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**LIST OF EXHIBITS**

Exhibit Number	Description
1	Copy of U.S. Patent No. 6,836,925
2	Copy of U.S. Patent No. 6,799,348
3	Copy of the Recorded Assignments for U.S. Patent No. 6,836,925
4	Copy of the Recorded Assignments for U.S. Patent No. 6,799,348
5	Exemplary Claim Chart Comparing Claims 1, 7, 8, 14, and 15 of U.S. Patent No. 6,836,925 to Valeo's Ford Motorcraft WW-2600 BB5Z-17528-E beam blade (representative accused product)
6	Exemplary Claim Chart Comparing Claims 1, 7, 8, 14, and 15 of U.S. Patent No. 6,836,925 to Valeo's Gen2 U-28 beam blade (representative accused product)
7	Exemplary Claim Chart Comparing Claims 1 and 10 of U.S. Patent No. 6,799,348 to Valeo's Ford Motorcraft WW-2600 BB5Z-17528-E beam blade (representative accused product)
8	Exemplary Claim Chart Comparing Claims 1 and 10 of U.S. Patent No. 6,799,348 to Valeo's Gen2 U-28 beam blade (representative accused product)
9	Exemplary Claim Chart Comparing Claims 1, 7, 8, 14, and 15 of U.S. Patent No. 6,836,925 to Trico's NeoForm 16-200 beam blade (domestic industry product)
10	Exemplary Claim Chart Comparing Claims 1, 7, 8, 14, and 15 of U.S. Patent No. 6,836,925 to Trico's Ford F-Series FL34-17528-AA beam blade (domestic industry product)
11	Exemplary Claim Chart Comparing Claims 1 and 10 of U.S. Patent No. 6,799,348 to Trico's NeoForm 16-200 beam blade (domestic industry product)
12	Exemplary Claim Chart Comparing Claims 1 and 10 of U.S. Patent No. 6,799,348 to Trico's Trico's Ford F-Series FL34-17528-AA beam blade (domestic industry product)
13	<b>CONFIDENTIAL EXHIBIT:</b> Declaration of Martin E. Kennedy
14	Receipts for accused products

### LIST OF PHYSICAL EXHIBITS

Physical Exhibit Number	Description
P1	Valeo's Ford Motorcraft WW-2600 BB5Z-17528-E beam blade
P2	Valeo's Volkswagen 5C7-955-425-B beam blade
P3	Valeo's Rain-X Expert Fit B-26-2 beam blade
P4	Valeo's Rain-X Quantum QBW-E beam blade
P5	Valeo's Ultimate MasterConnect MC-28 beam blade
P6	Valeo's Ultimate 900 900-22-7B beam blade
P7	Valeo's Gen2 U-28 beam blade
P8	Valeo's Peak Optix 20 beam blade
P9	Trico's NeoForm 16-200 beam blade
P10	Trico's ExactFit 24-12B beam blade
P11	Trico's Flex 18-220 beam blade
P12	Trico's Force 25-220 beam blade
P13	Trico's Ice 35-240 beam blade
P14	Trico's Onyx 26-220 beam blade
P15	Trico's Tech 19-220 beam blade
P16	Trico's Ford F-Series FL34-17528-AA beam blade

### LIST OF APPENDICES

Appendix Number	Description
1	Copy and three additional copies of the prosecution history of United States Patent No. 6,799,348
2	Copy and three additional copies of the prosecution history of United States Patent No. 6,836,925
3	Copies of the patents and technical references cited during the prosecution of United States Patent No. 6,799,348
4	Copies of the patents and technical references cited during the prosecution of United States Patent No. 6,836,925

## COMPLAINT

### I. INTRODUCTION

1.1 Complainant Trico Products Corporation (Trico) respectfully requests that the United States International Trade Commission commence an investigation, pursuant to 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, sale for importation into the United States, and/or sale within the United States after importation by the owner, importer, or consignee, of certain windscreen wipers and components thereof (collectively referred to as "the accused products"), that infringe valid and enforceable United States patents owned by Trico.

