

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Arctic Cat Inc.,

Plaintiff,

v.

Polaris Industries Inc.,

Defendant.

Case No.: 0:16-cv-00008-WMW-HB

**AMENDED COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL**

Plaintiff, Arctic Cat Inc. (“Arctic Cat”), for its Complaint for Patent Infringement and Demand for Jury Trial against Defendant Polaris Industries Inc. (“Polaris” or “Defendant”), states and alleges as follows:

NATURE OF THIS ACTION

This is an action for patent infringement of United States Patent No. 7,420,822 entitled “Power Distribution Module for Personal Recreational Vehicle” (“the ‘822 Patent”) and United States Patent No. 7,072,188 entitled “Power Distribution Module for Personal Recreational Vehicle” (“the ‘188 Patent”) under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, and seeking damages, injunctive relief, and other damages as appropriate under 35 U.S.C. § 281, *et seq.* True and correct copies of the ‘822 Patent and ‘188 Patent (collectively, “the ‘822 and ‘188 Patents,” “asserted patents,” or “patents in suit”) are attached hereto as Exhibits A-B.

THE PARTIES

1. Plaintiff Arctic Cat Inc. is a corporation organized and existing under the laws of the State of Minnesota, having its principal place of business at 500 N. 3rd Street, 4th Floor, Minneapolis, Minnesota 55401.

2. Defendant Polaris Industries Inc. is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at 2100 Highway 55, Medina, Minnesota 55340.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action concerns the infringement of United States patents.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because the Defendant resides in this judicial district, has a regular and established place of business in this judicial district, and has committed acts of patent infringement in this judicial district.

6. This Court has personal jurisdiction over the Defendant for at least the reasons that the Defendant resides in Minnesota, transacts business in Minnesota, has purposefully availed itself of the privileges of doing business in Minnesota, and has committed acts of patent infringement in Minnesota as alleged in this Complaint for Patent Infringement.

7. Defendant has sold and offered for sale products that infringe Arctic Cat's '822 and '188 patents in this judicial district, including at least the products set forth in this Complaint. Defendant has sold and offered for sale, without limitation, the infringing Polaris Sportsman 570 model All-Terrain Vehicle (ATV) in Minnesota and elsewhere. Defendant has also imported the infringing Polaris Sportsman 570 ATV into the United States, and Defendant has directed such importation from Minnesota.

THE PATENTS IN SUIT

8. Arctic Cat is and has been at all relevant times the owner by assignment of the '822 Patent entitled "Power Distribution Module for Personal Recreational Vehicle," which the United States Patent and Trademark Office duly issued on September 2, 2008.

9. Arctic Cat is and has been at all relevant times the owner by assignment of the '188 Patent entitled "Power Distribution Module for Personal Recreational Vehicle," which the United States Patent and Trademark Office duly issued on July 4, 2006.

