

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

LIPPERT COMPONENTS MANUFACTURING, INC.,)	
)	
<i>Plaintiff,</i>)	CIVIL ACTION NO. 3:16-cv-263
)	
v.)	JURY DEMAND
)	
MORRYDE INTERNATIONAL, INC., and MOR/RYPDE INC.,)	
)	
<i>Defendants.</i>)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Lippert Components Manufacturing, Inc., (“Plaintiff”), files this Complaint for Patent Infringement of U.S. Patent Nos. 6,182,401 (“401 Patent”), 6,176,045 (“045 Patent”), and 6,598,354 (“354 Patent”) (collectively, the “Asserted Patents”) against Defendants MORryde International, Inc. and MOR/ryde Inc. (collectively, the “Defendants”), and alleges as follows:

I. THE PARTIES

1. Plaintiff is a Delaware corporation with its principal place of business at 3501 County Road 6 E., Elkhart, IN, 46514.
2. Plaintiff is in the business of selling various products, including recreational vehicle components.
3. On information and belief, Defendant MORryde International, Inc. is an Indiana corporation with its principal place of business at 1966 Sterling Ave., Elkhart, IN, 46516.
4. On information and belief, Defendant MOR/ryde, Inc. is an Indiana corporation with a mailing address of P.O. Box 579, Elkhart, IN, 46515.

5. On information and belief, Defendants are, and have been, engaged in the business of making and selling recreational vehicle components.

II. JURISDICTION AND VENUE

6. Plaintiff hereby realleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1–5, above.

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has general personal jurisdiction over the Defendants. On information and belief, the Defendants are incorporated in the State of Indiana and/or have a principal place of business in the State of Indiana and the Northern District of Indiana.

9. Venue is proper in the Northern District of Indiana pursuant to 28 U.S.C. §§ 1391 and 1400(b).

III. FACTUAL BACKGROUND

10. Plaintiff hereby realleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1–9, above.

A. The Asserted Patents

1. The '401 Patent

11. The '401 Patent, entitled “Retractable Room Support Mechanism,” was duly and legally issued by the United States Patent and Trademark Office (“PTO”) on February 6, 2001 to inventors Patrick W. McManus, James E. Dewald, and Martin P. McManus. A true and accurate copy of the '401 Patent is attached hereto as Exhibit A.

12. Plaintiff is the assignee of and owns all rights and interest in the '401 Patent, and Plaintiff has the right to sue for any infringement thereof.

2. The '045 Patent

13. The '045 Patent, entitled "Retractable Room Support Mechanism," was duly and legally issued by the PTO on January 23, 2001 to inventors Patrick W. McManus, James E. Dewald, and Martin P. McManus. A true and accurate copy of the '045 Patent is attached hereto as Exhibit B.

14. Plaintiff is the assignee of and owns all rights, title, and interest in the '045 Patent, and Plaintiff has the right to sue for any infringement thereof.

3. The '354 Patent

15. The '354 Patent, entitled "Retractable Room Support Mechanism," was duly and legally issued by the PTO on July 29, 2003 to inventors Patrick W. McManus, James E. Dewald, and Martin P. McManus. A true and accurate copy of the '354 Patent is attached hereto as Exhibit C.

16. Plaintiff is the assignee of and owns all rights, title, and interest in the '354 Patent, and Plaintiff has the right to sue for any infringement thereof.

B. Plaintiff's Products that Embody the Asserted Patents

17. Plaintiff sells products in the United States that embody the Asserted Patents, including, but not limited to, its products with flush floor slide-out technology (collectively, the "Lippert Products").

C. Defendants' Accused Products

18. On information and belief, Defendants are infringing the Asserted Patents directly, jointly, contributorily, and/or by inducement, by, without authority, making, using, selling, offering for sale, and/or importing into the United States, including within the State of Indiana and the Northern District of Indiana, recreational vehicle components that embody claims in the

Asserted Patents. Specifically, on information and belief, Defendants are infringing the Asserted Patents by making, using, selling, offering for sale, and/or importing into the United States at least the following products (collectively, the “Accused Products”): the Angled Slide-Out Tube Frame (Exhibit D, attached) and the Forest River Slide-Out Frame (Exhibit E, attached).

