
25 102. Upon review of images, owner's manuals, and electrical schematics of the  
26 foregoing Firman generator models and comparisons of the images, owner's manuals,  
27 and electrical schematics of the foregoing Firman generator models to those of the  
28 Firman generator models listed in Paragraphs 97 and 99, it was determined that each of

1 the foregoing Firman generator models includes all of the elements of at least claims 1-  
2 3, 6, 7, and 9 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator  
3 models infringes:

- 4 a. Independent claim 1 by specifically including a fuel selector for use with a  
5 dual fuel generator, the fuel selector a selector having a valve assembly  
6 fluidly connected to each of a first fuel source and a second fuel source,  
7 being operable to selectively control a first fuel source, respectively, to an  
8 engine of the dual fuel generator, and including two fuel inputs, with a  
9 first fuel input connected to the first fuel source, and a second fuel input  
10 connected to the second fuel source, and two fuel outputs for selectively  
11 supplying fuel to an engine from the first fuel source or the second fuel  
12 source:, and a selector switch positioned on the valve assembly to allow a  
13 user to manually select one of the first fuel flow and the second fuel flow,  
14 as called for in claim 1 of U.S. Patent No. 11,306,667.
- 15 b. Dependent claim 2 by specifically including all the aforementioned  
16 elements of claim 1 and, in addition, the two fuel outputs selectively  
17 supply fuel to the engine from only one of the first fuel source or the  
18 second fuel source, responsive to selection of the first fuel flow or the  
19 second fuel flow via the selector switch, and a corresponding operation of  
20 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.
- 21 c. Dependent claim 3 by specifically including all the aforementioned  
22 elements of claim 1 and, in addition, the valve assembly has a first fuel  
23 valve having open and closed positions to selectively control the first fuel  
24 flow to the engine and a second fuel valve having open and closed  
25 positions to selectively control the second fuel flow to the engine, as  
26 called for in claim 3 of U.S. Patent No. 11,306,667.
- 27 d. Dependent claim 6 by specifically including all the aforementioned  
28 elements of claim 1 and, in addition, a carburetor solenoid switch

1 configured to activate an associated carburetor solenoid when actuated, as  
2 called for in claim 6 of U.S. Patent No. 11,306,667.

3 e. Dependent claim 7 by specifically including all the aforementioned  
4 elements of claim 6 and, in addition, the selector switch is in a first  
5 position, the selector switch actuates the carburetor solenoid switch, so as  
6 to activate the carburetor solenoid and stop the second fuel flow to the  
7 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.

8 f. Dependent claim 9 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, the first fuel source is a an LPG fuel  
10 source and wherein the second fuel source is a gasoline source, as called  
11 for in claim 9 of U.S. Patent No. 11,306,667.

12 Therefore, each of the foregoing Firman generator models listed in Paragraph 101(a)-f  
13 infringes at least claims 1-3, 6, 7, and 9 of U.S. Patent No. 11,306,667.

14 **ANSWER: Firman denies the allegations of paragraph 102.**

15  
16 103. Upon information and belief, Firman also has been and is now making,  
17 using, selling, or offering for sale within the United States, or importing into the United  
18 States, the following additional generator models:

- 19 a. Model WH02942F, a refurbished dual fuel inverter portable generator;  
20 b. Model WH03242F, a refurbished dual fuel inverter portable generator;  
21 and  
22 c. Model WH03342, a dual fuel inverter portable generator.

23 **ANSWER: Firman admits the allegations of paragraph 103.**

24  
25 104. Upon review of images, owner's manuals, and electrical schematics of the  
26 foregoing Firman generator models and comparisons of the images, owner's manuals,  
27 and electrical schematics of the foregoing Firman generator models to those of the  
28 Firman generator models listed in Paragraphs 97 and 99, it was determined that each of

1 the foregoing Firman generator models includes all of the elements of at least claims 1-  
2 3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667. Each of the foregoing Firman  
3 generator models infringes:

4 a. Independent claim 1 by specifically including a fuel selector for use with a  
5 dual fuel generator, the fuel selector a selector having a valve assembly  
6 fluidly connected to each of a first fuel source and a second fuel source,  
7 being operable to selectively control a first fuel flow and a second fuel  
8 flow from the first fuel source and the second fuel source, respectively, to  
9 an engine of the dual fuel generator, and including two fuel inputs, with a  
10 first fuel input connected to the first fuel source, and a second fuel input  
11 connected to the second fuel source, and two fuel outputs for selectively  
12 supplying fuel to an engine from the first fuel source or the second fuel  
13 source; and a selector switch positioned on the valve assembly to allow a  
14 user to manually select one of the first fuel flow and the second fuel flow,  
15 as called for in claim 1 of U.S. Patent No. 11,306,667.

16 b. Dependent claim 2 by specifically including all the aforementioned  
17 elements of claim 1 and, in addition, the two fuel outputs selectively  
18 supply fuel to the engine from only one of the first fuel source or the  
19 second fuel source, responsive to selection of the first fuel flow or the  
20 second fuel flow via the selector switch, and a corresponding operation of  
21 the valve assembly, as called for in claim 2 of U.S. Patent No. 11,306,667.

22 c. Dependent claim 3 by specifically including all the aforementioned  
23 elements of claim 1 and, in addition, the valve assembly has a first fuel  
24 valve having open and closed positions to selectively control the first fuel  
25 flow to the engine and a second fuel valve having open and closed  
26 positions to selectively control the second fuel flow to the engine, as  
27 called for in claim 3 of U.S. Patent No. 11,306,667.

28

- 1 d. Dependent claim 6 by specifically including all the aforementioned  
2 elements of claim 1 and, in addition, a carburetor solenoid switch  
3 configured to activate an associated carburetor solenoid when actuated, as  
4 called for in claim 6 of U.S. Patent No. 11,306,667.
- 5 e. Dependent claim 7 by specifically including all the aforementioned  
6 elements of claim 6 and, in addition, the selector switch is in a first  
7 position, the selector switch actuates the carburetor solenoid switch, so as  
8 to activate the carburetor solenoid and stop the second fuel flow to the  
9 engine, as called for in claim 7 of U.S. Patent No. 11,306,667.
- 10 f. Dependent claim 9 by specifically including all the aforementioned  
11 elements of claim 1 and, in addition, the first fuel source is a an LPG fuel  
12 source and wherein the second fuel source is a gasoline source, as called  
13 for in claim 9 of U.S. Patent No. 11,306,667.
- 14 g. Independent claim 10 by specifically including a fuel selector of a dual  
15 fuel generator with a valve assembly fluidly connected to each of a first  
16 fuel source and a second fuel source, the valve assembly being operable to  
17 selectively control a first fuel flow and a second fuel flow from the first  
18 fuel source and the second fuel source, respectively, to an engine of the  
19 dual fuel generator; a selector switch having a first fuel mode and a  
20 second fuel mode, a fuel solenoid having open and closed positions; and a  
21 solenoid switch having open and closed positions to activate and  
22 deactivate the fuel solenoid; wherein when the selector switch is in the  
23 first fuel mode, the solenoid switch and the fuel solenoid are in the closed  
24 positions, when the selector switch is in the second fuel mode, the  
25 solenoid switch and the fuel solenoid are in the open positions, and  
26 positioning of the selector switch in the first fuel mode and the second  
27 fuel mode enables a selection of one of the first fuel flow and the second  
28 fuel flow, as called for in claim 10 of U.S. Patent No. 11,306,667.

- 1 h. Dependent claim 11 by specifically including all the aforementioned  
2 elements of claim 10 and, in addition, the selector switch triggers the  
3 solenoid switch when changed from the second fuel mode to the first fuel  
4 mode, so as to cause the solenoid switch and the fuel solenoid to operate  
5 in the closed positions, as called for in claim 1 of U.S. Patent No.  
6 11,306,667.
- 7 i. Dependent claim 12 by specifically including all the aforementioned  
8 elements of claim 10 and, in addition, the valve assembly is positioned on  
9 or adjacent the selector switch, as called for in claim 12 of U.S. Patent No.  
10 11,306,667.
- 11 j. Dependent claim 13 by specifically including all the aforementioned  
12 elements of claim 10 and, in addition, the valve assembly comprises: two  
13 fuel inputs, with a first fuel input connected to the first fuel source and a  
14 second fuel input connected to the second fuel source; and two fuel  
15 outputs for selectively supplying fuel to the engine from the first fuel  
16 source or the second fuel source, as called for in claim 13 of U.S. Patent  
17 No. 11,306,667.
- 18 k. Dependent claim 14 by specifically including all the aforementioned  
19 elements of claim 13 and, in addition, the two fuel outputs selectively  
20 supply fuel to the engine from only one of the first fuel source or the  
21 second fuel source, responsive to selection of the first fuel flow or the  
22 second fuel flow via the selector switch and a corresponding operation of  
23 the valve assembly, as called for in claim 14 of U.S. Patent No.  
24 11,306,667.
- 25 l. Dependent claim 15 by specifically including all the aforementioned  
26 elements of claim 13 and, in addition, the valve assembly includes a first  
27 fuel valve having open and closed positions to selectively control the first  
28 fuel flow to the engine and a second fuel valve having open and closed

1 positions to selectively control the second fuel flow to the engine, as  
2 called for in claim 15 of U.S. Patent No. 11,306,667.

3 m. Dependent claim 16 by specifically including all the aforementioned  
4 elements of claim 10 and, in addition, the first fuel source is a an LPG fuel  
5 source and wherein the second fuel source is a gasoline source, as called  
6 for in claim 16 of U.S. Patent No. 11,306,667.

7 n. Dependent claim 17 by specifically including all the aforementioned  
8 elements of claim 10 and, in addition, the fuel solenoid is a carburetor  
9 shutoff solenoid, as called for in claim 17 of U.S. Patent No. 11,306,667.

10 o. Dependent claim 18 by specifically including all the aforementioned  
11 elements of claim 10 and, in addition, positioning the selector switch in  
12 the first fuel mode enables the selection of the first fuel source to the  
13 generator, and positioning the selector switch in the second fuel mode  
14 enables the selection of the second fuel source to the generator, as called  
15 for in claim 18 of U.S. Patent No. 11,306,667.

16 Therefore, each of the foregoing Firman generator models listed in Paragraph 103 (a)-  
17 (c) infringes at least claims 1-3, 6, 7, and 9-18 of U.S. Patent No. 11,306,667.

18 **ANSWER: Firman denies the allegations of paragraph 104.**

19

20 105. Champion has no adequate remedy at law against Firman's acts of  
21 infringement and will suffer irreparable harm unless Firman is preliminarily and  
22 permanently enjoined from its infringement of U.S. Patent No. 11,306,667.

23 **ANSWER: Firman denies the allegations of paragraph 105.**

24

25 106. Upon information and belief, Firman's infringement has been willful,  
26 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,306,667.

27 **ANSWER: Firman denies the allegations of paragraph 106.**

28

1 107. Firman, by way of its infringing activity, has caused and continues to  
2 cause Champion to suffer damages in an amount to be determined at trial.

3 **ANSWER: Firman denies the allegations of paragraph 107.**

4  
5 **COUNT VIII: INFRINGEMENT OF U.S. PATENT NO. 11,492,985**

6 108. Paragraphs 1 through 107 are incorporated by reference as if fully set  
7 forth herein.

8 **ANSWER: Firman repeats its responses to paragraphs 1 through 107 as if  
9 fully set forth here.**

10  
11 109. U.S. Patent No. 11,492,985 is titled “OFF-BOARD FUEL REGULATOR  
12 FOR GENERATOR ENGINE.” U.S. Patent No. 11,492,985 was duly and legally  
13 issued on November 8, 2022. A true and correct copy of U.S. Patent No. 11,492,985 is  
14 attached as Exhibit H.

15 **ANSWER: Firman admits that U.S. Patent No. 11,492,985 is titled “OFF-  
16 BOARD FUEL REGULATOR FOR GENERATOR ENGINE” and lists the  
17 issuance date on the face of the patent as November 8, 2022. Firman admits that  
18 what purports to be a copy of the '985 patent is attached as Exhibit H. The  
19 remaining allegations of paragraph 109 are denied.**

20  
21 110. Champion is the lawful assignee of the entire right, title, and interest in  
22 and to U.S. Patent No. 11,492,985 and possesses all rights of recovery under the patent,  
23 including the right to recover damages for past infringement.

24 **ANSWER: Firman lacks knowledge or information sufficient to form a  
25 belief about the truth of the allegations of paragraph 110.**

1 111. Champion has acquired and inspected the following Firman generator  
2 models that Firman has been and is making, using, selling, or offering for sale within  
3 the United States, or importing into the United States:

- 4 a. Model WH02942, a dual fuel inverter portable generator;
- 5 b. Model WH03041, a dual fuel inverter portable generator;
- 6 c. Model WH03042, a dual fuel inverter portable generator;
- 7 d. Model WH03242, a dual fuel inverter portable generator; and
- 8 e. Model WH03344, a dual fuel inverter portable generator.

9 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
10 **United States, or imports into the United States, the models listed in paragraph**  
11 **111(a) through 111(e). Firman lacks knowledge or information sufficient to form a**  
12 **belief about the truth of the remaining allegations of paragraph 111.**

13  
14 112. Upon acquisition, disassembly as needed, review of owner's manuals and  
15 electrical schematics, and inspection, it was determined that each of the foregoing  
16 Firman generator models includes all of the elements of at least claims 1, 4-7, 11, 14-16,  
17 and 18 of U.S. Patent No. 11,492,985. Each of the foregoing Firman generator models  
18 infringes:

- 19 a. Independent claim 1 by specifically including generator and fuel delivery  
20 system having a generator free of any pressure regulator and configured to  
21 operate on a gaseous fuel supplied from pressurized fuel source through a  
22 gaseous fuel line and having a fuel regulator system located off-board the  
23 generator, including a first stage and a second stage, and configured to  
24 regulate a gaseous fuel supplied from a pressurized fuel source in the first  
25 stage down to a reduced pressure and regulate the reduced pressure  
26 gaseous fuel in the second stage down to a desired pressure for delivery  
27 through a gaseous fuel line to operate the generator, as called for in claim  
28 1 of U.S. Patent No. 11,492,985.

- 1           b.     Dependent claim 4 by specifically including all the aforementioned  
2                   elements of claim 1 and, in addition, the generator comprises a dual fuel  
3                   generator configured to operate on the gaseous fuel and on a liquid fuel,  
4                   the liquid fuel supplied from a liquid fuel source through a liquid fuel line,  
5                   as called for in claim 4 of U.S. Patent No. 11,492,985.
- 6           c.     Dependent claim 5 by specifically including all the aforementioned  
7                   elements of claim 4 and, in addition, a mechanical fuel valve actuatable  
8                   between a first position and a second position to selectively control fuel  
9                   flow to the dual fuel generator from the liquid fuel source through the  
10                  liquid fuel line and the pressurized fuel source through the gaseous fuel  
11                  line, as called for in claim 5 of U.S. Patent No. 11,492,985.
- 12          d.     Dependent claim 6 by specifically including all the aforementioned  
13                  elements of claim 5 and, in addition, a fuel lockout apparatus is coupled to  
14                  the mechanical fuel valve; when the mechanical fuel valve is in the first  
15                  position, the fuel lockout apparatus communicates the liquid fuel source to  
16                  the dual fuel generator and prevents the pressurized fuel source from  
17                  coupling to the dual fuel generator; and when the mechanical fuel valve is  
18                  in the second position, the fuel lockout apparatus permits the pressurized  
19                  fuel source to couple to the dual fuel generator and interrupts the liquid  
20                  fuel source communication with the dual fuel generator, as called for in  
21                  claim 6 of U.S. Patent No. 11,492,985.
- 22          e.     Dependent claim 7 by specifically including all the aforementioned  
23                  elements of claim 1 and, in addition, the first stage comprises a primary  
24                  pressure regulator and the second stage comprises a secondary pressure  
25                  regulator and the generator and fuel delivery system further comprises a  
26                  quick-connect hose coupling including a first end coupled to an outlet of  
27                  the secondary pressure regulator and a second end coupled to an inlet of  
28

1 the gaseous fuel line to couple the secondary pressure regulator to the  
2 gaseous fuel line, as called for in claim 7 of U.S. Patent No. 11,492,985.

3 f. Independent claim 11 by specifically including a generator and fuel  
4 delivery system having a generator with an engine configured to operate  
5 on a gaseous fuel supplied from a pressurized fuel source through a  
6 gaseous fuel line; and a fuel regulator system located off-board the  
7 generator, including a first stage and a second stage, and configured to  
8 regulate a gaseous fuel supplied from a pressurized fuel source in the first  
9 stage down to a reduced pressure and regulate the reduced pressure  
10 gaseous fuel in the second stage down to a desired pressure for delivery  
11 through a gaseous fuel line to operate the generator, wherein the fuel  
12 regulator system outputs gaseous fuel to the generator for operation of an  
13 engine at the second reduced pressure, as called for in claim 11 of U.S.  
14 Patent No. 11,492,985.

15 g. Dependent claim 14 by specifically including all the aforementioned  
16 elements of claim 11 and, in addition, the generator comprises a dual fuel  
17 generator configured to operate on the gaseous fuel and on a liquid fuel,  
18 the liquid fuel supplied from a liquid fuel source through a liquid fuel line,  
19 as called for in claim 14 of U.S. Patent No. 11,492,985.

20 h. Dependent claim 15 by specifically including all the aforementioned  
21 elements of claim 14 and, in addition, a mechanical fuel valve actuatable  
22 between a first position and a second position to selectively control fuel  
23 flow to the dual fuel generator from the liquid fuel source through the  
24 liquid fuel line and the pressurized fuel source through the gaseous fuel  
25 line, as called for in claim 15 of U.S. Patent No. 11,492,985.

26 i. Independent claim 16 by specifically including a dual fuel generator and  
27 fuel delivery system having a dual fuel generator configured to operate on  
28 a liquid fuel supplied from a liquid fuel source through a liquid fuel line

1 and a gaseous fuel supplied from a pressurized fuel source through a  
2 gaseous fuel line; and a fuel regulator system located off board a dual fuel  
3 generator, including a primary pressure regulator coupled to a service  
4 valve of a pressurized fuel source configured to regulate the gaseous fuel  
5 supplied from the pressurized fuel source in the first stage, the gaseous  
6 fuel regulated down to a first reduced pressure in the first stage and  
7 regulate the gaseous fuel output from the first stage in the second stage,  
8 the first reduced pressure gaseous fuel from the first stage being regulated  
9 down to a second reduced pressure in the second stage for delivery  
10 through the gaseous fuel line to operate the generator, wherein the fuel  
11 regulator system outputs gaseous fuel to the generator for operation of the  
12 engine at the second reduced pressure, as called for in claim 16 of U.S.  
13 Patent No. 11,492,985.

14 j. Dependent claim 18 by specifically including all the aforementioned  
15 elements of claim 16 and, in addition, a quick-connect hose coupling  
16 including a first end coupled to an outlet of the secondary pressure  
17 regulator and a second end coupled to an inlet of the gaseous fuel line to  
18 couple the secondary pressure regulator to the gaseous fuel line, as called  
19 for in claim 18 of U.S. Patent No. 11,492,985.

20 Therefore, each of the foregoing Firman generator models listed in Paragraph 111(a)-(e)  
21 infringes at least claims 1, 4-7, 11, 14-16, and 18 of U.S. Patent No. 11,492,985.

22 **ANSWER: Firman denies the allegations of paragraph 112.**

23  
24 113. Upon information and belief, Firman has been and is now making, using,  
25 selling, or offering for sale within the United States, or importing into the United States,  
26 the following additional generator models:

27 a. Model WH02942F, a refurbished dual fuel inverter portable generator;  
28

- 1           b.     Model WH03242F, a refurbished dual fuel inverter portable generator;
- 2                     and
- 3           c.     Model WH03342, a dual fuel inverter portable generator.

4           **ANSWER: Firman admits the allegations of paragraph 113.**

5

6           114.    Upon review of images, owner’s manuals, and electrical schematics of the  
7   foregoing Finnan generator models and comparisons of the images, owner’s manuals,  
8   and electrical schematics of the foregoing Firman generator models to those of the  
9   Firman generator models listed in Paragraph 111, it was determined that each of the  
10   foregoing Firman generator models includes all of the elements of at least claims 1, 4-7,  
11   11, 14-16, and 18 of U.S. Patent No. 11,492,985. Each of the foregoing Firman  
12   generator models infringes:

- 13           a.     Independent claim 1 specifically including a generator and fuel delivery  
14                     system having a generator free of any pressure regulator and configured to  
15                     operate on a gaseous fuel supplied from a pressurized fuel source through  
16                     a gaseous fuel line and having a fuel regulator system located off-board  
17                     the generator, including a first stage and a second stage, and configured to  
18                     regulate a gaseous fuel supplied from a pressurized fuel source in the first  
19                     stage down to a reduced pressure and regulate the reduced pressure  
20                     gaseous fuel in the second stage down to a desired pressure for delivery  
21                     through a gaseous fuel line to operate the generator, as called for in claim  
22                     1 of U.S. Patent No. 11,492,985.
- 23           b.     Dependent claim 4 specifically including all the aforementioned elements  
24                     of claim 1 and, in addition, the generator comprises a dual fuel generator  
25                     configured to operate on the gaseous fuel and on a liquid fuel, the liquid  
26                     fuel supplied from a liquid fuel source through a liquid fuel line, as called  
27                     for in claim 4 of U.S. Patent No. 11,492,985.

- 1 c. Dependent claim 5 by specifically including all the aforementioned  
2 elements of claim 4 and, in addition, a mechanical fuel valve actuatable  
3 between a first position and a second position to selectively control fuel  
4 flow to the dual fuel generator from the liquid fuel source through the  
5 liquid fuel line and the pressurized fuel source through the gaseous fuel  
6 line, as called for in claim 5 of U.S. Patent No. 11,492,985.
- 7 d. Dependent claim 6 by specifically including all the aforementioned  
8 elements of claim 5 and, in addition, a fuel lockout apparatus is coupled to  
9 the mechanical fuel valve; when the mechanical fuel valve is in the first  
10 position, the fuel lockout apparatus communicates the liquid fuel source to  
11 the dual fuel generator and prevents the pressurized fuel source from  
12 coupling to the dual fuel generator; and when the mechanical fuel valve is  
13 in the second position, the fuel lockout apparatus permits the pressurized  
14 fuel source to couple to the dual fuel generator and interrupts the liquid  
15 fuel source communication with the dual fuel generator, as called for in  
16 claim 6 of U.S. Patent No. 11,492,985.
- 17 e. Dependent claim 7 by specifically including all the aforementioned  
18 elements of claim 1 and, in addition, the first stage comprises a primary  
19 pressure regulator and the second stage comprises a secondary pressure  
20 regulator and the generator and fuel delivery system further comprises a  
21 quick-connect hose coupling including a first end coupled to an outlet of  
22 the secondary pressure regulator and a second end coupled to an inlet of  
23 the gaseous fuel line to couple the secondary pressure regulator to the  
24 gaseous fuel line, as called for in claim 7 of U.S. Patent No. 11,492,985.
- 25 f. Independent claim 11 by specifically including a generator and fuel  
26 delivery system having a generator with an engine configured to operate  
27 on a gaseous fuel supplied from a pressurized fuel source through a  
28 gaseous fuel line; and a fuel regulator system located off-board the

1 generator, including a first stage and a second stage, and configured to  
2 regulate a gaseous fuel supplied from a pressurized fuel source in the first  
3 stage down to a reduced pressure and regulate the reduced pressure  
4 gaseous fuel in the second stage down to a desired pressure for delivery  
5 through a gaseous fuel line to operate the generator, wherein the fuel  
6 regulator system outputs gaseous fuel to the generator for operation of an  
7 engine at the second reduced pressure, as called for in claim 11 of U.S.  
8 Patent No. 11,492,985.

9 g. Dependent claim 14 by specifically including all the aforementioned  
10 elements of claim 11 and, in addition, the generator comprises a dual fuel  
11 generator configured to operate on the gaseous fuel and on a liquid fuel,  
12 the liquid fuel supplied from a liquid fuel source through a liquid fuel line,  
13 as called for in claim 14 of U.S. Patent No. 11,492,985.

14 h. Dependent claim 15 by specifically including all the aforementioned  
15 elements of claim 14 and, in addition, a mechanical fuel valve actuatable  
16 between a first position and a second position to selectively control fuel  
17 flow to the dual fuel generator from the liquid fuel source through the  
18 liquid fuel line and the pressurized fuel source through the gaseous fuel  
19 line, as called for in claim 15 of U.S. Patent No. 11,492,985.

20 i. Independent claim 16 by specifically including a dual fuel generator and  
21 fuel delivery system having a dual fuel generator configured to operate on  
22 a liquid fuel supplied from a liquid fuel source through a liquid fuel line  
23 and a gaseous fuel supplied from a pressurized fuel source through a  
24 gaseous fuel line; a fuel regulator system located off board a dual fuel  
25 generator including a primary pressure regulator coupled to a service  
26 valve of a pressurized fuel source, configured to regulate the gaseous fuel  
27 supplied from the pressurized fuel source in the first stage, the gaseous  
28 fuel regulated down to a first reduced pressure in the first stage and

1 regulate the gaseous fuel output from the first stage in the second stage,  
2 the first reduced pressure gaseous fuel from the first stage being regulated  
3 down to a second reduced pressure in the second stage for delivery  
4 through the gaseous fuel line to operate the generator, wherein the fuel  
5 regulator system outputs gaseous fuel to the generator for operation of the  
6 engine at the second reduced pressure, as called for in claim 16 of U.S.  
7 Patent No. 11,492,985.

