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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Champion Power Equipment, Inc., Plaintiff, v. Firman Power Equipment Inc., Defendant.	Case No. 2:23-cv-02371-DWL **ANSWER AND COUNTERCLAIM** **(JURY TRIAL DEMANDED)**

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

Firman denies each and every allegation in the 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 the Prayer for Relief. Firman reserves the right to amend and/or supplement this Answer.

ANSWER TO SPECIFIC ALLEGATIONS
THE PARTIES

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

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

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

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

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

ANSWER: Firman admits the allegations in the first sentence of paragraph 3. Firman admits it develops, imports, and sells single-fuel and multi-

fuel generators, power stations, log splitters, and accessories, and that it advertises its products for sale nationally. Except as expressly admitted, Firman denies the allegations of paragraph 3.

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

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

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

ANSWER: Firman denies the allegations of paragraph 5.

6. Montgomery also attended a high-level, confidential Webex meeting that included Champion ownership, top management, and engineering for the 3100W Dual

Fuel Generator on October, 30, 2014 to discuss "Sales Opportunities," "Product Structure," "Production Schedule," and "Development Challenges," that included the lead inventor and Vice President of Engineering, Mark Sarder.

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

7. On November 18,2014, less than one month prior to Montgomery's departure from Champion, Montgomery accessed the "Dual Fuel Switch mock-up" via email.

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

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

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

9. In 2016, Firman changed its color scheme to mimic that of Champion's. Prior to 2016, Firman used a green and black color scheme and a red and black color scheme, then in early 2016, just one year after appointing Montgomery President of Firman, Firman changed its color scheme to yellow and black, essentially the same as Champion's color scheme.

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

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

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

JURISDICTION AND VENUE

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

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

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

ANSWER: Firman admits the allegations of paragraph 12.

13. This Court has personal jurisdiction over Firman because Firman has committed acts of patent infringement within the State of Arizona giving rise to this action. Firman's electronic commerce advertisements, offers for sale, and sales have established at least minimum contacts with the forum such that the exercise of jurisdiction over it would not offend traditional notions of fair play and substantial justice.

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

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

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

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

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

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

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

ANSWER: Firman admits that U.S. Patent No. 10,221,780 is titled "DUAL FUEL LOCKOUT SWITCH FOR GENERATOR ENGINE" and lists the issuance date on the face of the patent as March 5, 2019. Firman admits that what purports to be a copy of the '780 patent is attached as Exhibit A. The remaining allegations of paragraph 16 are denied.

17. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 10,221,780 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 17.

18. 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 WH02942, a dual fuel inverter portable generator;

r. Model WH03041, a dual fuel inverter portable generator;

s. Model WH03042, a dual fuel inverter portable generator;

t. Model WH03242, a dual fuel inverter portable generator;

u. Model WH03344, a dual fuel inverter portable generator;

v. Model WH03562OF, a dual fuel open frame inverter portable generator; and

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

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

19. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 8, and 15 of U.S. Patent No. 10,221,780 and, specifically, that each of the foregoing Firman generator models includes a mechanical fuel lockout switch that communicates a first fuel source to a dual fuel engine and prevents communication between a second fuel source and the dual fuel engine when a mechanical fuel valve is in a first position and that communicates the second fuel source to the dual fuel engine and interrupts the first fuel source communication with the dual fuel engine when in a second position and also include a fuel lockout apparatus that prevents actuation of the mechanical fuel valve to the first position when the second fuel source communicates with the dual fuel engine and that is configured to prevent the second fuel source from coupling to a second fuel line while the mechanical fuel valve is in the first position and permit the second fuel source to couple to the second fuel line while the mechanical fuel valve is in the second position, as called for in claims 1, 8, and/or 15 of U.S. Patent No. 10,221,780. Therefore, each of

the foregoing Firman generator models infringes at least claims 1, 8, and 15 of U.S. Patent No. 10,221,780.

ANSWER: Firman denies the allegations of paragraph 19.

20. 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;

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

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

g. Model WH03242F, a refurbished dual fuel inverter portable generator; and

h. Model WH03342, a dual fuel inverter portable generator.

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

21. 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 Paragraph 18, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 8, and 15 of U.S. Patent No. 10,221,780 and, specifically, that each of the foregoing Firman generator models includes a mechanical fuel lockout switch that communicates a first fuel source to a dual fuel engine and prevents communication between a second fuel source and the dual fuel engine when a mechanical fuel valve is in a first position and that communicates

the second fuel source to the dual fuel engine and interrupts the first fuel source communication with the dual fuel engine when in a second position and also include a fuel lockout apparatus that prevents actuation of the mechanical fuel valve to the first position when the second fuel source communicates with the dual fuel engine and that is configured to prevent the second fuel source from coupling to a second fuel line while the mechanical fuel valve is in the first position and permit the second fuel source to couple to the second fuel line while the mechanical fuel valve is in the second position, as called for in claims 1, 8, and/or 15 of U.S. Patent No. 10,221,780. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 8, and 15 of U.S. Patent No. 10,221,780.

ANSWER: Firman denies the allegations of paragraph 21.

22. 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. 10,221,780.

ANSWER: Firman denies the allegations of paragraph 22.

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

ANSWER: Firman denies the allegations of paragraph 23.

24. 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 24.

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

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

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

26. U.S. Patent No. 10,393,034 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE." U.S. Patent No. 10,393,034 was duly and legally issued on August 27, 2019. A true and correct copy of U.S. Patent No. 10,393,034 is attached as Exhibit B.

ANSWER: Firman admits that U.S. Patent No. 10,393,034 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE" and lists the issuance date on the face of the patent as August 27, 2019. Firman admits that what purports to be a copy of the '034 patent is attached as Exhibit B. The remaining allegations of paragraph 26 are denied.

27. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 10,393,034 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 27.

28. 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 WH02942, a dual fuel inverter portable generator;

r. Model WH03041, a dual fuel inverter portable generator;

s. Model WH03042, a dual fuel inverter portable generator;

t. Model WH03242, a dual fuel inverter portable generator;

u. Model WH03344, a dual fuel inverter portable generator;

v. Model WH03562OF, a dual fuel open frame inverter portable generator; and

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 28(a) through 28(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 28.

29. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1,11, and 18 of U.S. Patent No. 10,393,034 and, specifically, that each of the foregoing Firman generator models

includes a liquid or carburetor cutoff solenoid coupled to a carburetor to open and close a liquid fuel path to an engine downstream from a float bowl of the carburetor and selectively engage engine operation on liquid fuel; a gaseous cutoff or fuel valve coupled to open and close a gaseous fuel source to the engine, to control fuel flow through a gaseous fuel line, and to selectively engage engine operation on gaseous fuel; a switch selectively coupling a power source to the liquid cutoff solenoid to open and close the liquid fuel path; and an electro-mechanical valve system coupled to the engine and operated by an electrical switch powered by one of an alternator, a battery, and a magneto that controls fuel flow to the engine from a liquid fuel source and a pressurized fuel source, as called for in claims 1,11, and/or 18 of U.S. Patent No. 10,393,034. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 11, and 18 of U.S. Patent No. 10,393,034.

ANSWER: Firman denies the allegations of paragraph 29.

30. 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;

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

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

g. Model WH03242F, a refurbished dual fuel inverter portable generator; and

h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 30(c). Firman admits the remaining allegations of paragraph 30.

