

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C. 20436**

**In the Matter of**

**CERTAIN WIPER BLADES**

**Investigation No. 337-TA-\_\_\_\_\_**

**COMPLAINT UNDER SECTION 337 OF  
THE TARIFF ACT OF 1930, AS AMENDED**

**Complainant:**

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**Proposed Respondents:**

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Ansan-si, Gyeonggi-do  
Korea, 425-090

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Englewood Cliffs, NJ 07632

Albere Products, Inc.  
d/b/a Saver Automotive Products, Inc.  
510 E. Preston Street  
Baltimore, MD 21202

API Korea Co., Ltd.  
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NamDong-Gu Incheon  
Korea, 405-848

Cequent Consumer Products, Inc.  
29000-2 Aurora Rd.  
Solon, OH 44139

Corea Autoparts Producing Corporation  
d/b/a CAP America  
800, Oidap-Dong, Sangju-City  
Gyeongsangbuk-do  
South Korea, 742-320

Danyang UPC Auto Parts Co., Ltd.  
Dachengqiao Industrial Park, Jiepai Town  
Danyang City, Jiangsu,  
China, 212323

Fu-Gang Co., Ltd.  
No. 65, Ligong 2nd Rd.  
Wujie Township, Yilan County 268,  
Taiwan

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Portland, Oregon 97230

Pylon Manufacturing Corp.  
1341 W. Newport Center Drive  
Deerfield Beech, Florida 33442

RainEater, LLC  
2800 W. 21st St.  
Erie, PA 16506

Scan Top Enterprise Co., Ltd.  
RM. 4E-17, No. 5, Sec. 5, Hsin Yi Road  
Taipei 110  
Taiwan R.O.C.

Winplus North America Inc.  
820 South Wanamaker Ave.  
Ontario, CA 91761

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## **I. INTRODUCTION**

1. Robert Bosch LLC (“Bosch” or “Complainant”) requests that the United States International Trade Commission (“ITC”) commence an investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain “flat” or “beam-type” wiper blade devices (collectively referred to as the “Accused Products”) that infringe one or more claims of several valid and enforceable United States patents owned by Bosch.

2. The proposed respondents are:

- ADM21 Company, Ltd. (“ADM21”)
- ADM21 Co. (North America) Ltd. (“ADM NA”)
- Alberee Products, Inc., d/b/a Saver Automotive Products, Inc. (“Saver”)
- API Korea Co., Ltd. (“API”)
- Cequent Consumer Products, Inc. (“Cequent”)
- Corea Autoparts Producing Corporation d/b/a CAP America (“CAP”)
- Danyang UPC Auto Parts Co., Ltd. (“UPC Auto Parts”)
- Fu-Gang Co., Ltd. (“Fu-Gang”)
- PIAA Corporation, USA (“PIAA”)
- Pylon Manufacturing Corp. (“Pylon”)
- RainEater, LLC (“RainEater”)
- Scan Top Enterprises Co., Ltd. (“Scan Top”)
- Winplus North America Inc. (“Winplus”)

3. ADM21 and ADM NA (collectively, “ADM”) beam-type wiper blades, including the XF2 and XF4 wiper blade models (the “ADM Products”), are accused of infringement. The accused ADM Products include the RainEater Elements and RainEater Premium beam-type wiper blades (the “RainEater Products”), distributed by RainEater and Cequent, and the Invisible Glass Best beam wiper blades. On information and belief, the ADM Products are manufactured in China and Korea by ADM21.

4. Saver beam-type wiper blades, specifically the Goodyear Assurance wiper blade distributed by Saver (the “Saver Products”), are accused of infringement. On information and belief, the Saver Products are manufactured in Korea by API.

5. CAP beam-type wiper blades, including the MA3, CF4, CF4 PTB, CF4 I&L, CMF1, and CMF2 wiper blade models (the “CAP Products”) are accused of infringement. The accused CAP Products include beam blades sold under the Mighty StormGuard Aero, Mighty TecSelect, PIAA Si-Tech Silicone Flat, Proline Premium, and Autocraft Beam Style brand names. On information and belief, the CAP Products are manufactured in China and Korea by CAP.

6. Scan Top wiper blades (the “Scan Top Products”), specifically the Michelin Stealth and DuPont Beam Blade products distributed by Pylon (the “Pylon Products”), Valvoline Aquablade distributed by Winplus, and ClearPlus Beam Blade are accused of infringement. On information and belief, the Scan Top Products are manufactured in China by Scan Top and UPC Auto Parts.

7. Fu-Gang wiper blades (the “Fu-Gang Products”), specifically the Pronto Tech Select Beam and Silblade Flex wiper blade products are accused of infringement. On information and belief, the Fu-Gang Products are manufactured in Taiwan by Fu-Gang.

8. All thirteen companies identified above are referred to collectively herein as the “Proposed Respondents.”

9. The Proposed Respondents have violated Section 337 by importing into the United States, selling for importation into the United States, and/or selling within the United States after importation certain wiper blades that infringe one or more claims of one or more of the following Bosch patents:

- United States Patent No. 6,523,218 (“the ’218 patent”);
- United States Patent No. 6,553,607 (“the ’607 patent”);
- United States Patent No. 6,611,988 (“the ’988 patent”);
- United States Patent No. 6,675,434 (“the ’434 patent”);
- United States Patent No. 6,836,926 (“the ’926 patent”);
- United States Patent No. 6,944,905 (“the ’905 patent”);
- United States Patent No. 6,973,698 (“the ’698 patent”);
- United States Patent No. 7,293,321 (“the ’321 patent”);
- United States Patent No. 7,523,520 (“the ’520 patent”).

These patents are referred to collectively herein as “the Asserted Patents.” Certified copies of the Asserted Patents accompany this Complaint as Exhibits 1, 3, 5, 7, 9, 11, 13, 15, and 17, respectively.

10. Bosch owns, by valid assignment, the entire right, title and interest in and to each of the Asserted Patents. Certified copies of the assignments of each of the Asserted Patents are attached as Exhibits 2, 4, 6, 8, 10, 12, 14, 16, and 18, respectively.

11. The following chart provides the nature of each Proposed Respondent's infringing activities, an identification of the Accused Products addressed in Bosch's claim charts, and the patent claims that are infringed.

<b>Proposed Respondent</b>	<b>Type of infringing activity</b>	<b>Accused Products</b>	<b>Patent claims infringed</b>
ADM21 Co.	Manufacture of accused products; Importation of accused products into the United States; Sale of accused products for importation into the United States.	XF4 products: RainEater Premium, Invisible Glass Best	'218 patent: 1, 2, 5, 6, 7, 10 '607 patent: 1-7, 9-12, 14 '988 patent: 1-5, 8, 9 '926 patent: 1, 2, 3 '905 patent: 1, 3, 4, 8, 10, 11, 15 '698 patent: 1
		XF2 products: RainEater Elements	'218 patent: 1, 2, 5, 6, 7, 10 '607 patent: 1-6, 12, 14 '988 patent: 11 '926 patent: 1, 2, 3 '905 patent: 1, 8, 11 '698 patent: 1
ADM North America	Importation of accused products into the United States; Sale of accused products within the United States after importation.	RainEater Elements, RainEater Premium, and Invisible Glass Best	See infringed patent claims for each accused product listed above.
Cequent	Importation of accused products into the United States; Sale of accused products within the United States after importation.	RainEater Elements and RainEater Premium	See infringed patent claims for each accused product listed above.
RainEater	Importation of accused products into the United States; Sale of accused products within the United States after importation.	RainEater Elements and RainEater Premium	See infringed patent claims for each accused product listed above.

Proposed Respondent	Type of infringing activity	Accused Products	Patent claims infringed
Saver	Importation of accused products into the United States; Sale of accused products within the United States after importation.	Goodyear Assurance	'218 patent: 1, 2, 3, 5, 10 '607 patent: 1–6, 12, 14 '988 patent: 11 '434 patent: 1, 5, 7, 13 '926 patent: 1, 2, 3 '905 patent: 13, 17, 18 '698 patent: 1 '321 patent: 1, 2, 3, 9, 10 '520 patent: 1, 2, 3, 9, 10, 18
API	Manufacture of accused products; Importation of accused products into the United States; Sale of accused products for importation into the United States.	Goodyear Assurance	See infringed patent claims for the accused product listed above.
CAP	Manufacture of accused products; Importation of accused products into the United States; Sale of accused products for importation into the United States; Sale of accused products within the United States after importation.	CF4 products: Mighty Storm Guard Aero	'607 patent: 1–12, 14 '988 patent: 1–6, 9–12, 15 '434 patent: 1, 5, 7, 13 '926 patent: 1, 2, 3 '905 patent: 13, 16, 17 '698 patent: 1 '321 patent: 1, 2, 3, 9, 10 '520 patent: 1, 2, 3, 9, 10, 18
		CF4 PTB, and CF4 I&L products: Mighty Storm Guard Aero	'434 patent: 1, 5, 7, 13 '926 patent: 1, 2, 3 '905 patent: 13, 16, 17 '698 patent: 1
		MA3 products: PIAA Si-Tech	'607 patent: 1–6, 12, 14 '988 patent: 11 '434 patent: 1, 5, 7, 13 '926 patent: 1, 2, 3 '905 patent: 13, 16, 17 '698 patent: 1
		CMF1 products: Mighty TecSelect	'218 patent: 1–3, 5–7, 10 '607 patent: 1–6, 12, 14 '434 patent: 1, 13 '926 patent: 1, 2, 3 '905 patent: 13, 16–18 '698 patent: 1

Proposed Respondent	Type of infringing activity	Accused Products	Patent claims infringed
		CMF2 products: Proline Premium, and Autocraft Beam Style Wiper Blade	'218 patent: 1–3, 5–7, 10 '607 patent: 1–6, 12, 14 '988 patent: 11 '434 patent: 1, 13 '926 patent: 1, 2, 3 '905 patent: 13, 16, 17 '698 patent: 1
PIAA	Importation of accused products into the United States;  Sale of accused products within the United States after importation.	PIAA Si-Tech	See infringed patent claims for the accused product listed above.
Scan Top	Manufacture of accused products;  Importation of accused products into the United States;  Sale of accused products for importation into the United States.	DuPont Beam Blade	'607 patent: 1–6 12, 14 '988 patent: 11 '926 patent: 1, 2 '698 patent: 1
		Michelin Stealth	'607 patent: 1–10, 12, 14 '988 patent: 1–6, 8, 9, 11, 12, 15 '926 patent: 1, 2 '905 patent: 1, 3, 4, 8, 10, 11 '321 patent: 1–5, 9, 10 '520 patent: 1–5, 9, 10, 18, 19
		Valvoline Aquablade and ClearPlus Beam Blade	'607 patent: 1–5, 12, 14 '926 patent: 1, 2 '905 patent: 1, 3, 4, 8, 10, 11 '698 patent: 1 '321 patent: 1–5, 9, 10 '520 patent: 1–5, 9, 10, 18, 19
UPC Auto Parts	Manufacture of accused products;  Importation of accused products into the United States;  Sale of accused products for importation into the United States.	DuPont Beam, Michelin Stealth, Valvoline Aquablade and ClearPlus Beam Blade	See infringed patent claims for each accused product listed above.

<b>Proposed Respondent</b>	<b>Type of infringing activity</b>	<b>Accused Products</b>	<b>Patent claims infringed</b>
Pylon	Importation of accused products into the United States; Sale of accused products within the United States after importation.	DuPont Beam Blade, and Michelin Stealth	<i>See</i> infringed patent claims for each accused product listed above.
Winplus	Importation of accused products into the United States; Sale of accused products within the United States after importation.	Valvoline Aquablade	<i>See</i> infringed patent claims for the accused product listed above.
Fu-Gang	Manufacture of accused products; Importation of accused products into the United States; Sale of accused products for importation into the United States.	Pronto Tech Select Beam, and Silblade Flex	<b>'607 patent:</b> 1–7, 9, 10, 12, 14 <b>'988 patent:</b> 11, 12 <b>'434 patent:</b> 1, 5, 7, 13 <b>'926 patent:</b> 1, 2, 3 <b>'905 patent:</b> 13, 17 <b>'698 patent:</b> 1

12. As required by 19 U.S.C. § 1337(a) (2) and (3), an industry in the United States exists relating to articles covered by the Asserted Patents.

13. Bosch seeks a permanent exclusion order pursuant to Section 1337(d) prohibiting entry into the United States all of the Accused Products of the Proposed Respondents that infringe one or more asserted claims of the Asserted Patents. Bosch further seeks a general exclusion order, pursuant to Section 1337(d) prohibiting entry into the United States all wiper blades that infringe one or more asserted claims of the Asserted Patents. Pursuant to Section 1337(f), Bosch also seeks permanent cease and desist orders, prohibiting the Proposed Respondents, their affiliates, others acting on behalf of the Proposed Respondents, and others who are in active concert or participation with the Proposed Respondents from importing into the



United States any of Proposed Respondents' Accused Products that infringe one or more asserted claims of the Asserted Patents. Finally, Bosch seeks any other relief the ITC deems proper.