8 j. Dependent claim 18 by specifically including all the aforementioned  
9 elements of claim 16 and, in addition, a quick-connect hose coupling  
10 including a first end coupled to an outlet of the secondary pressure  
11 regulator and a second end coupled to an inlet of the gaseous fuel line to  
12 couple the secondary pressure regulator to the gaseous fuel line, as called  
13 for in claim 18 of U.S. Patent No. 11,492,985.

14 Therefore, each of the foregoing Firman generator models listed in Paragraph 113(a)-(c)  
15 infringes at least claims 1, 4-7, 11, 14-16, and 18 of U.S. Patent No. 11,492,985.

16 **ANSWER: Firman denies the allegations of paragraph 114.**

17  
18 115. Champion has no adequate remedy at law against Firman's acts of  
19 infringement and will suffer irreparable harm unless Firman is preliminarily and  
20 permanently enjoined from its infringement of U.S. Patent No. 11,492,985.

21 **ANSWER: Firman denies the allegations of paragraph 115.**

22  
23 116. Upon information and belief, Firman's infringement has been willful,  
24 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,492,985.

25 **ANSWER: Firman denies the allegations of paragraph 116.**

26  
27 117. Firman, by way of its infringing activity, has caused and continues to  
28 cause Champion to suffer damages in an amount to be determined at trial.

1           **ANSWER: Firman denies the allegations of paragraph 117.**

2  
3           **COUNT IX: INFRINGEMENT OF U.S. PATENT NO. 11,530,654**

4           118. Paragraphs 1 through 117 are incorporated by reference as if fully set  
5 forth herein.

6           **ANSWER: Firman repeats its responses to paragraphs 1 through 117 as if**  
7 **fully set forth here.**

8  
9           119. U.S. Patent No. 11,530,654 is titled “OFF-BOARD FUEL REGULATOR  
10 FOR GENERATOR ENGINE.” U.S. Patent No. 11,530,654 was duly and legally  
11 issued on December 20, 2022. A true and correct copy of U.S. Patent No. 11,530,654 is  
12 attached as Exhibit I.

13           **ANSWER: Firman admits that U.S. Patent No. 11,530,654 is titled “OFF-**  
14 **BOARD FUEL REGULATOR FOR GENERATOR ENGINE” and lists the**  
15 **issuance date on the face of the patent as December 20, 2022. Firman admits that**  
16 **what purports to be a copy of the ’654 patent is attached to the complaint. The**  
17 **remaining allegations of paragraph 119 are denied.**

18  
19           120. Champion is the lawful assignee of the entire right, title, and interest in  
20 and to U.S. Patent No. 11,530,654 and possesses all rights of recovery under the patent,  
21 including the right to recover damages for past infringement.

22           **ANSWER: Firman lacks knowledge or information sufficient to form a**  
23 **belief about the truth of the allegations of paragraph 120.**

24  
25           121. Champion has acquired and inspected the following Firman generator  
26 models that Firman has been and is making, using, selling, or offering for sale within  
27 the United States, or importing into the United States:

- 28           a. Model WH02942, a dual fuel inverter portable generator;

- 1           b.     Model WH03041, a dual fuel inverter portable generator;
- 2           c.     Model WH03042, a dual fuel inverter portable generator;
- 3           d.     Model WH03242, a dual fuel inverter portable generator; and
- 4           e.     Model WH03344, a dual fuel inverter portable generator.

5           **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
6 **United States, or imports into the United States, the models listed in paragraph**  
7 **121(a) through 121(e). Firman lacks knowledge or information sufficient to form a**  
8 **belief about the truth of the remaining allegations of paragraph 121.**

9  
10           122. Upon acquisition, disassembly as needed, review of owner’s manuals and  
11 electrical schematics, and inspection, it was determined that each of the foregoing  
12 Firman generator models includes all of the elements of at least claims 1, 2, 6, 7, and 10  
13 of U.S. Patent No. 11,530,654. Each of the foregoing Firman generator models  
14 infringes:

- 15           a.     Independent claim 1 by specifically including a dual fuel generator and  
16 fuel delivery system including a dual fuel generator configured to operate  
17 on a liquid fuel supplied from a liquid fuel source through a liquid fuel  
18 line and a gaseous fuel supplied from a pressurized fuel source through a  
19 gaseous fuel line, a fuel regular system located off board the dual fuel  
20 generator and having a primary pressure regulator coupled to a service  
21 valve of a pressurized fuel source and configured to regulate a gaseous  
22 fuel supplied from the pressurized fuel source to a first reduced pressure  
23 and a secondary pressure regulator coupled to the primary pressure  
24 regulator and configured to regulate the gaseous fuel supplied from the  
25 primary pressure regulator down from the first reduced pressure to a  
26 second reduced pressure for delivery through a gaseous fuel line to  
27 operate the dual fuel generator, a mechanical fuel valve actuatable  
28 between a first position and a second position to selectively control fuel

1 flow to the dual fuel generator from the liquid fuel source through the  
2 liquid fuel line and the pressurized fuel source through the gaseous fuel  
3 line, and a fuel lockout apparatus coupled to the mechanical fuel valve,  
4 wherein when the mechanical fuel valve is in the first position, the fuel  
5 lockout apparatus communicates the liquid fuel source to the dual fuel  
6 generator and prevents the pressurized fuel source from coupling to the  
7 dual fuel generator, and actuation of the mechanical fuel valve to the  
8 second position causes the fuel lockout apparatus to permit the pressurized  
9 fuel source to couple to the dual fuel generator and interrupts the liquid  
10 fuel source communication with the dual fuel generator, as called for in  
11 claim 1 of U.S. Patent No. 11,530,654.

12 b. Dependent claim 2 specifically including all the aforementioned elements  
13 of claim 1 and, in addition, a first end of a quick-connect hose coupling  
14 coupled to an outlet of the secondary pressure regulator and a second end  
15 of the quick-connect hose coupling coupled to an inlet of the gaseous fuel  
16 line to mate with the first end of the quick-connect hose coupling to  
17 couple the secondary pressure regulator to the gaseous fuel line, as called  
18 for in claim 2 of U.S. Patent No. 11,530,654.

19 c. Independent claim 6 by specifically including a dual fuel generator and  
20 fuel delivery system having a dual fuel generator configured to operate on  
21 a liquid fuel supplied from a liquid fuel source through a liquid fuel line  
22 and a gaseous fuel supplied from a pressurized fuel source through a  
23 gaseous fuel line, a fuel regulator system located off board the dual fuel  
24 generator and having a primary pressure regulator coupled to a service  
25 valve of a pressurized fuel source and configured to regulate a gaseous  
26 fuel supplied from the pressurized fuel source to a first reduced pressure  
27 and a secondary pressure regulator coupled to the primary pressure  
28 regulator and configured to regulate the gaseous fuel supplied from the

1 primary pressure regulator down from the first reduced pressure to a  
2 second reduced pressure for delivery through a gaseous fuel line to  
3 operate the dual fuel generator, a mechanical fuel valve actuatable  
4 between a first position and a second position to selectively control fuel  
5 flow to the dual fuel generator from a liquid fuel source through a liquid  
6 fuel line and the pressurized fuel source through the gaseous fuel line and  
7 that opens and closes the liquid fuel line to selectively control fuel flow  
8 from the liquid fuel source to the dual fuel generator, and a fuel lockout  
9 apparatus coupled to the mechanical fuel valve and configured to prevent  
10 the pressurized fuel source from coupling to the gaseous fuel line while  
11 the mechanical fuel valve opens the liquid fuel line and permit the  
12 pressurized fuel source to couple to the gaseous fuel line while the  
13 mechanical fuel valve closes the liquid fuel line, as called for in claim 6 of  
14 U.S. Patent No. 11,530,654.

15 d. Dependent claim 7 by specifically including all the aforementioned  
16 elements of claim 6 and, in addition, the fuel lockout apparatus is further  
17 configured to prevent the mechanical fuel valve from opening the liquid  
18 fuel line while the dual fuel generator receives fuel from the pressurized  
19 fuel source, as called for in claim 7 of U.S. Patent No. 11,530,654.

20 e. Independent claim 10 by specifically including a generator and fuel  
21 delivery system having a generator configured to operate on a gaseous  
22 fuel supplied from a pressurized fuel source through a gaseous fuel line  
23 and free from any pressure regulator and a fuel regulator system located  
24 off-board the generator and configured to regulate the gaseous fuel  
25 supplied from the pressurized fuel source in a first stage, the gaseous fuel  
26 regulated down to a reduced pressure in the first stage and regulate the  
27 reduced pressure gaseous fuel in a second stage, the reduced gaseous fuel  
28 from the first stage regulated down to a desired pressure in the second

1 stage for delivery through the gaseous fuel line to operate the generator, as  
2 called for in claim 10 of U.S. Patent No. 11,530,654.

3 Therefore, each of the foregoing Firman generator models listed in Paragraph 121(a)-(e)  
4 infringes at least claims 1, 2, 6, 7, and 10 of U.S. Patent No. 11,530,654.

5 **ANSWER: Firman denies the allegations of paragraph 122.**

6

7 123. Upon information and belief, Firman has been and is now making, using,  
8 selling, or offering for sale within the United States, or importing into the United States,  
9 the following additional generator models:

- 10 a. Model WH02942F, a refurbished dual fuel inverter portable generator;  
11 b. Model WH03242F, a refurbished dual fuel inverter portable generator;  
12 and  
13 c. Model WH03342, a dual fuel inverter portable generator.

14 **ANSWER: Firman admits the allegations of paragraph 123.**

15

16 124. Upon review of images, owner's manuals, and electrical schematics of the  
17 foregoing Firman generator models and comparisons of the images, owner's manuals,  
18 and electrical schematics of the foregoing Firman generator models to those of the  
19 Firman generator models listed in Paragraph 121, it was determined that each of the  
20 foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6,  
21 7, and 10 of U.S. Patent No. 11,530,654. Each of the foregoing Firman generator  
22 models infringes:

- 23 a. Independent claim 1 by specifically including a dual fuel generator and  
24 fuel delivery system including a dual fuel generator configured to operate  
25 on a liquid fuel supplied from a liquid fuel source through a liquid fuel  
26 line and a gaseous fuel supplied from a pressurized fuel source through a  
27 gaseous fuel line, a fuel regulator system located off board the dual fuel  
28 generator and having a primary pressure regulator coupled to a service

1 valve of a pressurized fuel source and configured to regulate a gaseous  
2 fuel supplied from the pressurized fuel source to a first reduced pressure  
3 and a secondary pressure regulator coupled to the primary pressure  
4 regulator and configured to regulate the gaseous fuel supplied from the  
5 primary pressure regulator down from the first reduced pressure to a  
6 second reduced pressure for delivery through a gaseous fuel line to  
7 operate the dual fuel generator, a mechanical fuel valve actuatable  
8 between a first position and a second position to selectively control fuel  
9 flow to the dual fuel generator from the liquid fuel source through the  
10 liquid fuel line and the pressurized fuel source through the gaseous fuel  
11 line, and a fuel lockout apparatus coupled to the mechanical fuel valve,  
12 wherein when the mechanical fuel valve is in the first position, the fuel  
13 lockout apparatus communicates the liquid fuel source to the dual fuel  
14 generator and prevents the pressurized fuel source from coupling to the  
15 dual fuel generator, and actuation of the mechanical fuel valve to the  
16 second position causes the fuel lockout apparatus to permit the pressurized  
17 fuel source to couple to the dual fuel generator and interrupts the liquid  
18 fuel source communication with the dual fuel generator, as called for in  
19 claim 1 of U.S. Patent No. 11,530,654.

20 b. Dependent claim 2 by specifically including all the aforementioned  
21 elements of claim 1 and, in addition, a first end of a quick-connect hose  
22 coupling coupled to an outlet of the secondary pressure regulator and a  
23 second end of the quick-connect hose coupling coupled to an inlet of the  
24 gaseous fuel line to mate with the first end of the quick-connect hose  
25 coupling to couple the secondary pressure regulator to the gaseous fuel  
26 line, as called for in claim 2 of U.S. Patent No. 11,530,654.

27 c. Independent claim 6 by specifically including a dual fuel generator and  
28 fuel delivery system having a dual fuel generator configured to operate on

1 a liquid fuel supplied from a liquid fuel source through a liquid fuel line  
2 and a gaseous fuel supplied from a pressurized fuel source through a  
3 gaseous fuel line, a fuel regulator system located off board the dual fuel  
4 generator and having a primary pressure regulator coupled to a service  
5 valve of a pressurized fuel source and configured to regulate a gaseous  
6 fuel supplied from the pressurized fuel source to a first reduced pressure  
7 and a secondary pressure regulator coupled to the primary pressure  
8 regulator and configured to regulate the gaseous fuel supplied from the  
9 primary pressure regulator down from the first reduced pressure to a  
10 second reduced pressure for delivery through a gaseous fuel line to  
11 operate the dual fuel generator, a mechanical fuel valve actuatable  
12 between a first position and a second position to selectively control fuel  
13 flow to the dual fuel generator from a liquid fuel source through a liquid  
14 fuel line and the pressurized fuel source through the gaseous fuel line and  
15 that opens and closes the liquid fuel line to selectively control fuel flow  
16 from the liquid fuel source to the dual fuel generator, and a fuel lockout  
17 apparatus coupled to the mechanical fuel valve and configured to prevent  
18 the pressurized fuel source from coupling to the gaseous fuel line while  
19 the mechanical fuel valve opens the liquid fuel line and permit the  
20 pressurized fuel source to couple to the gaseous fuel line while the  
21 mechanical fuel valve closes the liquid fuel line, as called for in claim 6 of  
22 U.S. Patent No. 11,530,654.

- 23 d. Dependent claim 7 by specifically including all the aforementioned  
24 elements of claim 6 and, in addition, the fuel lockout apparatus is further  
25 configured to prevent the mechanical fuel valve from opening the liquid  
26 fuel line while the dual fuel generator receives fuel from the pressurized  
27 fuel source, as called for in claim 7 of U.S. Patent No. 11,530,654

28

1 e. Independent claim 10 by specifically including a generator and fuel  
2 delivery system having a generator configured to operate on a gaseous  
3 fuel supplied from a pressurized fuel source through a gaseous fuel line  
4 and free from any pressure regulator and a fuel regulator system located  
5 off-board the generator and configured to regulate the gaseous fuel  
6 supplied from the pressurized fuel source in a first stage, the gaseous fuel  
7 regulated down to a reduced pressure in the first stage and regulate the  
8 reduced pressure gaseous fuel in a second stage, the reduced pressure  
9 gaseous fuel from the first stage regulated down to a desired pressure in  
10 the second stage for delivery through the gaseous fuel line to operate the  
11 generator, as called for in claim 10 of U.S. Patent No. 11,530,654.

12 Therefore, each of the foregoing Firman generator models listed in Paragraph 123(a)-(c)  
13 infringes at least claims 1, 2, 6, 7, and 10 of U.S. Patent No. 11,530,654.

14 **ANSWER: Firman denies the allegations of paragraph 124.**

15

16 125. Champion has no adequate remedy at law against Firman's acts of  
17 infringement and will suffer irreparable harm unless Firman is preliminarily and  
18 permanently enjoined from its infringement of U.S. Patent No. 11,530,654.

19 **ANSWER: Firman denies the allegations of paragraph 125.**

20

21 126. Upon information and belief, Firman's infringement has been willful,  
22 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,530,654.

23 **ANSWER: Firman denies the allegations of paragraph 126.**

24

25 127. Firman, by way of its infringing activity, has caused and continues to  
26 cause Champion to suffer damages in an amount to be determined at trial.

27 **ANSWER: Firman denies the allegations of paragraph 127.**

28

1                   **COUNT X: INFRINGEMENT OF U.S. PATENT NO. 11,761,390**

2           128. Paragraphs 1 through 127 are incorporated by reference as if fully set  
3 forth herein.

4           **ANSWER: Firman repeats its responses to paragraphs 1 through 127 as if**  
5 **fully set forth here.**

6  
7           129. U.S. Patent No. 11,761,390 is titled “DUAL FUEL SELECTOR  
8 SWITCH.” U.S. Patent No. 11,761,390 was duly and legally issued on September 19,  
9 2023. A true and correct copy of U.S. Patent No. 11,761,390 is attached as Exhibit J.

10           **ANSWER: Firman admits that U.S. Patent No. 11,761,390 is titled “DUAL**  
11 **FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent**  
12 **as September 19, 2023. Firman admits that what purports to be a copy of the ’390**  
13 **patent is attached to the complaint. The remaining allegations of paragraph 129**  
14 **are denied.**

15  
16           130. Champion is the lawful assignee of the entire right, title, and interest in  
17 and to U.S. Patent No. 11,761,390 and possesses all rights of recovery under the patent,  
18 including the right to recover damages for past infringement.

19           **ANSWER: Firman lacks knowledge or information sufficient to form a**  
20 **belief about the truth of the allegations of paragraph 130.**

21  
22           131. Champion has acquired and inspected the following Firman generator  
23 models that Firman has been and is making, using, selling, or offering for sale within  
24 the United States, or importing into the United States:

- 25           a. Model H03651, a dual fuel portable generator;  
26           b. Model H03652, a dual fuel portable generator;  
27           c. Model H05751, a dual fuel portable generator;  
28           d. Model H05752, a dual fuel portable generator;

- 1 e. Model H05753, a dual fuel portable generator;
- 2 f. Model H07552, a dual fuel portable generator;
- 3 g. Model H07553, a dual fuel portable generator;
- 4 h. Model H08051, a dual fuel portable generator;
- 5 i. Model H08053, a dual fuel portable generator;
- 6 j. Model T04073, a tri fuel portable generator;
- 7 k. Model T07571, a tri fuel portable generator;
- 8 l. Model T07573, a tri fuel portable generator;
- 9 m. Model T08071, a tri fuel portable generator;
- 10 n. Model T08072, a tri fuel portable generator;
- 11 o. Model T09275, a tri fuel portable generator;
- 12 p. Model T09371, a tri fuel portable generator;
- 13 q. Model WH02942, a dual fuel inverter portable generator;
- 14 r. Model WH03041, a dual fuel inverter portable generator;
- 15 s. Model WH03042, a dual fuel inverter portable generator;
- 16 t. Model WH03242, a dual fuel inverter portable generator;
- 17 u. Model WH03344, a dual fuel inverter portable generator;
- 18 v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 19 and
- 20 w. Model WH03662OF, a dual fuel open frame inverter portable generator.

21 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
22 **United States, or imports into the United States, the models listed in paragraph**  
23 **131(a) through 131(w). Firman lacks knowledge or information sufficient to form**  
24 **a belief about the truth of the remaining allegations of paragraph 131.**

25  
26 132. Upon acquisition, disassembly as needed, review of owner’s manuals and  
27 electrical schematics, and inspection, it was determined that each of the foregoing  
28

1 Firman generator models includes all of the elements of at least claims 1-9 of U.S.  
2 Patent No. 11,761,390. Each of the foregoing Firman generator models infringes:

3 a. Independent claim 1 by specifically including a selector switch having a  
4 first fuel mode configured to enable a first fuel flow from a first fuel  
5 source to an engine of a dual fuel generator and a second fuel mode  
6 configured to enable a second fuel flow from a second fuel source to the  
7 engine of the dual fuel generator, a fuel solenoid having open and closed  
8 positions, and a solenoid switch having a closed position to activate the  
9 fuel solenoid and an open position, wherein, when the selector switch is in  
10 the first fuel mode, the fuel solenoid is in the closed position and, when  
11 the selector switch is in the second fuel mode, the solenoid switch is in the  
12 open position and the fuel solenoid is in the open position, as called for in  
13 claim 1 of U.S. Patent No. 11,761,390.

14 b. Dependent claim 2 by specifically including all the aforementioned  
15 elements of claim 1 and, in addition, the selector switch triggers the  
16 solenoid switch when changed from the second fuel mode to the first fuel  
17 mode, so as to cause the fuel solenoid to operate in the closed position, as  
18 called for in claim 2 of U.S. Patent No. 11,761,390.

19 c. Dependent claim 3 by specifically including all the aforementioned  
20 elements of claim 1 and, in addition, a valve assembly fluidly connectable  
21 to each of the first fuel source and the second fuel source, the valve  
22 assembly being operable to selectively control the first fuel flow and the  
23 second fuel flow from the first fuel source and the second fuel source,  
24 respectively, to the engine of the dual fuel generator and positioning of the  
25 selector switch in the first fuel mode and the second fuel mode enables a  
26 selection of one of the first fuel flow and the second fuel flow, as called  
27 for in claim 3 of U.S. Patent No. 11,761,390.

28

- 1 d. Dependent claim 4 by specifically including all the aforementioned  
2 elements of claim 3 and, in addition, the valve assembly is positioned on  
3 or adjacent the selector switch, as called for in claim 4 of U.S. Patent No.  
4 11,761,390.
- 5 e. Dependent claim 5 by specifically including all the aforementioned  
6 elements of claim 3 and, in addition, the valve assembly includes two fuel  
7 inputs, with a first fuel input connectable to the first fuel source and a  
8 second fuel input connectable to the second fuel source, and two fuel  
9 outputs for selectively supplying fuel to the engine from the first fuel  
10 source or the second fuel source, as called for in claim 5 of U.S. Patent  
11 No. 11,761,390.
- 12 f. Dependent claim 6 by specifically including all the aforementioned  
13 elements of claim 5 and, in addition, the two fuel outputs selectively  
14 supply fuel to the engine from only the first fuel source or only the second  
15 fuel source, responsive to selection of the first fuel flow or the second fuel  
16 flow via the selector switch and to a corresponding operation of the valve  
17 assembly, as called for in claim 6 of U.S. Patent No. 11,761,390.
- 18 g. Dependent claim 7 by specifically including all the aforementioned  
19 elements of claim 5 and, in addition, the valve assembly includes a first  
20 fuel valve having open and closed positions to selectively control the first  
21 fuel flow to the engine and a second fuel valve having open and closed  
22 positions to selectively control the second fuel flow to the engine, as  
23 called for in claim 7 of U.S. Patent No. 11,761,390.
- 24 h. Dependent claim 8 by specifically including all the aforementioned  
25 elements of claim 3 and, in addition, the first fuel source is a an LPG fuel  
26 source and wherein the second fuel source is a gasoline fuel source, as  
27 called for in claim 8 of U.S. Patent No. 11,761,390.

28

1 i. Dependent claim 9 by specifically including all the aforementioned  
2 elements of claim 1 and, in addition, the fuel solenoid is a carburetor  
3 shutoff solenoid, as called for in claim 9 of U.S. Patent No. 11,761,390.

4 Therefore, each of the foregoing Firman generator models listed in Paragraph 131(a)-  
5 (w) infringes at least claims 1-9 of U.S. Patent No. 11,761,390.

6 **ANSWER: Firman denies the allegations of paragraph 132.**

7

8 133. Upon information and belief, Firman has been and is now making, using,  
9 selling, or offering for sale within the United States, or importing into the United States,  
10 the following additional generator models:

- 11 a. Model H03654, a dual fuel portable generator;
- 12 b. Model H05754, a dual fuel portable generator;
- 13 c. Model H07554, a dual fuel portable generator;
- 14 d. Model H08052, a dual fuel portable generator;
- 15 e. Model T07571F, a refurbished tri fuel portable generator;
- 16 f. Model WH02942F, a refurbished dual fuel inverter portable generator;
- 17 g. Model WH03242F, a refurbished dual fuel inverter portable generator;
- 18 and
- 19 h. Model WH03342, a dual fuel inverter portable generator.

20 **ANSWER: Firman denies the allegations of paragraph 133(c). Firman**  
21 **admits the remaining allegations of paragraph 133.**

22

23 134. Upon review of images, owner's manuals, and electrical schematics of the  
24 foregoing Firman generator models and comparisons of the images, owner's manuals,  
25 and electrical schematics of the foregoing Firman generator models to those of the  
26 Firman generator models listed in Paragraph 131, it was determined that each of the  
27 foregoing Firman generator models includes all of the elements of at least claims 1-9 of  
28 U.S. Patent No. 11,761,390. Each of the foregoing Firman generator models infringes:

- 1 a. Independent claim 1 by specifically including a selector switch having a  
2 first fuel mode configured to enable a first fuel flow from a first fuel source  
3 to an engine of a dual fuel generator and a second fuel mode configured to  
4 enable a second fuel flow from a second fuel source to the engine of the  
5 dual fuel generator, a fuel solenoid having open and closed positions, and  
6 a solenoid switch having a closed position to activate the fuel solenoid and  
7 an open position, wherein, when the selector switch is in the first fuel  
8 mode, the fuel solenoid is in the closed position and, when the selector  
9 switch is in the second fuel mode, the solenoid switch is in the open  
10 position and the fuel solenoid is in the open position, as called for in claim  
11 1 of U.S. Patent No. 11,761,390.
- 12 b. Dependent claim 2 by specifically including all the aforementioned  
13 elements of claim 1 and, in addition, the selector switch triggers the  
14 solenoid switch when changed from the second fuel mode to the first fuel  
15 mode, so as to cause the fuel solenoid to operate in the closed position, as  
16 called for in claim 2 of U.S. Patent No. 11,761,390.
- 17 c. Dependent claim 3 by specifically including all the aforementioned  
18 elements of claim 1 and, in addition, a valve assembly fluidly connectable  
19 to each of the first fuel source and the second fuel source, the valve  
20 assembly being operable to selectively control the first fuel flow and the  
21 second fuel flow from the first fuel source and the second fuel source,  
22 respectively, to the engine of the dual fuel generator and positioning of the  
23 selector switch in the first fuel mode and the second fuel mode enables a  
24 selection of one of the first fuel flow and the second fuel flow, as called  
25 for in claim 3 of U.S. Patent No. 11,761,390.
- 26 d. Dependent claim 4 by specifically including all the aforementioned  
27 elements of claim 3 and, in addition, the valve assembly is positioned on  
28

1 or adjacent the selector switch, as called for in claim 4 of U.S. Patent No.  
2 11,761,390.

