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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 10598101 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10598101 (the "10598101 Patent"). After preliminary review, we have substantial concerns about the validity, enforceability, and scope of the asserted claims, summarized below. We reserve all rights and defenses.

1. Subject Patent — Summary

Here is a concise summary of US Patent 10,598,101.

Title: Dual fuel selector switch

Assignee: Champion Power Equipment Inc

Inventors:

- Mark J. Sarder
- Leigh Jenison
- Ian Schmit

Filing Date: February 4, 2016

Issue Date: March 24, 2020

Abstract:

A fuel selector for use with a dual fuel generator includes a selector plate, a first fuel valve assembly positioned adjacent the selector plate and actuatable between an ON position and an OFF position to selectively control a first fuel flow to an engine of the dual fuel generator, and a second fuel valve assembly positioned adjacent the selector plate and actuatable between an ON position and an OFF position to selectively control a second...

2. Validity Concerns under 35 U.S.C. § 102 — Prior Art

We have identified prior-art references that, in our preliminary view, anticipate one or more

asserted claims of the 10598101 Patent:

Analysis of Prior Art for U.S. Patent 10,598,101

This analysis details the most relevant prior art cited by the examiner during the prosecution of U.S. Patent 10,598,101. Each reference is evaluated for its potential to anticipate the independent claims of the '101 patent under 35 U.S.C. § 102.

1. U.S. Patent 4,393,848 A

- Full Citation: US 4,393,848 A, "Control mechanism for selectively operating an internal combustion engine on two fuels"
- Publication Date: July 19, 1983
- Filing Date: October 23, 1981
- Assignee: Outboard Marine Corporation
- Brief Description: This patent discloses a control mechanism for a dual-fuel internal combustion engine. It features a single control lever that operates two separate fuel control valves. The lever is designed so that movement in one direction opens one valve while closing the other, and vice versa. This ensures that only one type of fuel is supplied to the engine at any given time, preventing the mixing of fuels. The mechanism is purely mechanical.
- Potential Anticipation:
Claim 1 & 18: This patent appears to disclose all the...

3. Obviousness under 35 U.S.C. § 103

Independent of § 102, we believe the asserted claims are obvious in view of combinations of prior art that a person having ordinary skill in the art would have been motivated to combine:

Based on the prior art cited in US Patent 10,598,101, there is a strong argument that the claims would be considered obvious under 35 U.S.C. § 103 to a person having ordinary skill in the art (PHOSITA).

Standard for Obviousness

Under 35 U.S.C. § 103, a patent claim is invalid as "obvious" if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. An obviousness analysis can be based on a combination of multiple prior art references, but there must have been a reason or motivation for a PHOSITA to combine their teachings.

Person Having Ordinary Skill in the Art (PHOSITA)

For this technology, a PHOSITA would be an engineer or technician with experience in designing fuel systems for small internal combustion engines, such as those used in portable generators. This person would be familiar with common fuel system components like carburetors, fuel valves, solenoids, and basic mechanical and electrical control mechanisms....

4. Litigation History of the Patent

Public records reflect that the 10598101 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Champion Power Equipment Inc. v. Generac Power Systems Inc. — 2:24-cv-01281 · U.S. District Court for the Eastern District of Wisconsin · filed 2024-10-09 · ongoing

- Champion Power Equipment Inc. v. Westinghouse Electric Corp. et al. — 2:25-cv-00844 · U.S. District Court for the District of Nevada · filed 2025-05-14 · ongoing
- Harbor Freight Tools USA Inc. et al. v. Champion Power Equipment, Inc. — IPR2025-00951 · U.S. Patent and Trademark Office, Patent Trial and Appeal Board · filed 2025-01-01 · pending

5. Request

In light of the foregoing, we request that your client (i) provide a detailed claim chart identifying each accused product or service and mapping every limitation of each asserted claim, (ii) identify any prior art known to your client, including any references cited during prosecution or reexamination, and (iii) substantiate the basis for any damages or licensing demand. We are prepared to discuss the matter further once we have received and reviewed the foregoing.

Sincerely,

[Your Name]

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