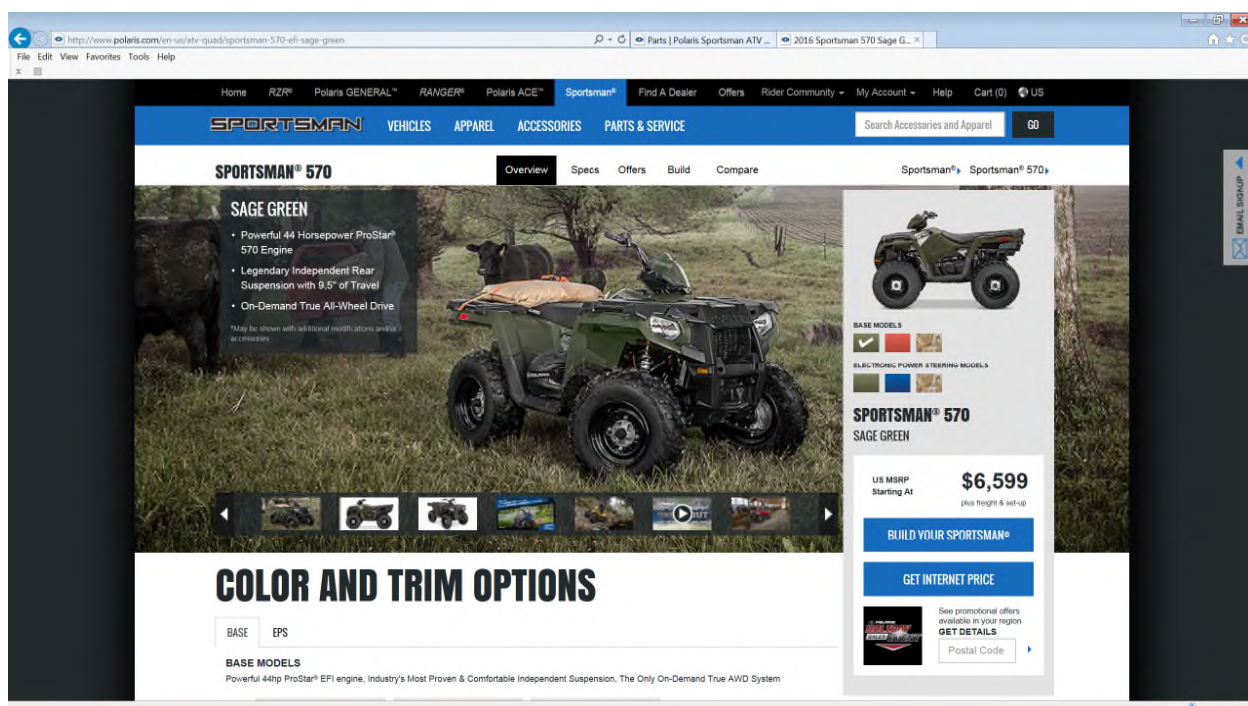
10. The inventions of the '822 and '188 Patents are applicable to a power distribution module for use with engines that power personal recreational vehicles, including ATVs. (*See, e.g.*, Ex. A at Col. 1, ll. 16-25; Ex. B at Col. 1, ll. 5-14.)

DEFENDANT'S INFRINGING ACTIVITIES

11. Defendant is a manufacturer of off-road vehicles such as snowmobiles, all-terrain vehicles ("ATVs"), and side-by-side vehicles. Defendant has manufactured, used, sold, and/or offered for sale products that infringe the '822 and '188 Patents, including, without limitation, the Sportsman 570 ATV. Defendant has also imported into the United

States products that infringe the ‘822 and ‘188 Patents, including, without limitation, the Sportsman 570 ATV.

