

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

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|--------------------------------------|---|------------------------------|
| HEARTLAND RECREATIONAL VEHICLES, LLC |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 3:08-CV-490 RLM CAN |
| vs. |) | |
| |) | |
| FOREST RIVER, INC. |) | |
| |) | |
| Defendant. |) | |

**SURREPLY IN OPPOSITION TO
FOREST RIVER'S MOTION TO COMPEL DOCUMENT PRODUCTION**

In the Joint Response to Forest River's Motion to Compel Document Production (the "Response"), Heartland Recreational Vehicles, LLC ("Heartland") noted that it was in the process of searching for a bill related to a professional prior art search with respect to U.S. Patent No. 7,278,650 (the "'650 patent"), one that Forest River believes must exist. In the Response, Heartland stated the following:

That said, Heartland is currently in the process of searching its financial records for the relevant time period to see if it can locate any bill related to a professional prior art search with respect to the '650 patent. Heartland has completed its search for the relevant time periods in 2005. That search did not yield a bill for a professional prior art search related to the prosecution of the '650 patent. Heartland's financial records from 2004 are not loaded into its accounting software. Hence, a search of those records will have to be done manually. Heartland is currently in the process of conducting a reasonable, manual search through its financial records for the year 2004. If that exploration yields a bill for a professional prior art search related to the prosecution of the '650 patent, Heartland will immediately produce that bill to Forest River. However, if, as expected, Heartland is unable to find such a bill, then an order to compel production of such a bill would be futile, for Heartland would have nothing to produce.

(DE 93, p. 6.)

Since filing the Response, Heartland's Chief Financial Officer has searched its 2004 billing records and sorted through the file folders associated with each Heartland supplier. Heartland's Chief Financial Officer did not locate a bill for research services related to the prosecution of the '650 patent. Thus, even if the Court were to order Heartland to produce all billing records related to a professional prior art search in connection with the '650 patent, Heartland would have nothing to produce.

BAKER & DANIELS LLP

By: /s/ David P. Irmischer

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CERTIFICATE OF SERVICE

The undersigned counsel for plaintiff, Heartland Recreational Vehicles, LLC, hereby certifies that a copy of the foregoing was served upon the following, this 12th day of March, 2010 by operation of the Court's ECF System.

Ryan M. Fountain
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/s/ David P. Irmischer

David P. Irmischer