31. 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 Paragraph 28, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1,11, and 18 of U.S. Patent No. 10,393,034 and, specifically, that each of the foregoing Firman generator models includes a liquid or carburetor cutoff solenoid coupled to a carburetor to open and close a liquid fuel path to an engine downstream from a float bowl of the carburetor and selectively engage engine operation on liquid fuel; a gaseous cutoff or fuel valve coupled to open and close a gaseous fuel source to the engine, to control fuel flow through a gaseous fuel line, and to selectively engage engine operation on gaseous fuel; a switch selectively coupling a power source to the liquid cutoff solenoid to open and close the liquid fuel path; and an electro-mechanical valve system coupled to the engine and operated by an electrical switch powered by one of an alternator, a battery, and a magneto that controls fuel flow to the engine from a liquid fuel source and a pressurized fuel source, as called for in claims 1,11, and/or 18 of U.S. Patent No. 10,393,034. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 11, and 18 of U.S. Patent No. 10,393,034.

ANSWER: Firman denies the allegations of paragraph 31.

32. 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. 10,393,034.

ANSWER: Firman denies the allegations of paragraph 32.

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

ANSWER: Firman denies the allegations of paragraph 33.

34. 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 34.

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

35. Paragraphs 1 through 34 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 34 as if fully set forth here.

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

ANSWER: Firman admits that U.S. Patent No. 10,598,101 is titled "DUAL FUEL SELECTOR SWITCH" and lists the issuance date on the face of the patent as March 24, 2020. Firman admits that what purports to be a copy of the '101 patent is attached as Exhibit C. The remaining allegations of paragraph 36 are denied.

37. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 10,598,101 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 37.

38. 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;

1. 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

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 38(a) through 38(r). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 38.

39. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 18 of U.S. Patent No. 10,598,101 and, specifically, that each of the foregoing Firman generator models

includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine, and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine, as called for in claim 18 of U.S. Patent No. 10,598,101. Therefore, each of the following Firman generator models infringes at least claim 18 of U.S. Patent No. 10,598,101.

ANSWER: Firman denies the allegations of paragraph 39.

40. Champion has also 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 WH02942, a dual fuel inverter portable generator;

b. Model WH03041, a dual fuel inverter portable generator;

c. Model WH03042, a dual fuel inverter portable generator;

d. Model WH03242, a dual fuel inverter portable generator; and

e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 40(a) through 40(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 40.

41. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 17 and 18 of U.S. Patent

No. 10,598,101. Each of the foregoing Firman generator models specifically includes a selector switch having a first fuel mode in which a solenoid switch and a fuel solenoid are in closed positions and a second fuel mode in which the solenoid switch and the fuel solenoid are in open positions, wherein the selector switch triggers the solenoid switch when changed from the second fuel mode to the first fuel mode, so as to cause the solenoid switch and the fuel solenoid to operate in the closed positions, and wherein positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, as called for in claim 17 of U.S. Patent No. 10,598,101. Additionally, each of the foregoing Firman generator models specifically includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine, and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine, as called for in claim 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing Firman generator models infringes at least claims 17 and 18 of U.S. Patent No. 10,598,101.

ANSWER: Firman denies the allegations of paragraph 41.

42. 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 42(c). Firman admits the remaining allegations of paragraph 42.

43. Upon review of images, owner's manuals, and electrical schematics of the foregoing Finnan 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 38 and 40, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 18 of U.S. Patent No. 10,598,101 and, specifically, that each of the foregoing Firman generator models includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine, and a second fuel valve having open and closed positions to selectively control the second fuel flow to the engine, as called for in claim 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing Firman generator models infringes at least claim 18 of U.S. Patent No. 10,598,101.

ANSWER: Firman denies the allegations of paragraph 43.

44. Upon information and belief, Firman also 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 WH02942F, a refurbished dual fuel inverter portable generator;

b. Model WH03242F, a refurbished dual fuel inverter portable generator; and

c. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman admits the allegations of Paragraph 44.

45. 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 38 and 40, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 17 and 18 of U.S. Patent No. 10,598,101. Each of the foregoing Firman generator models specifically includes a selector switch having a first fuel mode in which a solenoid switch and a fuel solenoid are in closed positions and a second fuel mode in which the solenoid switch and the fuel solenoid are in open positions, wherein the selector switch triggers the solenoid switch when changed from the second fuel mode to the first fuel mode, so as to cause the solenoid switch and the fuel solenoid to operate in the closed positions, and wherein positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, as called for in claim 17 of U.S. Patent No. 10,598,101. Additionally, each of the foregoing Firman generator models specifically includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, two fuel outputs supplying fuel from only one of the first fuel source or the second fuel source, a first fuel valve having open and closed positions to selectively control the first fuel flow to the engine, and a second fuel valve having open and closed positions to selectively control the second fuel

flow to the engine, as called for in claim 18 of U.S. Patent No. 10,598,101. Therefore, each of the foregoing Firman generator models infringes at least claims 17 and 18 of U.S. Patent No. 10,598,101.

ANSWER: Firman denies the allegations of paragraph 45.

46. 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. 10,598,101.

ANSWER: Firman denies the allegations of paragraph 46.

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

ANSWER: Firman denies the allegations of paragraph 47.

48. 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 48.

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

49. Paragraphs 1 through 48 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 48 as if fully set forth herein.

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

ANSWER: Firman admits that U.S. Patent No. 10,697,398 is titled "BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF" and lists the issuance date on the face of the patent as June 30, 2020. Firman admits that what purports to be a copy of the '398 patent is attached as Exhibit D. The remaining allegations of paragraph 50 are denied.

51. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 10,697,398 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 51.

52. 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 WH02942, a dual fuel inverter portable generator;

r. Model WH03041, a dual fuel inverter portable generator;

s. Model WH03042, a dual fuel inverter portable generator;

t. Model WH03242, a dual fuel inverter portable generator;

u. Model WH03344, a dual fuel inverter portable generator;

v. Model WH03562OF, a dual fuel open frame inverter portable generator; and

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 52(a) through 52(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 52.

53. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1 and 57 of U.S. Patent No. 10,697,398. Each of the foregoing Firman generator models specifically includes a switch to change operation of an engine between gaseous fuel and liquid fuel, a liquid fuel valve positioned along a liquid fuel line coupling a liquid fuel source to a carburetor, a gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous fuel source to the carburetor, and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398. Additionally, each of the foregoing Firman generator models was assembled by specifically coupling a switch to an engine to change operation

of the engine between gaseous fuel and liquid fuel and attaching a liquid fuel cut-off to a carburetor to close a fuel passage extending from a float bowl of the carburetor to a throat to the carburetor to provide liquid fuel upon actuation of the switch from liquid to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398. Therefore, each of the foregoing Firman generator models infringes at least claims 1 and 57 of U.S. Patent No. 10,697,398.

ANSWER: Firman denies the allegations of paragraph 53.

54. 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;

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

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

g. Model WH03242F, a refurbished dual fuel inverter portable generator; and

h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 54(c). Firman admits the remaining allegations of paragraph 54.

55. 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 Paragraph 52, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1 and 57 of U.S.

