Exhibit K

Petitioner Ex 1051 001

<u>CHAMPION'S INFRINGEMENT CONTENTIONS FOR</u> <u>U.S. PATENT NO. 11,905,896</u> <u>AS ASSERTED AGAINST</u> <u>GENERAC MODEL DF3500E ET AL.</u> <u>FILING DATE: JUNE 7, 2023</u> <u>PRIORITY DATE: NOVEMBER 1, 2013</u>

I. <u>Generac Model DF3500E</u>



II. Brief Description

Generac Model DF3500E is a dual fuel portable generator under Generac's Powermate brand. Model DF3500E produces 4,375W (starting)/3,500W (running) when using gasoline and 4,000W (starting)/3,200W (running) when using liquified petroleum gas ("LPG"; also known as propane). Model DF3500E can operate at 50% load for up to 10 hours with its 4.5-gallon gasoline tank, up to 7 hours with a 20-pound LPG tank, or up to 10.5 hours with a 30-pound LPG tank. Model DF3500E has a battery-operated, push-button electric start and a recoil starter for its 208cc engine with a low oil shutoff. Model DF3500E also includes an automatic voltage regulator ("AVR"), four receptacles, circuit breaker protection, and a control panel with a digital multi-meter. Model DF3500E also has a fold-down locking handle and never flat wheels.

III. Accused Instrumentalities

Generac Model DF3500E and Generac Model DF7500E, which is also a dual fuel portable generator, are the Accused Instrumentalities that are alleged to infringe claims 7, 8, 14-16, 30-32, and 34-38 (the "Asserted Claims") of U.S. Patent No. 11,905,896 (the "896 Patent"). An image of Model DF7500E is provided below:



Generac Model DF7500E

IV. <u>Protocol</u>

For purposes of analyzing the Asserted Claims of the '896 Patent against the Accused Instrumentalities, Model DF3500E is considered representative. Model DF7500E includes the same components for switching between gaseous fuel and liquid fuel that infringe the claims of the '896 Patent in the same manner as discussed herein with respect to Model DF3500E and is thus an Accused Instrumentality. In both Accused Instrumentalities, the gaseous fuel is LPG, and the liquid fuel is gasoline.

Accordingly, while the claim chart provided below in Section VII is illustrated with reference to Model DF3500E, each element in the claim chart is found in Model DF7500E in the same manner as illustrated with reference to Model DF3500E.

V. <u>Priority Dates</u>

The priority date for the Asserted Claims of the '896 Patent is November 1, 2013.

VI. <u>Statement Regarding Contributory and Induced Infringement</u>

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

Generac induces infringement of various Asserted Claims by specifically instructing its customers to attach an LPG tank to the engine and to put liquid fuel in the liquid fuel tank. [See Generac Owner's Manual for Model DF3500E at 9 (listing gasoline quality requirements and instructing to "4. Slowing add recommended

fuel") and at 10 (providing instructions to "Connect LPG Tank" using the "LPG regulator connecting hose").] To the extent the Court construes any Asserted Claim to require an LPG tank, gaseous fuel, or liquid fuel for infringement, when Generac's customers use the Accused Instrumentalities with a filled LPG tank connected and with fuel in the liquid fuel tank, the infringement of any such Asserted Claims is completed. As such, Generac's instructions to customers to connect a filled LPG tank and fill the liquid fuel tank before operation of the Accused Instrumentalities constitutes indirect infringement.

For the same reasons, Generac's conduct also constitutes contributory infringement. To the extent the Court's claim construction requires an LPG tank, gaseous fuel, or liquid fuel for infringement, Generac supplies its customers every component necessary to infringe the Asserted Claims except the filled LPG tank and the liquid fuel. Because the Owner's Manual for Model DF3500E instructs customers to connect a filled LPG tank to the generator and to fill the liquid fuel tank with fuel, [*id.*], Generac knew that Model DF3500E would be used to infringe any applicable Asserted Claims. By connecting and using the Accused Instrumentalities with a filled LPG tank connected or with liquid fuel in the liquid fuel tank, Generac's customers complete the infringement of such Asserted Claims. As such, Generac's conduct also constitutes contributory infringement of such Asserted Claims.

