

UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend Division

HEARTLAND RECREATIONAL)	
VEHICLES, LLC,)	
Plaintiff,)	
)	CASE NO.: <u>3:08-cv-490 AS- CAN</u>
v.)	
)	
FOREST RIVER, INC.,)	JURY DEMAND
Defendant.)	

**FOREST RIVER’S SUPPLEMENTAL INITIAL DISCLOSURES UNDER FED. R. CIV.
P. 26(a)(1) TO HEARTLAND**

1. The additional individual(s) that Forest River may use to support its claims or defenses:
 - a. All of those persons deposed thus far in this litigation, whose names, addresses, and telephone numbers are already known to Heartland, as to the subjects which they have testified to already.
 - b. Rule 30(b)(6) designees of the Crowe and McGladrey accounting firms and Fifth Third Bank, as those entities are identified in the subpoenas previously issued for documents. The names, addresses, and telephone numbers of these entities are already known to Heartland. The subject of the testimony expected is that set forth in those subpoenas as well as the valuation of the patent in suit and the business relationships they have with Heartland. It is known that the Court ordered the subpoenas quashed, but that issue is expected to be reviewed favorably under Rule 72.
 - c. Dan Yarnell, General Manager of Roadmaster, whose name, address and telephone number are already known to Heartland, as to the subjects of relevant prior art and actions taken by Heartland in support of the fraud committed before the USPTO by Heartland.

d. Eric Esch, Brian Walczak, Rod Lung, and Mike Tribble, whose names, addresses and telephone numbers are already known to Heartland (each of whom was or is an employee or agent of Heartland), as to the events involving or leading up to the Hotel Action.

e. J. Scott Troeger, Heartland's former attorney, whose name, address and telephone number are already known to Heartland, as to the initial prior art search concerning the invention of the patent in suit and facts relevant to the fraud committed before the USPTO by Heartland.

f. Jason Lippert, President of Lippert Components, whose name, address and telephone number are already known to Heartland as its frame supplier, as to the subjects of relevant prior art, inventorship of the patent in suit, and actions taken by Heartland in support of the fraud committed before the USPTO by Heartland.

g. Jim Reed, Quality Steel and Aluminum Products, 28620 C.R. 20, Elkhart, IN 46517, Tel.: 574-295-8715, as to the subjects of relevant prior art, inventorship of the patent in suit, and actions taken by Heartland in support of the fraud committed before the USPTO by Heartland.

h. Arron Clow, President of Beds by George, as to the subjects of relevant prior art, inventorship of the patent in suit, and actions taken by Heartland in support of the fraud committed before the USPTO by Heartland. Mr. Clow is represented by the undersigned counsel and can be reached through that counsel.

i. Cindy King and Kelley Gearhart, employees of Country Inn & Suites, as to the events involving or leading up to the Hotel Action. Ms. Gearhart and Ms. King are represented by the undersigned counsel and can be reached through that counsel.

j. Bill Conway, George Lott, Lisel Matzat, Dawn Splawski, Scott Richgurber, and Ryan Wilgus, each employees of Forest River, Inc., the first two individuals as to the subjects of relevant

prior art, inventorship of the patent in suit, and actions taken by Heartland in support of the fraud committed before the USPTO by Heartland, the remaining individuals as to the subjects of the events involving or leading up to the Hotel Action. These employees are represented by the undersigned counsel and can be reached through that counsel.

2. The additional documents and tangible items that Forest River may use to support its claims:

a. The patent and file histories thereof of all prior patents cited of record in the patent in suit and the continuation patent applications therefor. Copies of these are believed to already be in Heartland's possession, but are also available from the USPTO either at its internet web site (www.uspto.gov) or through a formal request to the USPTO.

b. All documents and prior art items referred to in Forest River's responses to Heartland's interrogatories, document requests, and in the exhibits to depositions, to be used either in summary format or as is. Those items are available as and where previously indicated to Heartland.

c. The following US Patents and their file histories, each of which is available at the USPTO internet web site or through a formal request to the USPTO:

2,322,841	7,569,233	7,451,756	7,572,975	7,587,780	7,600,817
D551,787	7,350,850	6,983,979	7,234,747	7,198,320	7,150,483

d. The Manuel of Patent Examining Procedure, available at the USPTO internet web site.

Dated: November 19, 2009

Respectfully submitted,

s/Ryan M. Fountain

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Certificate of Service:

I certify that a copy of the foregoing document was served upon the Plaintiff in this case by depositing that copy with the United States Postal Service for delivery via First Class mail, postage pre-paid, first on **November 19, 2009**, and then returned to sender and re-served correctly addressed for delivery to the following counsel for that party on November 23, 2009 via the same process:

David P. Irscher
Baker & Daniels
111 East Wayne, Suite 800
Fort Wayne, IN 46802

In addition, a copy was set on November 23, 2009 to that counsel by email.

s/Ryan M. Fountain

Ryan M. Fountain