1.2 This Complaint is based on the unlawful and unauthorized importation into the United States, sale for importation, and/or sale within the United States after importation, of certain windscreen wipers by Valeo North America, Inc. and Delmex de Juarez S. de R.L. de C.V. (together Valeo). Valeo's products infringe at least claims 1, 7, 8, 14, and 15 of U.S. Patent No. 6,836,925, entitled "Windscreen Wiper" ("the '925 Patent") and claims 1 and 10 of U.S. Patent No. 6,799,348 ("the '348 Patent") (together "the Asserted Patents").

1.3 Valeo's activities with respect to 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 windscreen wiper devices and components thereof, described more fully below, are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i), in that those devices and components are protected by one or more claims of the Asserted Patents.

1.4 Copies of the Asserted Patents accompany this Complaint as Exhibits 1 and 2. Copies of the recorded assignments for the Asserted Patents accompany this Complaint as Exhibits 3 and 4. Trico owns by assignment the entire right, title, and interest in and to the Asserted patents.<sup>1</sup>

1.5 As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to authorized articles protected by the Asserted Patents.

1.6 Trico seeks relief from the Commission in the form of a permanent exclusion order, pursuant to Section 337(d), excluding from entry into the United States all of Valeo's accused products that infringe one or more claims of the Asserted Patents. Trico also seeks a permanent cease and desist order, pursuant to Section 337(f), halting the importation, sale, offer for sale, marketing, advertising, or soliciting by Valeo and its related companies of wipers and components that infringe one or more claims the Asserted Patents.

## **II. COMPLAINANT**

2.1 Trico is a corporation organized under the laws of the state of New York with its principal place of business in Rochester Hills, Michigan.

2.2 Trico has made significant investments in the United States in plant and equipment as well as labor and capital and in the exploitation of the subject matter of the Asserted Patents, including engineering, manufacturing, research and development, sales and support.

2.3 Trico is a leading global developer, manufacturer, distributor, and supplier of windscreen wiper blades. Trico provides windscreen wipers to original equipment manufacturers

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<sup>1</sup> At the time of the filing of the Complaint, certified copies of the two patents and assignments have been ordered. A certified copy of each will be filed with the Commission when received by Complainant.

("OEM") and original equipment services ("OES") (collectively "OE") of automotive vehicles as well as to the worldwide aftermarket.

2.4 Trico provides windscreen wiper products not only to the United States but worldwide.

2.5 In the United States, Trico designs and distributes windscreen wipers, and designs, distributes, manufactures and sells windscreen wiper components protected by the Asserted Patents to OEM and OES customers. For example, Trico designs and distributes wipers and designs, distributes and sells wiper components protected by the Asserted Patents to Ford and Chrysler.

2.6 In the United States, Trico also designs and distributes windscreen wipers and designs, distributes, and sells windscreen wiper components protected by the Asserted Patents to aftermarket customers under Trico's label, such as Trico NeoForm windscreen wipers, as well as private label branded windscreen wipers.

2.7 Trico is dedicated to developing innovative products and maintains a technical center in Michigan to research and design innovative products, which it brings to the market, as well as provide engineering, sales, and other support to Original Equipment vehicle manufacturers.

### **III. RESPONDENTS**

3.1 On information and belief, Valeo North America, Inc. is a corporation organized under the laws of the state of Delaware with its principal place of business in Troy, Michigan.

3.2 On information and belief, Valeo North America, Inc. (Valeo) is a manufacturer, distributor, and marketer of windscreen wipers and components that infringe one or more claims of the Asserted Patents.

3.3 On information and belief, Delmex is a corporation organized under the laws of Mexico with its principal place of business in Juarez, Chihuahua, Mexico.

3.4 On information and belief, Delmex has cooperated, assisted and induced Valeo North America, Inc.'s manufacturing, distributing, and marketing of windscreen wipers and components that infringe one or more claims of the Asserted Patents.

