

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

_____)	Civil Action No. _____
Polaris Industries Inc.,)	
a Delaware Corporation)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
Arctic Cat Inc.,)	
a Minnesota Corporation,)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	
_____)	

COMPLAINT

Plaintiff, Polaris Industries Inc. (“Polaris” or “Plaintiff”), for its Complaint against Defendant, Arctic Cat Inc. (“Arctic Cat” or “Defendant”) allege as follows:

The Parties

1. Plaintiff, Polaris Industries Inc., is a Delaware corporation having its principal place of business at 2100 Highway 55, Medina, Minnesota. Polaris is a citizen and resident of Minnesota. Polaris is an industry leader in developing and manufacturing snowmobiles, motorcycles, all-terrain vehicles, and side-by-side off-road vehicles.

2. On information and belief, Defendant, Arctic Cat Inc., is a corporation organized and existing under the laws of Minnesota and has a principal place of business at 505 Highway 169 N, No. 1,000, Plymouth, Minnesota 55441.

Jurisdiction

3. This is a claim of patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271; 281-285.

4. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Personal jurisdiction over Defendant and venue are proper in this district under 28 U.S.C. § 1391. Defendant has made, used, marketed, offered for sale, and, upon information and belief, sold its accused products in the District of Minnesota. The Defendant is a resident of Minnesota and the events giving rise to Polaris's claims arose in this district.

Facts

6. Polaris is a leading designer, manufacturer and marketer of recreational vehicles such as snowmobiles, motorcycles and off road vehicles, such as all-terrain vehicles and side-by-side all-terrain vehicles. The first Polaris snowmobile was built more than 50 years ago. Since that time, Polaris has continued to innovate. Polaris subsequently successfully launched off-road vehicles, watercraft and the VICTORY® line of road motorcycles. Most recently, Polaris acquired the INDIAN® brand road

motorcycles and introduced in August of 2013 the first Polaris designed and built lineup of INDIAN® motorcycles.

7. Polaris led the industry with the introduction of its RANGER® side-by-side off-road vehicle. The RANGER® was such a success that many other recreation vehicle manufactures also began offering side-by-side off-road vehicles.

8. Polaris again jumped ahead of the industry in 2007 with the introduction of its RANGER RZR®. The RANGER RZR® was the industry's only trail capable side-by-side.

9. The media coverage was instant and positive. One media source, in early 2007, hailed the RANGER RZR® design as “truly innovative,” “is going to have a deep and lasting impact on the side-by-side market,” and “a ground-breaking product for 2007.”

COUNT I

Patent Infringement

10. Polaris repeats the allegations of paragraphs 1-9 of this complaint.

11. On December 3, 2013, United States Patent No. 8,596,405 entitled SIDE-BY-SIDE ATV (“the ‘405 patent”) was duly and legally issued to Polaris as assignee of the inventors. Polaris is the owner of the entire right, title and interest in and to the ‘405 patent and has been and still is the owner thereof. The ‘405 patent is attached as Exhibit A.

12. Defendant has manufactured, used, sold, and/or offered for sale side-by-side all-terrain vehicles, and still is, including Wildcat side-by-side vehicles, which infringe the '405 patent.

13. Polaris has complied with the notice provision of the patent statutes by at least providing written notice to Defendant on December 3, 2013.

14. Defendant has had actual knowledge of the '405 patent since at least December 3, 2013, and its infringement of this patent is and continues to be willful and deliberate.

15. Polaris has been damaged by Defendant's infringement of the '405 patent and will continue to be damaged in the future unless Defendant is permanently enjoined from infringing the '405 patent.

Prayer for Relief

WHEREFORE, the Plaintiff, Polaris Industries Inc., prays that the Court enter an order and judgment:

- a. That Defendant has infringed United States Patent No. 8,596,405;
- b. Permanently enjoining and restraining Defendant, its officers, directors, agents, servants, employees, attorneys and all others acting under or through it, directly or indirectly, from infringing United States Patent No. 8,596,405;
- c. Requiring Defendant to pay damages under 35 U.S.C. § 284, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest;

d. Finding this case exceptional and directing Defendant to pay the costs of this action (including all disbursements) and attorney fees as provided by 35 U.S.C. § 285, with interest; and

e. Awarding Polaris such other and further relief as this Court may deem just and equitable.

Demand for Jury Trial

Plaintiff hereby demands that all issues be determined by a jury.

December 20, 2013

Polaris Industries Inc.

By Counsel

s/ Anthony R. Zeuli

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