Patent No. 10,697,398. Each of the foregoing Firman generator models specifically includes a switch to change operation of an engine between gaseous fuel and liquid fuel, a liquid fuel valve positioned along a liquid fuel line coupling a liquid fuel source to a carburetor, a gaseous fuel valve positioned along a gaseous fuel line coupling a gaseous fuel source to the carburetor, and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid to gaseous fuel, as called for in claim 1 of U.S. Patent No. 10,697,398. Additionally, each of the foregoing Firman generator models was assembled by specifically coupling a switch to an engine to change operation of the engine between gaseous fuel and liquid fuel and attaching a liquid fuel cut-off to a carburetor to close a fuel passage extending from a float bowl of the carburetor to a throat to the carburetor to provide liquid fuel upon actuation of the switch from liquid to gaseous fuel, as called for in claim 57 of U.S. Patent No. 10,697,398. Therefore, each of the foregoing Firman generator models infringes at least claims 1 and 57 of U.S. Patent No. 10,697,398.

ANSWER: Firman denies the allegations of paragraph 54.

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

ANSWER: Firman denies the allegations of paragraph 55.

56. 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. 10,697,398.

ANSWER: Firman denies the allegations of paragraph 56.

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

ANSWER: Firman denies the allegations of paragraph 57.

58. 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 58.

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

59. Paragraphs 1 through 58 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 58 as if fully set forth here.

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

ANSWER: Firman admits that U.S. Patent No. 11,143,120 is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE" and lists the issuance date on the face of the patent as October 12, 2021. Firman admits that what purports to be a copy of the '120 patent is attached as Exhibit E. The remaining allegations of paragraph 60 are denied.

61. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,143,120 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 61.

62. 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 WH02942, a dual fuel inverter portable generator;

r. Model WH03041, a dual fuel inverter portable generator;

s. Model WH03042, a dual fuel inverter portable generator;

t. Model WH03242, a dual fuel inverter portable generator;

u. Model WH03344, a dual fuel inverter portable generator;

v. Model WH03562OF, a dual fuel open frame inverter portable generator; and

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 62(a) through 62(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 62.

63. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 12 of U.S. Patent No. 11,143,120 and, specifically, that each of the foregoing Firman generator models includes a multi-fuel internal combustion engine configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line and includes a fuel regulator system having a primary pressure regulator coupled to a service valve of a pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator to regulate fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine, as called for in claim 12 of U.S. Patent No. 11,143,120. Therefore, each of the foregoing Firman generator models infringes at least claim 12 of U.S. Patent No. 11,143,120.

ANSWER: Firman denies the allegations of paragraph 63.

64. 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;

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

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

g. Model WH03242F, a refurbished dual fuel inverter portable generator; and

h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 64(c). Firman admits the remaining allegations of paragraph 64.

65. 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 Paragraph 62, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 12 of U.S. Patent No. 11,143,120 and, specifically, that each of the foregoing Firman generator models includes a multi-fuel internal combustion engine configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line and includes a fuel regulator system having a primary pressure regulator coupled to a service valve of a pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator to regulate fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine, as called for in claim 12 of U.S. Patent No. 11,143,120. Therefore, each of the foregoing Firman generator models infringes at least claim 12 of U.S. Patent No. 11,143,120.

ANSWER: Firman denies the allegations of paragraph 65.

66. 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. 11,143,120.

ANSWER: Firman denies the allegations of paragraph 66.

67. Upon information and belief, Firman's infringement has been willful, deliberate, and with knowledge of Champion's rights under U.S. Patent No. 11,143,120.

ANSWER: Firman denies the allegations of paragraph 67.

68. 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 68.

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

69. Paragraphs 1 through 68 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 68 as if fully set forth here.

70. U.S. Patent No. 11,143,145 is titled "BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF." U.S. Patent No. 11,143,145 was duly and legally issued on October 12, 2021. A true and correct copy of U.S. Patent No. 11,143,145 is attached as Exhibit F.

ANSWER: Firman admits that U.S. Patent No. 11,143,145 is titled "BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF" and lists the issuance date on the face of the patent as October 12, 2021. Firman admits that what purports to be a copy of the '145 patent is attached as Exhibit F. The remaining allegations of paragraph 70 are denied.

71. 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 71.

72. 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 WH02942, a dual fuel inverter portable generator;
r. Model WH03041, a dual fuel inverter portable generator;
s. Model WH03042, a dual fuel inverter portable generator;

t. Model WH03242, a dual fuel inverter portable generator;

u. Model WH03344, a dual fuel inverter portable generator;

v. Model WH03562OF, a dual fuel open frame inverter portable generator; and

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 72(a) through 72(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 72.

73. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 of U.S. Patent No. 11,143,145 and, specifically, that each of the foregoing Firman generator models includes a switch to change operation of an engine between gaseous and liquid fuel, 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 a charging coil of an electrical power generator to receive power therefrom and that operates to provide a regulated voltage to the liquid fuel cut-off solenoid, as called for in claim 1 of U.S. Patent No. 11,143,145. Therefore, each of the foregoing Firman generator models infringes at least claim 1 of U.S. Patent No. 11,143,145.

ANSWER: Firman denies the allegations of paragraph 73.

74. 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;

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

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

g. Model WH03242F, a refurbished dual fuel inverter portable generator; and

h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 74(c). Firman admits the remaining allegations of paragraph 74.

75. 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 Paragraph 72, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 of U.S. Patent No. 11,143,145 and, specifically, that each of the foregoing Firman generator models includes a switch to change operation of an engine between gaseous and liquid fuel, 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 a charging coil of an electrical power generator to receive power therefrom and that operates to provide a regulated voltage to the liquid fuel cut-off solenoid, as called for in claim 1 of U.S. Patent No. 11,143,145. Therefore, each of the foregoing Firman generator models infringes at least claim 1 of U.S. Patent No. 11,143,145.

ANSWER: Firman denies the allegations of paragraph 75.

76. 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. 11,143,145.

ANSWER: Firman denies the allegations of paragraph 76.

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

ANSWER: Firman denies the allegations of paragraph 77.

78. 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 78.

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

79. Paragraphs 1 through 78 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 78 as if fully set forth here.

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

ANSWER: Firman admits that U.S. Patent No. 11,306,667 is titled "DUAL FUEL SELECTOR SWITCH" and lists the issuance date on the face of the patent as April 19, 2022. Firman admits that what purports to be a copy of the '667 patent is attached as Exhibit G. The remaining allegations of paragraph 80 are denied.

81. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,306,667 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 81.

82. 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

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 82(a) through 82(r). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 82.

83. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 of U.S. Patent No. 11,306,667 and, specifically, that each of the foregoing Firman generator models includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, and two fuel outputs for selectively supplying fuel to an engine from the first fuel source or the second fuel source, as called for in claim 1 of U.S. Patent No. 11,306,667. Therefore, each of the foregoing Firman generator models infringes at least claim 1 of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 83.

84. Champion has also 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 WH02942, a dual fuel inverter portable generator;

b. Model WH03041, a dual fuel inverter portable generator;

c. Model WH03042, a dual fuel inverter portable generator;

d. Model WH03242, a dual fuel inverter portable generator; and

e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 84(a) through 84(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 84.

85. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 and 10 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator models specifically includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, and two fuel outputs for selectively supplying fuel to an engine from the first fuel source or the second fuel source, as called for in claim 1 of U.S. Patent No. 11,306,667. Additionally, each of the foregoing Firman generator models specifically includes a selector switch having a first fuel mode in which a solenoid switch and a fuel solenoid are in closed positions and a second fuel mode in which the solenoid switch and the fuel solenoid are in open positions, wherein positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, as called for in claim 10 of U.S. Patent No. 11,306,667. Therefore, each of the foregoing Firman generator models infringes at least claims 1 and 10 of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 85.