3 e. Dependent claim 5 by specifically including all the aforementioned  
4 elements of claim 3 and, in addition, the valve assembly includes two fuel  
5 inputs, with a first fuel input connectable to the first fuel source and a  
6 second fuel input connectable to the second fuel source, and two fuel  
7 outputs for selectively supplying fuel to the engine from the first fuel  
8 source or the second fuel source, as called for in claim 5 of U.S. Patent  
9 No. 11,761,390.

10 f. Dependent claim 6 by specifically including all the aforementioned  
11 elements of claim 5 and, in addition, the two fuel outputs selectively  
12 supply fuel to the engine from only the first fuel source or only the second  
13 fuel source, responsive to selection of the first fuel flow or the second fuel  
14 flow via the selector switch and to a corresponding operation of the valve  
15 assembly, as called for in claim 6 of U.S. Patent No. 11,761,390.

16 g. Dependent claim 7 by specifically including all the aforementioned  
17 elements of claim 5 and, in addition, the valve assembly includes a first  
18 fuel valve having open and closed positions to selectively control the first  
19 fuel flow to the engine and a second fuel valve having open and closed  
20 positions to selectively control the second fuel flow to the engine, as  
21 called for in claim 7 of U.S. Patent No. 11,761,390.

22 h. Dependent claim 8 by specifically including all the aforementioned  
23 elements of claim 3 and, in addition, the first fuel source is a an LPG fuel  
24 source and wherein the second fuel source is a gasoline fuel source, as  
25 called for in claim 8 of U.S. Patent No. 11,761,390.

26 i. Dependent claim 9 by specifically including all the aforementioned  
27 elements of claim 1 and, in addition, the fuel solenoid is a carburetor  
28 shutoff solenoid, as called for in claim 9 of U.S. Patent No. 11,761,390.

1 Therefore, each of the foregoing Firman generator models listed in Paragraph 133(a)-(h)  
2 infringes at least claims 1-9 of U.S. Patent No. 11,761,390.

3 **ANSWER: Firman denies the allegations of paragraph 134.**

4  
5 135. Champion has no adequate remedy at law against Finnan’s acts of  
6 infringement and will suffer irreparable harm unless Firman is preliminarily and  
7 permanently enjoined from its infringement of U.S. Patent No. 11,761,390.

8 **ANSWER: Firman denies the allegations of paragraph 135.**

9  
10 136. Upon information and belief, Firman’s infringement has been willful,  
11 deliberate, and with knowledge of Champion’s rights under U.S. Patent No. 11,761,390.

12 **ANSWER: Firman denies the allegations of paragraph 136.**

13  
14 137. Firman, by way of its infringing activity, has caused and continues to  
15 cause Champion to suffer damages in an amount to be determined at trial.

16 **ANSWER: Firman denies the allegations of paragraph 137.**

17  
18 **COUNT XI: INFRINGEMENT OF U.S. PATENT NO. 11,840,970**

19 138. Paragraphs 1 through 137 are incorporated by reference as if fully set  
20 forth herein.

21 **ANSWER: Firman repeats its responses to paragraphs 1 through 137 as if**  
22 **fully set forth here.**

23  
24 139. U.S. Patent No. 11,840,970 is titled “DUAL FUEL GENERATOR WITH  
25 REMOTE REGULATOR.” U.S. Patent No. 11,840,970 was duly and legally issued on  
26 December 12, 2023. A true and correct copy of U.S. Patent No. 11,840,970 is attached  
27 as Exhibit K.

28

1           **ANSWER:** Firman admits that U.S. Patent No. 11,840,970 is titled “DUAL  
2 FUEL GENERATOR WITH REMOTE REGULATOR” and lists the issuance date on  
3 the face of the patent as December 12, 2023. Firman admits that what purports to be a  
4 copy of the ’970 patent is attached as Exhibit K. The remaining allegations of paragraph  
5 139 are denied.

6  
7           140. Champion is the lawful assignee of the entire right, title, and interest in  
8 and to U.S. Patent No. 11,840,970 and possesses all rights of recovery under the patent,  
9 including the right to recover damages for past infringement.

10           **ANSWER:** Firman lacks knowledge or information sufficient to form a belief  
11 about the truth of the allegations of paragraph 140.

12  
13           141. Champion has acquired and inspected the following Firman generator  
14 models that Firman has been and is making, using, selling, or offering for sale within  
15 the United States, or importing into the United States:

- 16           a. Model WH02942, a dual fuel inverter portable generator;  
17           b. Model WH03041, a dual fuel inverter portable generator;  
18           c. Model WH03042, a dual fuel inverter portable generator;  
19           d. Model WH03242, a dual fuel inverter portable generator; and  
20           e. Model WH03344, a dual fuel inverter portable generator.

21           **ANSWER:** Firman admits it makes, uses, sells, or offers for sale within the  
22 United States, or imports into the United States, the models listed in paragraph  
23 141(a) through 141(e). Firman lacks knowledge or information sufficient to form a  
24 belief about the truth of the remaining allegations of paragraph 141.

25  
26           142. Upon acquisition, disassembly as needed, review of owner’s manuals and  
27 electrical schematics, and inspection, it was determined that each of the foregoing  
28

1 Firman generator models includes all of the elements of at least claims 1, 2, 4, 5, 7, 12-  
2 15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S. Patent No. 11,840,970. Each of the  
3 foregoing Firman generator models infringes:

4 a. Independent claim 1 by specifically including a dual fuel generator and  
5 fuel delivery system including a dual fuel generator having an engine  
6 configured to operate on a liquid fuel supplied from a liquid fuel source  
7 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
8 fuel source through a gaseous fuel line and a carburetor attached to an  
9 intake of the engine to mix air and fuel and connect the liquid fuel line to  
10 the intake; a fuel regulator system located off board the dual fuel  
11 generator, the fuel regulator system including a primary pressure regulator  
12 coupled to a service valve of the pressurized fuel source and configured to  
13 regulate the fuel supplied from the pressurized fuel source to a reduced  
14 pressure and a secondary pressure regulator coupled to the primary  
15 pressure regulator and configured to regulate the gaseous fuel supplied  
16 from the primary pressure regulator to a desired pressure for delivery  
17 through the gaseous fuel line to operate the dual fuel generator; and a  
18 mechanical fuel valve actuatable between a first position and a second  
19 position to selectively control fuel flow to the engine from the liquid fuel  
20 source through the liquid fuel line and the pressurized fuel source through  
21 the gaseous fuel line, as called for in claim 1 of U.S. Patent No.  
22 11,840,970.

23 b. Dependent claim 2 by specifically including all the aforementioned  
24 elements of claim 1 and, in addition, the carburetor connects the gaseous  
25 fuel line to the intake, as called for in claim 2 of U.S. Patent No.  
26 11,840,970.

27 c. Dependent claim 4 by specifically including all the aforementioned  
28 elements of claim 1 and, in addition, the mechanical fuel valve opens and

1 closes the liquid fuel line to selectively control fuel flow from the liquid  
2 fuel source to the dual fuel generator and a fuel lockout apparatus is  
3 coupled to the mechanical fuel valve and is configured to prevent the  
4 pressurized fuel source from coupling to the gaseous fuel line while the  
5 mechanical fuel valve opens the liquid fuel line and to permit the  
6 pressurized fuel source to couple to the gaseous fuel line while the  
7 mechanical fuel valve closes the liquid fuel line, as called for in claim 4 of  
8 U.S. Patent No. 11,840,970.

9 d. Dependent claim 5 by specifically including all the aforementioned  
10 elements of claim 4 and, in addition, the fuel lockout apparatus is further  
11 configured to prevent the mechanical fuel valve from opening the liquid  
12 fuel line while the dual fuel generator receives fuel from the pressurized  
13 fuel source, as called for in claim 5 of U.S. Patent No. 11,840,970.

14 e. Dependent claim 7 by specifically including all the aforementioned  
15 elements of claim 1 and, in addition, a first end of a quick-connect hose  
16 coupling coupled to an outlet of the secondary pressure regulator and a  
17 second end of the quick-connect hose coupling coupled to an inlet of the  
18 gaseous fuel line to mate with the first end of the quick-connect hose  
19 coupling to couple the secondary pressure regulator to the gaseous fuel  
20 line, as called for in claim 7 of U.S. Patent No. 11,840,970.

21 f. Independent claim 12 by specifically including a dual fuel generator and  
22 fuel delivery system including a dual fuel generator having a generator  
23 housing, an alternator mounted within the generator housing, and an  
24 engine driving the alternator and mounted within the generator housing,  
25 the engine configured to operate on a liquid fuel supplied from a liquid  
26 fuel source through a liquid fuel line and a gaseous fuel supplied from a  
27 pressurized fuel source through a gaseous fuel line; a fuel regulator system  
28 located off board the dual fuel generator, the fuel regulator system

1 configured to regulate the gaseous fuel supplied from the pressurized fuel  
2 source in a first stage, the gaseous fuel regulated down to a reduced  
3 pressure in the first stage and regulate the reduced pressure gaseous fuel in  
4 a second stage, the reduced pressure gaseous fuel from the first stage  
5 regulated down to a desired pressure in the second stage for delivery  
6 through the gaseous fuel line to operate the dual fuel generator; and a  
7 mechanical fuel valve actuatable between a first position and a second  
8 position to selectively control fuel flow to the dual fuel generator from the  
9 liquid fuel source through the liquid fuel line and the pressurized fuel  
10 source through the gaseous fuel line, wherein the dual fuel generator is  
11 free of any pressure regulator mounted within the generator housing, as  
12 called for in claim 12 of U.S. Patent No. 11,840,970.

13 g. Dependent claim 13 by specifically including all the aforementioned  
14 elements of claim 12 and, in addition, the mechanical fuel valve is  
15 mounted on or within the generator housing, as called for in claim 13 of  
16 U.S. Patent No. 11,840,970.

17 h. Dependent claim 14 by specifically including all the aforementioned  
18 elements of claim 12 and, in addition, the first stage includes a primary  
19 pressure regulator coupled to a service valve of the pressurized fuel source  
20 and configured to regulate the gaseous fuel supplied from the pressurized  
21 fuel source to the reduced pressure and the second stage includes a  
22 secondary pressure regulator coupled to the primary pressure regulator  
23 and configured to regulate the gaseous fuel supplied from the primary  
24 pressure regulator to the desired pressure for delivery through the gaseous  
25 fuel line to operate the dual fuel generator, as called for in claim 14 of  
26 U.S. Patent No. 11,840,970.

27 i. Dependent claim 15 by specifically including all the aforementioned  
28 elements of claim 14 and, in addition, a first end of a quick-connect hose

1 coupling coupled to an outlet of the secondary pressure regulator and a  
2 second end of the quick-connect hose coupling coupled to an inlet of the  
3 gaseous fuel line to mate with the first end of the quick-connect hose  
4 coupling to couple the secondary pressure regulator to the gaseous fuel  
5 line, as called for in claim 15 of U.S. Patent No. 11,840,970.

6 j. Independent claim 20 by specifically including a dual fuel generator and  
7 fuel delivery system including a dual fuel generator configured to operate  
8 on a liquid fuel supplied from a liquid fuel source through a liquid fuel  
9 line and a gaseous fuel supplied from a pressurized fuel source through a  
10 gaseous fuel line, the dual fuel generator having a gaseous fuel valve  
11 coupled to an inlet of the gaseous fuel line and connectable to the  
12 pressurized fuel source and a mechanical fuel valve actuatable between a  
13 first position and a second position to selectively control fuel flow to the  
14 dual fuel generator from the liquid fuel source through the liquid fuel line  
15 and the pressurized fuel source through the gaseous fuel line; and a fuel  
16 regulator system located off board the dual fuel generator, the fuel  
17 regulator system having a primary pressure regulator connectable to a  
18 service valve of the pressurized fuel source and configured to regulate the  
19 fuel supplied from the pressurized fuel source to a reduced pressure and a  
20 secondary pressure regulator coupled to the primary pressure regulator  
21 and connectable to the gaseous fuel valve, the secondary pressure  
22 regulator configured to regulate the gaseous fuel supplied from the  
23 primary pressure regulator to a desired pressure for delivery through the  
24 gaseous fuel line to operate the dual fuel generator, as called for in claim  
25 20 of U.S. Patent No. 11,840,970.

26 k. Dependent claim 21 by specifically including all the aforementioned  
27 elements of claim 20 and, in addition, the pressurized fuel source is  
28

1 independent and disconnected from the dual fuel generator, as called for  
2 in claim 21 of U.S. Patent No. 11,840,970.

3 l. Dependent claim 22 by specifically including all the aforementioned  
4 elements of claim 21 and, in addition, the fuel regulator system is  
5 disconnected from the dual fuel generator, as called for in claim 22 of  
6 U.S. Patent No. 11,840,970.

7 m. Dependent claim 23 by specifically including all the aforementioned  
8 elements of claim 21 and, in addition, the primary pressure regulator is  
9 disconnected from the pressurized fuel source, as called for in claim 23 of  
10 U.S. Patent No. 11,840,970.

11 n. Dependent claim 24 by specifically including all the aforementioned  
12 elements of claim 20 and, in addition, the gaseous fuel valve comprises at  
13 least one end of a quick-connect hose coupling mounted to an external  
14 surface of the dual fuel generator, as called for in claim 24 of U.S. Patent  
15 No. 11,840,970.

16 o. Dependent claim 26 by specifically including all the aforementioned  
17 elements of claim 20 and, in addition, the mechanical fuel valve opens and  
18 closes the liquid fuel line to selectively control fuel flow from the liquid  
19 fuel source to the dual fuel generator and a fuel lockout apparatus is  
20 coupled to the mechanical fuel valve and configured to prevent the  
21 pressurized fuel source from coupling to the gaseous fuel line while the  
22 mechanical fuel valve opens the liquid fuel line and to permit the  
23 pressurized fuel source to couple to the gaseous fuel line while the  
24 mechanical fuel valve closes the liquid fuel line, as called for in claim 26  
25 of U.S. Patent No. 11,840,970.

26 p. Dependent claim 27 by specifically including all the aforementioned  
27 elements of claim 26 and, in addition, the fuel lockout apparatus is further  
28 configured to prevent the mechanical fuel valve from opening the liquid

1 fuel line while the dual fuel generator receives fuel from the pressurized  
2 fuel source, as called for in claim 27 of U.S. Patent No. 11,840,970.

3 q. Dependent claim 29 by specifically including all the aforementioned  
4 elements of claim 20 and, in addition, the gaseous fuel valve includes a  
5 first end of a quick-connect hose coupling coupled to an outlet of the  
6 secondary pressure regulator and a second end of the quick-connect hose  
7 coupling coupled to an inlet of the gaseous fuel line to mate with the first  
8 end of the quick-connect hose coupling to couple the secondary pressure  
9 regulator to the gaseous fuel line, as called for in claim 29 of U.S. Patent  
10 No. 11,840,970.

11 r. Independent claim 44 by specifically including a dual fuel generator  
12 including an alternator, a dual fuel engine coupled to drive the alternator  
13 and configured to operate on a liquid fuel supplied from a liquid fuel  
14 source and a gaseous fuel supplied from a pressurized fuel source, a liquid  
15 fuel line coupled to the dual fuel engine to provide the liquid fuel from the  
16 liquid fuel source, a gaseous fuel line coupled to the dual fuel engine to  
17 provide the gaseous fuel from the pressurized fuel source, and a  
18 mechanical fuel valve actuatable between a first position and a second  
19 position to selectively control fuel flow to the dual fuel engine from the  
20 liquid fuel source through the liquid fuel line and the pressurized fuel  
21 source through the gaseous fuel line, wherein the dual fuel generator is  
22 free from any gaseous fuel pressure regulator, as called for in claim 44 of  
23 U.S. Patent No. 11,840,970.

24 s. Dependent claim 45 by specifically including all the aforementioned  
25 elements of claim 44 and, in addition, a gaseous fuel valve coupled to an  
26 inlet of the gaseous fuel line to connect the pressurized fuel source thereto,  
27 as called for in claim 45 of U.S. Patent No. 11,840,970.

28

- 1 t. Dependent claim 46 by specifically including all the aforementioned  
2 elements of claim 45 and, in addition, a generator housing surrounding at  
3 least the dual fuel engine and the alternator with the gaseous fuel valve  
4 mounted on or within the generator housing, as called for in claim 46 of  
5 U.S. Patent No. 11,840,970.
- 6 u. Dependent claim 48 by specifically including all the aforementioned  
7 elements of claim 44 and, in addition, the mechanical fuel valve includes a  
8 liquid fuel valve coupled to the liquid fuel line and a gaseous fuel valve  
9 coupled to the gaseous fuel line, as called for in claim 48 of U.S. Patent  
10 No. 11,840,970.
- 11 v. Dependent claim 49 by specifically including all the aforementioned  
12 elements of claim 44 and, in addition, a first end of a quick-connect hose  
13 coupling coupled to an outlet of the pressurized fuel source and a second  
14 end of the quick-connect hose coupling coupled to an inlet of the gaseous  
15 fuel line to mate with the first end of the quick-connect hose coupling to  
16 couple the pressurized fuel source to the gaseous fuel line, as called for in  
17 claim 49 of U.S. Patent No. 11,840,970.
- 18 w. Dependent claim 50 by specifically including all the aforementioned  
19 elements of claim 44 and, in addition, the mechanical fuel valve opens and  
20 closes the liquid fuel line to selectively control fuel flow from the liquid  
21 fuel source to the dual fuel engine and a fuel lockout apparatus is coupled  
22 to the mechanical fuel valve and configured to prevent the pressurized fuel  
23 source from coupling to the gaseous fuel line while the mechanical fuel  
24 valve opens the liquid fuel line and to permit the pressurized fuel source  
25 to couple to the gaseous fuel line while the mechanical fuel valve closes  
26 the liquid fuel line, as called for in claim 50 of U.S. Patent No.  
27 11,840,970.
- 28

1 x. Dependent claim 51 by specifically including all the aforementioned  
2 elements of claim 50 and, in addition, the fuel lockout apparatus is further  
3 configured to prevent the mechanical fuel valve from opening the liquid  
4 fuel line while the dual fuel generator receives fuel from the pressurized  
5 fuel source, as called for in claim 51 of U.S. Patent No. 11,840,970.

6 Therefore, each of the foregoing Firman generator models listed in Paragraph 141(a)-(e)  
7 infringes at least claims 1, 2, 4, 5, 7, 12-15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S.  
8 Patent No. 11,840,970.

9 **ANSWER: Firman denies the allegations of paragraph 142.**

10

11 143. Upon information and belief, Firman has been and is now making, using,  
12 selling, or offering for sale within the United States, or importing into the United States,  
13 the following additional generator models:

- 14 a. Model WH02942F, a refurbished dual fuel inverter portable generator;  
15 b. Model WH03242F, a refurbished dual fuel inverter portable generator;  
16 and  
17 c. Model WH03342, a dual fuel inverter portable generator.

18 **ANSWER: Firman admits the allegations of paragraph 143.**

19

20 144. Upon review of images, owner's manuals, and electrical schematics of the  
21 foregoing Firman generator models and comparisons of the images, owner's manuals,  
22 and electrical schematics of the foregoing Firman generator models to those of the  
23 Firman generator models listed in Paragraph 141, it was determined that each of the  
24 foregoing Firman generator models includes all of the elements of at least claims 1, 2, 4,  
25 5, 7, 12-15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S. Patent No. 11,840,970. Each of  
26 the foregoing Firman generator models infringes:

- 27 a. Independent claim 1 by specifically including a dual fuel generator and  
28 fuel delivery system including a dual fuel generator having an engine

1 configured to operate on a liquid fuel supplied from a liquid fuel source  
2 through a liquid fuel line and a gaseous fuel supplied from a pressurized  
3 fuel source through a gaseous fuel line and a carburetor attached to an  
4 intake of the engine to mix air and fuel and connect the liquid fuel line to  
5 the intake; a fuel regulator system located off board the dual fuel  
6 generator, the fuel regulator system including a primary pressure regulator  
7 coupled to a service valve of the pressurized fuel source and configured to  
8 regulate the fuel supplied from the pressurized fuel source to a reduced  
9 pressure and a secondary pressure regulator coupled to the primary  
10 pressure regulator and configured to regulate the gaseous fuel supplied  
11 from the primary pressure regulator to a desired pressure for delivery  
12 through the gaseous fuel line to operate the dual fuel generator; and a  
13 mechanical fuel valve actuatable between a first position and a second  
14 position to selectively control fuel flow to the engine from the liquid fuel  
15 source through the liquid fuel line and the pressurized fuel source through  
16 the gaseous fuel line, as called for in claim 1 of U.S. Patent No.  
17 11,840,970.

18 b. Dependent claim 2 by specifically including all the aforementioned  
19 elements of claim 1 and, in addition, the carburetor connects the gaseous  
20 fuel line to the intake, as called for in claim 2 of U.S. Patent No.  
21 11,840,970.

22 c. Dependent claim 4 by specifically including all the aforementioned  
23 elements of claim 1 and, in addition, the mechanical fuel valve opens and  
24 closes the liquid fuel line to selectively control fuel flow from the liquid  
25 fuel source to the dual fuel generator and a fuel lockout apparatus is  
26 coupled to the mechanical fuel valve and is configured to prevent the  
27 pressurized fuel source from coupling to the gaseous fuel line while the  
28 mechanical fuel valve opens the liquid fuel line and to permit the

1           pressurized fuel source to couple to the gaseous fuel line while the  
2           mechanical fuel valve closes the liquid fuel line, as called for in claim 4 of  
3           U.S. Patent No. 11,840,970.

4           d.    Dependent claim 5 by specifically including all the aforementioned  
5           elements of claim 4 and, in addition, the fuel lockout apparatus is further  
6           configured to prevent the mechanical fuel valve from opening the liquid  
7           fuel line while the dual fuel generator receives fuel from the pressurized  
8           fuel source, as called for in claim 5 of U.S. Patent No. 11,840,970.

9           e.    Dependent claim 7 by specifically including all the aforementioned  
10           elements of claim 1 and, in addition, a first end of a quick-connect hose  
11           coupling coupled to an outlet of the secondary pressure regulator and a  
12           second end of the quick-connect hose coupling coupled to an inlet of the  
13           gaseous fuel line to mate with the first end of the quick-connect hose  
14           coupling to couple the secondary pressure regulator to the gaseous fuel  
15           line, as called for in claim 7 of U.S. Patent No. 11,840,970.

16           f.    Independent claim 12 by specifically including a dual fuel generator and  
17           fuel delivery system including a dual fuel generator having a generator  
18           housing, an alternator mounted within the generator housing, and an  
19           engine driving the alternator and mounted within the generator housing,  
20           the engine configured to operate on a liquid fuel supplied from a liquid  
21           fuel source through a liquid fuel line and a gaseous fuel supplied from a  
22           pressurized fuel source through a gaseous fuel line; a fuel regulator system  
23           located off board the dual fuel generator, the fuel regulator system  
24           configured to regulate the gaseous fuel supplied from the pressurized fuel  
25           source in a first stage, the gaseous fuel regulated down to a reduced  
26           pressure in the first stage and regulate the reduced pressure gaseous fuel in  
27           a second stage, the reduced pressure gaseous fuel from the first stage  
28           regulated down to a desired pressure in the second stage for delivery

1 through the gaseous fuel line to operate the dual fuel generator; and a  
2 mechanical fuel valve actuatable between a first position and a second  
3 position to selectively control fuel flow to the dual fuel generator from the  
4 liquid fuel source through the liquid fuel line and the pressurized fuel  
5 source through the gaseous fuel line, wherein the dual fuel generator is  
6 free of any pressure regulator mounted within the generator housing, as  
7 called for in claim 12 of U.S. Patent No. 11,840,970.

8 g. Dependent claim 13 by specifically including all the aforementioned  
9 elements of claim 12 and, in addition, the mechanical fuel valve is  
10 mounted on or within the generator housing, as called for in claim 13 of  
11 U.S. Patent No. 11,840,970.

12 h. Dependent claim 14 by specifically including all the aforementioned  
13 elements of claim 12 and, in addition, the first stage includes a primary  
14 pressure regulator coupled to a service valve of the pressurized fuel source  
15 and configured to regulate the gaseous fuel supplied from the pressurized  
16 fuel source to the reduced pressure and the second stage includes a  
17 secondary pressure regulator coupled to the primary pressure regulator  
18 and configured to regulate the gaseous fuel supplied from the primary  
19 pressure regulator to the desired pressure for delivery through the gaseous  
20 fuel line to operate the dual fuel generator, as called for in claim 14 of  
21 U.S. Patent No. 11,840,970.