## **II. THE PARTIES**

### **A. Complainant Bosch**

14. Bosch is a Delaware corporation with a principal place of business at 38000 Hills Tech Drive, Farmington Hills, Michigan 48331. Bosch sells, markets, engineers and researches consumer goods, including automotive products such as wiper blades, in the United States. Bosch employs more than 6,500 people in the United States, about 90 percent of who work in the Automotive Technology group.

15. Complainant Bosch's main business focus in the United States is on automotive products and systems. This includes wiper blades that Bosch sells in the United States as original equipment to automotive manufacturers and to consumers in the aftermarket as replacement parts. Bosch also sells in the United States wiper systems, which include wiper blades, wiper arms, motors and associated gearing, as original equipment to automotive manufacturers that sell vehicles in the United States. Additional information concerning Bosch's wiper blades and wiper systems business, and the significant domestic industry activities related to that business, is set forth in Section IX below and Confidential Exhibits 21C and 22C.

### **B. The Proposed Respondents**

#### **1. ADM21 Co., Ltd.**

16. On information and belief, proposed respondent ADM21 is a company organized under the laws of Korea with a principal place of business at 742-6, Wonsi-dong, Danwon-gu, Ansan-si, Gyeonggi-do Korea, 425-090. (Exhibit 27.)

17. On information and belief, ADM21 manufactures, imports and/or sells for importation into the U.S. wiper blades that infringe one or more of the Asserted Patents.

Specifically, the RainEater Products and the Invisible Glass Best wiper blades manufactured by ADM21 are accused of infringement. ADM21 may also manufacture, import, or sell for importation infringing goods under other brand names.

18. On information and belief, the ADM Products are manufactured, assembled, and/or packaged in China and Korea, by ADM21. On information and belief, ADM21 and/or others then import the ADM Products into the United States and/or sell them for importation into the United States.

## **2. ADM21 Co. (North America) Ltd.**

19. On information and belief, proposed respondent ADM NA is a wholly-owned subsidiary of ADM21 Co. Ltd., organized under the laws of the state of New Jersey, with a principal place of business at 333 Sylvan Avenue, Suite 106, Englewood Cliffs, NJ. (Exhibit 27.)

20. On information and belief, ADM NA imports, and/or sells and distributes after importation into the United States the ADM Products that infringe one or more of the Asserted Patents, including the RainEater Products and the Invisible Glass Best wiper blades. ADM NA may also import or sell after importation infringing goods under additional brand names.

21. On information and belief, the ADM Products are manufactured, assembled, and/or packaged outside the United States, in China and Korea, by ADM21. On information and belief, ADM NA and/or others import the ADM Products into the United States and/or sell them after they have been imported into the United States.

## **3. Cequent Consumer Products, Inc.**

22. On information and belief, proposed respondent Cequent is a corporation organized under the laws of the state of Ohio, with a principal place of business at 29000-2 Aurora Rd., Solon, Ohio. (Exhibit 28.)

23. On information and belief, Cequent imports and/or sells after importation beam-type wiper blades that infringe one or more of the Asserted Patents, in particular the RainEater Products. Cequent may also import and/or sell after importation infringing goods under additional brand names.

24. On information and belief, the RainEater Products are manufactured, assembled, and/or packaged outside the United States, in China and Korea, by ADM21. On information and belief, ADM, RainEater and/or Cequent import the RainEater Products into the United States. On information and belief, Cequent and RainEater sell the RainEater Products after they have been imported into the United States.

#### **4. RainEater, LLC**

25. On information and belief, proposed respondent RainEater is a corporation organized under the laws of the state of Pennsylvania with a principal place of business at 2800 W. 21st St., Erie, Pennsylvania. (Exhibit 28.)

26. On information and belief, RainEater imports and/or sells after importation wiper blades that infringe one or more of the Asserted Patents, specifically the RainEater Products. RainEater may also import or sell after importation infringing goods under additional brand names.

27. On information and belief, the RainEater Products are manufactured, assembled, and/or packaged outside the United States, in China and Korea, by ADM21. On information and belief, ADM, RainEater and/or Cequent import the RainEater Products into the United States. On information and belief, RainEater and Cequent sell the RainEater Products after they have been imported into the United States.

**5. Alberree Products, Inc. d/b/a Saver Automotive Products, Inc.**

28. On information and belief, proposed respondent Saver is a corporation organized under the laws of the state of Maryland with a principal place of business at 510 E. Preston Street, Baltimore, Maryland. (Exhibit 40.)

29. On information and belief, Saver imports and/or sells after importation wiper blades that infringe one or more of the Asserted Patents, specifically, the Goodyear Assurance wiper blades. Saver may also import or sell after importation infringing goods under additional brand names.

30. On information and belief, the Saver Products are manufactured, assembled, and/or packaged outside the United States by API. On information and belief, API and/or Saver import the Saver Products into the United States, and Saver sells them after they have been imported into the United States.

**6. API Korea Co., Ltd.**

31. On information and belief, proposed respondent API is a corporation organized under the laws of Korea with a principal place of business at 45B-4L, #435-3, Nonhyeon-Dong NamDong-Gu Incheon, Korea, 405-848. (Exhibit 41.)

32. On information and belief, API manufactures, imports and/or sells for importation into the U.S. beam-type wiper blades that infringe one or more of the Asserted Patents, including the Goodyear Assurance wiper blades. API may also manufacture, import, or sell for importation infringing goods under additional brand names.

33. On information and belief, the Saver Products are manufactured, assembled, and/or packaged in Korea, by API. On information and belief, API and/or others then import the Saver Products into the United States and/or sell them for importation into the United States.

**7. Korea Autoparts Producing Corporation d/b/a CAP America**

34. On information and belief, proposed respondent CAP is a corporation organized under the laws of Korea with a principal place of business at 800, Oidap-Dong, Sangju-City Gyeongsangbuk-do, South Korea, 742-320. (Exhibit 48.) On information and belief, CAP Corporation is doing business in the United States as CAP America, with a principal place of business at 34705 W. 12 Mile Road, Farmington Hills, Michigan.

35. On information and belief, CAP manufactures, sells for importation, imports and/or sells after importation beam-type wiper blades, including the MA3, CF4, CF4 PTB, CF4 I&L, CMF1, and CMF2 wiper blade models, that infringe one or more of the Asserted Patents. Specifically, Mighty StormGuard Aero, Mighty TecSelect, PIAA Si-Tech Silicone Flat, Proline Premium, and Autocraft Beam Style wiper blades are accused of infringement. CAP may also import, sell for importation and/or sell after importation infringing goods under additional brand names.

36. On information and belief, the CAP Products are manufactured, assembled, and/or packaged in China and/or Korea, by CAP. On information and belief, CAP sells the CAP Products for importation into the United States, CAP and/or others import the CAP Products into the United States, and sell them after they have been imported into the United States.

**8. PIAA Corporation USA**

37. On information and belief, proposed respondent PIAA is a corporation organized under the laws of Oregon with a principal place of business at 3004 N.E. 181st Avenue, Portland, Oregon. (Exhibit 49.)

38. On information and belief, PIAA imports and/or sells after importation beam-type wiper blades (the “PIAA Products”) that infringe one or more of the Asserted Patents, including

the PIAA Si-Tech Silicone Flat wiper blades. PIAA may also import and/or sell after importation infringing goods under additional brand names.

39. On information and belief, the PIAA Products are manufactured, assembled, and/or packaged outside the United States, in China and/or Korea, by CAP. On information and belief, PIAA and/or CAP import the PIAA Products into the United States, and PIAA sells them after importation into the United States.

**9. Danyang UPC Auto Parts Co., Ltd.**

40. On information and belief, proposed respondent UPC Auto Parts is a corporation organized under the laws of China, with a principal place of business at Dachengqiao Industrial Park, Jiepai Town, Danyang City, Jiangsu, China. On information and belief, UPC Auto Parts is a Scan Top plant that manufactures various wiper blades, including beam wiper blades, for Scan Top. (Exhibit 66 at 2–3).

41. UPC Auto Parts manufactures and sells for importation into the United States the Scan Top wiper blades that infringe the Asserted Patents, including the DuPont Beam Blade, Michelin Stealth, Valvoline Aquablade, and ClearPlus Beam wiper blades. UPC Auto Parts may also manufacture, import, and/or sell for importation infringing goods under additional brand names.

42. Upon information and belief, the Scan Top Products are manufactured, assembled, and/or packaged in China and Taiwan by UPC Auto Parts and Scan Top. Upon information and belief, UPC Auto Parts and/or others then import the Scan Top Products into the United States, and/or sell them for importation into the United States.

**10. Scan Top Enterprise Co., Ltd.**

43. On information and belief, proposed respondent Scan Top is a corporation organized under the laws of Taiwan, with a principal place of business at RM. 4E-17, No. 5, Sec. 5, Hsin Yi Road, Taipei 110, Taiwan. (Exhibit 66.)

44. On information and belief, Scan Top manufactures, sells for importation, and/or imports the Scan Top wiper blades that infringe the Asserted Patents, including DuPont Beam Blade, Michelin Stealth, Valvoline Aquablade, and ClearPlus Beam Blade wiper blades. Scan Top may also manufacture, import, and sell for importation infringing goods under additional brand names.

45. Upon information and belief, the Scan Top Products are manufactured, assembled, and/or packaged in China and Taiwan by Scan Top and UPC Auto Parts. Upon information and belief, Scan Top and/or others then import the Scan Top Products into the United States, and/or sell them for importation into the United States.

**11. Pylon Manufacturing Corp.**

46. On information and belief, proposed respondent Pylon is a corporation organized under the laws of the state of Delaware with a principal place of business at 1341 W. Newport Center Drive, Deerfield Beech, Florida. (Exhibit 67.)

47. On information and belief, Pylon imports and/or sells after importation wiper blades that infringe one or more of the Asserted Patents, including the Michelin Stealth and the DuPont Beam Blade wiper blades. Pylon may also import and/or sell after importation infringing goods under additional brand names.

48. On information and belief, the Pylon Products are manufactured, assembled, and/or packaged outside the United States, in China, by Scan Top and/or UPC Auto Parts. On

information and belief, Pylon and/or others import the Pylon Products into the United States, and Pylon sells them after importation into the United States.

**12. Winplus North America, Inc.**

49. On information and belief, proposed respondent Winplus is a corporation organized under the laws of the state of California with a principal place of business at 820 South Wanamaker Ave., Ontario, California.

50. On information and belief, Winplus imports and/or sells after importation wiper blades that infringe one or more of the Asserted Patents (the “Winplus Products”), including the Valvoline Aquablade wiper blades. Winplus may also import or sell after importation infringing goods under additional brand names.

51. On information and belief, the Winplus Products are manufactured, assembled, and/or packaged outside in China by Scan Top and/or UPC Auto Parts. On information and belief, Winplus, Scan Top and/or UPC Auto Parts import the Winplus Products into the United States, and Winplus and/or others sell the Winplus Products after importation into the United States.

**13. Fu-Gang Co., Ltd.**

52. On information and belief, proposed respondent Fu-Gang is a corporation organized under the laws of Taiwan, with a principal place of business at No. 65, Ligong 2nd Rd., Wujie Township, Yilan County 268, Taiwan. (Exhibit 82.)

53. On information and belief, Fu-Gang manufactures, sells for importation, and/or imports into the United States the Fu-Gang wiper blades that infringe the Asserted Patents, including the Pronto Tech Select Beam and Silblade Flex wiper blades. Fu-Gang may also manufacture, import, and/or sell for importation infringing goods under additional brand names.



54. Upon information and belief, the Fu-Gang Products are manufactured, assembled, and/or packaged outside the United States, in Taiwan, by Fu-Gang. Upon information and belief, Fu-Gang and/or others then import the Fu-Gang Products into the United States, and/or sell them for importation into the United States.

### **III. THE TECHNOLOGY AND PRODUCTS AT ISSUE**

55. The technologies at issue relate generally to various aspects of wiper blades.

56. Two main types of wiper blades are available on the market today—conventional wiper blades and beam-type wiper blades. Conventional wiper blades use bracketed support superstructure composed of yokes to distribute the pressure applied by the wiper arm to the wiping element, or wiper strip, to enable windshield cleaning. The support superstructure typically consists of multiple levels of brackets, creating a number of discrete pressure points along the length of a wiper strip. This design results in areas of high and low pressure along the length of the wiper strip, leading to an uneven wipe, or streaking—a problem that is particularly pronounced in vehicles with a curved windshield. The support superstructure may also become clogged by debris, ice and snow, increasing the rigidity of the blade and further impairing its performance. Moreover, the support superstructure of conventional wiper blades, along with their conventional connections to wiper arms, is positioned relatively high on the windshield, resulting in the wiper blade lifting-off from the windshield at high speeds.

57. Beam-type wiper blades (also called frameless, bracketless, or flat blades), which are the subject of the '905, '434, '926, '218, '988, '520, '321 and '698 patents, replace the support superstructure with a curved spring-elastic support element, or beam. The spring-elastic support element creates an infinite number of pressure points along the wiper strip, which evenly distribute the pressure applied by the wiper arm ensuring a smooth wipe. The precision-

tensioned support element allows better contact between the beam wiper blade and the curved windshield, even as its curvature changes. Beam blades do not become clogged with debris, snow and ice, which leads to better performance in poor weather conditions. Beam blades have the additional advantages of a lower profile that reduces wind lift and lower noise levels during operation.