86. 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 86(c). Firman admits the remaining allegations of paragraph 86.

87. 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 82 and 84, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 of U.S. Patent No. 11,306,667 and, specifically, that each of the foregoing Firman generator models includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, and two fuel outputs for selectively supplying fuel to an engine from the first fuel source or the second fuel source, as called for in claim 1 of U.S. Patent No. 11,306,667. Therefore, each of the foregoing Firman generator models infringes at least claim 1 of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 87.

88. Upon information and belief, Firman also 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 WH02942F, a refurbished dual fuel inverter portable generator;

b. Model WH03242F, a refurbished dual fuel inverter portable generator; and

c. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman admits the allegations of paragraph 88.

89. 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 82 and 84, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1 and 10 of U.S. Patent No. 11,306,667. Each of the foregoing Firman generator models specifically includes a selector switch positioned on a valve assembly to allow a user to manually select one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, the valve assembly including a first fuel input connected to the first fuel source, a second fuel input connected to the second fuel source, and two fuel outputs for selectively supplying fuel to an engine from the first fuel source or the second fuel source, as called for in claim 1 of U.S. Patent No. 11,306,667. Additionally, each of the foregoing Firman generator models specifically includes a selector switch having a first fuel mode in which a solenoid switch and a fuel solenoid are in closed positions and a second fuel mode in which the solenoid switch and the fuel solenoid are in open positions, wherein positioning of the selector switch in the first fuel mode and the second fuel mode enables a selection of one of a first fuel flow and a second fuel flow from a first fuel source and a second fuel source, respectively, to an engine of a dual fuel generator, as called for in claim 10 of U.S. Patent

No. 11,306,667. Therefore, each of the foregoing Firman generator models infringes at least claims 1 and 10 of U.S. Patent No. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 89.

90. 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. 11,306,667.

ANSWER: Firman denies the allegations of paragraph 90.

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

ANSWER: Firman denies the allegations of paragraph 91.

92. 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 92.

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

93. Paragraphs 1 through 92 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 92 as if fully set forth here.

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

ANSWER: Firman admits that U.S. Patent No. 11,492,985 is titled "OFF-BOARD FUEL REGULATOR FOR GENERATOR ENGINE" and lists the issuance date on the face of the patent as November 8, 2022. Firman admits that what purports to be a copy of the '985 patent is attached as Exhibit H. The remaining allegations of paragraph 94 are denied.

95. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,492,985 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 95.

96. 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 WH02942, a dual fuel inverter portable generator;

b. Model WH03041, a dual fuel inverter portable generator;

c. Model WH03042, a dual fuel inverter portable generator;

d. Model WH03242, a dual fuel inverter portable generator; and

e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 96(a) through 96(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 96.

97. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1,11, and 16 of U.S. Patent

No. 11,492,985. Each of the foregoing Firman generator models specifically includes a generator free of any pressure regulator and a fuel regulator system located off-board the generator, having a first stage and a second stage, and configured to regulate a gaseous fuel supplied from a pressurized fuel source in the first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in the second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, as called for in claim 1 of U.S. Patent No. 11,492,985. Additionally, each of the foregoing Firman generator models specifically includes a fuel regulator system located off-board a generator, having a first stage and a second stage, and configured to regulate a gaseous fuel supplied from a pressurized fuel source in the first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in the second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, wherein the fuel regulator system outputs gaseous fuel to the generator for operation of an engine at the second reduced pressure, as called for in claim 11 of U.S. Patent No. 11,492,985. Furthermore, each of the foregoing Firman generator models specifically includes a fuel regulator system located off board a dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, wherein the fuel regulator system outputs gaseous fuel to the dual fuel generator for operation thereof at the second reduced pressure, as called for in claim 16 of U.S. Patent No. 11,492,985. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 11, and 16 of U.S. Patent No. 11,492,985.

ANSWER: Firman denies the allegations of paragraph 97.

98. 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 WH02942F, a refurbished dual fuel inverter portable generator;

b. Model WH03242F, a refurbished dual fuel inverter portable generator; and

c. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman admits the allegations of paragraph 98.

99. Upon review of images, owner's manuals, and electrical schematics of the foregoing Finnan 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 Paragraph 96, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 11, and 16 of U.S. Patent No. 11,492,985. Each of the foregoing Firman generator models specifically includes a generator free of any pressure regulator and a fuel regulator system located off-board the generator, having a first stage and a second stage, and configured to regulate a gaseous fuel supplied from a pressurized fuel source in the first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in the second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, as called for in claim 1 of U.S. Patent No. 11,492,985. Additionally, each of the foregoing Firman generator models specifically includes a fuel regulator system located off-board a generator, having a first stage and a second stage, and configured to regulate a gaseous fuel supplied from a pressurized fuel source in the first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in the second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, wherein the fuel regulator system outputs gaseous fuel to the generator for operation of an engine at the second reduced pressure, as called for in claim 11 of U.S. Patent No. 11,492,985.

Furthermore, each of the foregoing Firman generator models specifically includes a fuel regulator system located off board a dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, wherein the fuel regulator system outputs gaseous fuel to the dual fuel generator for operation thereof at the second reduced pressure, as called for in claim 16 of U.S. Patent No. 11,492,985. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 11, and 16 of U.S. Patent No. 11,492,985.

ANSWER: Firman denies the allegations of paragraph 99.

100. 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. 11,492,985.

ANSWER: Firman denies the allegations of paragraph 100.

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

ANSWER: Firman denies the allegations of paragraph 101.

102. 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 102.

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

103. Paragraphs 1 through 102 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 102 as if fully set forth here.

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

ANSWER: Firman admits that U.S. Patent No. 11,530,654 is titled "OFF-BOARD FUEL REGULATOR FOR GENERATOR ENGINE" and lists the issuance date on the face of the patent as December 20, 2022. Firman admits that what purports to be a copy of the '654 patent is attached to the complaint. The remaining allegations of paragraph 104 are denied.

105. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,530,654 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 105.

106. 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 WH02942, a dual fuel inverter portable generator;

b. Model WH03041, a dual fuel inverter portable generator;

c. Model WH03042, a dual fuel inverter portable generator;

d. Model WH03242, a dual fuel inverter portable generator; and

e. Model WH03344, a dual fuel inverter portable generator.

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 106(a) through 106(e). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 106.

107. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 6, and 10 of U.S. Patent No. 11,530,654. Each of the foregoing Firman generator models specifically includes a fuel regulator system located off board a dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator and a fuel lockout apparatus coupled to a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from a liquid fuel source through a liquid fuel line and the pressurized fuel source through the gaseous fuel line, wherein when the mechanical fuel valve is in the first position, the fuel lockout apparatus communicates the liquid fuel source to the dual fuel generator and prevents the pressurized fuel source from coupling to the dual fuel generator, and actuation of the mechanical fuel valve to the second position causes the fuel lockout apparatus to permit the pressurized fuel source to couple to the dual fuel generator and interrupts the liquid fuel source communication with the dual fuel generator, as called for in claim 1 of U.S. Patent No. 11,530,654. Additionally, each of the foregoing Firman generator models

specifically includes a fuel regulator system located off board a dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from a liquid fuel source through a liquid fuel line and the pressurized fuel source through the gaseous fuel line and that opens and closes the liquid fuel line to selectively control fuel flow from the liquid fuel source to the dual fuel generator, and a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the pressurized fuel source from coupling to the gaseous fuel line while the mechanical fuel valve opens the liquid fuel line and permit the pressurized fuel source to couple to the gaseous fuel line while the mechanical fuel valve closes the liquid fuel line, as called for in claim 6 of U.S. Patent No. 11,530,654. Furthermore, each of the foregoing Firman generator models specifically includes a generator free of any pressure regulator and a fuel regulator system located off-board the generator and configured to regulate a gaseous fuel supplied from a pressurized fuel source in a first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in a second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, as called for in claim 10 of U.S. Patent No. 11,530,654. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 6, and 10 of U.S. Patent No. 11,530,654.