D. Defendants’ Knowledge and Willful Infringement of the Asserted Patents

19. Defendants’ infringement of the Asserted Patents was confirmed by the Plaintiff in 2015, and, on information and belief, Defendants possibly infringed prior to 2014. On information and belief, the Defendants’ infringement has been, and continues to be, willful and deliberate.

20. On information and belief, Defendants actively monitor the recreational vehicle component industry and competitive intellectual property. On information and belief, Defendants knew of the Asserted Patents, listed at <http://www.lci1.com/patent-list>, and knew that the Lippert Products practiced the Asserted Patents.

21. Therefore, on information and belief, since at least 2015 Defendants have been infringing the Asserted Patents, Defendants knew of the Asserted Patents, and Defendants knew of the subject matter disclosed and claimed therein, when it began infringing the Asserted Patents.

22. Plaintiff has suffered and will continue to suffer damages from Defendants’ acts of infringement complained of herein.

IV. COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,182,401

23. Plaintiff hereby realleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1–22, above.

24. Each of the Defendants has directly infringed, either individually or as part of a joint enterprise or through the exercise of direction and control over at least one other Defendant

or one or more installers, contractors, purchasers, and/or other third parties (collectively, “Third Parties”), and is still directly infringing, at least Claim 34 of the ’401 Patent, literally or by the doctrine of equivalents, by making, using, offering to sell and selling, and/or importing the Angled Slide-Out Tube Frame Accused Product. Defendants will continue to infringe at least Claim 34 of the ’401 Patent unless enjoined by this Court.

25. Defendants directly infringe at least Claim 34 of the ’401 Patent, for example, because:

- (a) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “a pair of longitudinally extending main frame members supporting structure defining a main living area”;
- (b) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “a slide out room assembly slidable relative to said structure between a retracted position retracted within the main living area and an extended position extended from the main living area to provide an auxiliary living area”;
- (c) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “said structure including a main floor supported by said frame”;
- (d) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “said slide out room including a slide out room floor movable from a raised position wherein said slide out room floor is movable over said main floor as said slide out room is moved between the extended and retracted positions to a lowered position”;

- (e) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “said slide out room floor [be] substantially flush with the main floor as the slide out room is moved into the extended position and movable from the lowered to the raised position as the slide out room is moved from the extended position”;
- (f) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “an outer tubular member secured to one of said main frame members at a connection point adjacent one end of said outer tubular member”;
- (g) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “an inner tubular member extending from said one end of the outer tubular member and being secured to said slide out room assembly”; and
- (h) The Angled Slide-Out Tube Frame Accused Product satisfies the limitation of having “said outer tubular member sloping upwardly from said connection point toward said main floor and laterally toward the other main frame member.”

26. On information and belief, each of the Defendants had knowledge of the '401 Patent at least since 2015.

27. Each of the Defendants, since at least 2015, has actively induced one or more Third Parties to directly infringe at least Claim 34 of the '401 Patent by, among other things, providing one or more of instructions, manuals, and technical assistance relating to set up, use, operation, and maintenance of at least the Angled Slide-Out Tube Frame Accused Product. On

information and belief, since at least 2015, each of the Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of at least Claim 34 of the '401 Patent. Each of the Defendants intends to cause infringement by these Third Parties.

28. At least the Angled Slide-Out Tube Frame Accused Product may be used in practicing the invention(s) of the '401 Patent and constitutes a material part of the invention(s) of the '401 Patent. On information and belief, since at least 2015, each of the Defendants know, or are willfully blind to the fact, that the Angled Slide-Out Tube Frame Accused Product is especially made and/or adapted for use in recreational vehicles, as claimed in the '401 Patent. The Angled Slide-Out Tube Frame Accused Product is neither a staple article of commerce nor is it suitable for substantial noninfringing uses.

V. COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,176,045

29. Plaintiff hereby realleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1–28, above.

30. Each of the Defendants has directly infringed, either individually or as part of a joint enterprise or through the exercise of direction and control over at least one other Defendant or Third Party, and is still directly infringing, at least Claim 7 of the '045 Patent, literally or by the doctrine of equivalents, by making, using, offering to sell and selling, and/or importing the Accused Products. Defendants will continue to infringe at least Claim 7 of the '045 Patent unless enjoined by this Court.