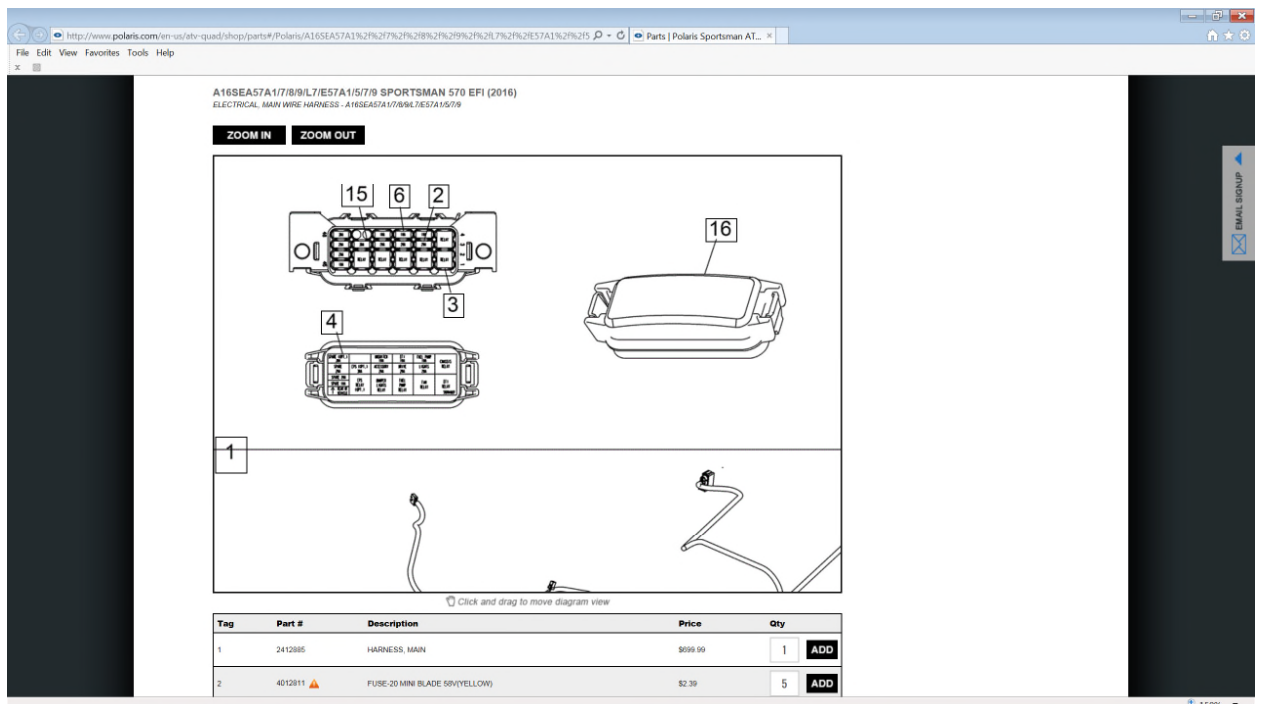
12. Defendant’s Sportsman 570 ATV is a personal recreational vehicle as described and claimed in the ‘822 and ‘188 Patents. A depiction of the Sportsman 570 appears on Defendant’s website as follows:



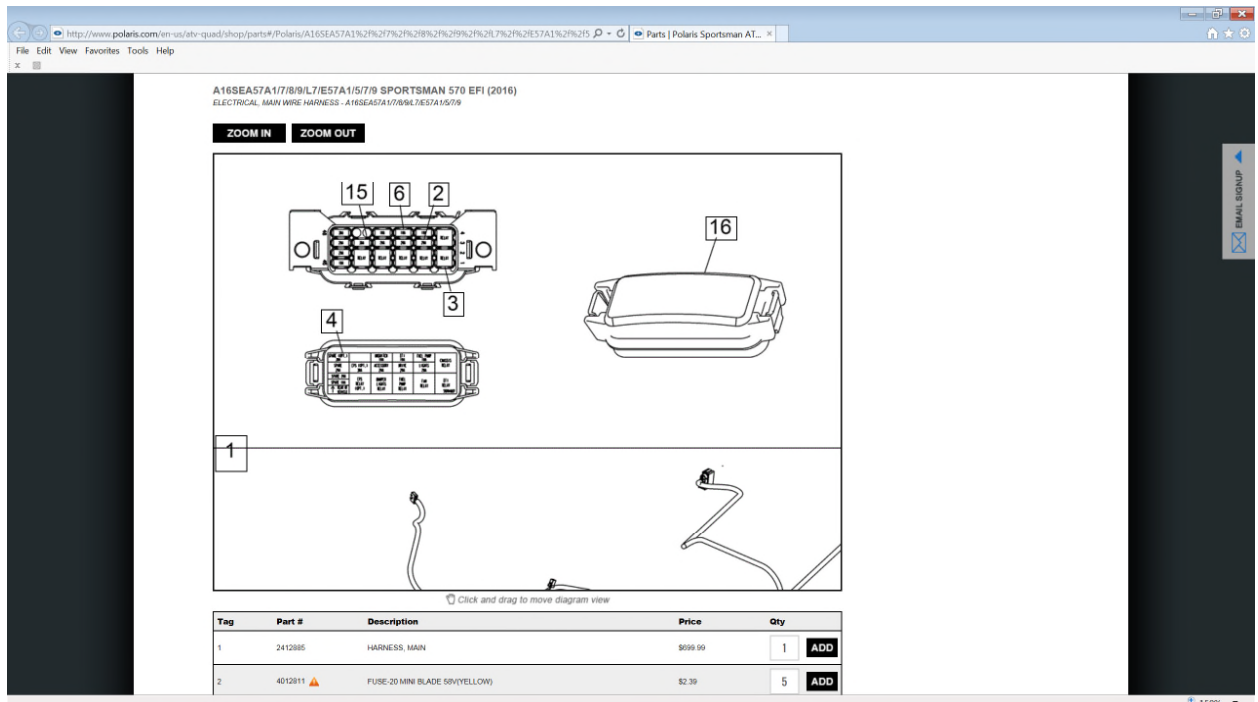
(See <http://www.polaris.com/en-us/atv-quad/sportsman-570-efi-sage-green>, visited January 3, 2016.)