22 i. Dependent claim 15 by specifically including all the aforementioned  
23 elements of claim 14 and, in addition, a first end of a quick-connect hose  
24 coupling coupled to an outlet of the secondary pressure regulator and a  
25 second end of the quick-connect hose coupling coupled to an inlet of the  
26 gaseous fuel line to mate with the first end of the quick-connect hose  
27 coupling to couple the secondary pressure regulator to the gaseous fuel  
28 line, as called for in claim 15 of U.S. Patent No. 11,840,970.

- 1 j. Independent claim 20 by specifically including a dual fuel generator and  
2 fuel delivery system including a dual fuel generator configured to operate  
3 on a liquid fuel supplied from a liquid fuel source through a liquid fuel  
4 line and a gaseous fuel supplied from a pressurized fuel source through a  
5 gaseous fuel line, the dual fuel generator having a gaseous fuel valve  
6 coupled to an inlet of the gaseous fuel line and connectable to the  
7 pressurized fuel source and a mechanical fuel valve actuatable between a  
8 first position and a second position to selectively control fuel flow to the  
9 dual fuel generator from the liquid fuel source through the liquid fuel line  
10 and the pressurized fuel source through the gaseous fuel line; and a fuel  
11 regulator system located off board the dual fuel generator, the fuel  
12 regulator system having a primary pressure regulator connectable to a  
13 service valve of the pressurized fuel source and configured to regulate the  
14 fuel supplied from the pressurized fuel source to a reduced pressure and a  
15 secondary pressure regulator coupled to the primary pressure regulator  
16 and connectable to the gaseous fuel valve, the secondary pressure  
17 regulator configured to regulate the gaseous fuel supplied from the  
18 primary pressure regulator to a desired pressure for delivery through the  
19 gaseous fuel line to operate the dual fuel generator, as called for in claim  
20 20 of U.S. Patent No. 11,840,970.
- 21 k. Dependent claim 21 by specifically including all the aforementioned  
22 elements of claim 20 and, in addition, the pressurized fuel source is  
23 independent and disconnected from the dual fuel generator, as called for  
24 in claim 21 of U.S. Patent No. 11,840,970.
- 25 l. Dependent claim 22 by specifically including all the aforementioned  
26 elements of claim 21 and, in addition, the fuel regulator system is  
27 disconnected from the dual fuel generator, as called for in claim 22 of  
28 U.S. Patent No. 11,840,970.

- 1 m. Dependent claim 23 by specifically including all the aforementioned  
2 elements of claim 21 and, in addition, the primary pressure regulator is  
3 disconnected from the pressurized fuel source, as called for in claim 23 of  
4 U.S. Patent No. 11,840,970.
- 5 n. Dependent claim 24 by specifically including all the aforementioned  
6 elements of claim 20 and, in addition, the gaseous fuel valve comprises at  
7 least one end of a quick-connect hose coupling mounted to an external  
8 surface of the dual fuel generator, as called for in claim 24 of U.S. Patent  
9 No. 11,840,970.
- 10 o. Dependent claim 26 by specifically including all the aforementioned  
11 elements of claim 20 and, in addition, the mechanical fuel valve opens and  
12 closes the liquid fuel line to selectively control fuel flow from the liquid  
13 fuel source to the dual fuel generator and a fuel lockout apparatus is  
14 coupled to the mechanical fuel valve and configured to prevent the  
15 pressurized fuel source from coupling to the gaseous fuel line while the  
16 mechanical fuel valve opens the liquid fuel line and to permit the  
17 pressurized fuel source to couple to the gaseous fuel line while the  
18 mechanical fuel valve closes the liquid fuel line, as called for in claim 26  
19 of U.S. Patent No. 11,840,970.
- 20 p. Dependent claim 27 by specifically including all the aforementioned  
21 elements of claim 26 and, in addition, the fuel lockout apparatus is further  
22 configured to prevent the mechanical fuel valve from opening the liquid  
23 fuel line while the dual fuel generator receives fuel from the pressurized  
24 fuel source, as called for in claim 27 of U.S. Patent No. 11,840,970.
- 25 q. Dependent claim 29 by specifically including all the aforementioned  
26 elements of claim 20 and, in addition, the gaseous fuel valve includes a  
27 first end of a quick-connect hose coupling coupled to an outlet of the  
28 secondary pressure regulator and a second end of the quick-connect hose

1 coupling coupled to an inlet of the gaseous fuel line to mate with the first  
2 end of the quick-connect hose coupling to couple the secondary pressure  
3 regulator to the gaseous fuel line, as called for in claim 29 of U.S. Patent  
4 No. 11,840,970.

5 r. Independent claim 44 by specifically including a dual fuel generator  
6 including an alternator, a dual fuel engine coupled to drive the alternator  
7 and configured to operate on a liquid fuel supplied from a liquid fuel  
8 source and a gaseous fuel supplied from a pressurized fuel source, a liquid  
9 fuel line coupled to the dual fuel engine to provide the liquid fuel from the  
10 liquid fuel source, a gaseous fuel line coupled to the dual fuel engine to  
11 provide the gaseous fuel from the pressurized fuel source, and a  
12 mechanical fuel valve actuatable between a first position and a second  
13 position to selectively control fuel flow to the dual fuel engine from the  
14 liquid fuel source through the liquid fuel line and the pressurized fuel  
15 source through the gaseous fuel line, wherein the dual fuel generator is  
16 free from any gaseous fuel pressure regulator, as called for in claim 44 of  
17 U.S. Patent No. 11,840,970.

18 s. Dependent claim 45 by specifically including all the aforementioned  
19 elements of claim 44 and, in addition, a gaseous fuel valve coupled to an  
20 inlet of the gaseous fuel line to connect the pressurized fuel source thereto,  
21 as called for in claim 45 of U.S. Patent No. 11,840,970.

22 t. Dependent claim 46 by specifically including all the aforementioned  
23 elements of claim 45 and, in addition, a generator housing surrounding at  
24 least the dual fuel engine and the alternator with the gaseous fuel valve  
25 mounted on or within the generator housing, as called for in claim 46 of  
26 U.S. Patent No. 11,840,970.

27 u. Dependent claim 48 by specifically including all the aforementioned  
28 elements of claim 44 and, in addition, the mechanical fuel valve includes a

1 liquid fuel valve coupled to the liquid fuel line and a gaseous fuel valve  
2 coupled to the gaseous fuel line, as called for in claim 48 of U.S. Patent  
3 No. 11,840,970.

4 v. Dependent claim 49 by specifically including all the aforementioned  
5 elements of claim 44 and, in addition, a first end of a quick-connect hose  
6 coupling coupled to an outlet of the pressurized fuel source and a second  
7 end of the quick-connect hose coupling coupled to an inlet of the gaseous  
8 fuel line to mate with the first end of the quick-connect hose coupling to  
9 couple the pressurized fuel source to the gaseous fuel line, as called for in  
10 claim 49 of U.S. Patent No. 11,840,970.

11 w. Dependent claim 50 by specifically including all the aforementioned  
12 elements of claim 44 and, in addition, the mechanical fuel valve opens and  
13 closes the liquid fuel line to selectively control fuel flow from the liquid  
14 fuel source to the dual fuel engine and a fuel lockout apparatus is coupled  
15 to the mechanical fuel valve and configured to prevent the pressurized fuel  
16 source from coupling to the gaseous fuel line while the mechanical fuel  
17 valve opens the liquid fuel line and to permit the pressurized fuel source  
18 to couple to the gaseous fuel line while the mechanical fuel valve closes  
19 the liquid fuel line, as called for in claim 50 of U.S. Patent No.  
20 11,840,970.

21 x. Dependent claim 51 by specifically including all the aforementioned  
22 elements of claim 50 and, in addition, the fuel lockout apparatus is further  
23 configured to prevent the mechanical fuel valve from opening the liquid  
24 fuel line while the dual fuel generator receives fuel from the pressurized  
25 fuel source, as called for in claim 51 of U.S. Patent No. 11,840,970.

26 Therefore, each of the foregoing Firman generator models listed in Paragraph 143(a)-(c)  
27 infringes at least claims 1, 2, 4, 5, 7, 12-15, 20-24, 26, 27, 29, 44-46, and 48-51 of U.S.  
28 Patent No. 11,840,970.

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**ANSWER: Firman denies the allegations of paragraph 144.**

145. Champion has no adequate remedy at law against Firman’s acts of infringement and will suffer irreparable harm unless Firman is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 11,840,970.

**ANSWER: Firman denies the allegations of paragraph 145.**

146. Upon information and belief, Firman’s infringement has been willful, deliberate, and with knowledge of Champion’s rights under U.S. Patent No. 11,840,970.

**ANSWER: Firman denies the allegations of paragraph 146.**

147. Firman, by way of its infringing activity, has caused and continues to cause Champion to suffer damages in an amount to be determined at trial.

**ANSWER: Firman denies the allegations of paragraph 147.**

**COUNT XII: INFRINGEMENT OF U.S. PATENT NO. 11,905,895**

148. Paragraphs 1 through 147 are incorporated by reference as if fully set forth herein.

**ANSWER: Firman repeats its responses to paragraphs 1 through 147 as if fully set forth here.**

149. U.S. Patent No. 11,905,895 is titled “DUAL FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE.” U.S. Patent No. 11,905,895 was duly and legally issued on February 20, 2024. A true and correct copy of U.S. Patent No. 11,905,895 is attached as Exhibit L.

**ANSWER: Firman admits that U.S. Patent No. 11,905,895 is titled “DUAL FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE” and lists the issuance date**

1 on the face of the patent as February 20, 2024. Firman admits that what purports to be a  
2 copy of the '895 patent is attached as Exhibit L. The remaining allegations of paragraph  
3 149 are denied.  
4

5 150. Champion is the lawful assignee of the entire right, title, and interest in  
6 and to U.S. Patent No. 11,905,895 and possesses all rights of recovery under the patent,  
7 including the right to recover damages for past infringement.  
8

9 **ANSWER: Firman lacks knowledge or information sufficient to form a belief**  
10 **about the truth of the allegations of paragraph 150.**

11 151. Champion has acquired and inspected the following Firman generator  
12 models that Firman has been and is making, using, selling, or offering for sale within  
13 the United States, or importing into the United States:  
14

- 15 a. Model H03651, a dual fuel portable generator;
- 16 b. Model H03652, a dual fuel portable generator;
- 17 c. Model H05751, a dual fuel portable generator;
- 18 d. Model H05752, a dual fuel portable generator;
- 19 e. Model H05753, a dual fuel portable generator;
- 20 f. Model H07552, a dual fuel portable generator;
- 21 g. Model H07553, a dual fuel portable generator;
- 22 h. Model H08051, a dual fuel portable generator;
- 23 i. Model H08053, a dual fuel portable generator;
- 24 j. Model T04073, a tri fuel portable generator;
- 25 k. Model T07571, a tri fuel portable generator;
- 26 l. Model T07573, a tri fuel portable generator;
- 27 m. Model T08071, a tri fuel portable generator;
- 28 n. Model T08072, a tri fuel portable generator;

- 1 o. Model T09275, a tri fuel portable generator;
- 2 p. Model T09371, a tri fuel portable generator;
- 3 q. Model WH02942, a dual fuel inverter portable generator;
- 4 r. Model WH03041, a dual fuel inverter portable generator;
- 5 s. Model WH03042, a dual fuel inverter portable generator;
- 6 t. Model WH03242, a dual fuel inverter portable generator;
- 7 u. Model WH03344, a dual fuel inverter portable generator;
- 8 v. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 9 and
- 10 w. Model WH03662OF, a dual fuel open frame inverter portable generator.

11 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
12 **United States, or imports into the United States, the models listed in paragraph**  
13 **151(a) through 151(w). Firman lacks knowledge or information sufficient to form**  
14 **a belief about the truth of the remaining allegations of paragraph 151.**

15

16 152. Upon acquisition, disassembly as needed, review of owner’s manuals and  
17 electrical schematics, and inspection, it was determined that each of the foregoing  
18 Firman generator models includes all of the elements of at least claims 1, 2, 6, 8, 12, 14,  
19 and 15 of U.S. Patent No. 11,905,895. Each of the foregoing Firman generator models  
20 infringes:

- 21 a. Independent claim 1 by specifically including a mechanical fuel lockout  
22 switch for a dual fuel engine having a mechanical fuel valve actuatable  
23 between a first position and a second position to selectively control fuel  
24 flow to the dual fuel engine from a first fuel source through a first fuel line  
25 and a second fuel source through a second fuel line, the mechanical fuel  
26 valve configured to allow communication between the first fuel source  
27 and the dual fuel engine and prevent communication between the second  
28 fuel source and the dual fuel engine while in the first position and prevent

1 communication between the first fuel source and the dual fuel engine  
2 while in the second position; and a fuel lockout apparatus coupled to the  
3 mechanical fuel valve and configured to prevent the second fuel source  
4 from coupling to the second fuel line while the mechanical fuel valve is in  
5 the first position and permit the second fuel source to couple to the second  
6 fuel line while the mechanical fuel valve is in the second position, as  
7 called for in claim 1 of U.S. Patent No. 11,905,895.

8 b. Dependent claim 2 by specifically including all the aforementioned  
9 elements of claim 1 and, in addition, the fuel lockout apparatus prevents  
10 actuation of the mechanical fuel valve to the first position when the  
11 second fuel source is in communication with the dual fuel engine, as  
12 called for in claim 2 of U.S. Patent No. 11,905,895.

13 c. Dependent claim 6 by specifically including all the aforementioned  
14 elements of claim 1 and, in addition, the mechanical fuel valve and the  
15 fuel lockout apparatus operate together to ensure that fuel from the first  
16 fuel source and fuel from the second fuel source are not simultaneously  
17 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent  
18 No. 11,905,895.

19 d. Independent claim 8 by specifically including a mechanical fuel lockout  
20 switch for a dual fuel engine having a mechanical fuel valve actuatable  
21 between a first position and a second position to selectively control fuel  
22 flow to the dual fuel engine from a first fuel source through a first fuel line  
23 and a second fuel source through a second fuel line, the mechanical fuel  
24 valve configured to allow communication between the first fuel source  
25 and the dual fuel engine and prevent communication between the second  
26 fuel source and the dual fuel engine while the first position and prevent  
27 communication between the first fuel source and the dual fuel engine  
28 while in the second position; and a fuel lockout apparatus coupled to the

1 mechanical fuel valve and configured to prevent actuation of the  
2 mechanical fuel valve to the first position when the second fuel source is  
3 in communication with the dual fuel engine, as called for in claim 8 of  
4 U.S. Patent No. 11,905,895.

5 e. Dependent claim 12 by specifically including all the aforementioned  
6 elements of claim 8 and, in addition, the mechanical fuel valve and the  
7 fuel lockout apparatus operate together to ensure that fuel from the first  
8 fuel source and fuel from the second fuel source are not simultaneously  
9 delivered to the dual fuel engine, as called for in claim 12 of U.S. Patent  
10 No. 11,905,895.

11 f. Independent claim 14 by specifically including a dual fuel generator and  
12 fuel delivery system having a dual fuel generator configured to operate on  
13 a liquid fuel supplied from a liquid fuel source through a liquid fuel line  
14 and a gaseous fuel supplied from a pressurized fuel source through a  
15 gaseous fuel line; a fuel regulator system located off board the dual fuel  
16 generator, the fuel regulator system including a primary pressure regulator  
17 couplable to a service valve of the pressurized fuel source and configured  
18 to regulate the gaseous fuel supplied from the pressurized fuel source to a  
19 reduced pressure and a secondary pressure regulator couplable to the  
20 primary pressure regulator and configured to regulate the gaseous fuel  
21 supplied from the primary pressure regulator to a desired pressure for  
22 delivery through the gaseous fuel line to operate the dual fuel generator; a  
23 mechanical fuel valve actuatable between a first position and a second  
24 position to selectively control fuel flow to the dual fuel generator from the  
25 liquid fuel source through the liquid fuel line and the pressurized fuel  
26 source through the gaseous fuel line, the mechanical fuel valve configured  
27 to open and close the liquid fuel line to selectively control fuel flow from  
28 the liquid fuel source to the dual fuel generator; and a fuel lockout

1 apparatus coupled to the mechanical fuel valve and configured to prevent  
2 the pressurized fuel source from coupling to the gaseous fuel line while  
3 the liquid fuel line is open and permit the pressurized fuel source to  
4 couple to the gaseous fuel line while the liquid fuel line is closed by the  
5 mechanical fuel valve, as called for in claim 14 of U.S. Patent No.  
6 11,905,895.

7 g. Dependent claim 15 by specifically including all the aforementioned  
8 elements of claim 14 and, in addition, the fuel lockout apparatus is further  
9 configured to prevent the mechanical fuel valve from opening the liquid  
10 fuel line while the fuel regulator system is coupled to the gaseous fuel  
11 line, as called for in claim 15 of U.S. Patent No. 11,905,895.

12 Therefore, each of the foregoing Firman generator models listed in Paragraph 151(a)-  
13 (w) infringes at least claims 1, 2, 6, 8, 12, 14, and 15 of U.S. Patent No. 11,905,895.

14 **ANSWER: Firman denies the allegations of paragraph 152.**

15

16 153. Upon information and belief, Firman has been and is now making, using,  
17 selling, or offering for sale within the United States, or importing into the United States,  
18 the following additional generator models:

- 19 a. Model H03654, a dual fuel portable generator;  
20 b. Model H05754, a dual fuel portable generator;  
21 c. Model H07554, a dual fuel portable generator;  
22 d. Model H08052, a dual fuel portable generator;  
23 e. Model T07571F, a refurbished tri fuel portable generator;  
24 f. Model WH02942F, a refurbished dual fuel inverter portable generator;  
25 g. Model WH03242F, a refurbished dual fuel inverter portable generator;  
26 and  
27 h. Model WH03342, a dual fuel inverter portable generator.

28

1           **ANSWER: Firman denies the allegations of paragraph 153(c). Firman**  
2 **admits the remaining allegations of paragraph 153.**  
3

4           154. Upon review of images, owner’s manuals, and electrical schematics of the  
5 foregoing Firman generator models and comparisons of the images, owner’s manuals,  
6 and electrical schematics of the foregoing Firman generator models to those of the  
7 Firman generator models listed in Paragraph 151, it was determined that each of the  
8 foregoing Firman generator models includes all of the elements of at least claims 1, 2, 6,  
9 8, 12, 14, and 15 of U.S. Patent No. 11,905,895. Each of the foregoing Firman  
10 generator models infringes:

- 11           a. Independent claim 1 by specifically including a mechanical fuel lockout  
12 switch for a dual fuel engine having a mechanical fuel valve actuatable  
13 between a first position and a second position to selectively control fuel  
14 flow to the dual fuel engine from a first fuel source through a first fuel line  
15 and a second fuel source through a second fuel line, the mechanical fuel  
16 valve configured to allow communication between the first fuel source  
17 and the dual fuel engine and prevent communication between the second  
18 fuel source and the dual fuel engine while in the first position and prevent  
19 communication between the first fuel source and the dual fuel engine  
20 while in the second position; and a fuel lockout apparatus coupled to the  
21 mechanical fuel valve and configured to prevent the second fuel source  
22 from coupling to the second fuel line while the mechanical fuel valve is in  
23 the first position and permit the second fuel source to couple to the second  
24 fuel line while the mechanical fuel valve is in the second position, as  
25 called for in claim 1 of U.S. Patent No. 11,905,895.
- 26           b. Dependent claim 2 by specifically including all the aforementioned  
27 elements of claim 1 and, in addition, the fuel lockout apparatus prevents  
28

1 actuation of the mechanical fuel valve to the first position when the  
2 second fuel source is in communication with the dual fuel engine, as  
3 called for in claim 2 of U.S. Patent No. 11,905,895.

4 c. Dependent claim 6 by specifically including all the aforementioned  
5 elements of claim 1 and, in addition, the mechanical fuel valve and the  
6 fuel lockout apparatus operate together to ensure that fuel from the first  
7 fuel source and fuel from the second fuel source are not simultaneously  
8 delivered to the dual fuel engine, as called for in claim 6 of U.S. Patent  
9 No. 11,905,895.

10 d. Independent claim 8 by specifically including a mechanical fuel lockout  
11 switch for a dual fuel engine having a mechanical fuel valve actuatable  
12 between a first position and a second position to selectively control fuel  
13 flow to the dual fuel engine from a first fuel source through a first fuel line  
14 and a second fuel source through a second fuel line, the mechanical fuel  
15 valve configured to allow communication between the first fuel source  
16 and the dual fuel engine and prevent communication between the second  
17 fuel source and the dual fuel engine while the first position and prevent  
18 communication between the first fuel source and the dual fuel engine  
19 while in the second position; and a fuel lockout apparatus coupled to the  
20 mechanical fuel valve and configured to prevent actuation of the  
21 mechanical fuel valve to the first position when the second fuel source is  
22 in communication with the dual fuel engine, as called for in claim 8 of  
23 U.S. Patent No. 11,905,895.

24 e. Dependent claim 12 by specifically including all the aforementioned  
25 elements of claim 8 and, in addition, the mechanical fuel valve and the  
26 fuel lockout apparatus operate together to ensure that fuel from the first  
27 fuel source and fuel from the second fuel source are not simultaneously  
28 delivered to the dual fuel engine, as called for in claim 12.

1 f. Independent claim 14 by specifically including a dual fuel generator and  
2 fuel delivery system having a dual fuel generator configured to operate on  
3 a liquid fuel supplied from a liquid fuel source through a liquid fuel line  
4 and a gaseous fuel supplied from a pressurized fuel source through a  
5 gaseous fuel line; a fuel regulator system located off board the dual fuel  
6 generator, the fuel regulator system including a primary pressure regulator  
7 couplable to a service valve of the pressurized fuel source and configured  
8 to regulate the gaseous fuel supplied from the pressurized fuel source to a  
9 reduced pressure and a secondary pressure regulator couplable to the  
10 primary pressure regulator and configured to regulate the gaseous fuel  
11 supplied from the primary pressure regulator to a desired pressure for  
12 delivery through the gaseous fuel line to operate the dual fuel generator; a  
13 mechanical fuel valve actuatable between a first position and a second  
14 position to selectively control fuel flow to the dual fuel generator from the  
15 liquid fuel source through the liquid fuel line and the pressurized fuel  
16 source through the gaseous fuel line, the mechanical fuel valve configured  
17 to open and close the liquid fuel line to selectively control fuel flow from  
18 the liquid fuel source to the dual fuel generator; and a fuel lockout  
19 apparatus coupled to the mechanical fuel valve and configured to prevent  
20 the pressurized fuel source from coupling to the gaseous fuel line while  
21 the liquid fuel line is open and permit the pressurized fuel source to  
22 couple to the gaseous fuel line while the liquid fuel line is closed by the  
23 mechanical fuel valve, as called for in claim 14 of U.S. Patent No.  
24 11,905,895.

25 g. Dependent claim 15 by specifically including all the aforementioned  
26 elements of claim 14 and, in addition, the fuel lockout apparatus is further  
27 configured to prevent the mechanical fuel valve from opening the liquid  
28

1 fuel line while the fuel regulator system is coupled to the gaseous fuel  
2 line, as called for in claim 15 of U.S. Patent No. 11,905,895.

3 Therefore, each of the foregoing Firman generator models listed in Paragraph 153(a)-(h)  
4 infringes at least claims 1, 2, 6, 8, 12, 14, and 15 of U.S. Patent No. 11,905,895.

5 **ANSWER: Firman denies the allegations of paragraph 154.**

6

7 155. Champion has no adequate remedy at law against Firman's acts of  
8 infringement and will suffer irreparable harm unless Firman is preliminarily and  
9 permanently enjoined from its infringement of U.S. Patent No. 11,905,895.

10 **ANSWER: Firman denies the allegations of paragraph 155.**

11

12 156. Upon information and belief, Firman's infringement has been willful,  
13 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,905,895.

14 **ANSWER: Firman denies the allegations of paragraph 156.**

15

16 157. Firman, by way of its infringing activity, has caused and continues to  
17 cause Champion to suffer damages in an amount to be determined at trial.

18 **ANSWER: Firman denies the allegations of paragraph 157.**

19

20 **COUNT XIII: INFRINGEMENT OF U.S. PATENT NO. 11,905,896**

21 158. Paragraphs 1 through 157 are incorporated by reference as if fully set  
22 forth herein.

23 **ANSWER: Firman repeats its responses to paragraphs 1 through 157 as if  
24 fully set forth here.**

25

26 159. U.S. Patent No. 11,905,896 is titled "DUAL FUEL SELECTOR  
27 SWITCH." U.S. Patent No. 11,905,896 was duly and legally issued on February 20,  
28 2024. A true and correct copy of U.S. Patent No. 11,905,896 is attached as Exhibit M.