58. An advancement to early beam-blade design involved adding a wind deflection strip (or spoiler) to further counteract wiper blade lift-off from the window at high driving speeds. The '905, '434, '218, '520 and '321 patents teach improvements to beam blade spoilers and other elements (*i.e.*, the end caps, and parts for connecting the beam blade to a wiper arm).

59. Additional technologies at issue relate to better and more secure connections between the wiper blade and a side lock wiper arm, and a lower profile of the entire wiper system. The '607 and '988 patents are directed to such improvements.

60. The Accused Products are beam-type wiper blades that were designed and manufactured using Bosch's patented technologies.<sup>1</sup>

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<sup>1</sup> Complainant has physical samples of each of the Accused Products and the Bosch wiper blades that practice the Asserted Patents. Complainant is prepared to provide these products as physical exhibits, pursuant to Commission Rule 210.12(b). Due to their size and bulk, however, Complainant is not providing these items as physical exhibits at this time. Complainant has attached photographs of the representative Bosch products and the Accused Products as Exhibits 23, 30, 32, 42, 50, 54, 56, 58, 59, 68, 69, 71, 73, 84, and 85.

#### **IV. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY<sup>2</sup>**

##### **A. Ownership of the Asserted Patents**

61. Bosch owns, by valid assignment, the entire right, title and interest in and to each of the Asserted Patents. (Exhibits 2, 4, 6, 8, 10, 12, 14, 16, and 18).

##### **B. The '905 Patent**

62. United States Patent No. 6,944,905 ("the '905 patent") is entitled "Wiper blade for cleaning screens in particular on motor vehicles." The '905 patent issued on September 20, 2005 from United States Patent Application Serial No. 10/048,202, which is the U.S. National Stage application of PCT/DE 01/01304, filed on April 4, 2001, and claims foreign priority to German Applications DE 100 26 419, filed on May 29, 2000, and DE 100 44 913, filed on September 12, 2000. The inventors identified in the '905 patent are Peter De Block and Peter Wijnants.

63. A certified copy of the '905 patent is attached hereto as Exhibit 11. The '905 patent is valid, enforceable, and is currently in full force and effect.

64. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '905 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '905 patent are included in Appendices K and L, respectively.

65. The '905 patent relates generally to a wind deflection strip (spoiler) of a particular construction to counteract the airflow-induced tendency of the wiper blade to lift up from the window at high driving speeds. Certain known solid spoiler configurations used a large amount

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<sup>2</sup> The descriptions contained in this section provide general information regarding the patents; they are not intended as positions with respect to claim construction and/or other technical aspects of patent law.

of material, making the beam blade rigid, heavy, and expensive to manufacture. The '905 patent discloses a beam blade having a spoiler with two diverging legs connected to each other at a common base, with the legs supported on the support element of the wiper blade, and an attack surface embodied on the outside of the one leg. The weight of the spoiler according to the '905 patent invention is considerably lower, leading to reduced rigidity of the wiper blade, savings in material and lower production costs.

66. Claim 13 of the '905 patent was asserted in a prior litigation between Bosch and Pylon, *Robert Bosch LLC v. Pylon Mfg. Corp.*, No. 08-cv-542 (D. Del. 2010) ("the *Pylon* case"). Claim 13 of the '905 patent was found to be valid, enforceable and infringed by the Pylon wiper blades at issue in that case.

#### **C. The '434 Patent**

67. United States Patent No. 6,675,434 ("the '434 patent") is entitled "Wiper blade for the glass surfaces of motor vehicles with an elongated, spring-elastic support element." The '434 patent issued on January 13, 2004 from United States Patent Application Serial No. 09/763,070, which is the U.S. National Stage Application of PCT/DE 99/01880, filed on June 30, 1999. The inventors identified in the '434 patent are Manfred Wilhelm, Thomas Kotlarski, and Julius Mazurkiewicz.

68. A certified copy of the '434 patent is attached hereto as Exhibit 7. The '434 patent is valid, enforceable, and is currently in full force and effect.

69. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '434 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '434 patent are included in Appendices G and H, respectively.

70. The '434 patent relates generally to a termination part (end cap) which covers each end of the beam-type wiper blade to prevent injuries to persons handling the beam blade from the sharp ends of the support element. The existing design of the termination part required a cost-intensive production process and multiple mounting steps that could be performed only by hand. Further, the tongues of the termination parts stiffened the ends of the support element affecting pressure distribution by the beam and reducing wiping quality. The '434 patent discloses a novel configuration of the termination part and its connection to the support element; this design does not impair the elasticity of the support element, can be economically produced, and can be easily mounted by snapping the termination parts onto both ends of the wiper blade.

71. Claims 1, 5, 7, and 13 of the '434 patent were asserted in the *Pylon* case. Claims 1, 5 and 13 of the '434 patent were found to be valid, enforceable and infringed by the Pylon wiper blades at issue in that case. Claim 7 of the '434 patent was found to be valid and enforceable, but not infringed by the same Pylon wiper blades.

#### **D. The '698 Patent**

72. United States Patent No. 6,973,698 ("the '698 patent") is entitled "Wiper blade for motor vehicle windows." The '698 patent issued on December 13, 2005 from United States Patent Application Serial No. 09/445,046, which is the U.S. national stage application of PCT/DE/98/03721, filed December 18, 2000, and claims foreign priority to DE 198 14 610, filed April 1, 1998. The sole inventor identified in the '698 patent is Thomas Kotlarski.

73. A certified copy of the '698 patent is attached hereto as Exhibit 13. The '698 patent is valid, enforceable, and is currently in full force and effect.

74. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '698 patent, three copies thereof and four copies of

each patent and applicable pages of each technical reference mentioned in the prosecution history of the '698 patent are included in Appendices M and N, respectively.

75. The '698 patent relates generally to a support element structure in beam-type wiper blades that creates a non-uniform pressure distribution along the length of the wiper blade. The wiper strip of a wiper blade is subject to abruptly flipping over along its entire length when the wiper blade reverses its direction during operation. This abrupt flipping produces undesirable knocking noises when the wiper blade reverses direction. The '698 patent discloses a beam blade having a support element wherein the concave curvature in the center section of the support element is sharper than the curvature at the end sections. The features of the support element described in the '698 patent reduce the contact force of the wiper strip in at least one end section, as compared to the center section, causing the tilting over of the wiper strip to be initiated at the ends—progressing toward the middle of the wiper blade. The wiper blade described in the '698 patent reduces knocking noises when the wiper blade reverses direction.

#### **E. The '926 Patent**

76. United States Patent No. 6,836,926 (“the '926 patent”) is entitled “Wiper blade for windshields, especially automobile windshields, and method for the production thereof.” The '926 patent issued on January 4, 2005 from United States Patent Application Serial No. 09/786,852, which is the U.S. national stage application of PCT/DE00/02168, filed July 6, 2000, and claims foreign priority to DE 199 31 856, filed July 9, 1999; DE 199 31 857, filed July 9, 1999; DE 199 31 858, filed July 9, 1999; and DE 100 32 048, filed July 5, 2000. The sole inventor identified in the '926 patent is Peter De Block.

77. A certified copy of the '926 patent is attached hereto as Exhibit 9. The '926 patent is valid, enforceable, and is currently in full force and effect.

78. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '926 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '926 patent are included in Appendices I and J, respectively.

79. During operation, wiper blades are subjected to forces that induce lateral deflection of the ends of the wiper blade; such deflection causes the wiper blade to rattle across the windshield thereby adversely impacting the wiping function of the wiper blade. The '926 patent relates to a support element for a beam-type wiper blade having a cross-sectional profile with physical characteristics expressed, for example, by the following relationship:

$$\frac{F_{fw} * L^2}{48 * E * I_{zz}} < 0.009$$

Where  $F_{wf}$  is the pressure force exerted on the wiper blade by the wiper arm,  $L$  is the length of the wiper blade,  $E$  is the elasticity modulus of the support element material and  $I_{zz}$  is the moment of inertia of the cross-sectional profile around the z axis. The described relationship results in a support element having a substantially rectangular cross section with a substantially constant width and thickness, which is easy to manufacture, produces favorable wiping results, and reduces lateral deflection.

#### **F. The '218 Patent**

80. United States Patent No. 6,523,218 ("the '218 patent") is entitled "Wiper blade for window panes of motor vehicles." The '218 patent issued on February 25, 2003 from United States Patent Application Serial No. 09/601,747, which is the U.S. national stage application of PCT/DE99/03015, filed September 19, 1999, and claims foreign priority to DE 198 56 300, filed December 7, 1998. The sole inventor identified in the '218 patent is Thomas Kotlarski.

81. A certified copy of the '218 patent is attached hereto as Exhibit 1. The '218 patent is valid, enforceable, and is currently in full force and effect.

82. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '218 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '218 patent are included in Appendices A and B, respectively.

83. The '218 patent relates generally to an aerodynamic beam-type wiper blade having a spoiler and at least one retainer. The '218 patent describes several retainers associated with the spoiler that serve, for example, to attach the wiper blade to a wiper arm or to cover the end sections of the support element. One feature of the wiper blade described in the '218 patent is that the outer profile of the retainers (*e.g.*, end caps and/or connection device) are approximately adapted to the outer profile of the spoiler, thereby avoiding any gaps between the retainers and spoiler that would otherwise create noise and impair the contact pressure distribution along the wiper blade.

#### **G. The '321 Patent**

84. United States Patent No. 7,293,321 ("the '321 patent") is entitled "Windscreen wiper with a driven wiper arm and wiper blade jointed thereto for cleaning screen in particular on motor vehicles." The '321 patent issued on November 13, 2007 from United States Patent Application Serial No. 10/416,842, which is the U.S. national stage application of PCT/DE01/04307, filed November 16, 2001, and claims foreign priority to DE 100 57 253, filed November 18, 2000. The sole inventor identified in the '321 patent is Frans Breesch.

85. A certified copy of the '321 patent is attached hereto as Exhibit 15. The '321 patent is valid, enforceable, and is currently in full force and effect.



86. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '321 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '321 patent are included in Appendices O and P, respectively.

87. The '321 patent relates generally to a beam blade having sections of a spoiler on each side of a coupling part. The coupling part is further provided with a cap that covers both the coupling part and the adjacent ends of the spoiler sections. The cap protects the articulated connection between the wiper arm and the wiper blade against environmental influences from the road, such as dirt, snow and ice. The sections of the cap that cover the ends of the adjacent spoiler sections have a shape complementary to the shape of the spoiler, thereby avoiding any gaps between the coupling part and the spoiler sections—as seen from the direction of the wind—that would otherwise create noise and impair the contact pressure distribution along the wiper blade.

#### **H. The '520 Patent**

88. United States Patent No. 7,523,520 (“the '520 patent”) is entitled “Wiper lever with a driven wiper arm and a wiper blade.” The '520 patent issued on April 28, 2009 from United States Patent Application Serial No. 11/873,524 (“the '524 application”), which was filed on October 17, 2007. The '524 application is a continuation of United States Patent Application Serial No. 10/416,842, filed as application No. PCT/DE01/04307 on November 16, 2001, and later issued as the '321 patent, which is also asserted here. The sole inventor identified in the '520 patent is Frans Breesch.

89. A certified copy of the '520 patent is attached hereto as Exhibit 17. The '520 patent is valid, enforceable, and is currently in full force and effect.

90. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '520 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '520 patent are included in Appendices Q and R, respectively.

91. Like the related '321 patent, the '520 patent is generally directed to a beam blade having sections of a spoiler on each side of a coupling part and a cap that covers the coupling part having sections that also cover the adjacent ends of the spoiler sections. The ends of the cap further have openings having a shape complimentary to the shape of the spoiler, and the cap can be locked to the wiper blade.

#### **I. The '607 Patent**

92. United States Patent No. 6,553,607 ("the '607 patent") is entitled "Wiper device for motor vehicle windows." The '607 patent issued on April 29, 2003 from United States Patent Application Serial No. 09/744,481, which is the U.S. national stage application of PCT/DE00/01424, filed May 5, 2000, and claims foreign priority to DE 199 24 662, filed May 28, 1999. The sole inventor identified in the '607 patent is Peter De Block.

93. A certified copy of the '607 patent is attached hereto as Exhibit 3. The '607 patent is valid, enforceable, and is currently in full force and effect.

94. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '607 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '607 patent are included in Appendices C and D, respectively.

95. The '607 patent relates generally to a low profile, secure connection between a wiper blade and associated wiper arm. Specifically, the '607 patent describes a wiper blade

structure that matches an associated structure of a wiper arm (now known as a side lock wiper arm). Because the wiper blade is adapted to the distance between the support regions of the wiper arm, the sides of the wiper absorb at least part of the forces acting on the wiper blade, thus relieving the load from the joint pin or the bearing pin and providing for a more secure connection.