ANSWER: Firman denies the allegations of paragraph 107.

108. 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 WH02942F, a refurbished dual fuel inverter portable generator;

b. Model WH03242F, a refurbished dual fuel inverter portable generator; and

c. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman admits the allegations of paragraph 108.

109. 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 Paragraph 106, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claims 1, 6, and 10 of U.S. Patent No. 11,530,654. Each of the foregoing Firman generator models specifically includes a fuel regulator system located off board a dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator and a fuel lockout apparatus coupled to a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from a liquid fuel source through a liquid fuel line and the pressurized fuel source through the gaseous fuel line, wherein when the mechanical fuel valve is in the first position, the fuel lockout apparatus communicates the liquid fuel source to the dual fuel generator and prevents the pressurized fuel source from coupling to the dual fuel generator, and actuation of the

mechanical fuel valve to the second position causes the fuel lockout apparatus to permit the pressurized fuel source to couple to the dual fuel generator and interrupts the liquid fuel source communication with the dual fuel generator, as called for in claim 1 of U.S. Patent No. 11,530,654. Additionally, each of the foregoing Firman generator models specifically includes a fuel regulator system located off board a dual fuel generator and having a primary pressure regulator coupled to a service valve of a pressurized fuel source and configured to regulate a gaseous fuel supplied from the pressurized fuel source to a first reduced pressure and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through a gaseous fuel line to operate the dual fuel generator, a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from a liquid fuel source through a liquid fuel line and the pressurized fuel source through the gaseous fuel line and that opens and closes the liquid fuel line to selectively control fuel flow from the liquid fuel source to the dual fuel generator, and a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the pressurized fuel source from coupling to the gaseous fuel line while the mechanical fuel valve opens the liquid fuel line and permit the pressurized fuel source to couple to the gaseous fuel line while the mechanical fuel valve closes the liquid fuel line, as called for in claim 6 of U.S. Patent No. 11,530,654. Furthermore, each of the foregoing Firman generator models specifically includes a generator free of any pressure regulator and a fuel regulator system located off-board the generator and configured to regulate a gaseous fuel supplied from a pressurized fuel source in a first stage down to a reduced pressure and regulate the reduced pressure gaseous fuel in a second stage down to a desired pressure for delivery through a gaseous fuel line to operate the generator, as called for in claim 10 of U.S. Patent No. 11,530,654. Therefore, each of the foregoing Firman generator models infringes at least claims 1, 6, and 10 of U.S. Patent No. 11,530,654.

ANSWER: Firman denies the allegations of paragraph 109.

110. 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. 11,530,654.

ANSWER: Firman denies the allegations of paragraph 110.

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

ANSWER: Firman denies the allegations of paragraph 111.

112. 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 112.

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

113. Paragraphs 1 through 112 are incorporated by reference as if fully set forth herein.

ANSWER: Firman repeats its responses to paragraphs 1 through 112 as if fully set forth here.

114. U.S. Patent No. 11,761,390 is titled "DUAL FUEL SELECTOR SWITCH." U.S. Patent No. 11,761,390 was duly and legally issued on September 19, 2023. A true and correct copy of U.S. Patent No. 11,761,390 is attached as Exhibit J.

ANSWER: Firman admits that U.S. Patent No. 11,761,390 is titled "DUAL FUEL SELECTOR SWITCH" and lists the issuance date on the face of the patent as September 19, 2023. Firman admits that what purports to be a copy of the '390

patent is attached to the complaint. The remaining allegations of paragraph 114 are denied.

115. Champion is the lawful assignee of the entire right, title, and interest in and to U.S. Patent No. 11,761,390 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 115.

116. 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 WH02942, a dual fuel inverter portable generator;

r. Model WH03041, a dual fuel inverter portable generator;

s. Model WH03042, a dual fuel inverter portable generator;

t. Model WH03242, a dual fuel inverter portable generator;

u. Model WH03344, a dual fuel inverter portable generator;

v. Model WH03562OF, a dual fuel open frame inverter portable generator; and

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

ANSWER: Firman admits it makes, uses, sells, or offers for sales within the United States, or imports into the United States, the models listed in paragraph 116(a) through 116(w). Firman lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 116.

117. Upon acquisition, disassembly as needed, review of owner's manuals and electrical schematics, and inspection, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 of U.S. Patent No. 11,761,390 and, specifically, that each of the foregoing Firman generator models includes a selector switch having a first fuel mode configured to enable a first fuel flow from a first fuel source to an engine of a dual fuel generator and a second fuel mode configured to enable a second fuel flow from a second fuel source to the engine of the dual fuel generator, a fuel solenoid having open and closed positions, and a solenoid switch having a closed position to activate the fuel solenoid and an open position, wherein, when the selector switch is in the first fuel mode, the fuel solenoid is in the closed position and, when the selector switch is in the second fuel mode, the solenoid switch is in the open position and the fuel solenoid is in the open position, as called for in claim 1 of U.S. Patent No. 11,761,390. Therefore, each of the foregoing Firman generator models infringes at least claim 1 of U.S. Patent No. 11,761,390.

ANSWER: Firman denies the allegations of paragraph 117.

118. 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;

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

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

g. Model WH03242F, a refurbished dual fuel inverter portable generator; and

h. Model WH03342, a dual fuel inverter portable generator.

ANSWER: Firman denies the allegations of paragraph 118(c). Firman admits the remaining allegations of paragraph 118.

119. 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 Paragraph 116, it was determined that each of the foregoing Firman generator models includes all of the elements of at least claim 1 of U.S. Patent No. 11,761,390 and, specifically, that each of the foregoing Firman generator models includes a selector switch having a first fuel mode configured to enable a first fuel flow from a first fuel source to an engine of a dual fuel generator and a second fuel mode configured to enable a second fuel flow from a second fuel source to the engine of the dual fuel generator, a fuel solenoid having open and closed positions, and a solenoid switch having a closed position to activate the fuel solenoid and an open position, wherein, when the selector switch is in the first fuel mode, the fuel solenoid is in the

closed position and, when the selector switch is in the second fuel mode, the solenoid switch is in the open position and the fuel solenoid is in the open position, as called for in claim 1 of U.S. Patent No. 11,761,390. Therefore, each of the foregoing Firman generator models infringes at least claim 1 of U.S. Patent No. 11,761,390.

ANSWER: Firman denies the allegations of paragraph 119.

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

ANSWER: Firman denies the allegations of paragraph 120.

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

ANSWER: Firman denies the allegations of paragraph 121.

122. 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 122.