1           **ANSWER:** Firman admits that U.S. Patent No. 11,905,896 is titled “DUAL  
2 FUEL SELECTOR SWITCH” and lists the issuance date on the face of the patent as  
3 February 20, 2024. Firman admits that what purports to be a copy of the ’896 patent is  
4 attached as Exhibit M. The remaining allegations of paragraph 159 are denied.  
5

6           160. Champion is the lawful assignee of the entire right, title, and interest in  
7 and to U.S. Patent No. 11,905,896 and possesses all rights of recovery under the patent,  
8 including the right to recover damages for past infringement.  
9

10           **ANSWER:** Firman lacks knowledge or information sufficient to form a belief  
11 about the truth of the allegations of paragraph 160.  
12

13           161. Champion has acquired and inspected the following Firman generator  
14 models that Firman has been and is making, using, selling, or offering for sale within  
15 the United States, or importing into the United States:

- 16           a. Model H03651, a dual fuel portable generator;
- 17           b. Model H03652, a dual fuel portable generator;
- 18           c. Model H05751, a dual fuel portable generator;
- 19           d. Model H05752, a dual fuel portable generator;
- 20           e. Model H05753, a dual fuel portable generator;
- 21           f. Model H07552, a dual fuel portable generator;
- 22           g. Model H07553, a dual fuel portable generator;
- 23           h. Model H08051, a dual fuel portable generator;
- 24           i. Model H08053, a dual fuel portable generator;
- 25           j. Model T04073, a tri fuel portable generator;
- 26           k. Model T07571, a tri fuel portable generator;
- 27           l. Model T07573, a tri fuel portable generator;
- 28           m. Model T08071, a tri fuel portable generator;

- 1 n. Model T08072, a tri fuel portable generator;
- 2 o. Model T09275, a tri fuel portable generator;
- 3 p. Model T09371, a tri fuel portable generator;
- 4 q. Model WH03562OF, a dual fuel open frame inverter portable generator;
- 5 and
- 6 r. Model WH03662OF, a dual fuel open frame inverter portable generator.

7 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
8 **United States, or imports into the United States, the models listed in paragraph**  
9 **161(a) through 161(r). Firman lacks knowledge or information sufficient to form a**  
10 **belief about the truth of the remaining allegations of paragraph 161.**

11  
12 162. Upon acquisition, disassembly as needed, review of owner's manuals and  
13 electrical schematics, and inspection, it was determined that each of the foregoing  
14 Firman generator models includes all of the elements of at least claims 30-32, 36, and  
15 37 of U.S. Patent No. 11,905,896. Each of the foregoing Firman generator models  
16 infringes:

- 17 a. Independent claim 30 by specifically including a fuel selector for use with  
18 a dual fuel generator, the fuel selector having a valve assembly fluidly  
19 couplable to each of a first fuel source and a second fuel source and  
20 operable to selectively control a first fuel flow and a second fuel flow  
21 from the first fuel source and the second fuel source, respectively, to an  
22 engine of the dual fuel generator, the valve assembly having two fuel  
23 inputs including a first fuel input couplable to the first fuel source and a  
24 second fuel input couplable to the second fuel source and two fuel outputs  
25 configured to selectively supply fuel to the engine from the first fuel  
26 source or the second fuel source; and a selector switch positioned on the  
27 valve assembly to allow a user to manually select the first fuel flow or the  
28 second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.

- 1           b.     Dependent claim 31 by specifically including all the aforementioned  
2           elements of claim 30 and, in addition, the two fuel outputs are configured  
3           to selectively supply fuel to the engine from only one of the first and  
4           second fuel sources responsive to selection of the first fuel flow or the  
5           second fuel flow via the selector switch and a corresponding operation of  
6           the valve assembly, as called for in claim 31 of U.S. Patent No.  
7           11,905,896.
- 8           c.     Dependent claim 32 by specifically including all the aforementioned  
9           elements of claim 30 and, in addition, the valve assembly has a first fuel  
10          valve having open and closed positions to selectively control the first fuel  
11          flow to the engine and a second fuel valve having open and closed  
12          positions to selectively control the second fuel flow to the engine, as  
13          called for in claim 32 of U.S. Patent No. 11,905,896.
- 14          d.     Dependent claim 36 by specifically including the all the aforementioned  
15          elements of claim 30 and, in addition, a carburetor solenoid switch  
16          configured to activate an associated carburetor solenoid when actuate, as  
17          called for in claim 36 of U.S. Patent No. 11,905,896.
- 18          e.     Dependent claim 37 by specifically including all the aforementioned  
19          elements of claim 36 and, in addition, when the selector switch is in a first  
20          position, the selector switch actuates the carburetor solenoid switch so as  
21          to activate the carburetor solenoid and prohibit the second fuel flow to the  
22          engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

23       Therefore, each of the Firman generator models listed in Paragraph 161(a)-(r) infringes  
24       at least claims 30-32, 36, and 37 of U.S. Patent No. 11,905,896.

25               **ANSWER: Firman denies the allegations of paragraph 162.**

26  
27  
28

1 163. Champion has acquired and inspected the following Firman generator  
2 models that Firman has been and is making, using, selling, or offering for sale within  
3 the United States, or importing into the United States:

- 4 a. Model WH02942, a dual fuel inverter portable generator;
- 5 b. Model WH03041, a dual fuel inverter portable generator;
- 6 c. Model WH03042, a dual fuel inverter portable generator;
- 7 d. Model WH03242, a dual fuel inverter portable generator; and
- 8 e. Model WH03344, a dual fuel inverter portable generator.

9 **ANSWER: Firman admits it makes, uses, sells, or offers for sale within the**  
10 **United States, or imports into the United States, the models listed in paragraph**  
11 **163(a) through 163(e). Firman lacks knowledge or information sufficient to form a**  
12 **belief about the truth of the remaining allegations of paragraph 163.**

13  
14 164. Upon acquisition, disassembly as needed, review of owner's manuals and  
15 electrical schematics, and inspection, it was determined that each of the foregoing  
16 Firman generator models includes all of the elements of at least claims 21-28, 30, 32,  
17 35, and 37 of U.S. Patent No. 11,905,896. Each of the foregoing Firman generator  
18 models infringes:

- 19 a. Independent claim 21 by specifically including fuel selector of a dual fuel  
20 generator having a valve assembly fluidly couplable to each of a first fuel  
21 source and a second fuel source and operable to selectively control a first  
22 fuel flow and a second fuel flow from the first fuel source and the second  
23 fuel source, respectively, to an engine of the dual fuel generator; a selector  
24 switch having a first fuel mode and a second fuel mode; a fuel solenoid  
25 having open and closed positions; and a solenoid switch having open and  
26 closed positions; wherein, when the selector switch is in the first fuel  
27 mode, the solenoid switch and the fuel solenoid are in the closed  
28 positions; wherein, when the selector switch is in the second fuel mode,

1 the solenoid switch and the fuel solenoid are in the open positions, and  
2 wherein positioning of the selector switch in the first fuel mode and the  
3 second fuel mode enables a selection of the first fuel flow or the second  
4 fuel flow, as called for in claim 21 of U.S. Patent No. 11,905,896.

5 b. Dependent claim 22 by specifically including all the aforementioned  
6 elements of claim 21 and, in addition, positioning the selector switch in  
7 the first fuel mode enables the selection of the first fuel flow and  
8 positioning the selector switch in the second fuel mode enables the  
9 selection of the second fuel flow, as called for in claim 22 of U.S. Patent  
10 No. 11,905,896.

11 c. Dependent claim 23 by specifically including all the aforementioned  
12 elements of claim 21 and, in addition, the selector switch triggers the  
13 solenoid switch when changed from the second fuel mode to the first fuel  
14 mode so as to cause the solenoid switch and the fuel solenoid to operate in  
15 the closed positions, as called for in claim 23 of U.S. Patent No.  
16 11,905,896.

17 d. Dependent claim 24 by specifically including all the aforementioned  
18 elements of claim 21 and, in addition, the fuel solenoid is a carburetor  
19 shutoff solenoid, as called for in claim 24 of U.S. Patent No. 11,905,896.

20 e. Dependent claim 25 by specifically including all the aforementioned  
21 elements of claim 21 and, in addition, the selector switch is positioned  
22 adjacent to the valve assembly, as called for in claim 25 of U.S. Patent  
23 No. 11,905,896.

24 f. Dependent claim 26 by specifically including all the aforementioned  
25 elements of claim 21 and, in addition, the valve assembly has two fuel  
26 inputs including a first fuel input couplable to the first fuel source and a  
27 second fuel input couplable to the second fuel source and two fuel outputs  
28 for selectively supplying fuel to the engine from the first fuel source or the

1 second fuel source, as called for in claim 26 of U.S. Patent No.  
2 11,905,896.

3 g. Dependent claim 27 by specifically including all the aforementioned  
4 elements of claim 26 and, in addition, the two fuel outputs selectively  
5 supply fuel to the engine from only one of the first and second fuel  
6 sources responsive to selection of the first fuel flow or the second fuel  
7 flow via the selector switch and a corresponding operation of the valve  
8 assembly, as called for in claim 27 of U.S. Patent No. 11,905,896.

9 h. Dependent claim 28 by specifically including all the aforementioned  
10 elements of claim 26 and, in addition, the valve assembly has a first fuel  
11 valve having open and closed positions to selectively control the first fuel  
12 flow to the engine and a second fuel valve having open and closed  
13 positions to selectively control the second fuel flow to the engine, as  
14 called for in claim 28 of U.S. Patent No. 11,905,896.

15 i. Independent claim 30 by specifically including a fuel selector for use with  
16 a dual fuel generator, the fuel selector having a valve assembly fluidly  
17 couplable to each of a first fuel source and a second fuel source and  
18 operable to selectively control a first fuel flow and a second fuel flow  
19 from the first fuel source and the second fuel source, respectively, to an  
20 engine of the dual fuel generator, the valve assembly having two fuel  
21 inputs including a first fuel input couplable to the first fuel source and a  
22 second fuel input couplable to the second fuel source and two fuel outputs  
23 configured to selectively supply fuel to the engine from the first fuel  
24 source or the second fuel source; and a selector switch positioned on the  
25 valve assembly to allow a user to manually select the first fuel flow or the  
26 second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.

27 j. Dependent claim 31 by specifically including all the aforementioned  
28 elements of claim 30 and, in addition, the two fuel outputs are configured

1 to selectively supply fuel to the engine from only one of the first and  
2 second fuel sources responsive to selection of the first fuel flow or the  
3 second fuel flow via the selector switch and a corresponding operation of  
4 the valve assembly, as called for in claim 31 of U.S. Patent No.  
5 11,905,896.

6 k. Dependent claim 32 by specifically including all the aforementioned  
7 elements of claim 30 and, in addition, the valve assembly has a first fuel  
8 valve having open and closed positions to selectively control the first fuel  
9 flow to the engine and a second fuel valve having open and closed  
10 positions to selectively control the second fuel flow to the engine, as  
11 called for in claim 32 of U.S. Patent No. 11,905,896.

12 l. Dependent claim 36 by specifically including the all the aforementioned  
13 elements of claim 30 and, in addition, a carburetor solenoid switch  
14 configured to activate an associated carburetor solenoid when actuate, as  
15 called for in claim 36 of U.S. Patent No. 11,905,896.

16 m. Dependent claim 37 by specifically including all the aforementioned  
17 elements of claim 36 and, in addition, when the selector switch is in a first  
18 position, the selector switch actuates the carburetor solenoid switch so as  
19 to activate the carburetor solenoid and prohibit the second fuel flow to the  
20 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 163(a)-(e)  
22 infringes at least claims 21-28, 30-32, and 36, and 37 of U.S. Patent No. 11,905,896.

23 **ANSWER: Firman denies the allegations of paragraph 164.**

24  
25 165. Upon information and belief, Firman has been and is now making, using,  
26 selling, or offering for sale within the United States, or importing into the United States,  
27 the following additional generator models:

28 a. Model H03654, a dual fuel portable generator;

- 1 b. Model H05754, a dual fuel portable generator;
- 2 c. Model H07554, a dual fuel portable generator;
- 3 d. Model H08052, a dual fuel portable generator; and
- 4 e. Model T07571F, a refurbished tri fuel portable generator.

5 **ANSWER: Firman denies the allegations of paragraph 165(c). Firman**  
6 **admits the remaining allegations of paragraph 165.**

7  
8 166. Upon review of images, owner's manuals, and electrical schematics of the  
9 foregoing Firman generator models and comparisons of the images, owner's manuals,  
10 and electrical schematics of the foregoing Firman generator models to those of the  
11 Firman generator models listed in Paragraphs 161 and 163, it was determined that each  
12 of the foregoing Firman generator models includes all of the elements of at least claims  
13 30-32, 36, and 37 of U.S. Patent No. 11,905,896. Each of the foregoing Firman  
14 generator models infringes:

- 15 a. Independent claim 30 by specifically including a fuel selector for use with  
16 a dual fuel generator, the fuel selector having a valve assembly fluidly  
17 couplable to each of a first fuel source and a second fuel source and  
18 operable to selectively control a first fuel flow and a second fuel flow  
19 from the first fuel source and the second fuel source, respectively, to an  
20 engine of the dual fuel generator, the valve assembly having two fuel  
21 inputs including a first fuel input couplable to the first fuel source and a  
22 second fuel input couplable to the second fuel source and two fuel outputs  
23 configured to selectively supply fuel to the engine from the first fuel  
24 source or the second fuel source; and a selector switch positioned on the  
25 valve assembly to allow a user to manually select the first fuel flow or the  
26 second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.
- 27 b. Dependent claim 31 by specifically including all the aforementioned  
28 elements of claim 30 and, in addition, the two fuel outputs are configured

1 to selectively supply fuel to the engine from only one of the first and  
2 second fuel sources responsive to selection of the first fuel flow or the  
3 second fuel flow via the selector switch and a corresponding operation of  
4 the valve assembly, as called for in claim 31 of U.S. Patent No.  
5 11,905,896.

6 c. Dependent claim 32 by specifically including all the aforementioned  
7 elements of claim 30 and, in addition, the valve assembly has a first fuel  
8 valve having open and closed positions to selectively control the first fuel  
9 flow to the engine and a second fuel valve having open and closed  
10 positions to selectively control the second fuel flow to the engine, as  
11 called for in claim 32 of U.S. Patent No. 11,905,896.

12 d. Dependent claim 36 by specifically including the all the aforementioned  
13 elements of claim 30 and, in addition, a carburetor solenoid switch  
14 configured to activate an associated carburetor solenoid when actuate, as  
15 called for in claim 36 of U.S. Patent No. 11,905,896.

16 e. Dependent claim 37 by specifically including all the aforementioned  
17 elements of claim 36 and, in addition, when the selector switch is in a first  
18 position, the selector switch actuates the carburetor solenoid switch so as  
19 to activate the carburetor solenoid and prohibit the second fuel flow to the  
20 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

21 Therefore, each of the foregoing Firman generator models listed in Paragraph 165(a)-(e)  
22 infringes at least claims 30-32, 36, and 37 of U.S. Patent No. 11,905,896.

23 **ANSWER: Firman denies the allegations of paragraph 166.**

24  
25 167. Upon information and belief, Firman has been and is now making, using,  
26 selling, or offering for sale within the United States, or importing into the United States,  
27 the following additional generator models:

28 a. Model WH02942F, a refurbished dual fuel inverter portable generator;

- 1           b.     Model WH03242F, a refurbished dual fuel inverter portable generator;
- 2                     and
- 3           c.     Model WH03342, a dual fuel inverter portable generator.

4           **ANSWER: Firman admits the allegations of paragraph 167.**

5

6           168.    Upon review of images, owner’s manuals, and electrical schematics of the  
7   foregoing Firman generator models and comparisons of the images, owner’s manuals,  
8   and electrical schematics of the foregoing Firman generator models to those of the  
9   Firman generator models listed in Paragraphs 161 and 163, it was determined that each  
10  of the foregoing Firman generator models includes all of the elements of at least claims  
11  21-28, 30, 32, 35, and 37 of U.S. Patent No. 11,905,896.

- 12           a.     Independent claim 21 by specifically including fuel selector of a dual fuel  
13                     generator having a valve assembly fluidly couplable to each of a first fuel  
14                     source and a second fuel source and operable to selectively control a first  
15                     fuel flow and a second fuel flow from the first fuel source and the second  
16                     fuel source, respectively, to an engine of the dual fuel generator; a selector  
17                     switch having a first fuel mode and a second fuel mode; a fuel solenoid  
18                     having open and closed positions; and a solenoid switch having open and  
19                     closed positions; wherein, when the selector switch is in the first fuel  
20                     mode, the solenoid switch and the fuel solenoid are in the closed  
21                     positions; wherein, when the selector switch is in the second fuel mode,  
22                     the solenoid switch and the fuel solenoid are in the open positions, and  
23                     wherein positioning of the selector switch in the first fuel mode and the  
24                     second fuel mode enables a selection of the first fuel flow or the second  
25                     fuel flow, as called for in claim 21 of U.S. Patent No. 11,905,896.
- 26           b.     Dependent claim 22 by specifically including all the aforementioned  
27                     elements of claim 21 and, in addition, positioning the selector switch in  
28                     the first fuel mode enables the selection of the first fuel flow and

1 positioning the selector switch in the second fuel mode enables the  
2 selection of the second fuel flow, as called for in claim 22 of U.S. Patent  
3 No. 11,905,896.

4 c. Dependent claim 23 by specifically including all the aforementioned  
5 elements of claim 21 and, in addition, the selector switch triggers the  
6 solenoid switch when changed from the second fuel mode to the first fuel  
7 mode so as to cause the solenoid switch and the fuel solenoid to operate in  
8 the closed positions, as called for in claim 23 of U.S. Patent No.  
9 11,905,896.

10 d. Dependent claim 24 by specifically including all the aforementioned  
11 elements of claim 21 and, in addition, the fuel solenoid is a carburetor  
12 shutoff solenoid, as called for in claim 24 of U.S. Patent No. 11,905,896.

13 e. Dependent claim 25 by specifically including all the aforementioned  
14 elements of claim 21 and, in addition, the selector switch is positioned  
15 adjacent to the valve assembly, as called for in claim 25 of U.S. Patent  
16 No. 11,905,896.

17 f. Dependent claim 26 by specifically including all the aforementioned  
18 elements of claim 21 and, in addition, the valve assembly has two fuel  
19 inputs including a first fuel input couplable to the first fuel source and a  
20 second fuel input couplable to the second fuel source and two fuel outputs  
21 for selectively supplying fuel to the engine from the first fuel source or the  
22 second fuel source, as called for in claim 26 of U.S. Patent No.  
23 11,905,896.

24 g. Dependent claim 27 by specifically including all the aforementioned  
25 elements of claim 26 and, in addition, the two fuel outputs selectively  
26 supply fuel to the engine from only one of the first and second fuel  
27 sources responsive to selection of the first fuel flow or the second fuel  
28

1 flow via the selector switch and a corresponding operation of the valve  
2 assembly, as called for in claim 27 of U.S. Patent No. 11,905,896.

3 h. Dependent claim 28 by specifically including all the aforementioned  
4 elements of claim 26 and, in addition, the valve assembly has a first fuel  
5 valve having open and closed positions to selectively control the first fuel  
6 flow to the engine and a second fuel valve having open and closed  
7 positions to selectively control the second fuel flow to the engine, as  
8 called for in claim 28 of U.S. Patent No. 11,905,896.

9 i. Independent claim 30 by specifically including a fuel selector for use with  
10 a dual fuel generator, the fuel selector having a valve assembly fluidly  
11 couplable to each of a first fuel source and a second fuel source and  
12 operable to selectively control a first fuel flow and a second fuel flow  
13 from the first fuel source and the second fuel source, respectively, to an  
14 engine of the dual fuel generator, the valve assembly having two fuel  
15 inputs including a first fuel input couplable to the first fuel source and a  
16 second fuel input couplable to the second fuel source and two fuel outputs  
17 configured to selectively supply fuel to the engine from the first fuel  
18 source or the second fuel source; and a selector switch positioned on the  
19 valve assembly to allow a user to manually select the first fuel flow or the  
20 second fuel flow, as called for in claim 30 of U.S. Patent No. 11,905,896.

21 j. Dependent claim 31 by specifically including all the aforementioned  
22 elements of claim 30 and, in addition, the two fuel outputs are configured  
23 to selectively supply fuel to the engine from only one of the first and  
24 second fuel sources responsive to selection of the first fuel flow or the  
25 second fuel flow via the selector switch and a corresponding operation of  
26 the valve assembly, as called for in claim 31 of U.S. Patent No.  
27 11,905,896.

28

- 1 k. Dependent claim 32 by specifically including all the aforementioned  
2 elements of claim 30 and, in addition, the valve assembly has a first fuel  
3 valve having open and closed positions to selectively control the first fuel  
4 flow to the engine and a second fuel valve having open and closed  
5 positions to selectively control the second fuel flow to the engine, as  
6 called for in claim 32 of U.S. Patent No. 11,905,896.
- 7 l. Dependent claim 36 by specifically including the all the aforementioned  
8 elements of claim 30 and, in addition, a carburetor solenoid switch  
9 configured to activate an associated carburetor solenoid when actuate, as  
10 called for in claim 36 of U.S. Patent No. 11,905,896.
- 11 m. Dependent claim 37 by specifically including all the aforementioned  
12 elements of claim 36 and, in addition, when the selector switch is in a first  
13 position, the selector switch actuates the carburetor solenoid switch so as  
14 to activate the carburetor solenoid and prohibit the second fuel flow to the  
15 engine, as called for in claim 37 of U.S. Patent No. 11,905,896.

16 Therefore, each of the foregoing Firman generator models listed in Paragraph 167(a)-(c)  
17 infringes at least claims 21-28, 30-32, and 36, and 37 of U.S. Patent No. 11,905,896.

18 **ANSWER: Firman denies the allegations of paragraph 168.**

19  
20 169. Champion has no adequate remedy at law against Firman's acts of  
21 infringement and will suffer irreparable harm unless Firman is preliminarily and  
22 permanently enjoined from its infringement of U.S. Patent No. 11,905,896.

23 **ANSWER: Firman denies the allegations of paragraph 169.**

24  
25 170. Upon information and belief, Firman's infringement has been willful,  
26 deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,905,896.

27 **ANSWER: Firman denies the allegations of paragraph 170.**

28

1 171. Firman, by way of its infringing activity, has caused and continues to  
2 cause Champion to suffer damages in an amount to be determined at trial.

3 **ANSWER: Firman denies the allegations of paragraph 171.**

4  
5 **CHAMPION'S PRAYER FOR RELIEF**

6 Firman denies that Champion is entitled to any of the relief Champion seeks.

7 **AFFIRMATIVE DEFENSES**

8 Without assuming any burden that it would not otherwise bear, Firman asserts  
9 the following defenses to the Complaint. Further, Firman reserves all affirmative  
10 defenses under Federal Rule of Civil Procedure 8(c) and any additional defenses or  
11 counterclaims, at law or in equity, that may now exist or in the future be available based  
12 on discovery and further factual investigation in this case.

13 1. The Asserted Patents are invalid for failure to satisfy the conditions of  
14 patentability as specified under one or more sections of Title 35 of the United States  
15 Code, including, without limitation, 35 U.S.C. §§ 101, 102, 103, 112, and/or other  
16 provisions of U.S. patent laws, 35 U.S.C. § 1, *et seq.*

17 2. Firman does not and has not infringed any valid and enforceable claim of  
18 any of the Asserted Patents either directly, by way of inducement, literally, willfully,  
19 and/or the doctrine of equivalents.

20 3. Champion's claims for damages for infringement of the Asserted Patents  
21 are limited pursuant to 35 U.S.C. § 286.

22 4. Champion's claims for damages for infringement of the Asserted Patents  
23 are limited by 35 U.S.C. § 287 to those damages occurring only after notice of  
24 infringement.

25 5. Champion is precluded by 35 U.S.C. § 288 from seeking recovery of costs  
26 because no disclaimer of any of the invalid claims of the Asserted Patents was entered  
27 at the Patent and Trademark Office prior to the commencement of this suit.

28

1 6. Champion's claims are barred in whole or in part by estoppel, including  
2 prosecution history estoppel. By reason of the proceedings in the U.S. Patent and  
3 Trademark Office during the prosecution of the applications which resulted in the  
4 issuance of the Asserted Patents, Champion is estopped from claiming a construction of  
5 one or more claims of the Asserted Patents that would cause any valid claim thereof to  
6 cover or include any product manufactured, used, sold, offered for sale, or imported by  
7 Firman.

8 7. To the extent that Champion alleges that Firman infringes the Asserted  
9 Patents by equivalents, Champion's claims for relief are barred, in whole or in part, by  
10 ensnaring the prior art.

11 8. Champion's claims for alleged infringement of the Asserted Patents are  
12 barred to the extent that the patentee has dedicated to the public the systems, methods,  
13 and products disclosed in the Asserted Patents but not claimed.

14 9. Champion's claims are barred in whole or in part by waiver, acquiescence,  
15 equitable estoppel, unclean hands, and/or any other applicable equitable doctrines.

16 10. The Asserted Patents are unenforceable based on inequitable conduct as  
17 set forth in Firman's counterclaim below, which are incorporated here by reference.

18 11. The Asserted Patents are invalid and unenforceable due to incorrect  
19 inventorship such as nonjoinder and/or misjoinder, and Champion cannot correct the  
20 inventorship under 35 U.S.C. § 256.

