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FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

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STEPHEN P. MORGAN, CLERK  
U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT  
OF INDIANA

HEARTLAND RECREATIONAL VEHICLES, )  
LLC )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
FOREST RIVER, INC. )  
 )  
Defendant. )

Civil Action No.

3:08CV 490

**COMPLAINT**

Plaintiff, Heartland Recreational Vehicles, LLC (“Heartland” or “Plaintiff”) avers as follows:

**The Parties**

1. Heartland is a company organized and existing under the laws of the State of Indiana and has its principle place of business at 1001 All-Pro Drive, Elkhart, Indiana 46514.
2. Heartland is the assignee of record of United States Patent No. 7,278,650.
3. Heartland is a leading manufacturer of travel trailers.
4. Upon information and belief, Defendant Forest River, Inc. (“Forest River” or “Defendant”) is a corporation, organized and existing under the laws of the State of Indiana and has its principle place of business at 55470 County Road 1, Elkhart, Indiana 46514.

**Jurisdiction and Venue**

5. This Court has original jurisdiction over the subject matter of this action pursuant to the provisions of Title 28, United States Code (“U.S.C.”) §§ 1331 and 1338(a), because the action arises under the Patent Laws of the United States, Title 35 U.S.C. § 100, et. seq.

6. Upon information and belief, Forest River is subject to personal jurisdiction in this district because, *inter alia*, it directly and through its agents regularly does, solicits, and transacts business in the Northern District of Indiana.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b).

### COUNT I

#### Infringement of United States Patent No. 7,278,650

8. Heartland hereby incorporates by reference the allegations set forth in paragraphs 1 through 7 as if fully set forth herein.

9. On October 9, 2007, United States Patent No. 7,278,650 (the “650 patent”), entitled “Travel Trailer Having Improved Turning Radius” was duly and legally issued to Heartland, as assignee. A copy of the ‘650 patent is attached hereto as Exhibit A.

10. Possessing all substantial rights to the ‘650 patent and the ‘650 patent being in full force and effect, Heartland has the right to sue for any infringement thereof.

11. Upon information and belief, Forest River is infringing the ‘650 patent, either directly or contributorily, by making, using, selling, offering for sale, or supplying travel trailers, including Forest River’s Silverback product, all in violation of 35 U.S.C. § 271 et seq., and will continue to do so unless enjoined by this Court.

12. By reason of Forest River’s acts of infringement, Heartland has suffered and is suffering damages, including impairment of the value of the ‘650 patent, in an amount yet to be determined.

13. Forest River’s acts of infringement are causing irreparable harm to Heartland and will continue to cause irreparable harm unless enjoined by this Court.

14. Upon information and belief, Forest River's continued infringement of the '650 patent is willful and justifies a trebling of damages pursuant to 35 U.S.C. § 284. Further, this is an exceptional case supporting an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

**RELIEF REQUESTED**

WHEREFORE, Heartland requests that the Court enter a judgment in Heartland's favor against Forest River, and provide Heartland the following relief:

- A. Order, adjudge and decree that Forest River has infringed the '650 patent in violation of 35 U.S.C. § 271;
- B. Issue preliminary and permanent injunctive relief prohibiting Forest River and its respective parents, subsidiaries, principals, officers, directors, agents, attorneys, employees and all others in privity with it from infringing the '650 patent pursuant to 35 U.S.C. § 283.
- C. Award Heartland its damages for patent infringement, and prejudgment interest and costs against Forest River pursuant to 35 U.S.C. § 284.
- D. Order, adjudge and decree that Forest River's infringement of the '650 patent has been deliberate, willful and wanton;
- E. Order, adjudge and decree that Forest River's infringement of the '650 patent has been exceptional under 35 U.S.C. § 285;
- F. Trebling said damage award under 35 U.S.C. § 284;
- G. Award Heartland its reasonable attorneys' fees under 35 U.S.C. § 285; and
- H. Award such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Heartland hereby demands a trial by jury for each and every issue so permitted by law and statute.

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