

Ryan Fountain

From: ryanfountain@aol.com
Sent: Monday, November 17, 2008 7:28 PM
To: david.irmscher@bakerd.com; abigail.butler@bakerd.com
Subject: Heartland v. Forest River: Records retention

So that there is no misunderstanding on the part of Heartland, no electronic communications relevant to this litigation should be deleted or otherwise "lost" pending the commencement of discovery. In particular, please immediately inform Heartland that all email, for example, referring to, describing or containing the following subject matter should be maintained:

1. infringement of Heartland patent rights by Forest River,
2. infringement of the '650 patent by any party,
3. accusations of infringement or threats of litigation against any Forest River supplier based upon sales of Forest River products which Heartland has accused of patent infringement,
4. the "hotel action" of Heartland referred to the Forest River's Answer, Defenses, and Counterclaims,
5. Forest River's "open house" (to use Brian Brady's phrase) of October 22 and 23, 2008,
6. dealers who visited Heartland between October 22 and October 25, 2008,
7. objectives and plans for Heartland by Catterton Partners, and
8. Heartland's communications with any Forest River employee since August, 2008.

Further, all back-up media for computer records which contain information relating to the conception, reduction to practice, and development of the products covered by the '650 Patent as well as the preparation and prosecution of the patent application should be maintained.

We can sort out later if any of these records are protected by some form of privilege, but for now the records should at least not be destroyed.

If for any reason Heartland considers it unduly burdensome to follow these instructions, please let me know and we will arrange for Heartland's computer records to be immediately copied to preserve that evidence. Thank you for your cooperation.

Ryan

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