21 **AMENDED COUNTERCLAIM**

22 Firman Power Equipment Inc. brings the following counterclaim against  
23 Champion Power Equipment, Inc.

24 **NATURE AND BASIS OF THE ACTION**

25 1. Through its counterclaim, Firman seeks declaratory judgment that United  
26 States Patent Nos. 10,221,780 (the "780 patent"); 10,393,034 (the "034 patent");  
27 10,697,398 (the "398 patent"); 11,143,120 (the "120 patent"); 11,143,145 (the "145  
28 patent"); 11,492,985 (the "985 patent"); 11,530,654 (the "654 patent"); 11,840,970

1 (the “’970 patent”); and 11,905,895 (the “’895 patent”) (collectively “the Inequitable  
2 Conduct Patents” or “the Inequitable Conduct Patent Family”) are unenforceable  
3 because they were obtained through inequitable conduct before the U.S. Patent and  
4 Trademark Office (“USPTO”).

5 **PARTIES**

6 2. Firman is an Arizona corporation with its principal place of business in  
7 Peoria, Arizona.

8 3. On information and belief, Champion is a Nevada corporation with its  
9 principal place of business in Santa Fe Springs, California.

10 **JURISDICTION AND VENUE**

11 4. This counterclaim arises under the Declaratory Judgment Act, 28 U.S.C.  
12 §§ 2201(a) and 2202, and the U.S. patent statutes, 35 U.S.C. § 101, *et seq.* An actual  
13 and justiciable controversy exists concerning the rights of and legal relationship  
14 between Firman and Champion.

15 5. As a claim arising under the federal patent statutes, this Court has original  
16 subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

17 6. This Court has personal jurisdiction over Champion, as Champion has  
18 consented to the personal jurisdiction of this Court at least by commencing its action for  
19 patent infringement in this judicial district, as set forth in its Complaint against Firman.

20 7. Venue is proper and Champion waived any objections to the venue of  
21 Firman’s counterclaim by choosing to file suit in this district. *See, e.g., Beehive Stud*  
22 *Rockers LLC v. Knoebel Constr. Inc.*, 2023 WL 6923923, at \*1 (D. Ariz. Oct. 19, 2023).

23 **THE INEQUITABLE CONDUCT PATENT FAMILY**

24 8. The Inequitable Conduct Patents belong to a patent family whose parent is  
25 the ’780 patent. In this Action, Champion alleges Firman infringes the Inequitable  
26 Conduct Patents, along with four patents that belong to a second patent family.

27  
28

1           9.     The patents in the Inequitable Conduct Patent Family are generally  
2 directed towards a dual fuel engine that is operable with a liquid fuel and a gaseous fuel,  
3 or a fuel generator that includes such a dual fuel engine.

4           10.    For instance, the '780 patent is titled "DUAL FUEL LOCKOUT  
5 SWITCH FOR GENERATOR ENGINE." Claim 1 of the '780 patent is directed  
6 towards a mechanical fuel lockout switch for a dual fuel engine that allows the user to  
7 select one of two fuel sources to be used. Champion filed the '780 patent application on  
8 June 12, 2015. The USPTO issued the '780 patent on March 5, 2019.

9           11.    As another example, the '034 patent is titled "FUEL SYSTEM FOR A  
10 MULTI-FUEL INTERNAL COMBUSTION ENGINE." Claim 1 of the '034 patent is  
11 directed towards an engine that can be operated with a liquid fuel and a gaseous fuel,  
12 and that uses a liquid cutoff solenoid, a gaseous cutoff, and a switch to control which of  
13 the two fuel sources should be used. The USPTO issued the '034 patent on August 27,  
14 2019.

15           12.    The purported inventors of the patents in the Inequitable Conduct Patent  
16 Family are Kendall J. Collie, Mark J. Sarder, Aleko D. Sotiriades, James J. Dehn, Leigh  
17 Jenison, and Hiroaki Sato (individually and collectively, the "Inequitable Conduct  
18 Inventors").

19           13.    The patent attorneys who prosecuted the patents in the Inequitable  
20 Conduct Patent Family are Timothy Ziolkowski, Jacob Fritz, Kevin R. Rosin, Stephanie  
21 Laundre, and Andrew C. Stark (individually and collectively, the "Inequitable Conduct  
22 Prosecutors").

23           14.    On information and belief, Champion is owned and/or operated by Dennis  
24 M. Trine, Lei Zhao, and Jiehui "Joyce" Ma (individually and collectively, the  
25 "Champion Managers").

26           15.    On information and belief, the Champion Managers have and continue to  
27 direct or participate in the development and execution of Champion's intellectual  
28 property strategy.

1           16. On information and belief, the Champion Managers have and continue to  
2 seek advice from the Inequitable Conduct Prosecutors regarding the development of  
3 Champion’s patent portfolio.

4           17. On information and belief, the Champion Managers have and continue to  
5 direct or participate in the prosecution and enforcement of Champion’s patents.

6           18. On information and belief, the Champion Managers have and continue to  
7 communicate directly with counsel for Champion concerning Champion’s intellectual  
8 property strategy, prosecution, and enforcement.

9           19. On information and belief, Sarder was Vice President of Engineering for  
10 Champion in 2019 and participated in the development and execution of Champion’s  
11 intellectual property strategy, development of Champion’s patent portfolio, and  
12 prosecution and enforcement of Champion’s patents.

13           20. On information and belief, Dehn was Chief Engineer for Champion in  
14 2019 and participated in the development and execution of Champion’s intellectual  
15 property strategy, development of Champion’s patent portfolio, and prosecution and  
16 enforcement of Champion’s patents.

17           **FIRMAN’S PUBLIC DISCLOSURE OF THE RD9000E IN MAY 2015**

18           21. Firman is one of the world’s leading manufacturers of portable power  
19 generators. Champion considers Firman to be a competitor.

20           22. Firman publicly showed two units of Firman’s RD9000E portable dual  
21 fuel generator at the National Hardware Show on May 5-7, 2015, in Las Vegas, NV  
22 (“NHS 2015”).

23           23. The National Hardware Show, which began in 1945, is one of the largest  
24 home improvement exhibitions in the world. Retailers attend the National Hardware  
25 Show each year to learn about the newest products to hit the market and to connect with  
26 manufacturers. Indeed, the North American Retail Hardware Association co-located its  
27 industry conference with NHS 2015. Nearly 3,000 exhibitors and more than 20,000  
28 attendees attended NHS 2015.

1           24. Sarder attended NHS 2015 on behalf of Champion. He saw at least one of  
2 the RD9000E generators that Firman publicly displayed while he was at the show.

3           25. Champion also ordered a RD9000E unit from Home Depot, which it  
4 received on September 9, 2015 (the “2015 RD9000E Unit”).

5           26. On information and belief, Champion purchased the 2015 RD9000E Unit  
6 or saw the RD9000E generator was available for purchase before it filed the ’780 patent  
7 application on June 12, 2015.

8           27. On information and belief, one or more Champion employees or agents  
9 analyzed and disassembled the 2015 RD9000E Unit.

10           28. On information and belief, one or more Champion employees or agents  
11 reviewed the RD9000E Owner’s Manual that accompanied the 2015 RD9000E Unit.

12           29. One month after Sarder saw the RD9000E generator at NHS 2015,  
13 Champion filed its application for the ’780 patent.

14           30. On information and belief, Sarder shared the information he learned about  
15 the RD9000E generator at NHS 2015 with all of the Champion Managers and all of the  
16 other Inequitable Conduct Inventors before the USPTO issued the ’780 patent on  
17 March 5, 2019.

18           31. On information and belief, the Champion employee(s) or agent(s) who  
19 analyzed the 2015 RD9000E Unit and RD9000E Owner’s Manual shared their analysis  
20 with all of the Champion Managers and Inequitable Conduct Inventors before March 5,  
21 2019.

22           32. On information and belief, one or more Champion employees or agents  
23 told all of the Inequitable Conduct Prosecutors about the existence of the RD9000E  
24 generator and that it was a dual fuel generator before March 5, 2019.

25           33. On information and belief, one or more Champion employees or agents  
26 shared the information that Champion had learned about the RD9000E generator with  
27 all of the Inequitable Conduct Prosecutors before March 5, 2019.

28

**CHAMPION’S INSPECTION OF FIRMAN’S PRIOR ART MODEL**

1  
2 34. On information and belief, in 2019, some or all of the Champion  
3 Managers and Inequitable Conduct Inventors communicated with Champion’s counsel,  
4 Sam Sumitami and the Inequitable Conduct Prosecutors, regarding enforcement of the  
5 ’034 patent against Firman.

6 35. Sumitami sent letters regarding the ’034 patent to Firman on or around  
7 September 9, 2019; October 10, 2019; November 7, 2019; and November 15, 2019.  
8 The end of each letter included the statement, “cc: Champion Power Equipment,” or  
9 “cc: Champion Power Equipment, Inc.”

10 36. On information and belief, Sumitami sent a copy or draft of each of his  
11 letters to Firman to some or all of the Champion Managers, Inequitable Conduct  
12 Inventors, and/or Inequitable Conduct Prosecutors in 2019.

13 37. On or around September 9, 2019, less than two weeks after issuance of the  
14 ’034 patent, Sumitami sent a demand letter on behalf of Champion to Firman, accusing  
15 Firman of infringing the ’034 patent. Champion’s letter accused the following models  
16 of infringement: WH02942, WH03041, WH03042, H03651, H03652, H05752,  
17 H05753, H05754, H07552, H08051, H08053 (collectively, the “2019 Accused  
18 Models”).

19 38. On October 8, 2019, Firman sent a letter to Sumitami stating that an older  
20 model of Firman’s dual fuel electric generators, the RD9000E, contained all of the  
21 features that Champion had identified as infringing in the 2019 Accused Models. For  
22 instance, the RD9000E generator includes an engine that can be operated with a liquid  
23 fuel and a gaseous fuel, that uses a liquid cutoff solenoid, a gaseous cutoff, and a switch  
24 to control which of the two fuel sources should be used. Firman explained the  
25 RD9000E had been on sale before the ’034 patent’s earliest potential effective filing  
26 date of June 12, 2015. The RD9000E therefore invalidated the ’034 patent even under  
27 Champion’s own theory of infringement.

28

1           39. On October 10, 2019, Champion sent a letter acknowledging that Firman  
2 claimed the '034 patent was invalid based on the RD9000E generator. Despite knowing  
3 that Firman had publicly shown the RD9000E generator at NHS 2015, Champion  
4 requested documentary proof that the RD9000E generator was sold or used before its  
5 patent's priority date. On information and belief, Sumitami sent a copy of this letter to  
6 some or all of the Champion Managers, Inequitable Conduct Inventors, and/or  
7 Inequitable Conduct Prosecutors in 2019.

8           40. On October 18, 2019, Firman sent a letter to Sumitami that provided  
9 Champion with redacted business records showing Firman had sold the RD9000E since  
10 before the '034 patent's earliest potential effective filing date. Firman also invited  
11 Champion to inspect an example of the RD9000E generator at its counsel's office in  
12 Seattle, Washington.

13           41. On information and belief, Sumitami sent a copy of Firman's October 8,  
14 2019 and October 18, 2019 letters to some or all of the Champion Managers,  
15 Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors in 2019.

16           42. On information and belief, in 2019, the Champion Managers  
17 communicated with Sumitami, Ziolkowski, Fritz, Rosin, Laundre, and/or Stark  
18 regarding the fact that Firman claimed (1) the RD9000E included all of the features that  
19 Champion had identified as infringing the '034 patent; and (2) it had sold the RD9000E  
20 before the '034 patent's earliest potential effective filing date.

21           43. On information and belief, in 2019, some or all of the Champion  
22 Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors  
23 discussed the RD9000E and Firman's claims regarding the RD9000E's features and sale  
24 dates with each other.

25           44. On information and belief, in 2019, some or all of the Champion  
26 Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct Prosecutors  
27 discussed Firman's invitation to inspect the RD9000E generator in Seattle and  
28 authorized the inspection.

1 45. Champion accepted Firman’s invitation to inspect the RD9000E  
2 generator. On November 20, 2019, Sumitami and Jim Miotto, Senior Technical  
3 Engineer at Champion, visited Firman’s counsel’s office in Seattle, Washington (the  
4 “November 2019 Inspection”). Sumitami and Miotto spent several hours inspecting the  
5 example RD9000E generator.

6 46. On information and belief, Sumitami confirmed the RD9000E generator  
7 included all of the features that Champion had identified as infringing the ’034 patent  
8 during the November 2019 Inspection. On information and belief, Sumitami also  
9 observed the RD9000E generator included other features relevant to dual fuel engine  
10 and generator technology, such as the use of offboard regulators.

11 47. On information and belief, Miotto also confirmed the RD9000E generator  
12 included all of the features that Champion had identified as infringing the ’034 patent  
13 during the November 2019 Inspection. On information and belief, Miotto also observed  
14 the RD9000E generator included other features relevant to dual fuel engine and  
15 generator technology, such as the use of offboard regulators.

16 48. At the conclusion of Champion’s visit, Sumitami sent an e-mail to  
17 Firman’s counsel thanking Firman for allowing Champion to inspect the example  
18 RD9000E generator.

19 49. Following the November 2019 Inspection, Champion and Firman had no  
20 further communication about any alleged infringement of the ’034 patent or any other  
21 Champion patent until Champion initiated this Action.

22 50. On information and belief, the information Sumitami and Miotto learned  
23 from their inspection of the example RD9000E generator was shared with some or all of  
24 the Champion Managers, Inequitable Conduct Inventors, and/or Inequitable Conduct  
25 Prosecutors in 2019.

26 51. On information and belief, the information shared included Sumitami and  
27 Miotto’s conclusion that the RD9000E generator included all of the features that  
28

1 Champion had identified as infringing the '034 patent, as well as other features relevant  
2 to dual fuel engine and generator technology.

3 52. On information and belief, Miotto discussed the information he learned  
4 about the RD9000E from the November 2019 Inspection with some or all of the  
5 Champion Managers and/or Inequitable Conduct Inventors in 2019.

6 53. On information and belief, Champion knew full well that the prior public  
7 use and sales of the RD9000E generator rendered the '034 patent invalid at least under  
8 any infringement theory that would cover Firman's products. Champion therefore did  
9 not further contact Firman or otherwise attempt to continue asserting the '034 patent,  
10 until Champion initiated this Action five years later.

11 **INTENTIONAL FAILURE TO DISCLOSE THE RD9000E GENERATOR**

12 54. The Champion Managers, the Inequitable Conduct Inventors, and the  
13 Inequitable Conduct Prosecutors owed a duty of candor to the USPTO.

14 55. On information and belief, the Champion Managers, the Inequitable  
15 Conduct Inventors, and/or the Inequitable Conduct Prosecutors committed inequitable  
16 conduct by failing to disclose the RD9000E generator, a material prior art reference, to  
17 the examiners of the Inequitable Conduct Patents.

18 56. The Champion Managers, the Inequitable Conduct Inventors, and/or the  
19 Inequitable Conduct Prosecutors filed the application for the first patent in the  
20 Inequitable Conduct Patent Family, the '780 patent, after Sarder saw the RD9000E  
21 generator on public display at NHS 2015.

22 57. On information and belief, the Champion Managers, the Inequitable  
23 Conduct Inventors, and/or the Inequitable Conduct Prosecutors filed the '780 patent  
24 application after Champion purchased the 2015 RD9000E Unit or saw the RD9000E  
25 generator was available for purchase.

26 58. The Champion Managers, the Inequitable Conduct Inventors, and/or the  
27 Inequitable Conduct Prosecutors continued to prosecute patents in the Inequitable  
28 Conduct Patent Family after Champion received and analyzed the 2015 RD9000E Unit

1 and RD9000E Owner's Manual in September 2015. All of the Inequitable Conduct  
2 Patents issued after September 2015.

3 59. The Champion Managers, the Inequitable Conduct Inventors, and/or the  
4 Inequitable Conduct Prosecutors continued to prosecute patents in the Inequitable  
5 Conduct Patent Family after the November 2019 Inspection. This included the  
6 prosecution of the '398, '120, '145, '985, '654, '970, and '895 patents, which were all  
7 issued after November 20, 2019.

8 60. All of the Inequitable Conduct Inventors were named inventors on two of  
9 the Inequitable Conduct Patents: the '398 and '145 patents. All of the Inequitable  
10 Conduct Inventors except for Hiroaki Sato were named inventors on two of the  
11 Inequitable Patents: the '034 and '120 patents. All of the Inequitable Conduct  
12 Inventors except for Sato and Kendall J. Collie were named inventors on the other five  
13 Inequitable Conduct Patents: the '780, '985, '654, '970, and '895 patents.

14 61. At least one of the Inequitable Conduct Prosecutors prosecuted each of the  
15 Inequitable Conduct Patents.

16 62. On information and belief, the Champion Managers discussed  
17 Champion's prosecution of the Inequitable Conduct Patents with some or all of the  
18 Inequitable Conduct Inventors and/or Inequitable Conduct Prosecutors.

19 63. On information and belief, the Champion Managers directed, participated  
20 in, or were involved with the preparation or prosecution of the Inequitable Conduct  
21 Patent applications.

22 64. On information and belief, during their prosecution of the Inequitable  
23 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or  
24 the Inequitable Conduct Prosecutors knew Firman publicly showed the RD9000E  
25 generator before the earliest effective priority date of the Inequitable Conduct Patents.

26 65. On information and belief, during their prosecution of the Inequitable  
27 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or  
28

1 the Inequitable Conduct Prosecutors knew Firman sold the RD9000E generator before  
2 the earliest effective priority date of the Inequitable Conduct Patents.

3 66. On information and belief, during their prosecution of the Inequitable  
4 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or  
5 the Inequitable Conduct Prosecutors knew the RD9000E generator included all of the  
6 features that Champion had identified as infringing the '034 patent because Champion  
7 employees had analyzed the 2015 RD9000E Unit and RD9000E Owner's Manual and  
8 shared the results of their analysis with them.

9 67. On information and belief, during their prosecution of the Inequitable  
10 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or  
11 the Inequitable Conduct Prosecutors also knew the RD9000E generator included all of  
12 the features that Champion had identified as infringing the '034 patent because  
13 Sumitami and Miotto had inspected the example RD9000E for several hours and shared  
14 the results of that inspection with them.

15 68. On information and belief, during their prosecution of the Inequitable  
16 Conduct Patents, the Champion Managers, the Inequitable Conduct Inventors, and/or  
17 the Inequitable Conduct Prosecutors knew the RD9000E generator included other  
18 features relevant to dual fuel engine and generator technology for those same reasons.

19 69. On information and belief, the Champion Managers, the Inequitable  
20 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew these facts were  
21 material to the prosecution of the Inequitable Conduct patents because they showed the  
22 RD9000E anticipated and/or made obvious the claims of the Inequitable Conduct  
23 Patents. Nonetheless, on information and belief, the Champion Managers, the  
24 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors deliberately  
25 withheld information about the RD9000E generator during their prosecution of the  
26 Inequitable Conduct Patents.

27 70. The withheld information was material because the RD9000E generator  
28 specifically includes the features of at least one claim of each of the Inequitable

1 Conduct Patents as alleged further below, thereby making it material, non-cumulative  
2 prior art. Had the RD9000E been disclosed to the examiners of the Inequitable Conduct  
3 Patents, the claims of the Inequitable Conduct Patents would not have issued.

4 71. The single most reasonable inference to be drawn from the evidence is  
5 that the Champion Managers, the Inequitable Conduct Inventors, and/or the Inequitable  
6 Conduct Prosecutors intended to deceive the USPTO into issuing the claims of the  
7 Inequitable Conduct Patents by withholding this information.

8 **COUNT ONE**

9 **Declaratory Judgment of Unenforceability of the '780 Patent**

10 72. Firman repeats and incorporates by reference paragraphs 1 through 71 of  
11 this counterclaim.

12 73. The '780 patent is titled "DUAL FUEL LOCKOUT SWITCH FOR  
13 GENERATOR ENGINE." The patent was issued on March 5, 2019.

14 74. On information and belief, the Champion Managers were substantively  
15 involved in the preparation or prosecution of the '780 patent.

16 75. All of the Inequitable Conduct Inventors except for Kendall J. Collie and  
17 Hiroaki Sato are listed as named inventors of the '780 patent.

18 76. All of the Inequitable Conduct Prosecutors participated in the prosecution  
19 of the '780 patent. Ziolkowski, Rosin, and Laundre each signed submissions to the  
20 USPTO in connection with the prosecution of the '780 patent. On information and  
21 belief, Fritz and Stark were also involved with the prosecution of the '780 patent due to  
22 their subject matter expertise and experience prosecuting other Champion patents.

23 77. The Champion Managers, the Inequitable Conduct Inventors (except for  
24 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew  
25 that the RD9000E generator model was sold or publicly shown before the earliest  
26 possible effective priority date of the '780 patent.

27 78. June 12, 2015 is the earliest possible effective priority date of the '780  
28 patent.

1           79. By March 5, 2019, some or all of the Champion Managers, the Inequitable  
2 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that Firman had  
3 sold, offered for sale, or publicly shown the RD9000E generator model before June 12,  
4 2015.

5           a. By March 5, 2019, Dennis M. Trine knew that Firman had sold, offered  
6 for sale, or publicly shown the RD9000E generator model before June 12,  
7 2015.

8           b. By March 5, 2019, Lei Zhao knew that Firman had sold, offered for sale,  
9 or publicly shown the RD9000E generator model before June 12, 2015.

10           c. By March 5, 2019, Jiehui “Joyce” Ma knew that Firman had sold, offered  
11 for sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.

13           d. By March 5, 2019, Mark J. Sarder knew that Firman had sold, offered for  
14 sale, or publicly shown the RD9000E generator model before June 12,  
15 2015. Sarder saw the RD9000E generator that Firman publicly displayed  
16 at NHS 2015 in May 2015.

17           e. By March 5, 2019, James J. Dehn knew that Firman had sold, offered for  
18 sale, or publicly shown the RD9000E generator model before June 12,  
19 2015.

20           f. By March 5, 2019, Aleko D. Sotiriades knew that Firman had sold,  
21 offered for sale, or publicly shown the RD9000E generator model before  
22 June 12, 2015.

23           g. By March 5, 2019, Leigh Jenison knew that Firman had sold, offered for  
24 sale, or publicly shown the RD9000E generator model before June 12,  
25 2015.

26           h. By March 5, 2019, Timothy Ziolkowski knew that Firman had sold,  
27 offered for sale, or publicly shown the RD9000E generator model before  
28 June 12, 2015.

- 1           i.     By March 5, 2019, Jacob Fritz knew that Firman had sold, offered for  
2                     sale, or publicly shown the RD9000E generator model before June 12,  
3                     2015.
- 4           j.     By March 5, 2019, Kevin R. Rosin knew that Firman had sold, offered for  
5                     sale, or publicly shown the RD9000E generator model before June 12,  
6                     2015.
- 7           k.     By March 5, 2019, Stephanie Laundre knew that Firman had sold, offered  
8                     for sale, or publicly shown the RD9000E generator model before June 12,  
9                     2015.
- 10          l.     By March 5, 2019, Andrew C. Stark knew that Firman had sold, offered  
11                     for sale, or publicly shown the RD9000E generator model before June 12,  
12                     2015.

13           80.    To the extent any of claims 1 and 8 of the '780 patent are construed to  
14 cover the Firman models that Champion accuses in this Action, the Champion  
15 Managers, the Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki  
16 Sato), and/or the Inequitable Conduct Prosecutors knew the RD9000E generator model  
17 includes all of the elements of at least claims 1 and 8 of the '780 patent. Namely, they  
18 knew that any construction of the '780 patent that covered the accused Firman models  
19 would have also meant that the RD9000E generator included the claimed mechanical  
20 fuel lockout switch for a dual fuel engine comprising: a mechanical fuel valve  
21 actuateable between a first position and a second position to selectively control fuel  
22 flow to the dual fuel engine from a first fuel source through a first fuel line and a second  
23 fuel source through a second fuel line; and a fuel lockout apparatus coupled to the  
24 mechanical fuel valve; wherein the mechanical fuel lockout switch: communicates the  
25 first fuel source to the dual fuel engine and prevents communication between the second  
26 fuel source and the dual fuel engine when the mechanical fuel valve is in the first  
27 position, and communicates the second fuel source to the dual fuel engine and interrupts  
28 the first fuel source communication with the dual fuel engine when in the second

1 position; and wherein the fuel lockout apparatus is configured to: prevent the second  
2 fuel source from coupling to the second fuel line while the mechanical fuel valve is in  
3 the first position; and permit the second fuel source to couple to the second fuel line  
4 while the mechanical fuel valve is in the second position. Additionally, they knew any  
5 construction of the '780 patent that covered the accused Firman models would also have  
6 meant that the RD9000E generator included the claimed method of assembling a  
7 mechanical fuel lockout switch for an internal combustion engine comprising: providing  
8 an internal combustion engine configured to operate on a fuel from a first fuel source  
9 and a different fuel from a second fuel source; coupling a mechanical fuel valve to the  
10 internal combustion engine actuateable between a first position and a second position to  
11 selectively control fuel flow to the internal combustion engine from the first fuel source  
12 through a first fuel line and the second fuel source through a second fuel line; and  
13 coupling a fuel lockout apparatus to the mechanical fuel valve; wherein when the  
14 mechanical fuel valve is in the first position, the fuel lockout apparatus communicates  
15 the first fuel source to the internal combustion engine and prevents the second fuel  
16 source from coupling to the internal combustion engine, and actuation of the mechanical  
17 fuel valve to the second position causes the fuel lockout apparatus to permit the second  
18 fuel source to couple to the internal combustion engine, and interrupts the first fuel  
19 source communication with the internal combustion engine; and wherein the fuel  
20 lockout apparatus prevents actuation of the mechanical fuel valve to the first position  
21 when the second fuel source is coupled to the internal combustion engine. Therefore,  
22 the Champion Managers, the Inequitable Conduct Inventors (except for Kendall J.  
23 Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew the  
24 RD9000E generator model anticipates these claims under their claim construction  
25 theory, rendering the claims of the '780 patent invalid.

