

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ARCTIC CAT INC.,

Civil File No. \_\_\_\_\_

Plaintiff,

v.

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

BOMBARDIER RECREATIONAL  
PRODUCTS INC. AND BRP U.S. INC.,

Defendants.

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Plaintiff Arctic Cat Inc. (“Arctic Cat”), for its Complaint against defendants Bombardier Recreational Products Inc. and BRP U.S. Inc., states and alleges as follows:

**PARTIES**

1. Plaintiff Arctic Cat Inc. is a corporation organized and existing under the laws of the State of Minnesota, having a principal place of business at 601 Brooks Avenue South, Thief River Falls, Minnesota 56701.

2. Defendant Bombardier Recreational Products Inc. is a corporation organized and existing under the laws of Canada and having a principal place of business at 726 rue St-Joseph Street, Valcourt, Quebec, Canada J0E 2L0.

3. Defendant BRP U.S. Inc. is a corporation organized and existing under the laws of the State of Delaware, and having a principal place of business at 10101 Science Drive, Sturtevant, Wisconsin 53177-1757.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, including 35 U.S.C. § 271. This Court has

subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 (federal question), 1332(a)(1) (diversity of citizenship), and 1338(a) (Act of Congress relating to patents).

5. Defendants are subject to personal jurisdiction in this judicial district because they have committed, and are continuing to commit, substantial acts of infringement in this judicial district by marketing, promoting, offering for sale, selling, and distributing snowmobiles to dealers in this judicial district for resale to and use by residents of this judicial district, which snowmobiles infringe patents owned by Arctic Cat as hereinafter more fully set forth.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b) and § 1400(b).

**ARCTIC CAT'S PATENTED TECHNOLOGY AND INFRINGEMENT BY**  
**DEFENDANTS**

7. Arctic Cat is the owner of valuable, cutting-edge technology related to engine ignition timing, specifically engine ignition timing that varies as a function of exhaust gas temperature.

8. Arctic Cat's exhaust temperature controlled ignition timing technology is proprietary and "home-grown" technology.

9. Arctic Cat's exhaust temperature controlled ignition timing technology has widespread application, and is directed to engine-driven vehicles such as snowmobiles, motorcycles, all terrain vehicles (ATVs), and watercraft.

10. The United States Patent and Trademark Office has awarded Arctic Cat patents for its novel and valuable exhaust temperature controlled ignition timing technology.

11. On April 22, 2003, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,550,450 ("the '450 patent") entitled "Two-Cycle Engine With Exhaust Temperature-Controlled Ignition Timing."

12. On April 16, 2002, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,371,082 (“the ‘082 patent”) entitled “Two-Cycle Engine With Exhaust Temperature-Controlled Ignition Timing.”

13. On May 29, 2001, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,237,566 (“the ‘566 patent”) entitled “Two-Cycle Engine With Exhaust Temperature-Controlled Ignition Timing.”

14. On October 4, 2005, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,951,203 (“the ‘203 patent”) entitled “Ignition Timing Control System.”

15. On August 21, 2007, the U.S. Patent and Trademark Office issued U.S. Patent No. 7,258,107 (“the ‘107 patent”) entitled “Temperature-Controlled Fuel Injection System for Two-Stroke Engines.”

16. Arctic Cat is the owner by assignment of the ‘450, ‘082, ‘566, ‘203 and ‘107 patents.

17. Defendants’ unauthorized infringing use of Arctic Cat’s technology is pervasive and far-reaching, and may extend to more than just Defendants’ snowmobiles.

## COUNT I

### **Infringement of the ‘082 Patent**

18. The allegations of paragraphs 1-17 are incorporated as if fully set forth herein.

19. Bombardier Recreational Products Inc. and BRP U.S. Inc. (collectively referred to as “BRP”) are infringing one or more claims of the ‘082 patent by making, using, importing into the U.S., offering to sell, and/or selling engine driven vehicles, including snowmobiles such as the 2012 Ski-Doo snowmobiles model nos. MX Z 600RS, Summit SP 800R E-TEC, Summit X 800R E-TEC, Freeride 154 800R E-TEC (Racing), Renegade Adrenaline 600HOETEC,

Renegade Back Country X 600HOETEC, Renegade Back Country 600HOETEC, Renegade X 800RETEC XP, Freeride 137 & 146 & 154 800RETEC XP, MX Z XRS 600HOETEC, MX Z 600HOETEC, MX Z TNT 600HOETEC, MX Z XRS 800RETEC XP, MX Z 800RETEC XP, MX Z TNT 800RETEC XP, Renegade X 600HOETEC, Renegade Adrenaline 800RETEC XP, Renegade Back Country 800RETEC XP, Renegade Back Country X 800RETEC XP, GSX SE 600HOETEC, GSX SE 800RETEC XR, Summit SP 600HO E-TEC, GSX LE 600HOETEC XP, and Grand Touring LE 600HOETEC XR, in this district and elsewhere in the U.S. in violation of 35 U.S.C. § 271(a).