31. Defendants directly infringe at least Claim 7 of the '045 Patent, for example, because:

- (a) The Accused Products satisfy the limitation of having “a pair of longitudinally extending main frame members supporting structure defining a main living area”;

- (b) The Accused Products satisfy the limitation of having “a slide out room assembly slidable relative to said structure between a retracted position retracted within the main living area and an extended position extended from the main living area to provide an auxiliary living area”;
- (c) The Accused Products satisfy the limitation of having “said structure including a main floor supported by said frame”;
- (d) The Accused Products satisfy the limitation of having “said slide out room including a slide out room floor movable from a raised position sliding over said main floor as said slide out room slides between the extended and retracted positions to a lowered position substantially flush with the main floor as the slide out room moves into the extended position and movable from the lowered to the raised position as the slide out room is moved from the extended position”;
- (e) The Accused Products satisfy the limitation of having “an outer tubular member rigidly secured to one of said main frame members against movement relative to said one main frame member at a first connection point”;
- (f) The Accused Products satisfy the limitation of having “said first connection point being adjacent one end of said outer tubular member”;
- (g) The Accused Products satisfy the limitation of having “said outer tubular member also being rigidly secured to the other main frame member against movement relative to said other main frame member at a second connection point”;

- (h) The Accused Products satisfy the limitation of having “an inner tubular member having one end slidably received within the outer tubular member”;
- (i) The Accused Products satisfy the limitation of having “an opposite end secured to said slide out room”;
- (j) The Accused Products satisfy the limitation of having “said inner tubular member being received with clearance within the outer tubular member”;
- (k) The Accused Products satisfy the limitation of having “said outer tubular member having upper and lower surfaces”; and
- (l) The Accused Products satisfy the limitation of having “said inner tubular member deflecting relative to the outer tubular member by moving through said clearance in response to weight transfer as said slide out room moves toward the extended position such that the inner tubular member moves relative to the outer tubular member to engage said upper surface.”

32. On information and belief, each of the Defendants had knowledge of the '045 Patent at least since 2015.

33. Each of the Defendants, since at least 2015, has actively induced one or more Third Parties to directly infringe at least Claim 7 of the '045 Patent by, among other things, providing instructions, manuals, and technical assistance relating to set up, use, operation, and maintenance of the Accused Products. On information and belief, since at least 2015, each of the Defendants does so with knowledge, or with willful blindness of the fact, that the induced acts

constitute infringement of at least Claim 7 of the Asserted Patent. Each of the Defendants intends to cause infringement by these Third Parties.

34. The Accused Products may be used in practicing the invention(s) of the '045 Patent and constitutes a material part of the invention(s) of the '045 Patent. On information and belief, since at least 2015, each of the Defendants know, or are willfully blind to the fact, that the Accused Products are especially made and/or adapted for use in recreational vehicles, as claimed in the '045 Patent. The Accused Products are neither a staple article of commerce nor are they suitable for substantial noninfringing uses.

VI. COUNT III: INFRINGEMENT OF U.S. PATENT NO. 6,598,354

35. Plaintiff hereby realleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1–34, above.

36. Each of the Defendants has directly infringed, either individually or as part of a joint enterprise or through the exercise of direction and control over at least one other Defendant or Third Party, and is still directly infringing, at least Claim 1 of the '354 Patent, literally or by the doctrine of equivalents, by making, using, offering to sell and selling, and/or importing the Forest River Slide-Out Frame Accused Product. Defendants will continue to infringe at least Claim 1 of the '354 Patent unless enjoined by this Court.