26 81. The claims of the '780 patent are unenforceable due to the inequitable  
27 conduct in the prosecution of the '780 patent's prosecution, i.e., the intentional failure to  
28 disclose the material information discussed above.

1 82. The claims of the '780 patent are unenforceable due to the inequitable  
2 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
3 of infectious unenforceability, including because Champion failed to disclose the  
4 material information discussed above.

5 83. But for Champion's intentional non-disclosure of the material information  
6 discussed above, the claims of the '780 patent would not have issued.

7 84. An actual and justiciable controversy exists between Firman and  
8 Champion as to the enforceability of the '780 patent.

9 85. Firman is entitled to a judgment that the claims of the '780 patent are  
10 unenforceable due to Champion's inequitable conduct.

11 **COUNT TWO**

12 **Declaratory Judgment of Unenforceability of the '034 Patent**

13 86. Firman repeats and incorporates by reference paragraphs 1 through 85 of  
14 this counterclaim.

15 87. The '034 patent is titled "FUEL SYSTEM FOR A MULTI-FUEL  
16 INTERNAL COMBUSTION ENGINE." The patent was issued on August 27, 2019.

17 88. On information and belief, the Champion Managers were substantively  
18 involved in the preparation or prosecution of the '034 patent.

19 89. All of the Inequitable Conduct Inventors except for Hiroaki Sato are listed  
20 as named inventors of the '034 patent.

21 90. All of the Inequitable Conduct Prosecutors participated in the prosecution  
22 of the '034 patent. Ziolkowski, Rosin, and Laundre each signed submissions to the  
23 USPTO in connection with the prosecution of the '034 patent. On information and  
24 belief, Fritz and Stark were also involved with the prosecution of the '034 patent due to  
25 their subject matter expertise and experience prosecuting other Champion patents.

26 91. The Champion Managers, the Inequitable Conduct Inventors (except for  
27 Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew that the RD9000E  
28

1 generator model was sold or publicly shown before the earliest possible effective  
2 priority date of the '034 patent.

3 92. June 12, 2015 is the earliest possible effective priority date of the '780  
4 patent.

5 93. By August 27, 2019, some or all of the Champion Managers, the  
6 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
7 Firman had sold, offered for sale, or publicly shown the RD9000E generator model  
8 before June 12, 2015.

9 a. By August 27, 2019, Dennis M. Trine knew that Firman had sold, offered  
10 for sale, or publicly shown the RD9000E generator model before June 12,  
11 2015.

12 b. By August 27, 2019, Lei Zhao knew that Firman had sold, offered for  
13 sale, or publicly shown the RD9000E generator model before June 12,  
14 2015.

15 c. By August 27, 2019, Jiehui "Joyce" Ma knew that Firman had sold,  
16 offered for sale, or publicly shown the RD9000E generator model before  
17 June 12, 2015.

18 d. By August 27, 2019, Mark J. Sarder knew that Firman had sold, offered  
19 for sale, or publicly shown the RD9000E generator model before June 12,  
20 2015.

21 e. By August 27, 2019, James J. Dehn knew that Firman had sold, offered  
22 for sale, or publicly shown the RD9000E generator model before June 12,  
23 2015.

24 f. By August 27, 2019, Aleko D. Sotiriades knew that Firman had sold,  
25 offered for sale, or publicly shown the RD9000E generator model before  
26 June 12, 2015.

27  
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- 1 g. By August 27, 2019, Kendall J. Collie knew that Firman had sold, offered  
2 for sale, or publicly shown the RD9000E generator model before June 12,  
3 2015.
- 4 h. By August 27, 2019, Leigh Jenison knew that Firman had sold, offered for  
5 sale, or publicly shown the RD9000E generator model before June 12,  
6 2015.
- 7 i. By August 27, 2019, Timothy Ziolkowski knew that Firman had sold,  
8 offered for sale, or publicly shown the RD9000E generator model before  
9 June 12, 2015.
- 10 j. By August 27, 2019, Jacob Fritz knew that Firman had sold, offered for  
11 sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.
- 13 k. By August 27, 2019, Kevin R. Rosin knew that Firman had sold, offered  
14 for sale, or publicly shown the RD9000E generator model before June 12,  
15 2015.
- 16 l. By August 27, 2019, Stephanie Laundre knew that Firman had sold,  
17 offered for sale, or publicly shown the RD9000E generator model before  
18 June 12, 2015.
- 19 m. By August 27, 2019, Andrew C. Stark knew that Firman had sold, offered  
20 for sale, or publicly shown the RD9000E generator model before June 12,  
21 2015.

22 94. To the extent any of claims 1 and 11 of the '034 patent are construed to  
23 cover the Firman models that Champion accuses in this Action, the Champion  
24 Managers, the Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the  
25 Inequitable Conduct Prosecutors knew the RD9000E generator model includes all of the  
26 elements of at least claims 1 and 11 of the '034 patent. Namely, they knew that any  
27 construction of the '034 patent that covered the accused Firman models would have also  
28 meant that the RD9000E generator included the claimed multi-fuel engine comprising:

1 an engine operable on a liquid fuel and a gaseous fuel; a carburetor attached to an intake  
2 of the engine to mix air and fuel and connect a liquid fuel source to the intake, the  
3 carburetor comprising a float bowl; a liquid cutoff solenoid coupled to the carburetor to  
4 open and close a liquid fuel path to the engine downstream from the float bowl; a  
5 gaseous cutoff coupled to open and close a gaseous fuel source to the engine; and a  
6 switch selectively coupling a power source to the liquid cutoff solenoid to open and  
7 close the liquid fuel path. Additionally, they knew any construction of the '034 patent  
8 that covered the accused Firman models would also have meant that the RD9000E  
9 generator included the claimed multi-fuel generator and fuel delivery system  
10 comprising: a multi-fuel internal combustion engine configured to operate on a liquid  
11 fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel  
12 supplied from a pressurized fuel source through a gaseous fuel line; an alternator driven  
13 by the multi-fuel internal combustion engine; a fuel regulator system comprising: a  
14 primary pressure regulator coupled to a service valve of the pressurized fuel source to  
15 regulate fuel supplied from the pressurized fuel source to a reduced pressure, and a  
16 secondary pressure regulator coupled to the primary pressure regulator to regulate fuel  
17 supplied from the primary pressure regulator to a desired pressure for delivery through  
18 the gaseous fuel line to operate the engine; and an electro-mechanical valve system  
19 coupled to the engine and operated by an electrical switch powered by one of the  
20 alternator, a battery, and a magneto that controls fuel flow to the engine from the liquid  
21 fuel source and the pressurized fuel source. Therefore, the Champion Managers, the  
22 Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct  
23 Prosecutors knew the RD9000E generator model anticipates these claims under their  
24 claim construction theory, rendering the claims of the '034 patent invalid.

25 95. The claims of the '034 patent are unenforceable due to the inequitable  
26 conduct in the prosecution of the '034 patent's prosecution, i.e., the intentional failure to  
27 disclose the material information discussed above.

28



1           106. By June 30, 2020, some or all of the Champion Managers, the Inequitable  
2 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that Firman had  
3 sold, offered for sale, or publicly shown the RD9000E generator model before June 12,  
4 2015, and that Firman had confirmed this to Champion.

5           a. By June 30, 2020, Dennis M. Trine knew that Firman had sold, offered for  
6 sale, or publicly shown the RD9000E generator model before June 12,  
7 2015.

8           b. By June 30, 2020, Lei Zhao knew that Firman had sold, offered for sale,  
9 or publicly shown the RD9000E generator model before June 12, 2015.

10          c. By June 30, 2020, Jiehui “Joyce” Ma knew that Firman had sold, offered  
11 for sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.

13          d. By June 30, 2020, Mark J. Sarder knew that Firman had sold, offered for  
14 sale, or publicly shown the RD9000E generator model before June 12,  
15 2015.

16          e. By June 30, 2020, James J. Dehn knew that Firman had sold, offered for  
17 sale, or publicly shown the RD9000E generator model before June 12,  
18 2015.

19          f. By June 30, 2020, Kendall J. Collie knew that Firman had sold, offered  
20 for sale, or publicly shown the RD9000E generator model before June 12,  
21 2015.

22          g. By June 30, 2020, Leigh Jenison knew that Firman had sold, offered for  
23 sale, or publicly shown the RD9000E generator model before June 12,  
24 2015.

25          h. By June 30, 2020, Hiroaki Sato knew that Firman had sold, offered for  
26 sale, or publicly shown the RD9000E generator model before June 12,  
27 2015.

28

1 i. By June 30, 2020, Timothy Ziolkowski knew that Firman had sold,  
2 offered for sale, or publicly shown the RD9000E generator model before  
3 June 12, 2015.

4 j. By June 30, 2020, Jacob Fritz knew that Firman had sold, offered for sale,  
5 or publicly shown the RD9000E generator model before June 12, 2015.

6 k. By June 30, 2020, Kevin R. Rosin knew that Firman had sold, offered for  
7 sale, or publicly shown the RD9000E generator model before June 12,  
8 2015.

9 l. By June 30, 2020, Stephanie Laundre knew that Firman had sold, offered  
10 for sale, or publicly shown the RD9000E generator model before June 12,  
11 2015.

12 m. By June 30, 2020, Andrew C. Stark knew that Firman had sold, offered  
13 for sale, or publicly shown the RD9000E generator model before June 12,  
14 2015.

15 107. To the extent any of claims 1 and 57 of the '398 patent are construed to  
16 cover the Firman models that Champion accuses in this Action, the Champion  
17 Managers, the Inequitable Conduct Inventors, and/or the Inequitable Conduct  
18 Prosecutors knew the RD9000E generator model includes all of the elements of at least  
19 claims 1 and 57 of the '398 patent. Namely, they knew that any construction of the  
20 '398 patent that covered the accused Firman models would have also meant that the  
21 RD9000E generator included the claimed dual fuel engine comprising: an engine  
22 operable on a gaseous fuel and a liquid fuel; a switch to change operation of the engine  
23 between gaseous fuel and liquid fuel; a carburetor attached to an intake of the engine to  
24 mix air and fuel and connect to a gaseous fuel source and a liquid fuel source; a liquid  
25 fuel valve positioned along a liquid fuel line coupling the liquid fuel source to the  
26 carburetor; a gaseous fuel valve positioned along a gaseous fuel line coupling the  
27 gaseous fuel source to the carburetor; and a liquid fuel cut-off incorporated into the  
28 carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to

1 gaseous fuel. Additionally, they knew that any construction of the '398 patent that  
2 covered the accused Firman models would also have meant that the RD9000E generator  
3 included the claimed method of assembling a dual fuel engine comprising: providing an  
4 engine operable on a gaseous fuel and a liquid fuel; attaching a carburetor to an intake  
5 of the engine, the carburetor comprising: a throat to mix gaseous fuel with air and liquid  
6 fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat  
7 to provide liquid fuel; coupling a switch to the engine to change operation of the engine  
8 between gaseous fuel and liquid fuel; and attaching a liquid fuel cut-off to the carburetor  
9 to close the fuel passage upon actuation of the switch from liquid fuel to gaseous fuel.  
10 Therefore, the Champion Managers, the Inequitable Conduct Inventors, and/or the  
11 Inequitable Conduct Prosecutors knew the RD9000E generator model anticipates these  
12 claims under their claim construction theory, rendering the claims of the '398 patent  
13 invalid.

14 108. The claims of the '398 patent are unenforceable due to the inequitable  
15 conduct in the prosecution of the '398 patent's prosecution, i.e., the intentional failure to  
16 disclose the material information discussed above.

17 109. The claims of the '398 patent are unenforceable due to the inequitable  
18 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
19 of infectious unenforceability, including because Champion failed to disclose the  
20 material information discussed above.

21 110. But for Champion's intentional non-disclosure of the material information  
22 discussed above, the claims of the '398 patent would not have issued.

23 111. An actual and justiciable controversy exists between Firman and  
24 Champion as to the enforceability of the '398 patent.

25 112. Firman is entitled to a judgment that the claims of the '398 patent are  
26 unenforceable due to Champion's inequitable conduct.

27  
28

**COUNT FOUR**

**Declaratory Judgment of Unenforceability of the '120 Patent**

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2  
3 113. Firman repeats and incorporates by reference paragraphs 1 through 112 of  
4 this counterclaim.

5 114. The '120 patent is titled "FUEL SYSTEM FOR A MULTI-FUEL  
6 INTERNAL COMBUSTION ENGINE." The patent was issued on October 12, 2021.

7 115. On information and belief, the Champion Managers were substantively  
8 involved in the preparation or prosecution of the '120 patent.

9 116. All of the Inequitable Conduct Inventors except for Hiroaki Sato are listed  
10 as named inventors of the '120 patent.

11 117. All of the Inequitable Conduct Prosecutors participated in the prosecution  
12 of the '120 patent. Ziolkowski, Rosin, and Stark each signed submissions to the  
13 USPTO in connection with the prosecution of the '120 patent. On information and  
14 belief, Fritz and Laundre were also involved with the prosecution of the '120 patent due  
15 to their subject matter expertise and experience prosecuting other Champion patents.

16 118. The Champion Managers, the Inequitable Conduct Inventors (except for  
17 Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew that the RD9000E  
18 generator model was sold or publicly shown before the earliest possible effective  
19 priority date of the '120 patent.

20 119. June 12, 2015 is the earliest possible effective priority date of the '120  
21 patent.

22 120. By October 12, 2021, some or all of the Champion Managers, the  
23 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
24 Firman had sold, offered for sale, or publicly shown the RD9000E generator model  
25 before June 12, 2015, and that Firman had confirmed this to Champion.

26 a. By October 12, 2021, Dennis M. Trine knew that Firman had sold, offered  
27 for sale, or publicly shown the RD9000E generator model before June 12,  
28 2015.

- 1           b.     By October 12, 2021, Lei Zhao knew that Firman had sold, offered for  
2                     sale, or publicly shown the RD9000E generator model before June 12,  
3                     2015.
- 4           c.     By October 12, 2021, Jiehui “Joyce” Ma knew that Firman had sold,  
5                     offered for sale, or publicly shown the RD9000E generator model before  
6                     June 12, 2015.
- 7           d.     By October 12, 2021, Mark J. Sarder knew that Firman had sold, offered  
8                     for sale, or publicly shown the RD9000E generator model before June 12,  
9                     2015.
- 10          e.     By October 12, 2021, James J. Dehn knew that Firman had sold, offered  
11                    for sale, or publicly shown the RD9000E generator model before June 12,  
12                    2015.
- 13          f.     By October 12, 2021, Kendall J. Collie knew that Firman had sold,  
14                    offered for sale, or publicly shown the RD9000E generator model before  
15                    June 12, 2015.
- 16          g.     By October 12, 2021, Leigh Jenison knew that Firman had sold, offered  
17                    for sale, or publicly shown the RD9000E generator model before June 12,  
18                    2015.
- 19          h.     By October 12, 2021, Timothy Ziolkowski knew that Firman had sold,  
20                    offered for sale, or publicly shown the RD9000E generator model before  
21                    June 12, 2015.
- 22          i.     By October 12, 2021, Jacob Fritz knew that Firman had sold, offered for  
23                    sale, or publicly shown the RD9000E generator model before June 12,  
24                    2015.
- 25          j.     By October 12, 2021, Kevin R. Rosin knew that Firman had sold, offered  
26                    for sale, or publicly shown the RD9000E generator model before June 12,  
27                    2015.
- 28

1 k. By October 12, 2021, Stephanie Laundre knew that Firman had sold,  
2 offered for sale, or publicly shown the RD9000E generator model before  
3 June 12, 2015.

4 l. By October 12, 2021, Andrew C. Stark knew that Firman had sold,  
5 offered for sale, or publicly shown the RD9000E generator model before  
6 June 12, 2015.

7 121. To the extent claim 12 of the '120 patent is construed to cover the Firman  
8 models that Champion accuses in this Action, the Champion Managers, the Inequitable  
9 Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct  
10 Prosecutors knew the RD9000E generator model includes all of the elements of at least  
11 claim 12 of the '120 patent. Namely, they knew that any construction of the '120 patent  
12 that covered the accused Firman models would have also meant that the RD9000E  
13 generator included the claimed multi-fuel generator and fuel delivery system  
14 comprising: a multi-fuel internal combustion engine configured to operate on a liquid  
15 fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel  
16 supplied from a pressurized fuel source through a gaseous fuel line; an alternator driven  
17 by the multi-fuel internal combustion engine; and a fuel regulator system comprising: a  
18 primary pressure regulator coupled to a service valve of the pressurized fuel source to  
19 regulate fuel supplied from the pressurized fuel source to a reduced pressure, and a  
20 secondary pressure regulator coupled to the primary pressure regulator to regulate fuel  
21 supplied from the primary pressure regulator to a desired pressure for delivery through  
22 the gaseous fuel line to operate the engine. Therefore, the Champion Managers, the  
23 Inequitable Conduct Inventors (except for Hiroaki Sato), and/or the Inequitable Conduct  
24 Prosecutors knew the RD9000E generator model anticipates this claim under their claim  
25 construction theory, rendering the claims of the '120 patent invalid.

26 122. The claims of the '120 patent are unenforceable due to the inequitable  
27 conduct in the prosecution of the '120 patent's prosecution, i.e., the intentional failure to  
28 disclose the material information discussed above.

1 123. The claims of the '120 patent are unenforceable due to the inequitable  
2 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
3 of infectious unenforceability, including because Champion failed to disclose the  
4 material information discussed above.

5 124. But for Champion's intentional non-disclosure of the material information  
6 discussed above, the claims of the '120 patent would not have issued.

7 125. An actual and justiciable controversy exists between Firman and  
8 Champion as to the enforceability of the '120 patent.

9 126. Firman is entitled to a judgment that the claims of the '120 patent are  
10 unenforceable due to Champion's inequitable conduct.

11 **COUNT FIVE**

12 **Declaratory Judgment of Unenforceability of the '145 Patent**

13 127. Firman repeats and incorporates by reference paragraphs 1 through 126 of  
14 this counterclaim.

15 128. The '145 patent is titled is titled "BATTERYLESS DUAL FUEL  
16 ENGINE WITH LIQUID FUEL CUT-OFF." The patent was issued on October 12,  
17 2021.

18 129. On information and belief, the Champion Managers were substantively  
19 involved in the preparation or prosecution of the '145 patent.

20 130. All of the Inequitable Conduct Inventors are listed as named inventors of  
21 the '145 patent.

22 131. All of the Inequitable Conduct Prosecutors participated in the prosecution  
23 of the '145 patent. Ziolkowski, Rosin and Stark each signed submissions to the USPTO  
24 in connection with the prosecution of the '145 patent. On information and belief, Fritz  
25 and Laundre were also involved with the prosecution of the '145 patent due to their  
26 subject matter expertise and experience prosecuting other Champion patents.

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1           132. The Champion Managers, the Inequitable Conduct Inventors, and/or the  
2 Inequitable Conduct Prosecutors knew that the RD9000E generator model was sold or  
3 publicly shown before the earliest possible effective priority date of the '145 patent.

4           133. June 12, 2015 is the earliest possible effective priority date of the '145  
5 patent.

6           134. By October 12, 2021, some or all of the Champion Managers, the  
7 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
8 Firman had sold, offered for sale, or publicly shown the RD9000E generator model  
9 before June 12, 2015, and that Firman had confirmed this to Champion.

10           a. By October 12, 2021, Dennis M. Trine knew that Firman had sold, offered  
11 for sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.

13           b. By October 12, 2021, Lei Zhao knew that Firman had sold, offered for  
14 sale, or publicly shown the RD9000E generator model before June 12,  
15 2015.

16           c. By October 12, 2021, Jiehui "Joyce" Ma knew that Firman had sold,  
17 offered for sale, or publicly shown the RD9000E generator model before  
18 June 12, 2015.

19           d. By October 12, 2021, Mark J. Sarder knew that Firman had sold, offered  
20 for sale, or publicly shown the RD9000E generator model before June 12,  
21 2015.

22           e. By October 12, 2021, James J. Dehn knew that Firman had sold, offered  
23 for sale, or publicly shown the RD9000E generator model before June 12,  
24 2015.

25           f. By October 12, 2021, Kendall J. Collie knew that Firman had sold,  
26 offered for sale, or publicly shown the RD9000E generator model before  
27 June 12, 2015.

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- 1 g. By October 12, 2021, Leigh Jenison knew that Firman had sold, offered  
2 for sale, or publicly shown the RD9000E generator model before June 12,  
3 2015.
- 4 h. By October 12, 2021, Hiroaki Sato knew that Firman had sold, offered for  
5 sale, or publicly shown the RD9000E generator model before June 12,  
6 2015.
- 7 i. By October 12, 2021, Timothy Ziolkowski knew that Firman had sold,  
8 offered for sale, or publicly shown the RD9000E generator model before  
9 June 12, 2015.
- 10 j. By October 12, 2021, Jacob Fritz knew that Firman had sold, offered for  
11 sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.
- 13 k. By October 12, 2021, Kevin R. Rosin knew that Firman had sold, offered  
14 for sale, or publicly shown the RD9000E generator model before June 12,  
15 2015.
- 16 l. By October 12, 2021, Stephanie Laundre knew that Firman had sold,  
17 offered for sale, or publicly shown the RD9000E generator model before  
18 June 12, 2015.
- 19 m. By October 12, 2021, Andrew C. Stark knew that Firman had told  
20 Champion it had sold, offered for sale, or publicly shown the RD9000E  
21 generator model before June 12, 2015.

22 135. To the extent claim 1 of the '145 patent is construed to cover the Firman  
23 models that Champion accuses in this Action, the Champion Managers, the Inequitable  
24 Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew the RD9000E  
25 generator model includes all of the elements of at least claim 1 of the '145 patent.  
26 Namely, they knew that any construction of the '145 patent that covered the accused  
27 Firman models would have also meant that the RD9000E generator included the  
28 claimed dual fuel generator comprising: an engine operable on a gaseous fuel and a

1 liquid fuel; an electrical power generator driven by the engine and comprising a  
2 charging coil; a switch to change operation of the engine between gaseous fuel and  
3 liquid fuel; a carburetor attached to an intake of the engine to mix air and fuel and  
4 connect to a gaseous fuel source and a liquid fuel source; a liquid fuel cut-off solenoid  
5 to interrupt liquid fuel flow to the engine upon actuation of the switch from liquid fuel  
6 to gaseous fuel; and a voltage regulator coupled to the charging coil to receive power  
7 therefrom and that operates to provide a regulated voltage to the liquid fuel cut-off  
8 solenoid. Therefore, the Champion Managers, the Inequitable Conduct Inventors,  
9 and/or the Inequitable Conduct Prosecutors knew the RD9000E generator model  
10 anticipates this claim under their claim construction theory, rendering the claims of the  
11 '120 patent invalid.

12 136. The claims of the '145 patent are unenforceable due to the inequitable  
13 conduct in the prosecution of the '145 patent's prosecution, i.e., the intentional failure to  
14 disclose the material information discussed above.

15 137. The claims of the '145 patent are unenforceable due to the inequitable  
16 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
17 of infectious unenforceability, including because Champion failed to disclose the  
18 material information discussed above.

19 138. But for Champion's intentional non-disclosure of the material information  
20 discussed above, the claims of the '145 patent would not have issued.

21 139. An actual and justiciable controversy exists between Firman and  
22 Champion as to the enforceability of the '145 patent.

23 140. Firman is entitled to a judgment that the claims of the '145 patent are  
24 unenforceable due to Champion's inequitable conduct.

25 **COUNT SIX**

26 **Declaratory Judgment of Unenforceability of the '985 Patent**

27 141. Firman repeats and incorporates by reference paragraphs 1 through 140 of  
28 this counterclaim.

1           142. The '985 patent is titled is titled is titled "OFF-BOARD FUEL  
2 REGULATOR FOR GENERATOR ENGINE." The patent was issued on November 8,  
3 2022.

4           143. On information and belief, the Champion Managers were substantively  
5 involved in the preparation or prosecution of the '985 patent.

6           144. All of the Inequitable Conduct Inventors except for Kendall J. Collie and  
7 Hiroaki Sato are listed as named inventors of the '985 patent.

8           145. All of the Inequitable Conduct Prosecutors participated in the prosecution  
9 of the '985 patent. All of the Inequitable Conduct Prosecutors except Laundre signed  
10 submissions to the USPTO in connection with the prosecution of the '985 patent. On  
11 information and belief, Laundre was also involved with the prosecution of the '985  
12 patent due to her subject matter expertise and experience prosecuting other Champion  
13 patents.

14           146. The Champion Managers, the Inequitable Conduct Inventors (except for  
15 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew  
16 that the RD9000E generator model was sold or publicly shown before the earliest  
17 possible effective priority date of the '985 patent.

18           147. June 12, 2015 is the earliest possible effective priority date of the '985  
19 patent.