20. On information and belief, BRP's infringement of the '082 patent is willful.

21. On information and belief, BRP will continue to infringe the '082 patent unless and until BRP is enjoined by this Court.

22. BRP's acts of infringement have caused and continue to cause damage to Arctic Cat, and Arctic Cat is entitled to recover from BRP the damages sustained by Arctic Cat, including lost profits, in an amount to be determined at trial.

## **COUNT II**

### **Infringement of the '450 Patent**

23. The allegations of paragraphs 1-22 are incorporated as if fully set forth herein.

24. BRP is infringing one or more claims of the '450 patent by making, using, importing into the U.S., offering to sell, and/or selling engine driven vehicles, including snowmobiles such as the 2012 Ski-Doo snowmobiles model nos. MX Z 600RS, Summit SP 800R E-TEC, Summit X 800R E-TEC, Freeride 154 800R E-TEC (Racing), Renegade Adrenaline 600HOETEC, Renegade Back Country X 600HOETEC, Renegade Back Country 600HOETEC, Renegade X 800RETEC XP, Freeride 137 & 146 & 154 800RETEC XP, MX Z

XRS 600HOETEC, MX Z 600HOETEC, MX Z TNT 600HOETEC, MX Z XRS 800RETEC XP, MX Z 800RETEC XP, MX Z TNT 800RETEC XP, Renegade X 600HOETEC, Renegade Adrenaline 800RETEC XP, Renegade Back Country 800RETEC XP, Renegade Back Country X 800RETEC XP, GSX SE 600HOETEC, GSX SE 800RETEC XR, Summit SP 600HO E-TEC, GSX LE 600HOETEC XP, and Grand Touring LE 600HOETEC XR, in this district and elsewhere in the U.S. in violation of 35 U.S.C. § 271(a).

25. On information and belief, BRP's infringement of the '450 patent is willful.

26. On information and belief, BRP will continue to infringe the '450 patent unless and until BRP is enjoined by this Court.

27. BRP's acts of infringement have caused and continue to cause damage to Arctic Cat, and Arctic Cat is entitled to recover from BRP the damages sustained by Arctic Cat, including lost profits, in an amount to be determined at trial.

### **COUNT III**

#### **Infringement of the '566 Patent**

28. The allegations of paragraphs 1-27 are incorporated as if fully set forth herein.

29. BRP is infringing one or more claims of the '566 patent by making, using, importing into the U.S., offering to sell, and/or selling engine driven vehicles, including snowmobiles such as the 2012 Ski-Doo snowmobiles model nos. MX Z 600RS, Summit SP 800R E-TEC, Summit X 800R E-TEC, Freeride 154 800R E-TEC (Racing), Renegade Adrenaline 600HOETEC, Renegade Back Country X 600HOETEC, Renegade Back Country 600HOETEC, Renegade X 800RETEC XP, Freeride 137 & 146 & 154 800RETEC XP, MX Z XRS 600HOETEC, MX Z 600HOETEC, MX Z TNT 600HOETEC, MX Z XRS 800RETEC XP, MX Z 800RETEC XP, MX Z TNT 800RETEC XP, Renegade X 600HOETEC, Renegade

Adrenaline 800RETEC XP, Renegade Back Country 800RETEC XP, Renegade Back Country X 800RETEC XP, GSX SE 600HOETEC, GSX SE 800RETEC XR, Summit SP 600HO E-TEC, GSX LE 600HOETEC XP, and Grand Touring LE 600HOETEC XR, in this district and elsewhere in the U.S. in violation of 35 U.S.C. § 271(a).

30. On information and belief, BRP's infringement of the '566 patent is willful.

31. On information and belief, BRP will continue to infringe the '566 patent unless and until BRP is enjoined by this Court.

32. BRP's acts of infringement have caused and continue to cause damage to Arctic Cat, and Arctic Cat is entitled to recover from BRP the damages sustained by Arctic Cat, including lost profits, in an amount to be determined at trial.