**J. The '988 Patent**

96. United States Patent No. 6,611,988 ("the '988 patent") is entitled "Wiper Blade for the Glass Surfaces of a Motor Vehicle." The '988 patent issued on September 2, 2003 from United States Patent Application Serial No. 09/744,482, which is the U.S. national stage application of PCT/DE00/01618, filed May 19, 2000, and claims foreign priority to DE 199 24 661, filed May 28, 1999, and DE 199 38 400, filed August 13, 1999. The sole inventor identified in the '988 patent is Peter De Block.

97. A certified copy of the '988 patent is attached hereto as Exhibit 5. The '988 patent is valid, enforceable, and is currently in full force and effect.

98. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '988 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '988 patent are included in Appendices E and F, respectively.

99. The '988 patent relates generally to a wiper blade having a low profile and secure connection to an associated wiper arm. Specifically, the '988 patent describes, among other things, a wiper blade structure having a coupling part with a bearing recess to receive a hinge bolt of a wiper arm that permits a relative motion between the wiper arm and the wiper blade in a plane perpendicular to the vehicle windshield. The wiper blade coupling part further includes

cheek regions on its respective sides perpendicular to the vehicle windshield that allow the cheeks to brace associated support faces on a wiper arm as the wiper blade travels across the vehicle windshield.

**K. Foreign Counterparts**

100. A table including each foreign patent, each foreign patent application (not already issued as a patent) and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the Asserted Patents, with an indication of the prosecution status of each such patent application, is attached hereto as Exhibit 19.

**L. Licenses**

101. Bosch identifies each licensee, and the Asserted Patents to which they are licensed, in Confidential Exhibit 20C.

**V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS—PATENT INFRINGEMENT**

102. Upon information and belief, the Proposed Respondents import, sell for importation into the United States, and/or sell in the United States after importation certain wiper blades that infringe one or more of the Asserted Patents in violation of 35 U.S.C. § 271(a).

**A. Infringement by ADM21 and ADM NA**

103. The accused ADM Products infringe one or more of the Asserted Patents. On information and belief, the accused ADM Products are manufactured, assembled and/or packaged in China and Korea by ADM21. These products are then sold for importation into the United States by ADM21 and/or imported into the United States by ADM21, ADM NA and/or others on their behalf. ADM21, ADM NA and/or others on their behalf sell the accused ADM Products in the United States after importation. These acts of ADM21 and ADM NA constitute

direct infringement, contributory infringement and/or infringement by inducing end users and customers of the ADM Products to infringe the claims of the Asserted Patents.

104. ADM Products that infringe the asserted claims of the Asserted Patents include, but are not limited to, the XF4 and XF2 models, sold in the United States as the Invisible Glass Best (XF4), the RainEater Premium (XF4) and RainEater Elements (XF2) beam wiper blades. Further discovery may reveal additional infringing products. Photographs of a representative Invisible Glass Best, RainEater Premium, and RainEater Elements wiper blades are attached to this Complaint as Exhibit 32 (XF4 products RainEater Premium and Invisible Glass Best) and Exhibit 30 (XF2 product RainEater Elements). Copies of the installation instructions for these products are included in Exhibits 32 and 30, and also provided on the RainEater and Invisible Glass websites (Exhibits 28, 29).

105. The accused ADM Products include the XF4 model sold under at least Invisible Glass Best and RainEater Premium brands. The XF4 wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2, 5, 6, 7, 10 of the '218 patent;
- Claims 1–5, 8, 9 of the '988 patent;
- Claims 1–3 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11, 15 of the '905 patent; and
- Claim 1 of the '698 patent.

106. ADM21 and ADM NA induce infringement and contribute to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused XF4 wiper blades:

- Claims 1–7, 9–12, 14 of the '607 patent.

107. The accused ADM Products also include the XF2 model sold as RainEater Elements. The XF2 blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2, 5, 6, 7, 10 of the '218 patent;
- Claim 11 of the '988 patent;
- Claims 1–3 of the '926 patent;
- Claims 1, 8, 11 of the '905 patent; and
- Claim 1 of the '698 patent.

108. ADM21 and ADM NA induce infringement and contribute to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused XF2 wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

109. Specifically, ADM21 and ADM NA contribute and actively induce the infringement of the asserted claims of the '607 patent by their end users and customers, in violation of 35 U.S.C. § 271(b) and (c), by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused ADM Products, and by providing installation instructions, videos, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by ADM21 and ADM NA to be acts of direct infringement.

110. ADM21 and ADM NA had notice of infringement of the '607, '905, and '698 Asserted Patents at least as early as November 3, 2010, when Bosch filed a patent infringement

lawsuit against ADM21 and ADM NA in the District of Nevada over these patents. (Exhibit 34.) ADM21 and ADM NA had notice of infringement of the '218, '988, and '926 Asserted Patents at least as early as March 17, 2011, when Bosch informed counsel for ADM21 and ADM NA of its intent to amend the District of Nevada complaint to include infringement allegations with respect to these patents. (Exhibit 35.) Upon information and belief, ADM21 and ADM NA have continued to infringe the above referenced Asserted Patents after receiving notice of the infringement.

111. Claim charts demonstrating how the asserted claims of the Asserted Patents read on the representative XF2 and XF4 wiper blades are attached as Exhibits 31A–F and 33A–F, respectively.

**B. Infringement by Cequent**

112. The accused RainEater Products, including the RainEater Premium and RainEater Elements wiper blades, infringe one or more of the Asserted Patents. These products are manufactured, assembled and/or packaged in China and Korea by ADM21. On information and belief, Cequent imports the accused products into the United States, and/or sells the accused products in the United States after importation. These acts of Cequent constitute direct infringement, contributory infringement and/or infringement by inducing end users and customers of the RainEater Products to infringe the claims of the Asserted Patents.

113. The RainEater Products that infringe the asserted claims of the Asserted Patents include, but are not limited to RainEater Premium (ADM XF4 model) and RainEater Elements (ADM XF2 model). Further discovery may reveal additional infringing products. As noted above, photographs of representative infringing RainEater wiper blades are attached as Exhibits

32 and 30. Copies of the installation instructions for these products are included in Exhibits 32 and 30.

114. As noted above, the accused XF4 wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2, 5, 6, 7, 10 of the '218 patent;
- Claims 1–5, 8, 9 of the '988 patent;
- Claims 1–3 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11, 15 of the '905 patent; and
- Claim 1 of the '698 patent.

115. Cequent induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused XF4 wiper blades:

- Claims 1–7, 9–12, 14 of the '607 patent.

116. As noted above, the accused XF2 RainEater Elements wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2, 5, 6, 7, 10 of the '218 patent;
- Claim 11 of the '988 patent;
- Claims 1–3 of the '926 patent;
- Claims 1, 8, 11 of the '905 patent; and
- Claim 1 of the '698 patent.

117. Cequent induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation



into the United States, and/or selling after importation into the United States the accused XF2 RainEater Elements wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

118. Cequent contributes and actively induces infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused RainEater Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by Cequent to be acts of direct infringement.

119. Cequent had notice of infringement of the '905 and '698 Patents at least as early as January 26, 2011 through a letter sent by complainant Bosch's Chief Counsel of Intellectual Property, Sarah Taylor, to Cequent's President, John Aleva, notifying Cequent of the infringement. (Exhibit 37.) Cequent knew or should have known of its infringement of the '218, '607, '988, and '926 Asserted Patents on or about April 13, 2011, when Bosch filed the amended complaint against Cequent's supplier ADM21, which included infringement allegations with respect to each of these patents. (Exhibit 36.) Upon information and belief, Cequent has continued to infringe the above referenced Asserted Patents after receiving notice of the infringement.

120. As noted above, claim charts demonstrating how the asserted independent claims of the Asserted Patents read on the representative XF2 and XF4 wiper blades are attached as Exhibits 31A–F and 33A–F.

### **C. Infringement by RainEater**

121. The accused RainEater Products, including RainEater Premium and RainEater Elements, infringe one or more of the Asserted Patents. The RainEater Products are manufactured, assembled and/or packaged outside of the United States, in China and Korea, by ADM21. On information and belief, RainEater imports the accused products into the United States, and/or sells the accused products in the United States after importation. These acts of RainEater constitute direct infringement, contributory infringement and/or infringement by inducing end users and customers of the RainEater Products to infringe the claims of the Asserted Patents.

122. The RainEater Products that infringe the asserted claims of the Asserted Patents include, but are not limited to the RainEater Premium (ADM XF4 model) and RainEater Elements (ADM XF2 model) wiper blades. Further discovery may reveal additional infringing products. As noted above, photographs of representative infringing RainEater wiper blades are attached as Exhibits 32 and 30. Copies of the installation instructions for these products are included in Exhibits 32 and 30.

123. As noted above, the accused XF4 RainEater Premium wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2, 5, 6, 7, 10 of the '218 patent;
- Claims 1–5, 8, 9 of the '988 patent;
- Claims 1–3 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11, 15 of the '905 patent; and
- Claim 1 of the '698 patent.

124. RainEater induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused XF4 wiper blades:

- Claims 1–7, 9–12, 14 of the '607 patent.

125. As noted above, the accused XF2 RainEater Elements wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2, 5, 6, 7, 10 of the '218 patent;
- Claim 11 of the '988 patent;
- Claims 1–3 of the '926 patent;
- Claims 1, 8, 11 of the '905 patent; and
- Claim 1 of the '698 patent.

126. RainEater induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused XF2 RainEater Elements wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

127. As noted above, claim charts demonstrating how the asserted claims of the Asserted Patents read on the representative XF2 and XF4 wiper blades are attached as Exhibits 31A–F, 33A–F.

128. RainEater knew or should have known of its infringement of the above-referenced Asserted Patents on or about April 13, 2011, when Bosch filed the amended complaint against RainEater's supplier ADM21 in the District of Nevada, which included infringement allegations

with respect to each of these patents. (Exhibit 36.) Further, RainEater was served with a subpoena in that action, which identified the patents at issue. Upon information and belief, RainEater has continued to infringe the above referenced Asserted Patents after receiving notice of the infringement.

129. RainEater contributes and actively induces infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused RainEater Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by RainEater to be acts of direct infringement.

**D. Infringement by Saver**

130. The accused Saver Products infringe one or more of the Asserted Patents. On information and belief, the accused Saver Products are manufactured outside of the United States, in Korea, by API. These products are then imported into the United States, and/or sold in the United States after importation by Saver. These acts of Saver constitute direct infringement, contributory infringement and/or infringement by inducing end users and customers of the Saver Products to infringe the asserted claims of the Asserted Patents.

131. The accused Saver Products that infringe the asserted claims include, but are not limited to, the Goodyear Assurance wiper blades. Further discovery may reveal additional infringing products. Photographs of the representative infringing Goodyear Assurance wiper blade are attached to this Complaint as Exhibit 42. A copy of the installation instructions for this product is included in Exhibit 42.

132. The accused Goodyear Assurance wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–3, 5, 10 of the '218 patent;
- Claim 11 of the '988 patent;
- Claims 1, 5, 7, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 17, 18 of the '905 patent;
- Claim 1 of the '698 patent;
- Claims 1–3, 9, 10 of the '321 patent; and
- Claims 1–3, 9, 10, 18 of the '520 patent.

133. If the accused Goodyear Assurance product is found not to directly infringe the asserted claims of the '321 and the '520 patents, Saver infringes these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Goodyear Assurance product.

134. Saver induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Goodyear Assurance wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

135. Saver contributes and actively induces the infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused Saver Products, and by providing installation

instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by Saver to be acts of direct infringement.

136. Saver had notice of infringement of the above-referenced Asserted Patents as early as January 26, 2011 through a letter sent by Bosch's Chief Counsel of Intellectual Property, Sarah Taylor, to Saver's Vice President, Richard Casale, notifying Saver of the infringement. (Exhibit 44.) Upon information and belief, Saver has continued to infringe the Asserted Patents after receiving notice of the infringement.

137. Claim charts demonstrating how independent claim 1 of the '218 patent, independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claim 11 of the '988 patent, independent claim 1 of the '434 patent, independent claim 1 of the '926 patent, independent claims 13, 17, 18 of the '905 patent, independent claim 1 of the '698 patent, independent claim 1 of the '321 patent, and independent claims 1 and 18 of the '520 patent read on a representative Goodyear Assurance wiper blade are attached as Exhibits 43A–I.

#### **E. Infringement by API**

138. On information and belief, the accused Saver Products are manufactured, assembled and/or packaged outside of the United States, in Korea, by API. The accused Saver Products infringe one or more of the Asserted Patents. These products are imported into the United States, and/or sold for importation into the United States by API. These acts of API constitute direct infringement, contributory infringement and/or infringement by inducing end users and customers of the Saver Products to infringe the asserted claims of the Asserted Patents.

139. The accused Saver Products that infringe the asserted claims include, but are not limited to the Goodyear Assurance wiper blades. Further discovery may reveal additional infringing products. As noted above, photographs of the representative infringing Goodyear

Assurance wiper blade are attached to this Complaint as Exhibit 42. A copy of the installation instructions for this product is included in Exhibit 42.