3.5 On information and belief, Valeo's wipers and components are manufactured, assembled, packaged, and/or tested outside the United States in Mexico. On information and belief, Valeo and/or others then import the accused windscreen wipers and components into the United States, sell them for importation, and/or sell them in the United States after importation.

#### **IV. PRODUCTS AND TECHNOLOGY AT ISSUE<sup>2</sup>**

4.1 The products at issue are automotive windscreen wipers, and particularly a certain style of windscreen wipers commonly known in the industry as "flat blades" or "beam blades." Specifically, the types of "flat blade" or "beam blade" windscreen wipers at issue here include at least one curved backbone, which is attached along its length to a wiper strip, and a coupler for connecting the wiper blade to an oscillating arm on a vehicle.

4.2 Maximizing the effectiveness of the windscreen wiper in the form of a beam blade is the purpose of the '925 patent. To advance the art of beam blade windscreen wipers,

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<sup>2</sup> The allegations set forth in the Complaint, particularly Sections IV and V, are solely to provide general information regarding the nature of the technology at issue and are not to be interpreted so as to limit in any way the scope of any claim of the Asserted Patents.



the inventor of the '925 Patent identified an interrelationship between the material properties and physical dimensions of beam backbones and taught how to select each of those parameters in order to maximize the effectiveness of the beam blade depending on the intended application.

4.3 To advance the art of windscreen wipers, the inventors of the '348 Patent devised a novel coupler that maximized beam flexibility and consistent wiping performance, while optimizing and reducing the overall size of the wiper blade.

4.4 The success of the wiper blades that use the inventions claimed in the '925 and '348 Patents has been widely recognized. Trico sells wiper blades throughout the United States, both to OEs and in the aftermarket, that are covered by the '925 and '348 Patents. This technology has not been licensed to any competitors.

## **V. THE '925 PATENT**

### **A. Identification of the '925 Patent and Ownership by Trico.**

5.1 Trico owns by assignment the entire right, title, and interest in the '925 Patent, which issued on January 4, 2005. The '925 Patent issued from PCT/IB99/01568, which was filed on September 22, 1999 and received U.S. Application No. 09/806,807. The '925 Patent is based on a South African application filed on October 9, 1998.

5.2 The inventor of the Asserted Patent is Adriaan Retief Swanepoel. Mr. Swanepoel assigned to Trico all rights, title, and interest in the invention ultimately disclosed and claimed in the '925 Patent. *See* Ex. 3. The '925 Patent is valid, enforceable, and currently in full force and effect. A copy of the '925 Patent is attached as Exhibit 1.

**B. Non-technical Description of the Patented Invention**

5.3 The '925 Patent generally discloses a windscreen wiper and the interrelation of certain elements to maximize efficiency of the wiper. To that end, the '925 patent teaches algorithms used to optimize the performance of the wiper.

**VI. THE '348 PATENT**

**A. Identification of the '348 Patent and Ownership by Trico.**

6.1 Trico owns by assignment the entire right, title, and interest in the '348 Patent, which issued on October 5, 2004. The '348 Patent issued from PCT/IB99/01573, which was filed on September 23, 1999 and received U.S. Application No. 09/806,921. The '348 Patent is based on a South African application filed on October 12, 1998.

6.2 The inventors of the '348 Patent are Adriaan Retief Swanepoel and Johannes Hendrik Fehrsen. Messrs. Swanepoel and Fehrsen assigned to Trico all rights, title, and interest in the invention ultimately disclosed and claimed in the '348 Patent. *See* Ex. 4. The '348 Patent is valid, enforceable, and currently in full force and effect. A copy of the '348 Patent is attached as Exhibit 2.

**B. Non-technical Description of the Patented Invention**

6.3 The '348 Patent generally discloses a windscreen wiper and coupler that minimizes the overall height of a wiper blade while maximizing wind flow and visibility and, at the same time, ensuring optimized wiper performance.