13. The Sportsman 570 ATV includes an electrical distribution system, housing, distribution harness, and other components described and claimed in the ‘822 Patent. The Sportsman 570 ATV contains all limitations of at least one claim of the ‘822 Patent, including, without limitation, Claim 1.

14. The Sportsman 570 ATV includes “an electrical distribution system for distributing electrical signals and power, the electrical distribution system including a power distribution module, wherein at least a portion of the electrical signals and power passes through the power distribution module” (See Ex. A, Col. 7, ll. 7-12.) The electrical distribution system containing these limitations of Claim 1 of the ‘822 Patent is depicted in Defendant’s online parts manual as follows:



Col. 7, ll. 12-21.) The housing containing these limitations of Claim 1 of the ‘822 Patent is depicted in Defendant’s online parts manual for the Sportsman 570 ATV as follows:



(See [http://www.polaris.com/en-us/atv-quad/shop/parts#/Polaris/A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_SPORTSMAN_570_EFI_\(2015\)/ELECTRICAL%2c_MAIN_WIRE_HARNESS_-A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_\(100034\)/117348/117444](http://www.polaris.com/en-us/atv-quad/shop/parts#/Polaris/A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_SPORTSMAN_570_EFI_(2015)/ELECTRICAL%2c_MAIN_WIRE_HARNESS_-A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_(100034)/117348/117444) (visited January 3, 2016).)

16. The following photographs of components of the Sportsman 570 ATV also show the housing containing the limitations of Claim 1 of the ‘822 Patent. The photographs show the housing having a plurality of receptacle openings in a substantially flat wall with a front and back side. The photographs show the receptacle openings positioned in an array of at least three equally spaced-apart rows and at least three equally

spaced-apart columns, with the receptacle openings positioned to receive electrical components on the wall's front side across any adjacent openings in at least one row of the array.





17. The Sportsman 570 ATV includes “a distribution harness on the backside of the wall opposite the receptacle openings, the distribution harness having a plurality of electrical conductor cables, wherein the electrical conductor cables electrically cooperate with the receptacle openings for receiving electrical components.” (*Id.* at Col. 7, ll. 22-27.) The following photographs of components of the Sportsman 570 ATV show the distribution harness on the backside of the wall opposite the receptacle openings (the receptacle openings on the front side of the wall are depicted in the photographs shown immediately above). As shown, the distribution harness has a plurality of electrical

conductor cables that electrically cooperate with the receptacle openings for receiving electrical components (shown above).