CHAMPION'S PRAYER FOR RELIEF

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

AFFIRMATIVE DEFENSES

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

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

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

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

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

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

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

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

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

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

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

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

COUNTERCLAIM

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

NATURE AND BASIS OF THE ACTION

1. Through its counterclaim, Firman seeks declaratory judgment that United States Patent Nos. 10,697,398 (the "'398 patent"); 11,143,120 (the "120 patent"); 11,143,145 (the "'145 patent"); 11,492,985 (the "'985 patent"); and 11,530,654 (the "'654 patent") (collectively "the Inequitable Conduct Patents") are unenforceable because they were obtained through inequitable conduct before the U.S. Patent and Trademark Office ("USPTO").

PARTIES

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

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

JURISDICTIONAND VENUE

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

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

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

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

THE INEQUITABLE CONDUCT PATENT FAMILY

8. The Inequitable Conduct Patents, along with U.S. Patent No. 10,393,034 (the "'034 patent"), belong to a patent family whose parent is U.S. Patent No. 10,221,780 (the "'780 patent"). In this Action, Champion alleges Firman infringes the Inequitable Conduct Patents, the '780 patent, and the '034 patent (collectively, "the Inequitable Conduct Patent Family"), along with three patents that belong to a second patent family.

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

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

CHAMPION'S INSPECTION OF FIRMAN'S PRIOR ART MODEL

11. On information and belief, Champion is owned and/or operated by Dennis M. Trine, Lei Zhao and Jiehui "Joyce" Ma (the "Champion Managers").

12. On information and belief, the Champion Managers direct or participate in the development and execution of Champion's intellectual property strategy, including prosecution and enforcement of Champion's patents. On information and belief, the

Champion Managers communicate directly with counsel for Champion concerning intellectual property prosecution and enforcement.

13. On information and belief, in 2019, the Champion Managers directed Champion's counsel, Sam Sumitami, to assert the '034 patent against Firman immediately after it issued.

14. On September 9, 2019, less than two weeks after issuance of the '034 patent, Mr. Sumitami sent a demand letter on behalf of Champion to Firman, accusing Firman of infringing the '034 patent. Champion's letter accused the following models of infringement: WH02942, WH03041, WH03042, H03651, H03652, H05752, H05753, H05754, H07552, H08051, H08053 (collectively, the "2019 Accused Models").

15. On information and belief, the purported inventors of the '034 patent, Kendall J. Collie, Mark J. Sarder, Alkeo D. Sotiriades, James J. Dehn, and Leigh Jenison (collectively, the "'034 Purported Inventors") and/or the patent agents or attorneys who prosecuted the '034 patent, Timothy Ziolkowski and Jacob Fritz (collectively, the "'034 Prosecutors"), knew Champion was attempting to enforce the '034 patent against Firman as part of Champion's patent strategy.

16. On October 8, 2019, Firman sent a letter to Mr. Sumitami stating that an older model of Firman's dual fuel electric generators, the RD9000E, contained all of the features that Champion had identified as infringing in the 2019 Accused Models. For instance, the RD9000E generator includes an engine that can be operated with a liquid fuel and a gaseous fuel, that uses a liquid cutoff solenoid, a gaseous cutoff, and a switch to control which of the two fuel sources should be used. Firman explained the RD9000E had been on sale since well before the '034 patent's earliest potential effective filing date of June 12, 2015. The RD9000E therefore invalidated the '034 patent even under Champion's own theory of infringement.

17. On October 10, 2019, Champion requested documentary proof that the RD9000E generator was sold or used before its patent's priority date.

18. On October 18, 2019, Firman sent a letter to Mr. Sumitami that provided Champion with redacted business records showing Firman had sold the RD9000E since before the '034 patent's earliest potential effective filing date. Firman also invited Champion to inspect an example of the RD9000E generator at its counsel's office in Seattle, Washington.

19. On information and belief, Mr. Sumitami shared the information from Firman's October 8, 2019 and October 18, 2019 letters with the Champion Managers, including the fact that the RD9000E included all of the features that Champion had identified as infringing the '034 patent, and Firman's production of business records documenting Firman sales before the '034 patent's earliest potential effective filing date. On information and belief, Mr. Sumitami and/or the Champion Managers also shared this information with the '034 Purported Inventors and/or the '034 Prosecutors.

20. Champion accepted Firman's invitation to inspect the RD9000E generator. On November 20, 2019, Mr. Sumitami and Jim Miotto, Senior Technical Engineer at Champion, visited Firman's counsel's office in Seattle, Washington. Mr. Sumitami and Mr. Miotto spent several hours inspecting the example RD9000E generator. On information and belief, Mr. Sumitami and Mr. Miotto confirmed the RD9000E generator included all of the features that Champion had identified as infringing the '034 patent during their inspection. On information and belief, Mr. Sumitami and Mr. Miotto also observed the RD9000E generator included other features relevant to dual fuel engine and generator technology, such as the use of offboard regulators.

21. At the conclusion of Champion's visit, Mr. Sumitami sent an e-mail to Firman's counsel thanking Firman for allowing Champion to inspect the example RD9000E generator. Champion and Firman had no further communication about any alleged infringement of the '034 patent or any other Champion patent.

22. On information and belief, the information Mr. Sumitami and Mr. Miotto learned from their inspection of the example RD9000E generator was shared with Champion's Owners, the '034 Purported Inventors, and/or the '034 Prosecutors, all of

whom owed a duty of candor to the USPTO. On information and belief, the information shared included Mr. Sumitami and Mr. Miotto's conclusion that the RD9000E generator included all of the features that Champion had identified as infringing the '034 patent, as well as other features relevant to dual fuel engine and generator technology.

23. On information and belief, Champion knew full well that the prior public sales of the RD9000E generator rendered the '034 patent invalid at least under any infringement theory that would cover Firman's products. Champion therefore did not further contact Firman or otherwise attempt to continue asserting the '034 patent, until Champion initiated this Action five years later.

INTENTIONAL FAILURE TO DISCLOSE THE RD9000E GENERATOR

24. On information and belief, Champion's Owners, the '034 Purported Inventors, and/or the '034 Prosecutors committed inequitable conduct by failing to disclose the RD9000E generator to the examiners of the Inequitable Conduct Patents.

25. Champion's Owners, the '034 Purported Inventors, and/or the '034 Prosecutors continued to prosecute patents in the Inequitable Conduct Patent Family after its November 2019 inspection of the example RD9000E generator. This included the prosecution of the Inequitable Conduct Patents, which were all issued after November 20, 2019.

26. All of the '034 Purported Inventors were named inventors on three of the Inequitable Conduct Patents. All of the'034 Purported Inventors except for Kendall J. Collie were named inventors on the remaining two Inequitable Conduct Patents.

27. All of the '034 Prosecutors prosecuted the Inequitable Conduct Patents.

28. On information and belief, the Champion Managers discussed Champion's prosecution of the Inequitable Conduct Patents with the inventors and/or patent prosecutors for the Inequitable Conduct Patents. On information and belief, the

Champion Managers participated in or were involved with the preparation or prosecution of the Inequitable Conduct Patent applications.

29. On information and belief, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew Firman sold the RD9000E generator before the earliest effective priority date of the Inequitable Conduct Patents. On information and belief, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator included all of the features that Champion had identified as infringing the '034 patent because Mr. Sumitami and Mr. Miotto had inspected the example RD9000E for several hours and shared the results of that inspection with them. On information and belief, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator included other features relevant to dual fuel engine and generator technology for that same reason.