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

'896 Patent Asserted	Accused Instrumentality Components Illustrated with Respect to Model DF3500
Claims	
7. (Preamble) A fuel	Although not necessary for infringement ¹ , the preamble of claim 7 is found within
selector for use with	Model DF3500E (and, thereby, Model DF7500E) as follows:
a dual fuel generator,	
the fuel selector	Model DF3500E includes a dual fuel engine that uses either LPG or gasoline. A fuel
comprising:	mode selector switch ("selector switch") is provided to allow a user to toggle between
	gasoline from the gasoline tank and LPG from the LPG tank.

VII. Claim Chart

¹ The preambles of the Asserted Claims of the '896 Patent are not limiting and therefore should not be part of the infringement analysis. *See Artic Cat Inc. v. GEP Power Prods., Inc.*, 919 F.3d 1320, 1328 (Fed. Cir. 2019) ("We have long ruled that 'a preamble is not limiting where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention.") (quoting *Cataline Mktg. Int'l, Inc. v. Coolsavings.com, Inc.*, 289 F.3d 801, 808 (Fed. Cir. 2002)). Nonetheless, Champion provides general description of Model DF3500E next to the preamble to show how it meets the preamble and to assist in the infringement analysis by giving an overview of the Accused Instrumentalities. Champion incorporates this footnote by reference in the preambles of all the Asserted Claims.



² To the extent further discovery or claim construction reveals that any of the Accused Instrumentalities do not literally infringe the '896 Patent, Champion reserves the right to argue the Accused Instrumentalities infringe any of the Asserted Claims of the '896 Patent under the doctrine of equivalents. Champion incorporates this footnote by reference into each element of each Asserted Claim that Champion alleges is literally infringed by the Accused Instrumentalities.

	LPG valve LPG valve Gasoline valve input from gasoline tank Gasoline Valve output Carburetor Gasoline solenoid Gasoline fuel line LPG valve input from LPG tank
	When the fuel mode selector switch is placed in an LPG Mode, the LPG valve is opened, the gasoline valve is closed, and the gasoline solenoid is closed. Hence, only the LPG fuel source is connected to the carburetor and engine. When the fuel mode selector switch is in Gasoline Mode, the gasoline valve is opened, the gasoline solenoid is opened due to actuation of the solenoid switch, and the LPG valve is closed. Thus, only the gasoline tank is in communication with the carburetor and engine when the selector switch is in Gasoline Mode.
	Each one of the LPG and gasoline valves can be opened and closed by rotating the selector switch. Gears inside the selector switch housing cause simultaneous actuation of each valve such that opening one valve closes the other. A solenoid switch is also triggered by the gears to activate a gasoline solenoid to open and close the flow of gasoline within the carburetor.
(a)(1) a first mechanical fuel valve having open and closed positions to selectively control the first fuel flow to the engine; and	 Element (a)(1) of claim 1 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Each of the LPG and gasoline valves are mechanical fuel valves with open and closed positions to selectively control the flow of LPG and gasoline, respectively, to the engine. Thus, either of the LPG and gasoline valves can be considered the first mechanical fuel valve.

	LPG Valve Gears Selector switch housing Solenoid switch Gasoline valve
(a)(2) a second mechanical fuel valve having open and closed positions to selectively control the second fuel flow to the engine; and	 Element (a)(2) of claim 7 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Each of the LPG and gasoline valves are mechanical fuel valves with open and closed positions to selectively control the flow of LPG and gasoline, respectively, to the engine. Thus, either of the LPG and gasoline valves can be considered the second mechanical fuel valve. For whichever one of the LPG and gasoline valves is selected as the first mechanical fuel valve, the other of the LPG and gasoline valves is selected as the second mechanical fuel valve.
(b) a selector switch movable with respect to the valve assembly to allow a user to manually select the first fuel flow or the second fuel flow.	Element (b) of claim 7 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: As explained above, the selector switch has LPG and Gasoline Modes to manually select one of an LPG fuel flow and a gasoline fuel flow. LPG Valve Gears Selector switch housing Solenoid switch Gasoline valve
8. The fuel selector of claim 7 wherein the selector switch provides for manual actuation of the first	Claim 8 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Champion incorporates by reference in claim 8 the contentions set forth above for claim 7.