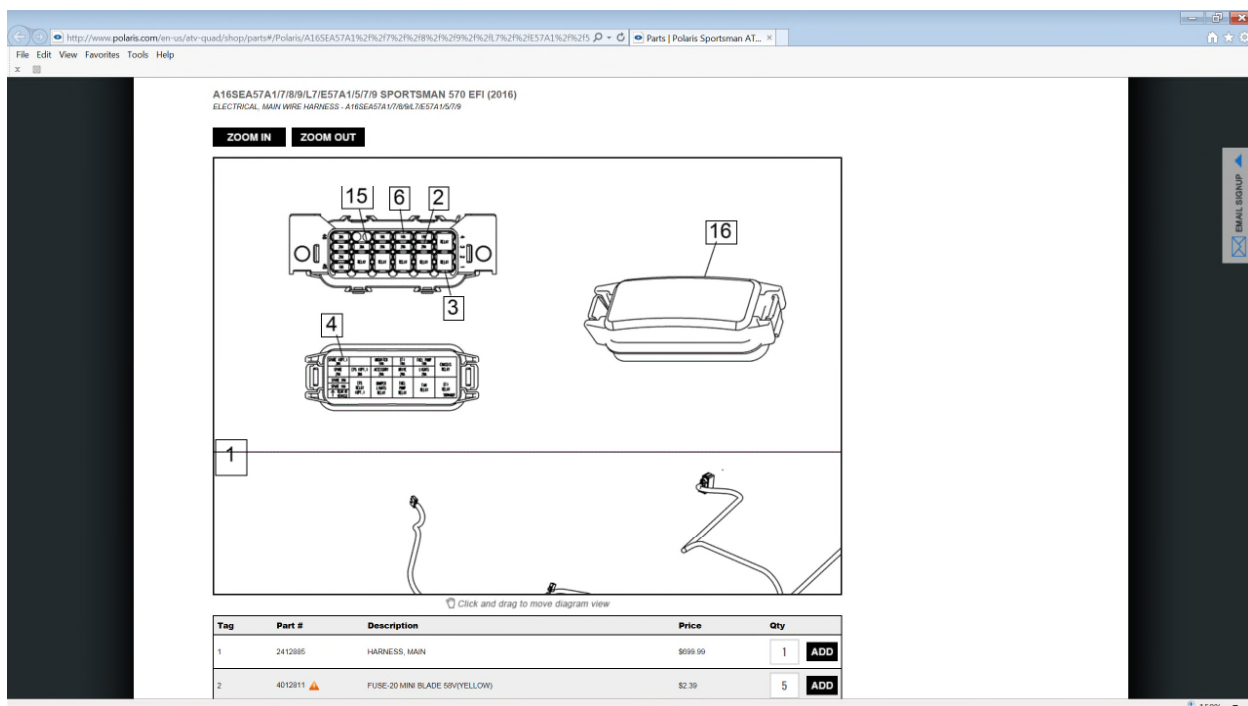




18. The Sportsman 570 ATV includes a power distribution module with a housing including a cover, component attachment portion, plurality of electrical components, distribution harness, and other components described and claimed in the ‘188 Patent. The Sportsman 570 ATV contains all elements of at least one claim of the ‘188 Patent, including, without limitation, Claim 19.

19. The Sportsman 570 ATV includes “[a] power distribution module” that includes “a housing defining an interior, the housing comprising a cover.” (*See Ex. B, Col. 8, ll. 53-55.*) The power distribution module, including the housing with an interior

receivers.” (*Id.*, Col. 8, ll. 56-62.) Defendant’s online parts manual for the Sportsman 570 ATV depicts the component attachment portion with an outer wall surrounding a plurality of connector receptacles that are arranged in equally spaced rows and equally spaced columns. The receptacles have an upper receiver and a lower receiver, and the cover securing to the component attachment portion over the upper receivers.



(See [http://www.polaris.com/en-us/atv-quad/shop/parts#/Polaris/A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_SPORTSMAN_570_EFI_\(2015\)/ELECTRICAL%2c_MAIN_WIRE_HARNESS_-_A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_\(100034\)/117348/117444](http://www.polaris.com/en-us/atv-quad/shop/parts#/Polaris/A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_SPORTSMAN_570_EFI_(2015)/ELECTRICAL%2c_MAIN_WIRE_HARNESS_-_A15SEA57AA%2f%2fAC%2f%2fAD%2f%2fLD_(100034)/117348/117444) (visited January 3, 2016).)