#### **COUNT IV**

##### **Infringement of the '203 Patent**

33. The allegations of paragraphs 1-32 are incorporated as if fully set forth herein.

34. BRP is infringing one or more claims of the '203 patent by making, using, importing into the U.S., offering to sell, and/or selling engine driven vehicles, including snowmobiles such as the 2012 Ski-Doo snowmobiles model nos. MX Z 600RS, Summit SP 800R E-TEC, Summit X 800R E-TEC, Freeride 154 800R E-TEC (Racing), Renegade Adrenaline 600HOETEC, Renegade Back Country X 600HOETEC, Renegade Back Country 600HOETEC, Renegade X 800RETEC XP, Freeride 137 & 146 & 154 800RETEC XP, MX Z XRS 600HOETEC, MX Z 600HOETEC, MX Z TNT 600HOETEC, MX Z XRS 800RETEC XP, MX Z 800RETEC XP, MX Z TNT 800RETEC XP, Renegade X 600HOETEC, Renegade Adrenaline 800RETEC XP, Renegade Back Country 800RETEC XP, Renegade Back Country X 800RETEC XP, GSX SE 600HOETEC, GSX SE 800RETEC XR, Summit SP 600HO E-TEC,

GSX LE 600HOETEC XP, and Grand Touring LE 600HOETEC XR, in this district and elsewhere in the U.S. in violation of 35 U.S.C. § 271(a).

35. On information and belief, BRP's infringement of the '203 patent is willful.

36. On information and belief, BRP will continue to infringe the '203 patent unless and until BRP is enjoined by this Court.

37. BRP's acts of infringement have caused and continue to cause damage to Arctic Cat, and Arctic Cat is entitled to recover from BRP the damages sustained by Arctic Cat, including lost profits, in an amount to be determined at trial.

### **COUNT V**

#### **Infringement of the '107 Patent**

38. The allegations of paragraphs 1-37 are incorporated as if fully set forth herein.

39. BRP is infringing one or more claims of the '107 patent by making, using, importing into the U.S., offering to sell, and/or selling engine driven vehicles, including snowmobiles such as the 2012 Ski-Doo snowmobiles model nos. MX Z 600RS, Summit SP 800R E-TEC, Summit X 800R E-TEC, Freeride 154 800R E-TEC (Racing), Renegade Adrenaline 600HOETEC, Renegade Back Country X 600HOETEC, Renegade Back Country 600HOETEC, Renegade X 800RETEC XP, Freeride 137 & 146 & 154 800RETEC XP, MX Z XRS 600HOETEC, MX Z 600HOETEC, MX Z TNT 600HOETEC, MX Z XRS 800RETEC XP, MX Z 800RETEC XP, MX Z TNT 800RETEC XP, Renegade X 600HOETEC, Renegade Adrenaline 800RETEC XP, Renegade Back Country 800RETEC XP, Renegade Back Country X 800RETEC XP, GSX SE 600HOETEC, GSX SE 800RETEC XR, Summit SP 600HO E-TEC, GSX LE 600HOETEC XP, and Grand Touring LE 600HOETEC XR, in this district and elsewhere in the U.S. in violation of 35 U.S.C. § 271(a).

40. On information and belief, BRP's infringement of the '107 patent is willful.

41. On information and belief, BRP will continue to infringe the '107 patent unless and until BRP is enjoined by this Court.

42. BRP's acts of infringement have caused and continue to cause damage to Arctic Cat, and Arctic Cat is entitled to recover from BRP the damages sustained by Arctic Cat, including lost profits, in an amount to be determined at trial.

### **PRAYER FOR RELIEF**

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

A. To enter judgment that BRP has infringed the '450, '082, '566, '203 and '107 patents in violation of 35 U.S.C. § 271;

B. To enter orders preliminarily and permanently enjoining BRP and its officers, agents, directors, servants, employees, attorneys, representatives, parents, subsidiaries, affiliates, and all of those in active concert, privity or participation with them and their successors and assigns, from infringing the '450, '082, '566, '203 and '107 patents;

C. To enter judgment that BRP's acts of infringement have been willful and deliberate;

D. To award Arctic Cat its damages in an amount adequate to compensate Arctic Cat for BRP's infringement of the '450, '082, '566, '203 and '107 patents consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed, together with costs, and prejudgment and post-judgment interest;

E. 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



F. 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 respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

Dated: October 19, 2012.

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