

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WABASH NATIONAL, L.P.)	
)	
Plaintiff,)	
)	Civil Action No. 06 CV 3991
v.)	
)	Judge St. Eve
TRAILMOBILE CORPORATION)	
)	Magistrate Judge Keys
Defendant.)	

AMENDED COMPLAINT

Plaintiff, Wabash National, L.P., by and through its attorneys, for its Complaint against Defendant, Trailmobile Corporation, on information and belief states as follows:

PARTIES

1. Plaintiff Wabash National, L.P. (“WABASH NATIONAL”) is a limited partnership existing under the laws of the State of Delaware, with its principal place of business at 1000 Sagamore Parkway South, Lafayette, Indiana 47905.
2. Defendant Trailmobile Corporation (“TRAILMOBILE”) is a Delaware corporation having a principal place of business at One Conway Park, 100 North Field Drive, Suite 355, Lake Forest, Illinois 60045-2514.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

4. This Court has subject matter jurisdiction over this action pursuant to the laws of the United States governing actions related to patents, 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant TRAILMOBILE conducts business in this district and its headquarters are located in this district. This Court therefore has general personal jurisdiction over Defendant TRAILMOBILE.

6. Defendant TRAILMOBILE has committed acts of patent infringement in this district.

7. Defendant TRAILMOBILE continues to commit acts of patent infringement in this district.

8. This Court also has specific personal jurisdiction over Defendant TRAILMOBILE.

9. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b) & (c) and 1400(b) because Defendant TRAILMOBILE resides in this judicial district, has committed acts of patent infringement in this district and has a regular and established place of business in this district.

COUNT I

INFRINGEMENT OF UNITED STATES PATENT NO. 6,986,546

10. Plaintiff WABASH NATIONAL is the owner of United States Patent No. 6,986,546 (the “‘546 patent”). A true and correct copy of the ‘546 patent is attached as Exhibit A.

11. Defendant TRAILMOBILE has infringed the ‘546 patent by making, using, selling and offering for sale products covered by claims of the ‘546 patent without Plaintiff WABASH NATIONAL’s authorization in violation of 35 U.S.C. §271(a).

12. Plaintiff WABASH NATIONAL formally notified Defendant TRAILMOBILE of its infringement of the '546 patent on March 10, 2006.

13. Defendant TRAILMOBILE's infringement of the '546 patent is willful and deliberate.

14. Defendant TRAILMOBILE's infringement of the '546 patent has caused damage and irreparable harm to Plaintiff WABASH NATIONAL and will continue to do so unless enjoined.

COUNT II

INFRINGEMENT OF UNITED STATES PATENT NO. 7,114,762

15. Plaintiff WABASH NATIONAL is the owner of United States Patent No. 7,114,762 (the "'762 patent'") which issued on October 3, 2006. A true and correct copy of the '762 patent is attached as Exhibit B.

16. Defendant TRAILMOBILE has infringed the '762 patent by making, using, selling, offering for sale and/or importing into the United States of America products covered by claims of the '762 patent without Plaintiff WABASH NATIONAL's authorization in violation of 35 U.S.C. §271(a).

17. Defendant TRAILMOBILE's infringement of the '762 patent has caused damage and irreparable harm to Plaintiff WABASH NATIONAL and will continue to do so unless enjoined.

REQUEST FOR RELIEF

THEREFORE, Plaintiff WABASH NATIONAL respectfully requests judgment against Defendant TRAILMOBILE as follows:

A. Judgment that Defendant has been and is infringing one or more of the claims of the '546 patent in violation of 35 U.S.C. §271(a);

B. Judgment that Defendant has been and is infringing one or more of the claims of the '762 patent in violation of 35 U.S.C. §271(a);

C. A preliminary and permanent injunction enjoining Defendant from infringing the '546 patent;

D. A preliminary and permanent injunction enjoining Defendant from infringing the '762 patent;

E. An award of damages sufficient to compensate Plaintiff for the injury caused by Defendant's infringement of the '546 patent;

F. An award of damages sufficient to compensate Plaintiff for the injury caused by Defendant's infringement of the '762 patent;

G. An award trebling the damages pursuant to 35 U.S.C. §284 based upon Defendant's willful infringement of the '546 patent;

H. An assessment of costs, including reasonable attorneys fees pursuant to 35 U.S.C. §285, and prejudgment interest against Defendant; and

I. Such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Wabash National, L.P.

s/ David J. Marr
By: David J. Marr

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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2006, I electronically filed the foregoing **AMENDED COMPLAINT** and **NOTICE OF CLAIMS INVOLVING A PATENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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s/ David J. Marr
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