21. The following photograph of components of the Sportsman 570 ATV also shows the component attachment portion containing the limitations of Claim 19 of the

'188 Patent. The photograph shows the component attachment portion with an outer wall surrounding the connector receptacles arranged in equally spaced rows and equally spaced columns. The receptacles have an upper receiver and a lower receiver, and the cover (removed in the first photo below) secures to the component attachment portion over the upper receivers. The second photo shows electrical conductors inserting into the lower receivers to connect the electrical conductors to the components inserted into the upper receivers.



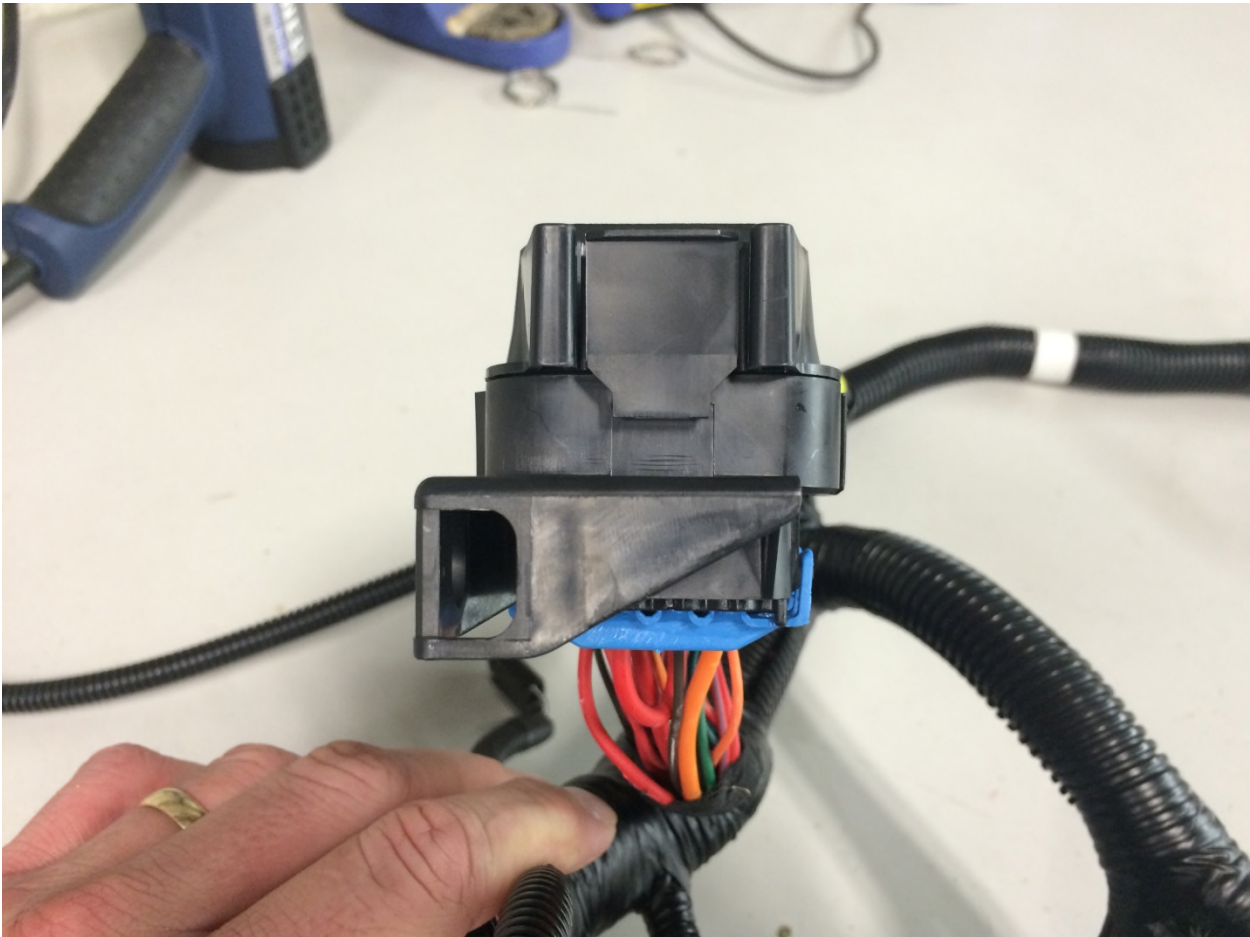


22. The power distribution module in the Sportsman 570 ATV includes “a plurality of electrical components each having at least two leads inserted into the upper receivers of the component receptacles.” (*Id.*, Col. 8, ll. 63-65.) The following photographs of components of the Sportsman 570 ATV show the electrical components having at least two leads inserted into the upper receivers of the component receptacles.





23. The power distribution module in the Sportsman 570 ATV includes “a distribution harness having a plurality of electrical conductors, wherein the electrical conductors inserting into the lower receivers to connect the electrical conductors to the plurality of components.” (*Id.*, Col. 8, ll. 66 to Col. 9, ll. 2.) The following photographs of components of the Sportsman 570 ATV show the distribution harness with electrical conductors inserting into the lower receivers to connect the electrical conductors to the components inserted into the upper receivers as shown above.





24. On information and belief, the Sportsman 570 ATV practices other independent and dependent claims of the '822 and '188 Patents.

25. On information and belief, additional of Defendant's products likely practice one or more claims of the '822 and '188 Patents, including at least Claim 1 of the '822 Patent and Claim 19 of the '188 Patent. Without limitation, since Defendant's Sportsman 570 ATV infringes the '822 and '188 Patents, on information and belief, additional ATVs in Defendant's Sportsman line and other lines of ATVs infringe the