37. Defendants directly infringe at least Claim 1 of the '354 Patent, for example, because:

- (a) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “a pair of longitudinally extending main frame members supporting structure defining a main living area”;
- (b) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “a slide out room assembly slidable relative to said structure

between a retracted position retracted within the main living area and an extended position extended from the main living area to provide an auxiliary living area”;

- (c) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “said structure including a main floor supported by said frame”;
- (d) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “said slide out room including a slide out room floor movable from a raised position sliding over said main floor as said slide out room slides between the extended and retracted positions to a lowered position substantially flush with the main floor as the slide out room moves into the extended position and movable from the lowered to the raised position as the slide out room is moved from the extended position”;
- (e) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “a cantilevered beam assembly secured to an underside of the living quarters, comprised of first and second cooperating beams”;
- (f) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “said second cooperating beam member being connected at an outer end to the slide out room assembly and being extendable relative to said first cooperating member”;
- (g) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “said second cooperating beam member being pivotal relative to said first beam member”;
- (h) The Forest River Slide-Out Frame Accused Product satisfies the limitation

of having “said second cooperating beam member being deflectable downwardly during extension”; and

- (i) The Forest River Slide-Out Frame Accused Product satisfies the limitation of having “said first and second cooperating beams drop the slide out room vertically as the slide out room moves from the retracted position to the extended position a distance sufficient to drop the slide out room floor from the raised to the lowered position.”

38. On information and belief, each of the Defendants had knowledge of the '354 Patent at least since 2015.

39. Each of the Defendants, since at least 2015, have actively induced one or more Third Parties to directly infringe at least Claim 1 of the '354 Patent by, among other things, providing instructions, manuals, and technical assistance relating to set up, use, operation, and maintenance of at least the Forest River Slide-Out Frame Accused Product. On information and belief, since at least 2015, each of the Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of at least Claim 1 of the '354 Patent. Each of the Defendants intends to cause infringement by these Third Parties.

40. At least the Forest River Slide-Out Frame Accused Product may be used in practicing the invention(s) of the '354 Patent and constitutes a material part of the invention(s) of the '354 Patent. On information and belief, since at least 2015, each of the Defendants know, or are willfully blind to the fact, that the Forest River Slide-Out Frame Accused Product is especially made and/or adapted for use in recreational vehicles, as claimed in the '354 Patent. The Forest River Slide-Out Frame Accused Product is neither a staple article of commerce nor is it suitable for substantial noninfringing uses.

VII. CLAIMS INCIDENT TO THE DEFENDANTS' INFRINGEMENT

41. Plaintiff hereby realleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1–40, above.

42. On information and belief, the Defendants will continue to infringe the Asserted Patents, causing immediate and irreparable harm to Plaintiff, unless this Court enjoins and restrains the Defendants' activities.

43. The Defendants' infringement of the Asserted Patents has been, and is, willful and deliberate, making this case exceptional within the meaning of 35 U.S.C. § 285 and justifying treble damages pursuant to 35 U.S.C. § 284.

44. In addition to the Defendants' knowledge of the Asserted Patents, as described in paragraphs 19–22, above, prior to the filing of this action, Plaintiff complied with the requirements of 35 U.S.C. § 287(a) with respect to the Asserted Patents.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Lippert Components Manufacturing, Inc., respectfully requests that the Court enter judgment in its favor and against Defendants, and provide Plaintiff the following relief:

A. Order, adjudge, and decree that U.S. Patent Nos. 6,182,401, 6,176,045, and 6,598,354 are valid, enforceable, and infringed by Defendants;

B. Enter a permanent injunction against Defendants enjoining it, its directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons acting in privity or in concert or participation with Defendants from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and/or services embodying the patented inventions claimed in the Asserted Patents;

C. Award Plaintiff its damages for patent infringement pursuant to 35 U.S.C. § 284, and pre and post judgment interest as allowed by law;

D. Order, adjudge, and decree that Defendants' infringement of the Asserted Patents has been deliberate and willful, and award Plaintiff treble damages under 35 U.S.C. § 284;

E. Find that this case is "exceptional" under 35 U.S.C. § 285, and award Plaintiff its costs and reasonable attorney's fees as provided in 35 U.S.C. § 285; and

F. Award such other and further relief as the Court deems just and proper.

IX. REQUEST FOR TRIAL BY JURY

Plaintiff respectfully requests that all issues so triable be tried by and before a jury.

Dated: May 3, 2016

Respectfully submitted,

/s/ David P. Irmischer

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