

# Exh. PP

BRIAN -

OK to go

I talked with Greg Cooper from Barnes & Thornburg today and here is some of what he had to say:  
*The question is going to be whether or not we can get the patent. Because if we get the patent, yes, we should be able to defend it. The only way that someone could come along and successfully contest it would be if they were able to produce prior art AND the clear and convincing evidence of said 'prior art'.*

When I asked him to go into the details of "prior art" and the burden of proof, he shared:  
*Prior art cannot be just a set of drawings that have been backdated. It would have to include clear and convincing evidence that they had previously designed and produced such a design; that the prior art had been publicly disclosed and even certified by a disinterested 3<sup>rd</sup> party. It is a nearly impossible burden to prove.*

He likened it to having to produce proof of the actual unit that was produced, whether it was now in a junkyard or not - and all of the proof of public disclosure and certification.

Other notes from Greg:

*In the past ten years, a lot of the RV companies have chosen to protect their intellectual property through the patent process because of the competitive nature of the business. I have written a number of RV patents, including frame patents. If you don't protect it, everybody will rip you off. The question comes down to - do we feel we have an idea or concept that is worth protecting through enforceable measures? Or are we willing to surrender it to public domain? If you have a patent, you have recourse. Often, in RV patent cases, if you have a patent and someone is infringing on it, they come to a settlement that involves licensing. However, you have to have the patent first to license it.*

*If a company chooses to infringe on your patent with full knowledge of the patent, they face quite a bit of exposure as the penalty for infringing with full knowledge is three times (3x) damages.*

# BARNES & THORNBURG LLP

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April 5, 2005

Mr. Scott Tuttle  
VP Marketing & Dealer Services  
HEARTLAND RECREATIONAL VEHICLES, LLC  
28868 Paul Drive  
Elkhart, Indiana 46514

Re: New U.S. Utility Patent Application  
Title: "TRAVEL TRAILER HAVING IMPROVED TURNING RADIUS"  
Our Ref.: 36743/82922

Dear Mr. Tuttle:

Enclosed is a copy of the U.S. utility patent application for the above-identified invention as filed in the United States Patent and Trademark Office ("USPTO") on March 28, 2005. This application names Brian R. Brady, John Mitchell Rhymer, Douglas Martin Lantz, Timothy Arthur Hoffman, and you as inventors. We will send you a copy of the official filing receipt for this application after we receive it from the Patent Office.

Also enclosed is a Declaration and Power of Attorney for each inventor to sign and return to us for filing in the Patent Office. By signing the Declaration, you are declaring that you are an inventor of the claimed subject matter and that you have reviewed and understood the contents of the application including the patent claims.

## PRIOR ART DISCLOSURE TO PATENT OFFICE

The next action we need to take on this application is to file an Information Disclosure Statement with the USPTO which identifies all patent and non-patent publications and other facts that a reasonable examiner may consider to be important to an assessment of patentability of the claimed invention. Such other facts include public demonstrations or sales or offers of sale of products pertaining to the invention and information any of the inventors received from others prior to making the invention. Each person involved in the preparation and prosecution of the patent application has an obligation to disclose such publications and facts to the USPTO.

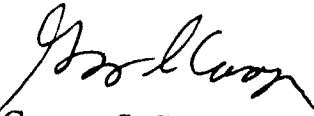
Please send us any published articles or other information that you believe may be pertinent to the claimed invention as soon as possible. We will then prepare an Information Disclosure Statement for filing with the USPTO within three months of the filing date.

Mr. Scott Tuttle  
April 5, 2005  
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We will keep you advised of all future developments regarding this application.

Sincerely,

BARNES & THORNBURG LLP



Gregory S. Cooper

GSC:zmg  
Enclosure

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