'822 and '188 Patents, including, without limitation, Claim 1 of the '822 Patent and Claim 19 of the '188 Patent.

26. Arctic Cat reserves the right to identify other infringing products and/or additional claims found to be infringed during further discovery and investigation.

27. Defendant does not have a license to Arctic Cat's '822 Patent or Arctic Cat's '188 Patent.

28. In addition, on information and belief, Polaris had knowledge of the '188 Patent at least as early as July of 2006, and knowledge of the '822 Patent at least as early as March of 2011.

COUNT I
INFRINGEMENT OF THE '822 PATENT

29. Arctic Cat restates and incorporates by reference the paragraphs above as if fully stated herein.

30. Under 35 U.S.C. § 271, Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '822 Patent by selling, offering to sell, and/or using within the United States, without authority, the Sportsman 570 ATV. Further, Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '822 Patent by importing into the United States, without authority, the Sportsman 570 ATV.

31. On information and belief, Defendant manufactures the infringing Sportsman 570 ATV in Mexico. However, if discovery and investigation reveal that

Defendant manufactures all or part of the Sportsman 570 ATV within the United States, such manufacture of the Sportsman 570 ATV in the United States would constitute an additional basis for patent infringement under 35 U.S.C. § 271.

32. On information and belief, Polaris's infringement of the '822 Patent has been and is willful. Polaris had knowledge of the '822 Patent at least as early as March of 2011 and has known or should have known that its ATVs infringe the '822 Patent. On information and belief, Polaris has taken no steps to avoid infringement of the '822 Patent. Rather, Polaris has continued to make, use, offer to sell, and/or sell or import into the United States its infringing ATVs in willful, deliberate, and reckless disregard of the '822 Patent and the rights conferred by the '822 Patent to Arctic Cat.

33. Defendant will continue to infringe the '822 Patent unless and until the Court enjoins Defendant from committing further infringing acts.