140. As noted above, the accused Goodyear Assurance wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–3, 5, 10 of the '218 patent;
- Claim 11 of the '988 patent;
- Claims 1, 5, 7, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 17, 18 of the '905 patent;
- Claim 1 of the '698 patent;
- Claims 1–3, 9, 10 of the '321 patent; and
- Claims 1–3, 9, 10, 18 of the '520 patent.

141. If the accused Goodyear Assurance product is found not to directly infringe the asserted claims of the '321 and the '520 patents, API infringes these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Goodyear Assurance product.

142. API induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Goodyear Assurance wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

143. API contributes and actively induces the infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and

(c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused Saver Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by API to be acts of direct infringement.

144. API had notice of infringement of the above-referenced Asserted Patents on October 11, 2011 through a letter sent by complainant Bosch's Chief Counsel of Intellectual Property Sarah Taylor to API, notifying it of the infringement. (Exhibit 45.) Upon information and belief, API has continued to infringe the Asserted Patents after having notice of the infringement.

145. As noted above, claim charts demonstrating how independent claim 1 of the '218 patent, independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claim 11 of the '988 patent, independent claim 1 of the '434 patent, independent claim 1 of the '926 patent, independent claims 13, 17, 18 of the '905 patent, independent claim 1 of the '698 patent, independent claim 1 of the '321 patent, and independent claims 1 and 18 of the '520 patent read on a representative Goodyear Assurance wiper blade are attached as Exhibits 43A-I.

#### **F. Infringement by CAP**

146. The accused CAP Products infringe one or more of the Asserted Patents. On information and belief, the accused CAP Products are manufactured, assembled and packaged outside of the United States, in Korea and China, by CAP. These products are then imported into the United States, sold for importation into the United States, and/or sold in the United States after importation by CAP. These acts of CAP constitute direct infringement, contributory infringement and/or infringement by inducing end users and customers of the CAP Products to infringe the asserted claims of the Asserted Patents.



147. The accused CAP Products that infringe the Asserted Patents include, but are not limited to, the MA3, CF4, CF4 PTB, CF4 I&L, CMF1, and CMF2 wiper blade models. These wiper blades are sold in the United States as the Mighty StormGuard Aero blade (CF4, CF4 PTB, CF4 I&L models), Mighty TecSelect (CMF1 model), PIAA Si-Tech Silicone Flat blade (MA3 model), Proline Premium (CMF2 model), and Autocraft Beam Style (CMF2 model) wiper blades. Further discovery may reveal additional infringing products. Photographs of representative Mighty Storm Guard Aero, PIAA Si-Tech Silicone Flat, Mighty TecSelect, Proline Premium and Autocraft Beam wiper blades are attached to this Complaint as Exhibits 50, 54, 56, 58, 59, respectively. Copies of the installation instructions for these products are included in Exhibits 50, 54, 56, 58 and 59.

148. The accused Mighty Storm Guard Aero wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–6, 9–12 and 15 of the '988 patent;
- Claims 1, 5, 7, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 16, 17 of the '905 patent;
- Claim 1 of the '698 patent;
- Claims 1–3, 9, 10 of the '321 patent; and
- Claims 1–3, 9, 10, 18 of the '520 patent.

149. If the accused Mighty Storm Guard Aero blade is found not to directly infringe the asserted claims of the '321 and the '520 patents, CAP infringes these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Mighty Storm Guard Aero blade.

150. CAP induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Mighty Storm Guard Aero wiper blades:

- Claims 1–12, 14 of the '607 patent.

151. Claim charts demonstrating how the asserted claims of the Asserted Patents read on the representative Mighty Storm Guard Aero (CF4, CF4 PTB and CF4 I&L) wiper blades are attached as Exhibits 51A–H, 52A–D and 53 A–D.

152. The accused Mighty TecSelect wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–3, 5–7, 10 of the '218 patent;
- Claims 1, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 16, 17, 18 of the '905 patent;
- Claim 1 of the '698 patent.

153. CAP induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Mighty Storm Guard Aero wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

154. Claim charts demonstrating how asserted claims of the Asserted Patents read on the representative Mighty TecSelect CMF1 wiper blade are attached as Exhibits 57A–F.

155. The accused PIAA Si-Tech Silicone Flat wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claim 11 of the '988 patent;
- Claims 1, 5, 7, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 16, 17 of the '905 patent; and
- Claim 1 of the '698 patent.

156. CAP induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused PIAA Si-Tech Silicone Flat wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

157. Claim charts demonstrating how asserted claims of the Asserted Patents read on the representative PIAA Si-Tech Silicone Flat MA3 wiper blade are attached as Exhibits 55A–F.

158. The accused Proline Premium and Autocraft Beam Style wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–3, 5–7, 10 of the '218 patent;
- Claim 11 of the '988 patent;
- Claims 1, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 16, 17 of the '905 patent; and
- Claim 1 of the '698 patent.

159. CAP induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused CMF2 Proline Premium and Autocraft Beam Style wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

160. Claim charts demonstrating how asserted claims of the Asserted Patents read on the representative Proline Premium CMF2 wiper blade are attached as Exhibits 60 A–G.

161. CAP had notice of infringement of most of the above-referenced Asserted Patents, including the '607, '434, '926, '905, '698, '321, and the '520 patents, on November 3, 2010, when Bosch filed a patent infringement lawsuit against CAP in the District of Nevada over these patents. (Exhibit 61.) CAP had notice of infringement of the '218 and the '988 patents on July 5, 2011, when Bosch informed CAP of its intent to amend the complaint to include infringement allegations with respect to each of these patents. (Exhibits 62, 63.) Upon information and belief, CAP has continued to infringe the above referenced Asserted Patents after having notice of the infringement.

162. CAP contributes and actively induces the infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271 by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused CAP Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by CAP to be acts of direct infringement.

**G. Infringement by PIAA**

163. The accused PIAA Products infringe one or more of the Asserted Patents. On information and belief, the accused PIAA Products are manufactured, assembled and/or packaged outside of the United States, in Korea and China, by CAP. These products are then imported into the United States and/or sold in the United States after importation by PIAA. These acts of PIAA constitute direct infringement, contributory infringement and infringement by inducing end users and customers of the PIAA Products to infringe the asserted claims of the Asserted Patents.

164. The accused PIAA Products that infringe the Asserted Patents include, but are not limited to, the PIAA Si-Tech Silicone Flat blade (CAP's MA3 model). Further discovery may reveal additional infringing products. As noted above, photographs of representative PIAA Si-Tech Silicone Flat wiper blade are attached to this Complaint as Exhibit 54. A copy of the installation instructions for this product is included in Exhibit 54.

165. As noted above, the accused PIAA Si-Tech Silicone Flat wiper blades, which are manufactured, assembled and/or packaged by CAP, directly infringe the following asserted claims of the Asserted Patents:

- Claim 11 of the '988 patent;
- Claims 1, 5, 7, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 16, 17 of the '905 patent; and
- Claim 1 of the '698 patent.

166. PIAA induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation

into the United States, and/or selling after importation into the United States the accused PIAA Si-Tech Silicone Flat wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

167. As noted above, claim charts demonstrating how the asserted claims of the Asserted Patents read on the representative PIAA Si-Tech Silicone Flat MA3 wiper blade are attached as Exhibits 55A–F.

168. PIAA had notice of infringement of the above-referenced Asserted Patents at least as early as October 11, 2011 through a letter sent by complainant Bosch's Chief Counsel of Intellectual Property Sarah Taylor to PIAA, notifying it of the infringement. (Exhibit 64.) Upon information and belief, PIAA has continued to infringe the above referenced Asserted Patents after receiving notice of the infringement.

169. PIAA contributes and actively induces infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271 by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused PIAA Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by PIAA to be acts of direct infringement.

#### **H. Infringement by Scan Top Enterprise Co. and Danyang UPC Auto Parts Co.**

170. The accused Scan Top Products infringe one or more of the Asserted Patents. On information and belief, the accused Scan Top Products are manufactured, assembled and/or packaged outside of the United States, in China, by Scan Top and UPC Auto Parts. These products are then imported into the United States, and/or sold for importation into the United States by Scan Top and UPC Auto Parts. These acts of Scan Top and UPC Auto Parts constitute

direct infringement, contributory infringement and/or infringement by inducing end users and customers of the Scan Top Products to infringe the asserted claims of the Asserted Patents.

171. The accused Scan Top Products that infringe the asserted claims include, but are not limited to, the Valvoline Aquablade, the Michelin Stealth, the DuPont Beam Blade, and the ClearPlus Beam Blade wiper blades. Further discovery may reveal additional infringing products. Photographs of a representative infringing Valvoline Aquablade, Michelin Stealth, DuPont Beam Blade, and ClearPlus Beam Blade are attached to this Complaint as Exhibits 68, 71, 73 and 69, respectively. Copies of the installation instructions for these wiper blades are included in Exhibits 68, 71, 73 and 69.

172. The accused Scan Top Products include the Valvoline Aquablade and ClearPlus Beam wiper blades; on information and belief it is the same Scan Top beam blade product sold under two different brand names. The Valvoline Aquablade and ClearPlus Beam wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11 of the '905 patent;
- Claim 1 of the '698 patent;
- Claims 1–5, 9, 10 of the '321 patent; and
- Claims 1–5, 9, 10, 18, 19 of the '520 patent.

173. If the accused Valvoline Aquablade and ClearPlus Beam products are found not to directly infringe the asserted claims of the '321 and the '520 patents, Scan Top and UPC Auto Parts infringe these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Valvoline Aquablade and ClearPlus Beam product.

174. Scan Top and UPC Auto Parts induce infringement and contribute to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Valvoline Aquablade and ClearPlus Beam wiper blades:

- Claims 1–5, 12, 14 of the '607 patent.

175. Claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claim 1 of the '926 patent, independent claim 1 of the '905 patent, independent claim 1 of the '698 patent, independent claim 1 of the '321 patent, and independent claims 1, 18 of the '520 patent read on the representative Valvoline Aquablade wiper blade are attached as Exhibits 70A–F.

176. The accused Scan Top Products include the Michelin Stealth wiper blades distributed by Pylon. The Michelin Stealth wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–6, 8, 9, 11, 12, 15 of the '988 patent;
- Claims 1, 2 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11 of the '905 patent;
- Claims 1–5, 9, 10 of the '321 patent; and
- Claims 1–5, 9, 10, 18, 19 of the '520 patent.

177. If the accused Michelin Stealth products are found not to directly infringe the asserted claims of the '321 and the '520 patents, Scan Top and UPC Auto Parts infringe these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Michelin Stealth product.



178. Scan Top and UPC Auto Parts induce infringement and contribute to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Michelin Stealth wiper blades:

- Claims 1–10, 12, 14 of the '607 patent.

179. Claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claims 1, 11, 15 of the '988 patent, independent claim 1 of the '926 patent, independent claim 1 of the '905 patent, independent claim 1 of the '321 patent, and independent claims 1, 18 of the '520 patent read on the representative Michelin Stealth wiper blade are attached as Exhibits 72A–F.

180. The accused Scan Top Products include the DuPont Beam Blade wiper blades distributed by Pylon. The DuPont Beam Blade wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claim 11 of the '988 patent;
- Claims 1, 2 of the '926 patent; and
- Claim 1 of the '698 patent.

181. Scan Top and UPC Auto Parts induce infringement and contribute to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused DuPont Beam wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

182. Claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claim 11 of the '988 patent, independent claim 1 of the '926

patent, and independent claim 1 of the '698 patent read on a representative DuPont Beam Blade are attached as Exhibits 74A–D.

183. Further discovery may reveal that additional claims of the Asserted Patents are infringed by the Scan Top Products.

184. Scan Top and UPC Auto Parts had notice of their infringement of the above-referenced Asserted Patents on or about April 11, 2011 through Bosch's filing of a patent infringement action in the Northern District of Illinois. (Exhibits 75, 76.) Upon information and belief, Scan Top and UPC Auto Parts have continued to infringe the above referenced Asserted Patents after receiving notice of the infringement.

185. Scan Top and UPC Auto Parts contribute and actively induce infringement by their end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by offering for sale within the United States and/or importing into the United States the accused Scan Top Products, and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by Scan Top and UPC Auto Parts to be acts of direct infringement.

#### **I. Infringement by Pylon**

186. The accused Pylon Products, including the Michelin Stealth and the DuPont Beam Blade wiper blades, infringe one or more of the Asserted Patents. On information and belief, the accused Pylon Products are manufactured, assembled and/or packaged outside of the United States, in China, by Scan Top and UPC Auto Parts. These products are then imported into the United States, and/or sold in the United States after importation by Pylon. These acts of Pylon

constitute direct infringement, contributory infringement and infringement by inducing end users and customers of the Pylon Products to infringe the asserted claims of the Asserted Patents.

187. The accused Pylon Products that infringe the asserted claims include, but are not limited to, the Michelin Stealth and the DuPont Beam Blade wiper blades. Further discovery may reveal additional infringing products. As noted above, photographs of a representative infringing Michelin Stealth and DuPont Beam Blade are attached to this Complaint as Exhibits 71, 73. Copies of the installation instructions for these products are included in Exhibits 71, 73.

