

**UNITED STATES DISTRICT COURT**  
Northern District of Indiana  
South Bend Division

HEARTLAND RECREATIONAL	)	
VEHICLES, LLC,	)	
Plaintiff,	)	
	)	
	)	
v.	)	CASE NO.: 3:08-cv-490 JD
	)	
FOREST RIVER, INC.,	)	
Defendant.	)	

**HEARTLAND'S MOTION FOR SUMMARY JUDGMENT**

Forest River, Inc. ("Forest River") asserts three counterclaims against Heartland Recreational Vehicles, LLC ("Heartland"): (1) inequitable conduct in the prosecution of U.S. Patent No. 7,278,650; (2) "passing off" or "palming off" in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A); and (3) criminal deception in violation of Ind. Code §§ 35-43-5-3(6) & 34-24-3-1. The arguments and evidence in support of this Motion are set forth in the Memorandum and Statement of Undisputed Material Facts filed herewith.

No issue of material fact exists with respect to any of Forest River's counterclaims, and Heartland is entitled to summary judgment as a matter of law. Fed. R. Civ. P. 56(c).

BAKER & DANIELS LLP

By: */s/ David P. Irmischer*

\_\_\_\_\_  
David P. Irmischer (#15026-02)

Abigail M. Butler (#22295-02)

Peter A. Meyer (#27968-53)

111 East Wayne, Suite 800

Fort Wayne, Indiana 46802

Tel: 260.424.8000

Fax: 260.460.1700

david.irmscher@bakerd.com

abigail.butler@bakerd.com

peter.meyer@bakerd.com

ATTORNEYS FOR PLAINTIFF,  
HEARTLAND RECREATIONAL  
VEHICLES, LLC

**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 2nd day of November, 2010, by operation of the Court's electronic filing system:

Ryan M. Fountain  
420 Lincoln Way West  
Mishawaka, Indiana 46544-1902

*/s/ David P. Irmischer*

\_\_\_\_\_  
David P. Irmischer