fuel valve and the second fuel valve between the open and closed positions.	The selector switch provides for manual actuation of the LPG and gasoline valves between their open and closed positions via the gears within its housing.
14. (Preamble) The fuel selector of claim7 wherein:	Claim 14 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Champion incorporates by reference in claim 14 the contentions set forth above for claim 7.
(a) the first fuel valve is couplable to a liquefied petroleum gas (LPG) fuel source; and	Element (a) of claim 14 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: For claim 14, the first fuel valve is the LPG valve, which is couplable to the pressurized LPG tank.
(b) the second fuel valve is couplable to a gasoline source.	Element (b) of claim 14 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: For claim 14, the second fuel valve is the gasoline valve, which is couplable to the gasoline tank
15. (Preamble) A fuel selector for use with a dual fuel generator, the fuel selector comprising:	Although not necessary for infringement, the preamble of claim 15 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Model DF3500E includes a dual fuel engine that uses either LPG or gasoline. A fuel mode selector switch ("selector switch") is provided to allow a user to toggle between gasoline from the gasoline tank and LPG from the LPG tank. LPG inlet LPG inlet Fuel mode selector switch Fuel mode selector switch
(a) a valve assembly fluidly couplable to	Element (a) of claim 15 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:

each of a first fuel source and a second The valve assembly includes an LPG valve, a gasoline valve, and a gasoline solenoid fuel source and valve on the float bowl of the carburetor. The selector switch controls operation of the operable to valve assembly via gears and a solenoid switch during manual actuation by a user. One fuel source is a pressurized LPG tank that is fluidly connected to the generator with a selectively control a first fuel flow and a supplied LPG hose and has an associated LPG fuel flow. The other fuel source is the onsecond fuel flow board gasoline tank with an associated gasoline fuel flow. Both fuel sources feed fuel to from the first fuel the carburetor and engine. Either of the LPG tank and gasoline tank can be considered the first or second fuel source with the corresponding first or second fuel slow. source and the second fuel source. respectively, to an LPG Valve Gears engine of the dual Gasoline Mode LPG Mode fuel generator, the valve assembly Gasoline valve comprising: Solenoid Selector switch switch Selector switch housing LPG fuel line LPG valve output LPG valve Carburetor Gasoline valve Gasoline valve Gasoline solenoid input from gasoline tank Gasoline fuel line Selector switch LPG valve input Gasoline from LPG tank valve output When the fuel mode selector switch is placed in an LPG Mode, the LPG valve is opened, the gasoline valve is closed, and the gasoline solenoid is closed. Hence, only the LPG fuel source is connected to the carburetor and engine. When the fuel mode selector switch is in Gasoline Mode, the gasoline valve is opened, the gasoline solenoid is opened due to actuation of the solenoid switch, and the LPG valve is closed. Thus, only the gasoline tank is in communication with the carburetor and engine when the selector switch is in Gasoline Mode. Each one of the LPG and gasoline valves can be opened and closed by rotating the selector switch. Gears inside the selector switch housing cause simultaneous actuation of each valve such that opening one valve closes the other. A solenoid switch is also

	triggered by the gears to activate a gasoline solenoid to open and close the flow of gasoline within the carburetor.
(a)(1) a first fuel valve having open and closed positions	Element (a)(1) of claim 15 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
to selectively control the first fuel flow to the engine; and	Each of the LPG and gasoline valves have open and closed positions to selectively control the flow of LPG and gasoline, respectively, to the engine. Thus, either of the LPG and gasoline valves can be considered the first fuel valve.
(a)(2) a second fuel valve having open and closed positions	Element (a)(2) of claim 15 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
to selectively control the second fuel flow to the engine; and	Each of the LPG and gasoline valves have open and closed positions to selectively control the flow of LPG and gasoline, respectively, to the engine. Thus, either of the LPG and gasoline valves can be considered the second fuel valve. For whichever one of the LPG and gasoline valves is selected as the first fuel valve, the other of the LPG and gasoline valves is selected as the second fuel valve.
(b) at least one valve handle mechanically coupled to the first	Element (b) of claim 15 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
fuel valve and the second fuel valve to selectively open and close the first fuel valve and the second fuel valve responsive to actuation thereof so as to enable the first fuel flow to the engine or the second fuel flow to the engine.	As explained above, the selector switch has LPG and Gasoline Modes to manually select one of an LPG fuel flow and a gasoline fuel flow. The selector switch is a valve handle mechanically coupled to the LPG and gasoline valves via its gears to selectively open and close the LPG and gasoline valves responsive to actuation thereof so as enable the LPG fuel flow to the engine or the gasoline fuel flow to the engine.
16. The fuel selector of claim 15 wherein	Claim 16 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
handle enables only one of the first and second fuel flows to the engine at a given time.	Champion incorporates by reference in claim 16 the contentions set forth above for claims 14 and 15.

