

Exh. P

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

HEARTLAND RECREATIONAL VEHICLES,
LLC

Plaintiff,

vs.

FOREST RIVER, INC.

Defendant.

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) Case No. 3:08-CV-490 AS CAN
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**HEARTLAND'S AMENDED NOTICE OF DEPOSITION
TO FOREST RIVER, INC. PURSUANT TO RULE 30(b)(6)**

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, notice is hereby given that the plaintiff, Heartland Recreational Vehicles, LLC ("Heartland"), will take the deposition of Forest River, Inc. ("Forest River") on September 3, 2009, at 10:00 a.m., at the offices of Ryan M. Fountain, 228 West High Street, Elkhart, Indiana 46514.

The testimony at the deposition shall be recorded by sound, visual and/or stenographic means.

Heartland requests that Forest River designate one or more officers, directors, managing agents, or other persons duly authorized by Forest River to testify at the deposition, in accordance with Rule 30(b)(6), and who consent to testify on its behalf. Heartland also requests that, for each such person designated, Forest River also designate the matter(s) on which he or she will testify.

As used in this Notice, the term "Patent in Suit" refers to U.S. Patent No. 7,278,650, and the term "Hotel Action" refers to the factual scenario set forth in paragraphs 73-84 of Forest

River's Amended Answer, Counterclaims, and Defenses, and which is alleged to support Forest River's Lanham Act and Criminal Deception counterclaims against Heartland.

Examination is requested on the following matters:

1. All responses to Heartland's Interrogatories directed to Forest River.
2. All documents produced in response to Heartland's Requests For Production of Documents directed to Forest River.
3. Any basis that Forest River contends supports its defense that the Patent in Suit is invalid pursuant to the provisions of 35 U.S.C. §§ 101, 102, 103, and 112.
4. All documents or things that Forest River alleges are invalidating prior art to the Patent in Suit.
5. Any basis that Forest River contends supports its defense that the Patent in Suit is unenforceable as a result of inequitable conduct.
6. Whether Forest River requested any opinions of counsel that refer or relate to the issues of validity and/or enforceability of the subject matter of the Patent in Suit, and if so, the content of any such opinion communicated to Forest River.
7. All lost sales or damages that Forest River alleges were the result of the Hotel Action.
8. All misrepresentations or untruthful statements that Forest River alleges were made by Heartland in connection with the Hotel Action, including but not limited to, any misrepresentations or untruthful statements alleged to have been made by Heartland in an effort to obtain Forest River's customer list in connection with the Hotel Action.

9. All communications with anyone about Forest River's customer list, including but not limited to, communications with Mike Creech, Brad Whitehead, Brian Brady, or Tim Hoffman.

10. All communications with any hotel personnel regarding the Hotel Action.

11. All evidence of any disruption or confusion (including initial interest confusion) of any Forest River guest alleged to have been caused by the Hotel Action.

12. All information or documents that support Forest River's counterclaim against Heartland for criminal deception.

The deposition will continue from day to day thereafter, holidays and weekends excepted, until completed. The deposition will be by oral examination, with a written record made thereof before a notary public or before such other officer authorized by law to administer oaths, and may be videotaped.

BAKER & DANIELS LLP

By: 

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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 HEARTLAND'S AMENDED NOTICE OF DEPOSITION TO FOREST RIVER, INC. PURSUANT TO RULE 30(b)(6) was served, via U.S. Mail, upon the following, this 19th day of August, 2009:

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

ATTORNEY FOR DEFENDANT
FOREST RIVER, INC.

BAKER & DANIELS
