

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION**

WABASH NATIONAL, L.P.,)	
)	
Plaintiff,)	
)	Civil Action No. 4:06-cv-00135
v.)	
)	Judge Allen Sharp
VANGUARD NATIONAL)	
TRAILER CORPORATION,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT

Plaintiff, Wabash National, L.P. (“Wabash”), by and through its attorneys, for its First Amended Complaint against Defendant, Vanguard National Trailer Corporation (“Vanguard”), alleges as follows:

PARTIES

1. Wabash 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. Vanguard is a Delaware corporation having a principal place of business at 289 East Water Tower Drive, Monon, Indiana 47959.

JURISDICTION AND VENUE

3. This is an action arising under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*
4. This Court has subject matter jurisdiction pursuant to 35 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331 and 1338.
5. Vanguard conducts business in this district. This Court therefore has general personal jurisdiction over Vanguard.
6. Vanguard has committed acts of patent infringement in this district.
7. Vanguard continues to commit acts of patent infringement in this district.
8. This Court also has specific personal jurisdiction over Vanguard.
9. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b) & (c) and 1400(b) because Vanguard has committed acts of patent infringement in this district.

COUNT I

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

10. Wabash 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. Vanguard has infringed the ‘546 patent by making, using, selling and/or offering for sale products covered by claims of the ‘546 patent without Wabash’s authorization in violation of 35 U.S.C. §271(a).
12. Vanguard has willfully infringed and continues to willfully infringe the ‘546 patent. The continued infringement of the ‘546 patent by Vanguard has damaged and will continue to damage Wabash.

13. The infringement of the '546 patent by Vanguard has caused and will continue to cause Wabash irreparable harm unless preliminarily and permanently enjoined by the Court. Wabash has no adequate remedy at law.

COUNT II

INFRINGEMENT OF UNITED STATES PATENT NO. 6,220,651

14. Wabash is the owner of United States Patent No. 6,220,651 (the "'651 patent"). A true and correct copy of the '651 patent is attached as Exhibit B.

15. Vanguard has infringed the '651 patent by making, using, selling and/or offering for sale products covered by claims of the '651 patent without Wabash's authorization in violation of 35 U.S.C. §271(a).

16. Vanguard has willfully infringed and continues to willfully infringe the '651 patent. The continued infringement of the '651 patent by Vanguard has damaged and will continue to damage Wabash.

17. The infringement of the '651 patent by Vanguard has caused and will continue to cause Wabash irreparable harm unless preliminarily and permanently enjoined by the Court. Wabash has no adequate remedy at law.

REQUEST FOR RELIEF

WHEREFORE, Wabash respectfully requests judgment against Vanguard as follows:

A. Judgment that Vanguard 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 Vanguard has been and is infringing one or more of the claims of the '651 patent in violation of 35 U.S.C. §271(a);

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

D. A preliminary and permanent injunction enjoining Vanguard from infringing the '651 patent;

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

F. An award of damages sufficient to compensate Wabash for the injury caused by Vanguard's infringement of the '651 patent;

G. Enter an order trebling any and all damages awarded to Wabash by reason of the willful infringement by Vanguard of the '546 and the '651 patents, pursuant to 35 U.S.C. § 284;

H. Declare this an exceptional case and award Wabash its costs, expenses, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and all other applicable statutes, rules, and common law; and

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

Date: April 5, 2007

WABASH NATIONAL, L.P.

/s/ Arun Chandra

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