	The selector switch enables only one of the LPG fuel flow and the gasoline fuel flow by its gears simultaneously controlling the LPG and gasoline valves to open and close such that only one of the LPG and gasoline valves can be open to the engine at a given time.
30. (Preamble) A fuel selector for use with a dual fuel	Although not necessary for infringement, the preamble of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
generator, the fuel selector comprising:	Model DF3500E includes a dual fuel engine that uses either LPG or gasoline. A fuel mode selector switch ("selector switch") is provided to allow a user to toggle between gasoline from the gasoline tank and LPG from the LPG tank.
	LPG inlet LPG inlet LPG inlet LPG ink closed, attach_LPG regula- connecting hose into valve. Turn plastic upling from the hose right (clockwise) to tiphten hose assembly onto LPG tank. See Figure 2-15. LPG hose Figure 2-15. Figure 2-15. Connect Hose Assembly to LPG
(a) a valve assembly fluidly couplable to	Element (a) of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
each of a first fuel source and a second fuel source and operable to selectively control a first fuel flow and a second fuel flow from the first fuel source and the second fuel source,	The valve assembly includes an LPG valve, a gasoline valve, and a gasoline solenoid valve on the float bowl of the carburetor. The selector switch controls operation of the valve assembly via gears and a solenoid switch during manual actuation by a user. One fuel source is a pressurized LPG tank that is fluidly connected to the generator with a supplied LPG hose and has an associated LPG fuel flow. The other fuel source is the onboard gasoline tank with an associated gasoline fuel flow. Both fuel sources feed fuel to the carburetor and engine. Either of the LPG tank and gasoline tank can be considered the first or second fuel source with the corresponding first or second fuel slow.
respectively, to an engine of the dual fuel generator, the valve assembly comprising:	LPG Mode Gasoline Mode Gears Gasoline valve Gears Selector switch Selector switch housing Solenoid switch

	LPG valve LPG valve output LPG fuel line Gasoline valve input from gasoline tank Gasoline tank Gasoline valve input from gasoline tank Gasoline fuel line LPG valve input from LPG valve input from LPG tank
	When the fuel mode selector switch is placed in an LPG Mode, the LPG valve is opened, the gasoline valve is closed, and the gasoline solenoid is closed. Hence, only the LPG fuel source is connected to the carburetor and engine. When the fuel mode selector switch is in Gasoline Mode, the gasoline valve is opened, the gasoline solenoid is opened due to actuation of the solenoid switch, and the LPG valve is closed. Thus, only the gasoline tank is in communication with the carburetor and engine when the selector switch is in Gasoline Mode. Each one of the LPG and gasoline valves can be opened and closed by rotating the
	selector switch. Gears inside the selector switch housing cause simultaneous actuation of each valve such that opening one valve closes the other. A solenoid switch is also triggered by the gears to activate a gasoline solenoid to open and close the flow of gasoline within the carburetor.
(a)(1) two fuel inputs comprising:	Element (a)(1) of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Each of the LPG and gasoline valves includes a fuel input couplable to the LPG tank and the gasoline tank, respectively.
	LPG valve LPG valve Gasoline valve input from gasoline tank Gasoline Valve output LPG fuel line Carburetor Gasoline solenoid Gasoline fuel line LPG valve input from LPG valve input from LPG tank

CHAMPION'S INFRINGEMENT CONTENTIONS FOR U.S. PATENT NO. 11,905,896 AS ASSERTED AGAINST GENERAC MODEL DF3500E ET AL.