30. On information and belief, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew these facts were material to the prosecution of the Inequitable Conduct patents because they showed the RD9000E anticipated and/or made obvious the claims of the Inequitable Conduct Patents. Nonetheless, on information and belief, the Champion Managers, the '034 Purported Inventors, and/or the '034 Patent Prosecutors deliberately withheld information about the RD9000E generator during their prosecution of the Inequitable Conduct Patents.

31. The withheld information was material because the RD9000E generator specifically includes the features of at least one claim of each of the Inequitable Conduct Patents as alleged further below, thereby making it material, non-cumulative prior art. Had the RD9000E been disclosed to the examiners of the Inequitable Conduct Patents, the claims of the Inequitable Conduct Patents would not have issued.

32. The single most reasonable inference to be drawn from the evidence is that Champion's Owners, the '034 Purported Inventors, and/or the '034 Prosecutors intended to deceive the USPTO into issuing the claims of the Inequitable Conduct Patents by withholding this information.

COUNT ONE

Declaratory Judgment of Unenforceability of the '398 Patent

33. Firman repeats and incorporates by reference paragraphs 1 through 32 of this counterclaim.

34. The '398 patent is titled "BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF." The patent was issued on June 30, 2020.

35. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '398 patent.

36. All of the '034 Purported Inventors are listed as named inventors of the '398 patent.

37. All of the '034 Prosecutors participated in the prosecution of the '398 patent.

38. The Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '398 patent.

39. To the extent claims 1 and 57 of the '398 patent are construed to cover the Firman models that Champion accuses in this Action, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model includes all of the elements of at least claims 1 and 57 of the '398 patent. Namely, they knew that any construction of the '398 patent that covered the accused Firman models would have also meant that the RD9000E generator included the claimed dual fuel engine comprising: an engine operable on a gaseous fuel and a liquid fuel; 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 valve positioned along a liquid fuel line coupling the liquid fuel source to the carburetor; a gaseous fuel valve positioned along a gaseous fuel line coupling the gaseous fuel source to the carburetor; and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to

gaseous fuel. Additionally, they knew that any construction of the '398 patent that covered the accused Firman models would also have meant that the RD9000E generator included the claimed method of assembling a dual fuel engine comprising: providing an engine operable on a gaseous fuel and a liquid fuel; attaching a carburetor to an intake of the engine, the carburetor comprising: a throat to mix gaseous fuel with air and liquid fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat to provide liquid fuel; coupling a switch to the engine to change operation of the engine between gaseous fuel and liquid fuel; and attaching a liquid fuel cut-off to the carburetor to close the fuel passage upon actuation of the switch from liquid fuel to gaseous fuel. Therefore, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model anticipates these claims under their claim construction theory, rendering the claims of the '398 patent invalid.

40. The claims of Champion's '398 patent are unenforceable due to the inequitable conduct in the prosecution of the '398 patent's prosecution, i.e., the intentional failure to disclose the material information discussed above.

41. The claims of Champion's '398 patent are unenforceable due to the inequitable conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine of infectious unenforceability, including because Champion failed to disclose the material information discussed above.

42. But for Champion's intentional non-disclosure of the material information discussed above, the claims of the '398 patent would not have issued.

43. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '398 patent.

44. Firman is entitled to a judgment that the claims of the '398 patent are unenforceable due to Champion's inequitable conduct.

COUNT TWO

Declaratory Judgment of Unenforceability of the '120 Patent

45. Firman repeats and incorporates by reference paragraphs 1 through 32 of this counterclaim.

46. The '120 patent is titled "FUEL SYSTEM FOR A MULTI-FUEL INTERNAL COMBUSTION ENGINE." The patent was issued on October 12, 2021.

47. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '120 patent.

48. All of the '034 Purported Inventors are listed as named inventors of the '120 patent.

49. All of the '034 Prosecutors participated in the prosecution of the '120 patent.

50. The Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew that the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '120 patent.

51. To the extent claim 12 of the '120 patent is construed to cover the Firman models that Champion accuses in this Action, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model includes all of the elements of at least claim 12 of the '120 patent. Namely, they knew that any construction of the '120 patent that covered the accused Firman models would have also meant that the RD9000E generator included the claimed multi-fuel generator and fuel delivery system comprising: a multi-fuel internal combustion engine configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line; an alternator driven by the multi-fuel internal combustion engine; and a fuel regulator system comprising: a primary pressure regulator coupled to a service valve of the pressurized fuel source to regulate fuel supplied from the pressurized fuel source to a reduced pressure, and a secondary pressure regulator coupled to the primary pressure regulator to regulate fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the engine. Therefore, the Champion

Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model anticipates this claim under their claim construction theory, rendering the claims of the '120 patent invalid.

52. The claims of Champion's '120 patent are unenforceable due to the inequitable conduct in the prosecution of the '120 patent's prosecution, i.e., the intentional failure to disclose the material information discussed above.

53. The claims of Champion's '120 patent are unenforceable due to the inequitable conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine of infectious unenforceability, including because Champion failed to disclose the material information discussed above.

54. But for Champion's intentional non-disclosure of the material information discussed above, the claims of the '120 patent would not have issued.

55. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '120 patent.

56. Firman is entitled to a judgment that the claims of the '120 patent are unenforceable due to Champion's inequitable conduct.

COUNT THREE

Declaratory Judgment of Unenforceability of the '145 Patent

57. Firman repeats and incorporates by reference paragraphs 1 through 32 of this counterclaim.

58. The '145 patent is titled is titled "BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF." The patent was issued on October 12, 2021.

59. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '145 patent.

60. All of the '034 Purported Inventors are listed as named inventors of the '145 patent.

61. All of the '034 Prosecutors participated in the prosecution of the '145 patent.

62. The Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew that the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '145 patent.

63. To the extent claim 1 of the '145 patent is construed to cover the Firman models that Champion accuses in this Action, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model includes all of the elements of at least claim 1 of the '145 patent. Namely, they knew that any construction of the '145 patent that covered the accused Firman models would have also meant that the RD9000E generator included the claimed dual fuel generator comprising: an engine operable on a gaseous fuel and a liquid fuel; an electrical power generator driven by the engine and comprising 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 to provide a regulated voltage to the liquid fuel cut-off solenoid. Therefore, the Champion Managers, the '034 Purported Inventors, and/or the '034 Prosecutors knew the RD9000E generator model anticipates this claim under their claim construction theory, rendering the claims of the '120 patent invalid.

64. The claims of Champion's '145 patent are unenforceable due to the inequitable conduct in the prosecution of the '145 patent's prosecution, i.e., the intentional failure to disclose the material information discussed above.

65. The claims of Champion's '145 patent are unenforceable due to the inequitable conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine of infectious unenforceability, including because Champion failed to disclose the material information discussed above.

66. But for Champion's intentional non-disclosure of the material information discussed above, the claims of the '145 patent would not have issued.

67. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '145 patent.

68. Firman is entitled to a judgment that the claims of the '145 patent are unenforceable due to Champion's inequitable conduct.

COUNT FOUR

Declaratory Judgment of Unenforceability of the '985 Patent

69. Firman repeats and incorporates by reference paragraphs 1 through 32 of this counterclaim.

70. The '985 patent is titled is titled is titled "OFF-BOARD FUEL REGULATOR FOR GENERATOR ENGINE." The patent was issued on November 8, 2022.

71. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '985 patent.

72. All of the '034 Purported Inventors except for Kendall J. Collie are listed as named inventors of the '985 patent.

73. All of the '034 Prosecutors participated in the prosecution of the '985 patent.

74. The Champion Managers, the '034 Purported Inventors (except for Kendall J. Collie), and/or the '034 Prosecutors knew that the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '985 patent.