188. As noted above, the accused Michelin Stealth wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1–6, 8, 9, 11, 12, 15 of the '988 patent;
- Claims 1, 2 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11 of the '905 patent;
- Claims 1–5, 9, 10 of the '321 patent; and
- Claims 1–5, 9, 10, 18, 19 of the '520 patent.

189. If the accused Michelin Stealth products are found not to directly infringe the asserted claims of the '321 and the '520 patents, Pylon infringes these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Michelin Stealth product.

190. Pylon induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Michelin Stealth wiper blades:

- Claims 1–10, 12, 14 of the '607 patent.

191. As noted above, claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claims 1, 11, 15 of the '988 patent, independent claim 1 of the '926 patent, independent claim 1 of the '905 patent, independent claim 1 of the '321 patent, and independent claims 1, 18 of the '520 patent read on a representative Michelin Stealth wiper blade are attached as Exhibits 72A–F.

192. As noted above, the accused DuPont Beam Blades directly infringe the following asserted claims of the Asserted Patents:

- Claim 11 of the '988 patent;
- Claims 1, 2 of the '926 patent; and
- Claim 1 of the '698 patent.

193. Pylon induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and selling after importation into the United States the accused DuPont Beam wiper blades:

- Claims 1–6, 12, 14 of the '607 patent.

194. As noted above, claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claim 11 of the '988 patent, independent claim 1 of the '926 patent, and independent claim 1 of the '698 patent read on a representative DuPont Beam Blade are attached as Exhibits 74A–D.

195. Further discovery may reveal that additional claims of the Asserted Patents are infringed by the Pylon Products.

196. Pylon had notice of its infringement of the Asserted Patents by its Michelin Stealth products on April 1, 2011 through a letter sent by Bosch's regional president, Odd

Joergenrud, to Pylon's President, Chuck Tornabene, notifying Pylon of the infringement. (Exhibit 77.) Further, Pylon knew or should have known of its infringement of the '607, '988, '926, and '698 Asserted Patents by its DuPont Beam Blade products on or about April 11, 2011, when Bosch filed a patent infringement lawsuit against Pylon's supplier of DuPont Beam Blade products, Scan Top, which included infringement allegations with respect to each of these patents. (Exhibit 75.) Upon information and belief, Pylon has continued to infringe the Asserted Patents after receiving notice of the infringement.

197. Pylon contributes and actively induces infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused Pylon Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by Pylon to be acts of direct infringement.

**J. Infringement by Winplus**

198. The accused Winplus Products, including the Valvoline Aquablade, infringe one or more of the Asserted Patents. On information and belief, the accused Winplus Products are manufactured, assembled and/or packaged outside of the United States, in China, by Scan Top and UPC Auto Parts. These products are then imported into the United States, and/or sold in the United States after importation by Winplus. These acts of Winplus constitute direct infringement, contributory infringement and infringement by inducing end users and customers of the Winplus Products to infringe the asserted claims of the Asserted Patents.

199. The accused Winplus Products that infringe the asserted claims include, but are not limited to, the Valvoline Aquablade wiper blades. Further discovery may reveal additional infringing products. As noted above, photographs of a representative infringing Valvoline Aquablade are attached to this Complaint as Exhibit 68. A copy of the installation instructions for this product is included in Exhibit 68.

200. As noted above, the accused Valvoline Aquablade wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 1, 2 of the '926 patent;
- Claims 1, 3, 4, 8, 10, 11 of the '905 patent;
- Claim 1 of the '698 patent;
- Claims 1–5, 9, 10 of the '321 patent; and
- Claims 1–5, 9, 10, 18, 19 of the '520 patent.

201. If the accused Valvoline Aquablade wiper blades are found not to directly infringe the asserted claims of the '321 and the '520 patents, Winplus infringes these patents indirectly by inducing infringement and contributing to infringement of the asserted claims with the Valvoline Aquablade product.

202. Winplus induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Valvoline Aquablade wiper blades:

- Claims 1–5, 12, 14 of the '607 patent.

203. As noted above, claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claim 1 of the '926 patent, independent

claim 1 of the '905 patent, independent claim 1 of the '698 patent, independent claim 1 of the '321 patent, and independent claims 1, 18 of the '520 patent read on the representative Valvoline Aquablade wiper blade are attached as Exhibits 70A–F.

204. Further discovery may reveal that additional claims of the Asserted Patents are infringed by the Winplus Products.

205. Winplus had notice of infringement of the Asserted Patents as early as May 23, 2011 through a letter sent by Bosch's Chief Counsel of Intellectual Property, Sarah Taylor, to Winplus' CEO Daniel Sheehan, notifying it of infringement. (Exhibit 78.) Upon information and belief, Winplus has continued to infringe the Asserted Patents after receiving notice of the infringement.

206. Winplus contributes and actively induces the infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused Winplus Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by Winplus to be acts of direct infringement.

**K. Infringement by Fu-Gang**

207. On information and belief, the accused Fu-Gang Products are manufactured, assembled and/or packaged outside of the United States, in Taiwan, by Fu-Gang. The accused Fu-Gang Products infringe one or more of the Asserted Patents. These products are imported into the United States, and/or sold for importation into the United States by Fu-Gang. These acts of Fu-Gang constitute direct infringement, contributory infringement and/or infringement by

inducing end users and customers of the Fu-Gang Products to infringe the asserted claims of the Asserted Patents.

208. The accused Fu-Gang Products that infringe the asserted claims include, but are not limited to, at least the Pronto Tech Select Beam and Silblade Flex wiper blades. On information and belief, the same Fu-Gang beam blade model is currently sold under these brand names. Further discovery may reveal additional infringing products. Photographs of the representative infringing Pronto Tech Select Beam and Silblade Flex wiper blades are attached to this Complaint as Exhibits 84 and 85. Copies of the installation instructions for these products are included in Exhibits 84, 85, and also provided on the Silblade website (Exhibit 83).

209. The accused Pronto Tech Select Beam and Silblade Flex wiper blades directly infringe the following asserted claims of the Asserted Patents:

- Claims 11, 12 of the '988 patent;
- Claims 1, 5, 7, 13 of the '434 patent;
- Claims 1–3 of the '926 patent;
- Claims 13, 17 of the '905 patent; and
- Claim 1 of the '698 patent.

210. Fu Gang induces infringement and contributes to infringement of the following asserted claims of the '607 patent by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the accused Pronto Tech Select Beam and Silblade Flex wiper blades:

- Claims 1–7, 9, 10, 12, 14 of the '607 patent.

211. Claim charts demonstrating how independent claim 1 and dependent claims 2 and 3 of the '607 patent, independent claims 1, 11 of the '988 patent, independent claim 1 of the '434



patent, independent claim 1 of the '926 patent, independent claims 13, 17 of the '905 patent, and independent claim 1 of the '698 patent read on the representative Pronto Tech Select Beam wiper blade are attached as Exhibits 86A–F.

212. Further discovery may reveal that additional claims of the Asserted Patents are infringed by the Fu-Gang Products.

213. Fu-Gang had notice of infringement of the above-referenced Asserted Patents as early as October 11, 2011 through a letter sent by Bosch's Chief Counsel of Intellectual Property Sarah Taylor to Fu-Gang, notifying it of the infringement. (Exhibit 87.) Upon information and belief, Fu-Gang has continued to infringe the Asserted Patents after receiving notice of the infringement.

214. Fu-Gang contributes and actively induces the infringement by its end users and customers of the asserted claims of the Asserted Patents in violation of 35 U.S.C. § 271(b) and (c) by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused Fu-Gang Products and by providing installation instructions, directions, demonstrations, manuals, and other materials that encourage and facilitate others to perform actions known and intended by Fu-Gang to be acts of direct infringement.

## **VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE**

215. Upon information and belief, the Proposed Respondents sell for importation into the United States, import into the United States, and/or sell after importation into the United States certain wiper blades that infringe the asserted claims of the Asserted Patents as set forth above.

**A. ADM21 and ADM NA**

216. Upon information and belief, ADM21, ADM NA and/or others on its behalf manufacture the accused ADM Products outside the United States, in China and Korea, and then import them into the United States, sell them for importation into the United States and/or sell them after importation into the United States. Exhibits 38, 39 contain exported data from Panjiva, Inc.<sup>3</sup> showing importation of wiper blades into the United States from Korea by ADM21 and ADM NA.<sup>4</sup> The imported products are sold in the United States through various retailers under at least Invisible Glass Best (Exhibit 29), RainEater Premium and RainEater Elements (Exhibit 28) brand names.

217. On June 9, 2011, a RainEater Elements wiper blade was purchased in the United States. Packaging for the RainEater Elements blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 30 is a photograph of the product indicating it was manufactured outside the United States, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

218. On July 12, 2011, an Invisible Glass Best wiper blade was purchased in the United States. Packaging for the Invisible Glass Best blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 32 is a photograph of the product indicating it was manufactured outside the United States, and Exhibit A to the Declaration of

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<sup>3</sup> Panjiva, Inc., according to its webpage (<http://panjiva.com>), provides detailed shipment data for goods imported into the United States. Panjiva's database can be searched by importer's name, supplier's name, and product description, among other parameters, to locate the desired shipment data.

<sup>4</sup> On information and belief, Supreme Automotive Group is an affiliate of ADM NA (Exhibit 27 at 7).

Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

219. On October 18, 2011, a RainEater Premium wiper blade was purchased in the United States. Packaging for the RainEater Premium blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 32 is a photograph of the product, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

220. Further discovery will likely reveal additional specific acts of ADM21's and ADM NA's importation, sale for importation, and/or sale after importation of the accused ADM Products.

**B. Cequent**

221. Upon information and belief, Cequent and/or others on its behalf, manufacture the accused RainEater Products outside the United States, in China and Korea, then import them into the United States and/or sell them after importation into the United States. Exhibit 39 contains exported data from Panjiva, Inc. showing the importation of RainEater wiper blades into the United States from Korea. The imported RainEater Products are distributed in the United States by Cequent and sold through various retailers under at least the RainEater Premium and RainEater Elements brand names. Exhibit 28 includes a page from the Cequent website stating that it is a distributor of RainEater Products in the United States.

222. As noted above, on June 9, 2011, a RainEater Elements wiper blade was purchased in the United States. Packaging for the RainEater Elements blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 30 is a photograph of the product indicating it was manufactured outside the United States, and Exhibit A to the

Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

223. As noted above, on October 18, 2011, a RainEater Premium wiper blade was purchased in the United States. Packaging for the RainEater Premium blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 32 is a photograph of the product, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

224. Further discovery will likely reveal additional specific acts of Cequent's importation and/or sale after importation of the accused RainEater Products.

### **C. RainEater**

225. Upon information RainEater and/or others on its behalf manufacture the accused RainEater Products outside the United States, in China and Korea, then import them into the United States and/or sell them after importation into the United States. As noted above, Exhibit 39 contains exported data from Panjiva, Inc. showing the importation of RainEater wiper blades into the United States from Korea. The imported RainEater Products are distributed in the United States by RainEater and sold through various retailers under at least the RainEater Premium and RainEater Elements brand names. Exhibit 28 includes a page from the RainEater website showing retailers of the RainEater beam blades in the United States.

226. As noted above, on June 9, 2011, a RainEater Elements wiper blade was purchased in the United States. Packaging for the RainEater Elements blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 30 is a photograph of the product indicating it was manufactured outside the United States, and Exhibit A to the

Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

227. As noted above, on October 18, 2011, a RainEater Premium wiper blade was purchased in the United States. Packaging for the RainEater Premium blade indicates that the product was manufactured in Korea and China. Attached as Exhibit 32 is a photograph of the product, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

228. Further discovery will likely reveal additional specific acts of RainEater's importation and/or sale after importation of the accused RainEater Products.

**D. Saver**

229. Upon information and belief, Saver and/or others on its behalf manufacture the accused Saver Products outside the United States, in Korea, then import them into the United States and/or sell them after importation into the United States. For example, Exhibit 46 contains exported data from Panjiva, Inc., showing the importation of Saver's wiper blades into the United States from Korea. Saver represents on its websites that it has manufacturing and packaging facilities in the USA and Korea (Exhibit 40 at p.2.) Upon information and belief, the Saver Products are imported from Korea and sold in the United States through various retailers under at least the Goodyear Assurance brand name.

230. On October 12, 2010, a Goodyear Assurance wiper blade was purchased in the United States. Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

231. Further discovery will likely reveal additional specific acts of Saver's importation and/or sale after importation into the United States of the accused Saver Products.

**E. API**

232. Upon information and belief, API and/or others on its behalf, manufacture the accused Saver Products outside the United States, in Korea, then import them into the United States and/or sell them for importation into the United States. Exhibit 47 contains exported data from Panjiva, Inc., showing the importation of Saver wiper blades into the United States from Korea by API. Upon information and belief, the Saver Products are sold in the United States through various retailers under at least the Goodyear Assurance brand name.