(a)(1)(A) a first fuel input couplable to the first fuel source;	Element (a)(1)(A) of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
and	The input of either of the LPG and gasoline valves may be considered the first fuel input.
(a)(1)(B) a second fuel input couplable to the second fuel source; and	Element (a)(1)(B) of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
	The input of either of the LPG and gasoline valves may be considered the second fuel input. For whichever one of the LPG and gasoline valve inputs is selected as the first fuel input, the other of the LPG and gasoline valve inputs is selected as the second fuel input.
(a)(2) two fuel outputs configured to selectively supply	Element (a)(2) of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
fuel to the engine from the first fuel source or the second fuel source; and	Each of the LPG and gasoline valves includes a fuel output supplying LPG from the LPG tank and gasoline from the gasoline tank, respectively.
(b) a selector switch positioned on the valve assembly to	Element (b) of claim 30 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
allow a user to manually select the first fuel flow or the second fuel flow.	As explained above, the selector switch has LPG and Gasoline Modes to manually select one of an LPG fuel flow and a gasoline fuel flow.
31. The fuel selector of claim 30 wherein the two fuel outputs	Claim 31 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
are configured to selectively supply fuel to the engine	Champion incorporates by reference in claim 31 the contentions set forth above for claim 30.
from only one of the first and second fuel sources responsive to selection of the first fuel flow or the second fuel flow via the selector switch	The fuel outputs of the LPG and gasoline valves are configured to selectively supply fuel to the engine from only one of the LPG tank and the gasoline tank responsive to selection of the LPG or gasoline fuel flow via the selector switch. The selector switch enables only one of the LPG and gasoline valve outputs to supply fuel to the engine by its gears simultaneously controlling the LPG and gasoline valves to open and close such that only one of the LPG and gasoline valves can be open to the engine at a given time.

and a corresponding operation of the valve assembly.	
32. (Preamble) The fuel selector of claim 30 wherein the valve assembly comprises:	Claim 32 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Champion incorporates by reference in claim 32 the contentions set forth above for claim 30.
(a) a first fuel valve having open and	Element (b) of claim 32 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
selectively control the first fuel flow to the engine; and	Each of the LPG and gasoline valves have open and closed positions to selectively control the flow of LPG and gasoline, respectively, to the engine. Thus, either of the LPG and gasoline valves can be considered the first fuel valve.
(b) a second fuel valve having open and closed positions	Element (b) of claim 32 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
to selectively control the second fuel flow to the engine.	Each of the LPG and gasoline valves have open and closed positions to selectively control the flow of LPG and gasoline, respectively, to the engine. Thus, either of the LPG and gasoline valves can be considered the second fuel valve. For whichever one of the LPG and gasoline valves is selected as the first fuel valve, the other of the LPG and gasoline valves is selected as the second fuel valve.
34. The fuel selector of claim 32 wherein the first fuel velve	Claim 34 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
and the second fuel valve are non-	Champion incorporates by reference in claim 34 the contentions set forth above for claims 30 and 32.
valves.	The LPG and gasoline valves are non-solenoid, mechanical valves.
35. The fuel selector of claim 32 wherein the selector switch	Claim 35 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:
provides for manual actuation of the first fuel valve and the	Champion incorporates by reference in claim 35 the contentions set forth above for claims 30 and 32.
second fuel valve between the open and closed positions.	The selector switch provides for manual actuation of the LPG and gasoline valves between their open and closed positions via the gears within its housing.

36. The fuel selector of claim 30 further comprising a carburetor solenoid switch configured to activate an associated carburetor solenoid when actuated.	 Claim 36 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Champion incorporates by reference in claim 36 the contentions set forth above for claim 30. The selector switch housing includes within it a carburetor solenoid switch that is actuated by the gears when the selector switch is actuated between LPG Mode and Gasoline Mode. When in LPG Mode, the solenoid switch is actuated to cause the carburetor gasoline solenoid to block the flow of liquid gasoline in the carburetor.
	Selector switch housing Gasoline valve Carburetor LPG valve Gasoline solenoid LPG valve Gasoline valve Carburetor LPG valve Gasoline solenoid
37. The fuel selector of claim 36 wherein, when the selector switch is in a first position, the selector switch actuates the carburetor solenoid switch so as to activate the carburetor solenoid and prohibit the second fuel flow to the engine.	 Claim 37 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows: Champion incorporates by reference in claim 37 the contentions set forth above for claims 30 and 36. For claim 37, the first position of the selector switch is LPG Mode, and the second fuel flow is the gasoline fuel flow. When the selector switch is in the LPG mode, the selector switch actuates the solenoid switch via its gears so as to activate the carburetor solenoid and prohibit the flow of gasoline to the engine.
38. The fuel selector of claim 37 wherein, when the selector switch is in a second	Claim 38 is found within Model DF3500E (and, thereby, Model DF7500E) directly and literally as follows:

position, the carburetor solenoid	Champion incorporates by reference in claim 38 the contentions set forth above for claims 30, 36, and 37.
allows the second fuel flow to the engine.	When the selector switch is in the Gasoline Mode, the carburetor solenoid is open to allow the gasoline flow to the engine.