34. Defendant has caused and continues to cause Arctic Cat to suffer damages in an amount to be determined, and has caused and continues to cause Arctic Cat irreparable harm for which Arctic Cat has no adequate remedy at law. Arctic Cat will continue to suffer irreparable harm unless and until the Court enjoins Defendants from committing further infringing acts.

35. Arctic Cat is entitled to recover from Defendant damages, including lost profits, in an amount to be determined that is adequate to compensate Arctic Cat for Defendant's infringement.

COUNT II
INFRINGEMENT OF THE '188 PATENT

36. Arctic Cat restates and incorporates by reference the paragraphs above as if fully stated herein.

37. Under 35 U.S.C. § 271, Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '188 Patent by selling, offering to sell, and/or using within the United States, without authority, the Sportsman 570 ATV. Further, Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '188 Patent by importing into the United States, without authority, the Sportsman 570 ATV.

38. On information and belief, Defendant manufactures the infringing Sportsman 570 ATV in Mexico. However, if discovery and investigation reveal that Defendant manufactures all or part of the Sportsman 570 ATV within the United States, such manufacture of the Sportsman 570 ATV in the United States would constitute an additional basis for patent infringement under 35 U.S.C. § 271.

39. On information and belief, Polaris's infringement of the '188 Patent has been and is willful. Polaris had knowledge of the '188 Patent at least as early as July of 2006 and has known or should have known that its ATVs infringe the '188 Patent. On information and belief, Polaris has taken no steps to avoid infringement of the '188 Patent. Rather, Polaris has continued to make, use, offer to sell, and/or sell or import into

the United States its infringing ATVs in willful, deliberate, and reckless disregard of the '188 Patent and the rights conferred by the '188 Patent to Arctic Cat.

40. Defendant will continue to infringe the '188 Patent unless and until the Court enjoins Defendant from committing further infringing acts.

41. Defendant has caused and continues to cause Arctic Cat to suffer damages in an amount to be determined, and has caused and continues to cause Arctic Cat irreparable harm for which Arctic Cat has no adequate remedy at law. Arctic Cat will continue to suffer irreparable harm unless and until the Court enjoins Defendants from committing further infringing acts.

42. Arctic Cat is entitled to recover from Defendant damages, including lost profits, in an amount to be determined that is adequate to compensate Arctic Cat for Defendant's infringement.

PRAYER FOR RELIEF

WHEREFORE, Arctic Cat respectfully requests that this Court enter judgment in its favor against Defendant, as follows:

A. To enter judgment that Defendant has directly infringed one or more claims of the '822 and '188 Patents;

B. To enter orders permanently enjoining Defendant and its officers, agents, directors, servants, employees, attorneys, representatives, parents, subsidiaries, affiliates, joint venturers, and all of those in active concert, privity or participation with them and their successors and assigns, from infringing the '822 and '188 Patents;

C. To award Arctic Cat its damages in an amount adequate to compensate Arctic Cat for Defendant's infringement of the '822 and '188 Patents, together with costs and pre-judgment and post-judgment interest;

D. To enter judgment that Polaris's infringement of the '822 and '188 Patents is willful and that damages shall be increased under 35 U.S.C. § 284 to three times the amount found or measured;

E. To award an accounting of all Defendant's infringing sales through final judgment;

F. To declare this case to be "exceptional" under 35 U.S.C. § 285 and to award Arctic Cat its attorneys' fees, expenses, and costs incurred in this action; and

G. To award Arctic Cat such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Arctic Cat requests a trial by jury of any and all issues on which a trial by jury is available.

Dated: February 3, 2017

By: /s/Aaron Myers
Niall MacLeod (MN#269281)
Diane L. Peterson (MN#270702)
Aaron A. Myers (MN#311959)

Kutak Rock LLP
60 S. 6th Street, Suite 3400
Minneapolis, MN 55402
Tel: (612) 334-5000
Fax: (612) 334-5050
Niall.macleod@kutakrock.com
Diane.peterson@kutakrock.com

Aaron.myers@kutakrock.com

Counsel for Plaintiff Arctic Cat Inc.