233. As noted above, on October 12, 2010, a Goodyear Assurance wiper blade was purchased in the United States. Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

234. Further discovery will likely reveal additional specific acts of API's importation and/or sale for importation into the United States of the accused Saver Products.

**F. CAP**

235. Upon information and belief, CAP and/or others on its behalf manufacture the accused CAP Products outside the United States, in Korea, and then import them into the United States, sell them for importation into the United States and/or sell them after importation into the United States. Exhibit 65 contains exported data from Panjiva, Inc. showing CAP's importation of Accused Products and other potentially infringing wiper blades into the United States from Korea and China. The imported products are sold in the United States through various retailers

under at least the Mighty StormGuard Aero, Mighty TecSelect, PIAA Si-Tech, Proline Premium, and Autocraft brand names.

236. On October 12, 2010, a Mighty Storm Guard Aero blade was purchased in the United States. Packaging for the Mighty Storm Guard Aero blade indicates that the product was manufactured in Korea. Attached as Exhibit 50 is a photograph of the product indicating it was manufactured in Korea, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

237. On September 16, 2011, a Mighty TecSelect beam blade was purchased in the United States. Packaging for the Mighty TecSelect beam blade indicates that the product was manufactured in Korea. Attached as Exhibit 56 is a photograph of the product indicating it was manufactured in Korea, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

238. On May 19, 2011, a PIAA Si-Tech Silicone Flat wiper blade was purchased in the United States. Packaging for the PIAA Si-Tech Silicone Flat blade indicates that the product was manufactured in Korea. Attached as Exhibit 54 is a photograph of the product indicating it was manufactured in Korea, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

239. On August 11, 2011, a Proline Premium wiper blade was purchased in the United States. Packaging for the Proline Premium beam blade indicates that the product was manufactured in Korea. Attached as Exhibit 58 is a photograph of the product indicating it was

manufactured in Korea, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

240. On August 16, 2011, a Autocraft Beam Style wiper blade was purchased in the United States. Packaging for the Autocraft Beam Style wiper blade indicates that the product was manufactured in Korea. Attached as Exhibit 59 is a photograph of the product indicating it was manufactured in Korea, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

241. Further discovery will likely reveal additional specific acts of CAP's importation, sale for importation, and/or sale after importation of the accused CAP Products.

**G. PIAA**

242. Upon information and belief, PIAA and/or others on its behalf manufacture the accused PIAA Products outside the United States, in Korea, then import them into the United States. The products are sold by PIAA in the United States after importation through various retailers under at least the PIAA Si-Tech brand name.

243. As noted above, on May 19, 2011, a PIAA Si-Tech Silicone Flat wiper blade was purchased in the United States. Packaging for the PIAA Si-Tech Silicone Flat blade indicates that the product was manufactured in Korea. Attached as Exhibit 54 is a photograph of the product indicating it was manufactured in Korea, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.



244. Further discovery will likely reveal additional specific acts of PIAA's importation and/or sale after importation of the accused PIAA Products.

#### **H. Scan Top**

245. Upon information and belief, Scan Top and/or others on its behalf manufacture the accused Scan Top Products outside the United States, in China, then import them into the United States and/or sell them for importation into the United States. During the *Pylon* case trial, Pylon witnesses identified Scan Top as Pylon's supplier for its DuPont Beam Blades.<sup>5</sup> Exhibit 79 contains exported data from Panjiva, Inc. showing the importation of Scan Top wiper blades from China into the United States. Upon information and belief, the imported Scan Top Products are sold in the United States through various retailers under at least the Michelin Stealth, the DuPont Beam Blade, the Valvoline Aquablade and the ClearPlus Beam brand names.

246. On September 16, 2011, a Michelin Stealth wiper blade was purchased in the United States. The Michelin Stealth packaging indicates that the product was made in China. Attached as Exhibit 71 is a photograph of the Michelin Stealth wiper blade indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of a Michelin Stealth wiper blade in the United States.

247. On October 6, 2010, a DuPont Beam Blade was purchased in the United States. The DuPont Beam Blade packaging indicates that the product was made in China and distributed by Pylon. Attached as Exhibit 73 is a photograph of the DuPont Beam Blade indicating it was

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<sup>5</sup> Pylon witnesses identified three Pylon beam-type wiper blade products which Pylon was selling at the time—including a product supplied by Scan Top. The Pylon product manufactured by Scan Top was described as not having a spoiler or end caps. (See Exhibit 89 at 845, 929–30.) The description of the Pylon product manufactured by Scan Top corresponds with the structure of the DuPont Beam Blade.

made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the DuPont Beam Blade in the United States.

248. On October 12, 2010, a Valvoline Aquablade wiper blade was purchased in the United States. The Valvoline Aquablade packaging indicates that the Valvoline Aquablade was manufactured in China. Attached as Exhibit 68 is a photograph of the product indicating it was manufactured in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

249. On August 9, 2011 the ClearPlus Beam Blade was purchased in the United States. The ClearPlus Beam Blade packaging indicates that the product was made in China. Attached as Exhibit 69 is a photograph of the ClearPlus Beam Blade indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the ClearPlus Beam Blade in the United States.

250. Further discovery will likely reveal additional specific acts of Scan Top's importation, and/or sale for importation of the accused Scan Top Products.

#### **I. UPC Auto Parts**

251. Upon information and belief, UPC Auto Parts and/or others on its behalf manufacture the accused Scan Top Products outside the United States, in China, and then import them into the United States and/or sell them for importation into the United States. Exhibit 79 contains exported data from Panjiva, Inc. showing UPC Auto Parts' importation of the Accused Products into the United States from China. Upon information and belief, the imported Scan

Top Products are sold in the United States through various retailers under at least the Valvoline Aquablade, the ClearPlus Beam, the Michelin Stealth and the DuPont Beam brand names.

252. As noted above, on October 12, 2010, a Valvoline Aquablade wiper blade was purchased in the United States. The Valvoline Aquablade packaging indicates that the Valvoline Aquablade was manufactured in China. Attached as Exhibit 68 is a photograph of the product indicating it was manufactured in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

253. As noted above, on September 16, 2011, a Michelin Stealth wiper blade was purchased in the United States. The Michelin Stealth packaging indicates that the product was made in China. Attached as Exhibit 71 is a photograph of the Michelin Stealth wiper blade indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the Michelin Stealth wiper blade in the United States.

254. As noted above, on October 6, 2010, a DuPont Beam Blade was purchased in the United States. The DuPont Beam Blade packaging indicates that the product was made in China and distributed by Pylon. Attached as Exhibit 73 is a photograph of the DuPont Beam Blade indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the DuPont Beam Blade in the United States.

255. As noted above, on August 9, 2011 the ClearPlus Beam Blade product was purchased in the United States. The ClearPlus wiper blade packaging indicates that the product was made in China. Attached as Exhibit 69 is a photograph of the ClearPlus wiper blade

indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of a ClearPlus wiper blade in the United States.

256. Further discovery will likely reveal additional specific acts of UPC Auto Parts's importation, sale for importation, and/or sale after importation of the accused Scan Top Products.

**J. Pylon**

257. Upon information and belief, Pylon and/or others on its behalf, manufacture the accused Pylon Products outside the United States, in China, then import them into the United States and/or sell them after importation into the United States. The accused Pylon Products are imported from China and sold in the United States through various retailers under at least the Michelin Stealth and the DuPont Beam Blade brand names.

258. As noted above, during the *Pylon* case, Pylon witnesses identified Scan Top as Pylon's supplier for its DuPont Beam Blades (Exhibit 89 at 845, 929-930). As noted above, Exhibit 80 contains exported data from Panjiva, Inc. showing the importation of Pylon wiper blades from China into the United States.

259. As noted above, on September 16, 2011, a Michelin Stealth wiper blade was purchased in the United States. The Michelin Stealth packaging indicates that the product was made in China. Attached as Exhibit 71 is a photograph of the Michelin Stealth wiper blade indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the Michelin Stealth wiper blade in the United States.

260. As noted above, on October 6, 2010, a DuPont Beam Blade was purchased in the United States. The DuPont Beam Blade packaging indicates that the product was made in China

and distributed by Pylon. Attached as Exhibit 73 is a photograph of the DuPont Beam Blade indicating it was made in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the DuPont Beam Blade in the United States.

261. Further discovery will likely reveal additional specific acts of Pylon's importation, sale for importation, and/or sale after importation of the accused Pylon Products.

**K. Winplus**

262. Upon information and belief, Winplus and/or others on its behalf manufacture the accused Winplus Products outside the United States, in China, then import them into the United States and/or sell them after importation into the United States. As noted above, Exhibit 81 contains exported data from Panjiva, Inc. showing the importation of Winplus wiper blades into the United States from China. Upon information and belief, the imported products are sold in the United States through various retailers under at least the Valvoline Aquablade brand name.

263. As noted above, on October 12, 2010, a Valvoline Aquablade wiper blade was purchased in the United States. The Valvoline Aquablade packaging indicates that the Valvoline Aquablade was manufactured in China. Attached as Exhibit 68 is a photograph of the product indicating it was manufactured in China, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the product in the United States.

264. Further discovery will likely reveal additional specific acts of Winplus's importation, sale for importation, and/or sale after importation of the accused Winplus Products.

**L. Fu-Gang**

265. Upon information and belief, Fu-Gang and/or others on its behalf manufacture the accused Fu-Gang Products outside the United States, in Taiwan, then import them into the United States, and/or sell them for importation into the United States. Exhibit 88 contains exported data from Panjiva, Inc. showing the importation of Fu-Gang wiper blades from Taiwan to the United States. Upon information and belief, the imported Fu-Gang Products are sold in the United States through various retailers under at least the Pronto Tech Select Beam and Silblade Flex brand names.

266. On September 12, 2011, a Pronto Tech Select Beam wiper blade was purchased in the United States. The Pronto Tech Select packaging indicates that the product was manufactured in Taiwan. Attached as Exhibit 84 is a photograph of the Pronto Tech Select wiper blade indicating it was made in Taiwan, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the Pronto Tech Select wiper blade in the United States.

267. On September 30, 2011, a Silblade Flex wiper blade was purchased in the United States. The Silblade Flex packaging indicates that the product was made in Taiwan. Attached as Exhibit 85 is a photograph of the Silblade Flex wiper blade indicating it was made in Taiwan, and Exhibit A to the Declaration of Martin Kashnowski attached hereto as Confidential Exhibit 22C includes a copy of the receipt that reflects purchase of the Silblade Flex wiper blade in the United States.

268. Further discovery will likely reveal additional specific acts of Fu-Gang's importation, and/or sale for importation of the accused Fu-Gang Products.

## **VII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS**

269. The infringing wiper blades are classified under at least item numbers 8512.40.4000 and 8512.90.9000 of the Harmonized Tariff Schedule (“HTS”) of the United States. These HTS numbers are intended for illustration purposes only, and not intended to be restrictive of the devices and products accused.

## **VIII. RELATED LITIGATIONS**

270. The ’218, ’607, ’988, ’434, ’926, ’905, ’698, ’321 and ’520 patents asserted herein are or have been involved in the following litigations:

*Robert Bosch LLC v. Pylon Mfg. Corp.*, Case No. 08-CV-542 (D. Del.), the asserted patents are U.S. Patent Nos. 6,675,434 and 6,944,905;

*Robert Bosch LLC v. ADM21 Co. et al.*, Case No. 2:10-cv-1930-RLH-LRL (D. Nev.) (the “ADM case”), the asserted patents are U.S. Patent Nos. 6,523,218, 6,553,607, 6,611,988, 6,836,926, 6,944,905, and 6,973,698;

*Robert Bosch LLC v. Corea Autoparts Producing Corp.*, Case No. 2:11-cv-14019 (E.D. Mich.) (the “CAP case”), the asserted patents are U.S. Patent Nos. 6,523,218, 6,553,607, 6,611,988, 6,675,434, 6,836,926, 6,944,905, 6,973,698, 7,293,321 and 7,523,520;

*Robert Bosch LLC v. UL Enters. LLC et al.*, Case No. 1:11-cv-02437 (N.D. Ill.) (the “Scan Top case”), the asserted patents are U.S. Patent Nos. 6,553,607, 6,611,988, 6,836,926, 6,944,905, 6,973,698, 7,293,321 and 7,523,520;

*Robert Bosch LLC v. Chin Pech Co., Ltd.*, Case No. 2:10-cv-1925-JCM-LRL (D. Nev.) (the “Chin Pech case”), the asserted patents were U.S. Patent Nos. 6,523,218, 6,553,607, 6,675,434, 6,836,926, 6,944,905 and 6,973,698;

*Robert Bosch LLC v. Juijiang Yada Traffic Equipment Co. Ltd.*, Case No. 2:10-cv-1926-JCM-LRL (D. Nev.) (the “Yada case”), the asserted patents were U.S. Patent Nos. 6,553,607 and 6,944,905;

*Robert Bosch LLC v. Ocean Automobile Apparatus Co., Ltd.*, Case No. 2:10-cv-1928-RLH-LRL (D. Nev.) (the “Ocean case”), the asserted patent was U.S. Patent No. 6,944,905;