20           148. By November 8, 2022, some or all of the Champion Managers, the  
21 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
22 Firman had sold, offered for sale, or publicly shown the RD9000E generator model  
23 before June 12, 2015, and that Firman had confirmed this to Champion.

24           a. By November 8, 2022, Dennis M. Trine knew that Firman had sold,  
25 offered for sale, or publicly shown the RD9000E generator model before  
26 June 12, 2015.

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28

- 1           b.     By November 8, 2022, Lei Zhao knew that Firman had sold, offered for  
2                     sale, or publicly shown the RD9000E generator model before June 12,  
3                     2015.
- 4           c.     By November 8, 2022, Jiehui “Joyce” Ma knew that Firman had sold,  
5                     offered for sale, or publicly shown the RD9000E generator model before  
6                     June 12, 2015.
- 7           d.     By November 8, 2022, Mark J. Sarder knew that Firman had sold, offered  
8                     for sale, or publicly shown the RD9000E generator model before June 12,  
9                     2015.
- 10          e.     By November 8, 2022, James J. Dehn knew that Firman had sold, offered  
11                    for sale, or publicly shown the RD9000E generator model before June 12,  
12                    2015.
- 13          f.     By November 8, 2022, Leigh Jenison knew that Firman had sold, offered  
14                    for sale, or publicly shown the RD9000E generator model before June 12,  
15                    2015.
- 16          g.     By November 8, 2022, Timothy Ziolkowski knew that Firman had sold,  
17                    offered for sale, or publicly shown the RD9000E generator model before  
18                    June 12, 2015.
- 19          h.     By November 8, 2022, Jacob Fritz knew that Firman had sold, offered for  
20                    sale, or publicly shown the RD9000E generator model before June 12,  
21                    2015.
- 22          i.     By November 8, 2022, Kevin R. Rosin knew that Firman had sold, offered  
23                    for sale, or publicly shown the RD9000E generator model before June 12,  
24                    2015.
- 25          j.     By November 8, 2022, Stephanie Laundre knew that Firman had sold,  
26                    offered for sale, or publicly shown the RD9000E generator model before  
27                    June 12, 2015.

28

1 k. By November 8, 2022, Andrew C. Stark knew that Firman had sold,  
2 offered for sale, or publicly shown the RD9000E generator model before  
3 June 12, 2015.

4 149. To the extent any of claims 11 and 16 of the '985 patent are construed to  
5 cover the Firman models that Champion accuses in this Action, the Champion  
6 Managers, the Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki  
7 Sato), and/or the Inequitable Conduct Prosecutors knew the RD9000E generator model  
8 includes all of the elements of at least claims 11 and 16 of the '985 patent. Namely,  
9 they knew that any construction of the '985 patent that covered the accused Firman  
10 models would have also meant that the RD9000E generator included the claimed  
11 generator and fuel delivery system comprising: a generator comprising an engine  
12 configured to operate on a gaseous fuel supplied from a pressurized fuel source through  
13 a gaseous fuel line; a fuel regulator system located off-board the generator and  
14 comprising a first stage and a second stage, the fuel regulator system configured to:  
15 regulate the gaseous fuel supplied from the pressurized fuel source in the first stage, the  
16 gaseous fuel regulated down to a first reduced pressure in the first stage; and regulate  
17 the gaseous fuel output from the first stage in the second stage, the first reduced  
18 pressure gaseous fuel from the first stage being regulated down to a second reduced  
19 pressure in the second stage for delivery through the gaseous fuel line to operate the  
20 generator; wherein the fuel regulator system outputs gaseous fuel to the generator for  
21 operation of the engine at the second reduced pressure. Additionally, they knew that  
22 any construction of the '985 patent that covered the accused Firman models would also  
23 have meant that the RD9000E generator model included the claimed dual fuel generator  
24 and fuel delivery system comprising: a dual fuel generator configured to operate on a  
25 liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous  
26 fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator  
27 system located off board the dual fuel generator, the fuel regulator system comprising: a  
28 primary pressure regulator coupled to a service valve of the pressurized fuel source and

1 configured to regulate the fuel supplied from the pressurized fuel source to a first  
2 reduced pressure; and a secondary pressure regulator coupled to the primary pressure  
3 regulator and configured to regulate the gaseous fuel supplied from the primary pressure  
4 regulator down from the first reduced pressure to a second reduced pressure for delivery  
5 through the gaseous fuel line to operate the dual fuel generator; wherein the fuel  
6 regulator system outputs gaseous fuel to the dual fuel generator for operation thereof at  
7 the second reduced pressure. Therefore, the Champion Managers, the Inequitable  
8 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the  
9 Inequitable Conduct Prosecutors knew the RD9000E generator model anticipates these  
10 claims under their claim construction theory, rendering the claims of the '985 patent  
11 invalid.

12 150. The claims of the '985 patent are unenforceable due to the inequitable  
13 conduct in the prosecution of the '985 patent's prosecution, i.e., the intentional failure to  
14 disclose the material information discussed above.

15 151. The claims of the '985 patent are unenforceable due to the inequitable  
16 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
17 of infectious unenforceability, including because Champion failed to disclose the  
18 material information discussed above.

19 152. But for Champion's intentional non-disclosure of the material information  
20 discussed above, the claims of the '985 patent would not have issued.

21 153. An actual and justiciable controversy exists between Firman and  
22 Champion as to the enforceability of the '985 patent.

23 154. Firman is entitled to a judgment that the claims of the '985 patent are  
24 unenforceable due to Champion's inequitable conduct.

25 **COUNT SEVEN**

26 **Declaratory Judgment of Unenforceability of the '654 Patent**

27 155. Firman repeats and incorporates by reference paragraphs 1 through 154 of  
28 this counterclaim.

1           156. The '654 patent is titled is titled "OFF-BOARD FUEL REGULATOR  
2 FOR GENERATOR ENGINE." The patent was issued on December 20, 2022.

3           157. On information and belief, the Champion Managers were substantively  
4 involved in the preparation or prosecution of the '654 patent.

5           158. All of the Inequitable Conduct Inventors except for Kendall J. Collie and  
6 Hiroaki Sato are listed as named inventors of the '654 patent.

7           159. All of the Inequitable Conduct Prosecutors participated in the prosecution  
8 of the '654 patent. All of the Inequitable Conduct Prosecutors except Laundre signed  
9 submissions to the USPTO in connection with the prosecution of the '654 patent. On  
10 information and belief, Laundre was also involved with the prosecution of the '654  
11 patent due to her subject matter expertise and experience prosecuting other Champion  
12 patents.

13           160. The Champion Managers, the Inequitable Conduct Inventors (except for  
14 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew  
15 that the RD9000E generator model was sold or publicly shown before the earliest  
16 possible effective priority date of the '654 patent.

17           161. June 12, 2015 is the earliest possible effective priority date of the '654  
18 patent.

19           162. By December 20, 2022, some or all of the Champion Managers, the  
20 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
21 Firman had sold, offered for sale, or publicly shown the RD9000E generator model  
22 before June 12, 2015, and that Firman had confirmed this to Champion.

23           a. By December 20, 2022, Dennis M. Trine knew that Firman had sold,  
24 offered for sale, or publicly shown the RD9000E generator model before  
25 June 12, 2015.

26           b. By December 20, 2022, Lei Zhao knew that Firman had sold, offered for  
27 sale, or publicly shown the RD9000E generator model before June 12,  
28 2015.

- 1 c. By December 20, 2022, Jiehui “Joyce” Ma knew that Firman had sold,  
2 offered for sale, or publicly shown the RD9000E generator model before  
3 June 12, 2015.
- 4 d. By December 20, 2022, Mark J. Sarder knew that Firman had sold,  
5 offered for sale, or publicly shown the RD9000E generator model before  
6 June 12, 2015.
- 7 e. By December 20, 2022, James J. Dehn knew that Firman had sold, offered  
8 for sale, or publicly shown the RD9000E generator model before June 12,  
9 2015.
- 10 f. By December 20, 2022, Leigh Jenison knew that Firman had sold, offered  
11 for sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.
- 13 g. By December 20, 2022, Timothy Ziolkowski knew that Firman had sold,  
14 offered for sale, or publicly shown the RD9000E generator model before  
15 June 12, 2015.
- 16 h. By December 20, 2022, Jacob Fritz knew that Firman had sold, offered  
17 for sale, or publicly shown the RD9000E generator model before June 12,  
18 2015.
- 19 i. By December 20, 2022, Kevin R. Rosin knew that Firman had sold,  
20 offered for sale, or publicly shown the RD9000E generator model before  
21 June 12, 2015.
- 22 j. By December 20, 2022, Stephanie Laundre knew that Firman had sold,  
23 offered for sale, or publicly shown the RD9000E generator model before  
24 June 12, 2015.
- 25 k. By December 20, 2022, Andrew C. Stark knew that Firman had sold,  
26 offered for sale, or publicly shown the RD9000E generator model before  
27 June 12, 2015.
- 28

1           163. To the extent claim 6 of the '654 patent is construed to cover the Firman  
2 models that Champion accuses in this Action, the Champion Managers, the Inequitable  
3 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the  
4 Inequitable Conduct Prosecutors knew the RD9000E generator model includes all of the  
5 elements of at least claim 6 of the '654 patent. Namely, they knew that any construction  
6 of the '654 patent that covered the accused Firman models would have also meant that  
7 the RD9000E generator included the claimed dual fuel generator and fuel delivery  
8 system comprising: a dual fuel generator configured to operate on a liquid fuel supplied  
9 from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a  
10 pressurized fuel source through a gaseous fuel line; a fuel regulator system located off  
11 board the dual fuel generator, the fuel regulator system comprising: a primary pressure  
12 regulator coupled to a service valve of the pressurized fuel source and configured to  
13 regulate the fuel supplied from the pressurized fuel source to a reduced pressure; and a  
14 secondary pressure regulator coupled to the primary pressure regulator and configured  
15 to regulate the gaseous fuel supplied from the primary pressure regulator to a desired  
16 pressure for delivery through the gaseous fuel line to operate the dual fuel generator;  
17 and a mechanical fuel valve actuatable between a first position and a second position to  
18 selectively control fuel flow to the dual fuel generator from the liquid fuel source  
19 through the liquid fuel line and the pressurized fuel source through the gaseous fuel line;  
20 and wherein mechanical fuel valve opens and closes the liquid fuel line to selectively  
21 control fuel flow from the liquid fuel source to the dual fuel generator; and further  
22 comprises: a fuel lockout apparatus coupled to the mechanical fuel valve and configured  
23 to prevent the pressurize fuel source from coupling to the gaseous fuel line while the  
24 mechanical fuel valve opens the liquid fuel line, and permit the pressurized fuel source  
25 to couple to the gaseous fuel line while the mechanical fuel valve closes the liquid fuel  
26 line. Therefore, the Champion Managers, the Inequitable Conduct Inventors (except for  
27 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors knew  
28

1 the RD9000E generator model anticipates this claim under their claim construction  
2 theory, rendering the claims of the '654 patent invalid.

3 164. The claims of the '654 patent are unenforceable due to the inequitable  
4 conduct in the prosecution of the '654 patent's prosecution, i.e., the intentional failure to  
5 disclose the material information discussed above.

6 165. The claims of the '654 patent are unenforceable due to the inequitable  
7 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
8 of infectious unenforceability, including because Champion failed to disclose the  
9 material information discussed above.

10 166. But for Champion's intentional non-disclosure of the material information  
11 discussed above, the claims of the '654 patent would not have issued.

12 167. An actual and justiciable controversy exists between Firman and  
13 Champion as to the enforceability of the '654 patent.

14 168. Firman is entitled to a judgment that the claims of the '654 patent are  
15 unenforceable due to Champion's inequitable conduct.

16 **COUNT EIGHT**

17 **Declaratory Judgment of Unenforceability of the '970 Patent**

18 169. Firman repeats and incorporates by reference paragraphs 1 through 168 of  
19 this counterclaim.

20 170. The '970 patent is titled is titled "DUAL FUEL GENERATOR WITH  
21 REMOTE REGULATOR." The patent was issued on December 12, 2023.

22 171. On information and belief, the Champion Managers were substantively  
23 involved in the preparation or prosecution of the '970 patent.

24 172. All of the Inequitable Conduct Inventors except for Kendall J. Collie and  
25 Hiroaki Sato are listed as named inventors of the '970 patent.

26 173. All of the Inequitable Conduct Prosecutors except Rosin and Laundre  
27 participated in the prosecution of the '970 patent. Ziolkowski, Fritz, and Stark signed  
28 submissions to the USPTO in connection with the prosecution of the '970 patent.

1 174. The Champion Managers, the Inequitable Conduct Inventors (except for  
2 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors (except  
3 for Rosin and Laundre) knew that the RD9000E generator model was sold or publicly  
4 shown before the earliest possible effective priority date of the '970 patent.

5 175. June 12, 2015 is the earliest possible effective priority date of the '970  
6 patent.

7 176. By December 12, 2023, some or all of the Champion Managers, the  
8 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
9 Firman had sold, offered for sale, or publicly shown the RD9000E generator model  
10 before June 12, 2015, and that Firman had confirmed this to Champion.

11 a. By December 12, 2023, Dennis M. Trine knew that Firman had sold,  
12 offered for sale, or publicly shown the RD9000E generator model before  
13 June 12, 2015.

14 b. By December 12, 2023, Lei Zhao knew that Firman had sold, offered for  
15 sale, or publicly shown the RD9000E generator model before June 12,  
16 2015.

17 c. By December 12, 2023, Jiehui "Joyce" Ma knew that Firman had sold,  
18 offered for sale, or publicly shown the RD9000E generator model before  
19 June 12, 2015.

20 d. By December 12, 2023, Mark J. Sarder knew that Firman had sold,  
21 offered for sale, or publicly shown the RD9000E generator model before  
22 June 12, 2015.

23 e. By December 12, 2023, James J. Dehn knew that Firman had sold, offered  
24 for sale, or publicly shown the RD9000E generator model before June 12,  
25 2015.

26 f. By December 12, 2023, Leigh Jenison knew that Firman had sold, offered  
27 for sale, or publicly shown the RD9000E generator model before June 12,  
28 2015.

1 g. By December 12, 2023, Timothy Ziolkowski knew that Firman had sold,  
2 offered for sale, or publicly shown the RD9000E generator model before  
3 June 12, 2015.

4 h. By December 12, 2023, Jacob Fritz knew that Firman had sold, offered  
5 for sale, or publicly shown the RD9000E generator model before June 12,  
6 2015.

7 i. By December 12, 2023, Andrew C. Stark knew that Firman had sold,  
8 offered for sale, or publicly shown the RD9000E generator model before  
9 June 12, 2015.

10 177. To the extent claim 1 of the '970 patent is construed to cover the Firman  
11 models that Champion accuses in this Action, the Champion Managers, the Inequitable  
12 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the  
13 Inequitable Conduct Prosecutors (except for Rosin and Laundre) knew the RD9000E  
14 generator model includes all of the elements of at least claim 1 of the '970 patent.  
15 Namely, they knew that any construction of the '970 patent that covered the accused  
16 Firman models would have also meant that the RD9000E generator included the  
17 claimed dual fuel generator and fuel delivery system comprising: a dual fuel generator  
18 comprising: an engine configured to operate on a liquid fuel supplied from a liquid fuel  
19 source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel  
20 source through a gaseous fuel line, and a carburetor attached to an intake of the engine  
21 to mix air and fuel and connect the liquid fuel line to the intake; a fuel regulator system  
22 located off board the dual fuel generator, the fuel regulator system comprising: a  
23 primary pressure regulator coupled to a service valve of the pressurized fuel source and  
24 configured to regulate the fuel supplied from the pressurized fuel source to a reduced  
25 pressure, and a secondary pressure regulator coupled to the primary pressure regulator  
26 and configured to regulate the gaseous fuel supplied from the primary pressure regulator  
27 to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel  
28 generator; and a mechanical fuel valve actuatable between a first position and a second

1 position to selectively control fuel flow to the engine from the liquid fuel source through  
2 the liquid fuel line and the pressurized fuel source through the gaseous fuel line.  
3 Therefore, the Champion Managers, the Inequitable Conduct Inventors (except for  
4 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors (except  
5 for Rosin) knew the RD9000E generator model anticipates this claim under their claim  
6 construction theory, rendering the claims of the '970 patent invalid.

7 178. The claims of the '970 patent are unenforceable due to the inequitable  
8 conduct in the prosecution of the '970 patent's prosecution, i.e., the intentional failure to  
9 disclose the material information discussed above.

10 179. The claims of the '970 patent are unenforceable due to the inequitable  
11 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
12 of infectious unenforceability, including because Champion failed to disclose the  
13 material information discussed above.

14 180. But for Champion's intentional non-disclosure of the material information  
15 discussed above, the claims of the '970 patent would not have issued.

16 181. An actual and justiciable controversy exists between Firman and  
17 Champion as to the enforceability of the '970 patent.

18 182. Firman is entitled to a judgment that the claims of the '970 patent are  
19 unenforceable due to Champion's inequitable conduct.

20 **COUNT NINE**

21 **Declaratory Judgment of Unenforceability of the '895 Patent**

22 183. Firman repeats and incorporates by reference paragraphs 1 through 182 of  
23 this counterclaim.

24 184. The '895 patent is titled "DUAL FUEL LOCKOUT SWITCH  
25 FOR GENERATOR ENGINE." The patent was issued on February 20, 2024.

26 185. On information and belief, the Champion Managers were substantively  
27 involved in the preparation or prosecution of the '895 patent.

28

1 186. All of the Inequitable Conduct Inventors except for Kendall J. Collie and  
2 Hiroaki Sato are listed as named inventors of the '895 patent.

3 187. All of the Inequitable Conduct Prosecutors except for Rosin and Laundre  
4 participated in the prosecution of the '895 patent. Ziolkowski, Fritz, and Stark signed  
5 submissions to the USPTO in connection with the prosecution of the '895 patent.

6 188. The Champion Managers, the Inequitable Conduct Inventors (except for  
7 Kendall J. Collie and Hiroaki Sato), and/or the Inequitable Conduct Prosecutors (except  
8 for Rosin and Laundre) knew that the RD9000E generator model was sold or publicly  
9 shown before the earliest possible effective priority date of the '895 patent.

10 189. June 12, 2015 is the earliest possible effective priority date of the '895  
11 patent.

12 190. By February 20, 2024, some or all of the Champion Managers, the  
13 Inequitable Conduct Inventors, and/or the Inequitable Conduct Prosecutors knew that  
14 Firman sold, offered for sale, or publicly shown the RD9000E generator model before  
15 June 12, 2015, and that Firman had confirmed this to Champion.

16 a. By February 20, 2024, Dennis M. Trine knew that Firman had sold,  
17 offered for sale, or publicly shown the RD9000E generator model before  
18 June 12, 2015.

19 b. By February 20, 2024, Lei Zhao knew that Firman had sold, offered for  
20 sale, or publicly shown the RD9000E generator model before June 12,  
21 2015.

22 c. By February 20, 2024, Jiehui "Joyce" Ma knew that Firman had sold,  
23 offered for sale, or publicly shown the RD9000E generator model before  
24 June 12, 2015.

25 d. By February 20, 2024, Mark J. Sarder knew that Firman had sold, offered  
26 for sale, or publicly shown the RD9000E generator model before June 12,  
27 2015.

28

- 1 e. By February 20, 2024, James J. Dehn knew that Firman had sold, offered  
2 for sale, or publicly shown the RD9000E generator model before June 12,  
3 2015.
- 4 f. By February 20, 2024, Leigh Jenison knew that Firman had sold, offered  
5 for sale, or publicly shown the RD9000E generator model before June 12,  
6 2015.
- 7 g. By February 20, 2024, Timothy Ziolkowski knew that Firman had sold,  
8 offered for sale, or publicly shown the RD9000E generator model before  
9 June 12, 2015.
- 10 h. By February 20, 2024, Jacob Fritz knew that Firman had sold, offered for  
11 sale, or publicly shown the RD9000E generator model before June 12,  
12 2015.
- 13 i. By February 20, 2024, Andrew C. Stark knew that Firman had sold,  
14 offered for sale, or publicly shown the RD9000E generator model before  
15 June 12, 2015.

16 191. To the extent claim 14 of the '895 patent is construed to cover the Firman  
17 models that Champion accuses in this Action, the Champion Managers, the Inequitable  
18 Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or the  
19 Inequitable Conduct Prosecutors (except for Rosin and Laundre) knew the RD9000E  
20 generator model includes at least the first six elements of at least claim 14 of the '895  
21 patent. Namely, they knew that any construction of the '895 patent that covered the  
22 accused Firman models would have also meant that the RD9000E generator included  
23 the claimed dual fuel generator and fuel delivery system comprising: a dual fuel  
24 generator configured to operate on a liquid fuel supplied from a liquid fuel source  
25 through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source  
26 through a gaseous fuel line; a fuel regulator system located off board the dual fuel  
27 generator, the fuel regulator system comprising: a primary pressure regulator couplable  
28 to a service valve of the pressurized fuel source and configured to regulate the gaseous

1 fuel supplied from the pressurized fuel source to a reduced pressure, and a secondary  
2 pressure regulator couplable to the primary pressure regulator and configured to  
3 regulate the gaseous fuel supplied from the primary pressure regulator to a desired  
4 pressure for delivery through the gaseous fuel line to operate the dual fuel generator;  
5 and a mechanical fuel valve actuatable between a first position and a second position to  
6 selectively control fuel flow to the dual fuel generator from the liquid fuel source  
7 through the liquid fuel line and the pressurized fuel source through the gaseous fuel line,  
8 the mechanical fuel valve configured to open and close the liquid fuel line to selectively  
9 control fuel flow from the liquid fuel source to the dual fuel generator. Additionally,  
10 Champion was aware of prior art by Champion itself that included at least the remaining  
11 elements of at least claim 14 of the '895 patent; namely, a fuel lockout apparatus  
12 coupled to the mechanical fuel valve and configured to: prevent the pressurized fuel  
13 source from coupling to the gaseous fuel line while the liquid fuel line is open, and  
14 permit the pressurized fuel source to couple to the gaseous fuel line while the liquid fuel  
15 line is closed by the mechanical fuel valve. Therefore, the Champion Managers, the  
16 Inequitable Conduct Inventors (except for Kendall J. Collie and Hiroaki Sato), and/or  
17 the Inequitable Conduct Prosecutors (except Rosin) knew the RD9000E generator  
18 model at least in combination with Champion's own prior art made obvious this claim  
19 under their claim construction theory, rendering the claims of the '895 patent invalid.

20 192. The claims of the '895 patent are unenforceable due to the inequitable  
21 conduct in the prosecution of the '895 patent's prosecution, i.e., the intentional failure to  
22 disclose the material information discussed above.

23 193. The claims of the '895 patent are unenforceable due to the inequitable  
24 conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine  
25 of infectious unenforceability, including because Champion failed to disclose the  
26 material information discussed above.

27 194. But for Champion's intentional non-disclosure of the material information  
28 discussed above, the claims of the '895 patent would not have issued.

1 195. An actual and justiciable controversy exists between Firman and  
2 Champion as to the enforceability of the '895 patent.

3 196. Firman is entitled to a judgment that the claims of the '895 patent are  
4 unenforceable due to Champion's inequitable conduct.

5 **PRAYER FOR RELIEF**

6 Wherefore Firman respectfully requests the following relief:

7 A. That Champion's Complaint against Firman be dismissed in its entirety  
8 with prejudice and that a judgment be entered in favor of Firman and against Champion;

9 B. That Champion take nothing by reason of its Complaint;

10 C. That the Court declare that Firman has not infringed, and is not infringing,  
11 any valid and enforceable claim of the Asserted Patents, either directly or indirectly,  
12 literally or under the doctrine of equivalents, and that Firman has neither contributed to,  
13 nor induced infringement thereof by another;

14 D. That the Court declare that one or more the claims of the Asserted Patents  
15 are invalid;

16 E. That the Court declare that the '780 patent, the '034 patent, '398 patent,  
17 the '120 patent, the '145 patent, the '985 patent, the '654 patent, the '970 patent, and the  
18 '895 patent are unenforceable;

19 F. That the Court enter an order under 35 U.S.C. § 285, awarding Firman its  
20 reasonable attorney's fees and costs of suit incurred in this litigation as an exceptional  
21 case, because of, among other reasons, Champion's bad-faith assertion of patents that it  
22 knows to be invalid (in view of, among other things, (1) Champion's knowledge that  
23 Firman publicly displayed the RD9000E generator in the United States in May 2015; (2)  
24 Champion's analysis of the 2015 RD9000E Unit and RD9000E Owner's Manual in  
25 September 2015; (3) Champion's demand that Firman nonetheless provide support for  
26 Firman's claim that the RD9000E generator was sold or used before the earliest possible  
27 effective priority date of any patent in the Inequitable Conduct Patent Family; and (4)

28

1 the RD9000E generator that Champion counsel physically inspected in November 2019)  
2 or unenforceable (due to the inequitable conduct committed before the USPTO);

3 G. That Firman be granted all such other and further relief as the Court  
4 deems just and proper.

5 **JURY DEMAND**

6 Firman demands a trial by jury on all claims, defenses, and counterclaims so  
7 triable.

8 DATED this 10th day of July, 2024.

9  
10 By: s/ Benjamin J. Byer  
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