75. To the extent claims 11 and 16 of the '985 patent are construed to cover the Firman models that Champion accuses in this Action, the Champion Managers, the '034 Purported Inventors (except for Kendall J. Collie), and/or the '034 Prosecutors knew the RD9000E generator model includes all of the elements of at least claims 11 and 16 of the '985 patent. Namely, they knew that any construction of the '985 patent that covered the accused Firman models would have also meant that the RD9000E generator included the

claimed generator and fuel delivery system comprising: a generator comprising an engine configured to operate on a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator system located off-board the generator and comprising a first stage and a second stage, the fuel regulator system configured to: regulate the gaseous fuel supplied from the pressurized fuel source in the first stage, the gaseous fuel regulated down to a first reduced pressure in the first stage; and regulate the gaseous fuel output from the first stage in the second stage, the first reduced pressure gaseous fuel from the first stage being regulated down to a second reduced pressure in the second stage for delivery through the gaseous fuel line to operate the generator; wherein the fuel regulator system outputs gaseous fuel to the generator for operation of the engine at the second reduced pressure. Additionally, they knew that any construction of the '985 patent that covered the accused Firman models would also have meant that the RD9000E generator model included the claimed dual fuel generator and fuel delivery system comprising: a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising: a primary pressure regulator coupled to a service valve of the pressurized fuel source and configured to regulate the fuel supplied from the pressurized fuel source to a first reduced pressure; and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator down from the first reduced pressure to a second reduced pressure for delivery through the gaseous fuel line to operate the dual fuel generator; wherein the fuel regulator system outputs gaseous fuel to the dual fuel generator for operation thereof at the second reduced pressure. Therefore, the Champion Managers, the '034 Purported Inventors (except for Kendall J. Collie), and/or the '034 Prosecutors knew the RD9000E generator model anticipates these claims under their claim construction theory, rendering the claims of the '985 patent invalid.

76. The claims of Champion's '985 patent are unenforceable due to the inequitable conduct in the prosecution of the '985 patent's prosecution, i.e., the intentional failure to disclose the material information discussed above.

77. The claims of Champion's '985 patent are unenforceable due to the inequitable conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine of infectious unenforceability, including because Champion failed to disclose the material information discussed above.

78. But for Champion's intentional non-disclosure of the material information discussed above, the claims of the '985 patent would not have issued.

79. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '985 patent.

80. Firman is entitled to a judgment that the claims of the '985 patent are unenforceable due to Champion's inequitable conduct.

COUNT FIVE

Declaratory Judgment of Unenforceability of the '654 Patent

81. Firman repeats and incorporates by reference paragraphs 1 through 32 of this counterclaim.

82. The '654 patent is titled is titled "OFF-BOARD FUEL REGULATOR FOR GENERATOR ENGINE." The patent was issued on December 20, 2022.

83. On information and belief, the Champion Managers were substantively involved in the preparation or prosecution of the '654 patent.

84. All of the '034 Purported Inventors except for Kendall J. Collie are listed as named inventors of the '654 patent.

85. All of the '034 Prosecutors participated in the prosecution of the '654 patent.

86. The Champion Managers, the '034 Purported Inventors (except for Kendall J. Collie), and/or the '034 Prosecutors knew that the RD9000E generator model was sold or publicly shown before the earliest possible effective priority date of the '654 patent.

87. To the extent claim 6 of the '654 patent is construed to cover the Firman models that Champion accuses in this Action, the Champion Managers, the '034 Purported Inventors (except for Kendall J. Collie), and/or the '034 Prosecutors knew the RD9000E generator model includes all of the elements of at least claim 6 of the '654 patent. Namely, they knew that any construction of the '654 patent that covered the accused Firman models would have also meant that the RD9000E generator included the claimed dual fuel generator and fuel delivery system comprising: a dual fuel generator configured to operate on a liquid fuel supplied from a liquid fuel source through a liquid fuel line and a gaseous fuel supplied from a pressurized fuel source through a gaseous fuel line; a fuel regulator system located off board the dual fuel generator, the fuel regulator system comprising: a primary pressure regulator coupled to a service valve of the pressurized fuel source and configured to regulate the fuel supplied from the pressurized fuel source to a reduced pressure; and a secondary pressure regulator coupled to the primary pressure regulator and configured to regulate the gaseous fuel supplied from the primary pressure regulator to a desired pressure for delivery through the gaseous fuel line to operate the dual fuel generator; and a mechanical fuel valve actuatable between a first position and a second position to selectively control fuel flow to the dual fuel generator from the liquid fuel source through the liquid fuel line and the pressurized fuel source through the gaseous fuel line; and wherein mechanical fuel valve opens and closes the liquid fuel line to selectively control fuel flow from the liquid fuel source to the dual fuel generator; and further comprises: a fuel lockout apparatus coupled to the mechanical fuel valve and configured to prevent the pressurize fuel source from coupling to the gaseous fuel line while the mechanical fuel valve opens the liquid fuel line, and permit the pressurized fuel source to couple to the gaseous fuel line while the mechanical fuel valve closes the liquid fuel line. Therefore, the Champion Managers, the '034 Purported Inventors (except for Kendall J. Collie), and/or the '034 Prosecutors knew the RD9000E generator model anticipates this claim under their claim construction theory, rendering the claims of the '654 patent invalid.

88. The claims of Champion's '654 patent are unenforceable due to the inequitable conduct in the prosecution of the '654 patent's prosecution, i.e., the intentional failure to disclose the material information discussed above.

89. The claims of Champion's '654 patent are unenforceable due to the inequitable conduct in the prosecution of the Inequitable Conduct Patent Family under the doctrine of infectious unenforceability, including because Champion failed to disclose the material information discussed above.

90. But for Champion's intentional non-disclosure of the material information discussed above, the claims of the '654 patent would not have issued.

91. An actual and justiciable controversy exists between Firman and Champion as to the enforceability of the '654 patent.

92. Firman is entitled to a judgment that the claims of the '654 patent are unenforceable due to Champion's inequitable conduct.

PRAYER FOR RELIEF

Wherefore Firman respectfully requests the following relief:

A. That Champion's Complaint against Firman be dismissed in its entirety with prejudice and that a judgment be entered in favor of Firman and against Champion;

B. That Champion take nothing by reason of its Complaint;

C. That the Court declare that Firman has not infringed, and is not infringing, any valid and enforceable claim of the Asserted Patents, either directly or indirectly, literally or under the doctrine of equivalents, and that Firman has neither contributed to, nor induced infringement thereof by another;

D. That the Court declare that one or more the claims of the Asserted Patents are invalid;

E. That the Court declare that the '398 patent, the '120 patent, the '145 patent, the '985 patent, and the '654 patent are unenforceable;

F. That the Court enter an order under 35 U.S.C. § 285, awarding Firman its reasonable attorney's fees and costs of suit incurred in this litigation as an exceptional

case, because of, among other reasons, Champion's bad-faith assertion of patents that it knows to be invalid (in view of the RD9000E that Champion counsel physically inspected) or unenforceable (due to the inequitable conduct committed before the USPTO);

G. That Firman be granted all such other and further relief as the Court deems just and proper.

JURY DEMAND

Firman demands a trial by jury on all claims, defenses, and counterclaims so triable.

DATED this 31st day of January, 2024.

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