*Robert Bosch LLC v. SHB Int'l, Inc. et al.*, Case No. 2:10-cv-1929-RLH-RJJ (D. Nev.) (the “SHB case”), the asserted patents were U.S. Patent Nos. 6,523,218, 6,944,905, 7,293,321 and 7,523,520;

*Robert Bosch LLC v. Transbec*, Case No. 2:10-cv-1933-RLH-PAL (D. Nev.) (the “Transbec case”), the asserted patents were U.S. Patent Nos. 6,944,905, 7,293,321 and 7,523,520;

*Robert Bosch LLC v. Unipoint Elec. Mfg. Co., Ltd. et al.*, Case No. 2:10-cv-1932-RLH-LRL (D. Nev.) (the “Unipoint case”), the asserted patents were U.S. Patent Nos. 6,553,607, 6,611,988, 6,944,905, 7,293,321 and 7,523,520;

*Robert Bosch LLC v. Zhejiang Wandeyuan Vehicle Fittings Co., Ltd.*, Case No. 2:10-cv-1931-RLH-LRL (D. Nev.) (the “Wandeyuan case”), the asserted patents were U.S. Patent Nos. 6,523,218, 6,611,988, 6,944,905, 7,293,321 and 7,523,520;

*Robert Bosch LLC v. Old World Indus., Inc.*, Case No. 10 CV 1437 (N.D. Ill.) (the “Old World” case), the asserted patents were U.S. Patent Nos. 6,675,434 and 6,944,905;

*Robert Bosch LLC v. Jamak Fabrication-Tex Ltd.*, Case No. 07-676-GMS (D. Del.) (the “Jamak case”), the asserted patent was U.S. Patent No. 6,944,905;

*Robert Bosch GmbH Co. v. XOPC Co.* (Paris Dist. Ct. Oct. 29, 2009) (the “XOPC action”), the asserted patent is EP 1 289 806 (the European counterpart to U.S. Patent No. 6,944,905);

Nullity proceeding 5 NI 3/10 (EU) regarding the EU Patent 1 289 806 (DE 501 06 798), the Federal Patent Court of Germany (the “German action”); EP 1 289 806 corresponds to U.S. Patent No. 6,944,905.

271. Claims of Bosch’s ’905 and ’434 patents asserted in the Pylon case were found infringed and not invalid by the district court; this case is currently on appeal in the Federal Circuit. *Robert Bosch LLC v. Pylon Mfg. Corp.*, Appeal Nos. 2011-1096, 2011-1363, -1364 (Fed. Cir.). On October 12, 2011, a decision was issued in the 2011-1096 appeal, which reviewed the district court’s denial of a permanent injunction against Pylon’s continuing infringement. The Federal Circuit reversed the district court’s determination and remanded with instructions to enter a permanent injunction to enjoin Pylon’s further making, using, selling, offering for sale or



importing into the United States certain of Pylon's infringing wiper blades at issue in that case (and those wiper blades that are not more than colorably different).

272. The ADM and CAP cases were filed in November 2010 and the parties are currently engaged in discovery. Claim construction briefing in the ADM case is scheduled to be completed by December 16, 2011. The CAP case was recently transferred from one judicial district to another (from the District of Nevada to the Eastern District of Michigan), and the parties are awaiting a new case schedule. The Scan Top case is in its initial stage—the defendants have not filed an answer yet.

273. Bosch obtained default judgments of infringement in the Chin Pech case, Yada case, Ocean case and Wandeyuan case. The court in those cases entered orders enjoining defendants from further making, using, selling, offering for sale and/or importing into the United States any of the infringing products.

274. The SHB case, Transbec case, Jamak case and Old World case settled before trial.

275. The Unipoint case was voluntarily dismissed without prejudice by Bosch before trial.

276. The XOPC action is a patent enforcement action in France against XOPC, a customer of CAP, involving EP 1 289 806 and CAP's CF4 wiper blade; XOPC was found not to infringe the EP patent; Bosch is currently appealing this determination in the Paris Court of Appeals. The German action, which also concerns EP 1 289 806, is a nullity action filed by Dyna, a manufacturer of beam-type wiper blades for the European market. The proceedings in this action are currently suspended at the request of the parties because of ongoing settlement negotiations.

## **IX. THE DOMESTIC INDUSTRY**

277. In accordance with Section 337(a) (2) and (3), an industry in the United States exists for products protected by the Asserted Patents. Bosch has made significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in its exploitation of the Asserted Patents in the United States, including design, development, testing, repair, warranty support, customer support, and marketing. These investments are all tied, at least in part, to the Asserted Patents. Confidential Exhibits 21C and 22C detail Bosch's domestic industry investments and activities.

### **A. Bosch's Wiper Blades and Wiper Systems Practice the Inventions of the Asserted Patents**

278. Original equipment wiper blades are sold to automobile manufacturers for installation on new vehicles. Bosch sells beam wiper blades ("Bosch OE Beam Wiper Blades") used as original equipment on new vehicles sold in the United States.

279. Aftermarket wiper blades are sold in retail auto parts stores, automotive repair shops, and in the original equipment service market for installation on vehicles serviced at automotive service departments. They are generally installed as replacement parts for either original equipment blades or other aftermarket blades. Bosch sells in the aftermarket in the United States beam wiper blades ("Bosch Aftermarket Beam Wiper Blades") under the brand names ICON, Evolution, Marathon, Aerotwin, and under automotive manufacturers' trade names.

280. Bosch sells wiper systems for installation as original equipment on new vehicles sold in the United States, many of which include a Bosch OE Beam Wiper Blade ("Bosch Beam Blade Wiper Systems").

281. At least one claim of each of the Asserted Patents is practiced by the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and/or Bosch Beam Blade Wiper Systems. *See* Exhibits 24A–H, 25A–H, 26A–H, and Confidential Exhibits 21C and 22C.

**B. Bosch Has, With Respect to Articles Protected by the Asserted Patents, Significant Investments in Plant and Equipment, Significant Employment of Labor and Capital, and Substantial Investments in Exploitation of the Asserted Patents**

282. Bosch is a leading seller of wiper blades and wipers systems in the United States. Although Bosch’s wiper blades and wiper systems are manufactured outside of the United States, Bosch has several facilities in the United States at which it conducts significant domestic industry activities relating to the Bosch wiper blades and wiper systems that practice the Asserted Patents. For example, Bosch engages in significant and substantial design, development, engineering, testing, administration of warranty, customer service, distribution, marketing, and sales activities with respect to products that practice the Asserted Patents.

**1. Bosch has significant investments in plant and equipment in the United States related to articles protected by the Asserted Patents**

283. Bosch has operations, described below and in Confidential Exhibits 21C and 22C, related to the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and Bosch Beam Blade Wiper Systems at facilities in Plymouth, Michigan; Broadview, Illinois; Atlanta, Georgia; Ontario, California; and Charleston, South Carolina. Bosch previously had operations related to the products at a facility in Farmington Hills, Michigan. The Plymouth facility, opened in 2007, sits on about 76 acres and covers approximately 213,500 square feet, including approximately 70,000 square feet of testing and laboratory space. Bosch built the Plymouth facility to expand its automotive development and testing capabilities in the United States, including development and testing of wiper blades and wiper systems. Bosch’s Broadview

campus, opened in 1967, covers more than 12 acres, and has four buildings with more than 225,000 square feet of space. Bosch's Atlanta distribution center has a warehouse with approximately 262,800 square feet of space. Bosch's Ontario distribution center has a warehouse with approximately 113,664 square feet of space.

**2. Bosch has significant employment of labor and capital in the United States related to articles protected by the Asserted Patents, and substantial investment in exploiting the technology of the Asserted Patents**

284. Bosch employs more than 6,500 people throughout the United States, about 90 percent of who work in the Automotive Technology group, the Bosch business sector responsible for wiper blades and wiper systems.

285. Bosch employees engage in design, development, engineering, testing, customer service and warranty activities, marketing, and/or sales activities in the United States related to the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and the Bosch Beam Blade Wiper Systems. For example, the Bosch Beam Blade Wiper Systems installed on most vehicles manufactured in the United States are designed, developed, engineered, and tested in the United States. Further, while Bosch's foreign affiliates perform design and develop work for the Bosch Beam Blade Wiper Systems for vehicles manufactured abroad and sold in the United States, Bosch's employees in the United States provide substantial engineering and testing support for such products.

286. Bosch performs extensive testing of the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and the Bosch Beam Blade Wiper Systems in the United States. Bosch provides reports of certain of these tests, performed on the Bosch Beam Blade Wiper Systems, to vehicle manufacturers for use in vehicle certifications submitted to the United States Department of Transportation (USDOT)'s Office of Vehicle Safety Compliance. Submission of

the test results with the vehicle manufacturers' certifications to the USDOT is necessary in order for the manufacturers to be in compliance with federal regulations. Accordingly, Bosch's testing of the Bosch Beam Blade Wiper Systems performed in the United States is vital to their sale.

287. Bosch tests in the United States the application of the Bosch Aftermarket Beam Wiper Blades to vehicles sold in the United States to ensure that Bosch's exacting standards are satisfied.

288. Bosch employees in the United States determine which of the Bosch Aftermarket Beam Wiper Blades are appropriate for use with vehicles available for sale in the United States. This information is updated annually and used by Bosch employees in the United States to generate aftermarket buyer's guides and product catalogs.

289. Bosch employees in the United States generate technical product catalogs and buyer's guides for Bosch's distributors, which inform consumers of the appropriate wiper blades for use with their vehicles. These materials are distributed and placed in retail stores in the United States that sell Bosch wiper blades.

290. Bosch employees in the United States respond to customers' and vehicle manufacturers' concerns related to the installation and/or use of the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and the Bosch Beam Blade Wiper Systems.

291. Bosch conducts extensive wiper blade market research in the United States, which drives the design and development of Bosch's products sold in the United States, including the Bosch Aftermarket Beam Wiper Blades.

292. Bosch employees in the United States develop technical marketing and promotional material, including product packaging and content for the Bosch website ([www.boschautoparts.com/WiperBlades/Pages/WiperBlades.aspx](http://www.boschautoparts.com/WiperBlades/Pages/WiperBlades.aspx)), relating to the Bosch

Aftermarket Beam Wiper Blades. These materials are designed to inform retailers and consumers in the United States of the technical features of the Bosch Aftermarket Beam Wiper Blades.

293. Bosch employees in the United States provide customer service, process returns, and process warranty claims related to the Bosch Aftermarket Beam Wiper Blades.

294. Bosch employees attend several trade shows in the United States each year, at which they promote the technical features of the Bosch Aftermarket Beam Wiper Blades.

295. Bosch employees at the Atlanta, Georgia and Ontario, California facilities receive, assemble orders of, and ship the Bosch Aftermarket Beam Wiper Blades in the United States.

296. Employees at Bosch's Charleston, South Carolina facility receive, assemble orders of, and ship certain Bosch OE Beam Wiper Blades and Bosch Beam Blade Wiper Systems to customers in the United States.

297. Each year, Bosch makes substantial financial investments in facilities, equipment, and labor in the United States to conduct its business related to the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and the Bosch Beam Blade Wiper Systems.

298. Bosch's domestic investments and activities add significant and substantial value to the Bosch OE Beam Wiper Blades, Bosch Aftermarket Beam Wiper Blades, and the Bosch Beam Blade Wiper Systems. Without Bosch's investments in these activities, and the facilities in the United States at which they are conducted, far fewer sales of these patented products would occur in the United States.

## **X. RELIEF REQUESTED**

299. Proposed Respondents have infringed and will continue to infringe Bosch's Asserted Patents unless the ITC prohibits the importation and sale in the United States of Proposed Respondents' infringing wiper blades.


300. WHEREFORE, by reason of the foregoing, Complainant Bosch respectfully requests that the United States International Trade Commission:

- (a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 arising from the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of Proposed Respondents' wiper blades that infringe one or more asserted claims of the Asserted Patents;
- (b) Schedule and conduct a hearing on relief, pursuant to Section 337(c) and (d), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337;
- (c) Determine that there has been a violation of Section 337;
- (d) Issue a general exclusion order pursuant to Section 337(d), excluding from entry into the United States all wiper blades that infringe one or more claims of the Asserted Patents; prohibiting entry into the United States all wiper blades that infringe one or more asserted claims of the Asserted Patents;
- (e) Issue a limited exclusion order specifically directed to each named Proposed Respondent and its subsidiaries and affiliates, pursuant to Section 337(d), prohibiting entry into the United States, all of Proposed Respondents' wiper blades that infringe one or more asserted claims of the Asserted Patents;

- (f) Issue cease and desist orders, pursuant to Section 337(f), prohibiting Proposed Respondents, their affiliates, others acting on behalf of Proposed Respondents, and others who are in active concert or participation with the Proposed Respondents from importing into the United States, marketing, advertising, demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, licensing, using, or transferring outside the United States for sale in the United States any of Proposed Respondents' wiper blades that infringe one or more asserted claims of the Asserted Patents; and
- (g) Issue such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

DATED: October 25, 2011

Respectfully submitted,

  
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