**VII. UNLAWFUL AND UNFAIR ACTS OF VALEO**

7.1 Valeo's accused products directly infringe at least claims 1, 7, 8, 14, and 15 of the '925 patent and claims 1 and 10 of the '348 patent. On information and belief, the accused products are manufactured, assembled, packaged and/or tested in Mexico. On information and

belief, these same products are then imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Valeo.

7.2 At least the Valeo products identified in Paragraph 7.4 below infringe at least claims 1, 7, 8, 14, and 15 of the '925 patent and claims 1 and 10 of the '348 patent. *See generally* Exhibits 8-11 and 13-16. Discovery may reveal additional infringing Valeo OE, OES, and/or aftermarket products or components in various models and/or wiper lengths.

7.3 Claim charts showing correspondence between products representative of the accused devices and the asserted claims are identified in the following paragraph.

7.4 With respect to the claims of the '925 patent, Valeo's Ford Motorcraft WW-2600 BB5Z-17528-E beam blade (see claim chart Exhibit 5) is representative of at least the following:

- Valeo's Ford Motorcraft beam blades
- Valeo's Volkswagen beam blades
- Valeo's Rain-X Expert Fit beam blades
- Valeo's Rain-X Quantum beam blades
- Valeo's Ultimate MasterConnect beam blades
- Valeo's Ultimate 900 beam blades

Further, with respect to the claims of the '925 patent, Valeo's Gen2 U-28 beam blade (see claim chart Exhibit 6) is representative of at least the following:

- Valeo's Gen2 beam blades
- Valeo's Peak Optix beam blades

With respect to the claims of the '348 patent, Valeo's Ford Motorcraft WW-2600 BB5Z-17528-E beam blade (see claim chart Exhibit 7) is representative of at least the following:

- Valeo's Ford Motorcraft beam blades
- Valeo's Volkswagen beam blades
- Valeo's Rain-X Expert Fit beam blades
- Valeo's Rain-X Quantum beam blades
- Valeo's Ultimate MasterConnect beam blades
- Valeo's Ultimate 900 beam blades

Further, with respect to the claims of the '348 patent, Valeo's Gen2 U-28 beam blade (see claim chart Exhibit 8) is representative of at least the following:

- Valeo's Gen2 beam blades

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

8.1 On information and belief, Valeo, and/or others on its behalf, manufactures the accused products in Mexico, and then imports them into the United States, sells them for importation into the United States, and/or sells them after importation into the United States. On information and belief, Valeo offers for sale its infringing articles both directly to customers in the United States and through intermediary suppliers that sell products in the United States.

8.2 Trico has obtained representative samples of the accused products within the United States. Receipts showing the purchase of accused products from within the United States are attached to this Complaint as Exhibit 14. The product packaging of the purchased products expressly states that the products are either "Assembl[ed] in Mexico," "Made in Mexico," or "PRODUCT[S] OF MEXICO." Physical Exhibits P1-P8 include packaging stating that the accused products are Assembl[ed] in Mexico," "Made in Mexico," or "PRODUCT[S] OF MEXICO."

8.3 On information and belief, the accused Valeo beam blade wipers are also sold to OEM and OES customers, as well as aftermarket customers and under private label brands.

### **IX. HARMONIZED TARIFF SCHEDULE**

9.1 The accused wipers are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8512.90.90, 4016.99.60. These classifications are illustrative only and should not be interpreted to restrict the scope of the type of accused wiper.

## **X. THE DOMESTIC INDUSTRY**

10.1 A domestic industry exists as defined by 19 U.S.C. §§ 1337(a)(2)-(3) relating to Trico's significant investment in plant and equipment; significant employment of labor and capital; and substantial investment in the exploitation of the Asserted Patents, including a variety of technical support, field training, and service for Trico's domestic industry windscreen wipers. Trico's manufacturing, distribution, licensing, and support activities in the United States with respect to these products constitutes a domestic industry for purposes of Section 337. Additionally, Trico's domestic industry products are protected by one or more claims of each of the Asserted Patents.

### **A. The Technical Prong**

10.2 Trico manufactures, assembles, sells, and distributes wipers protected by one or more claims of the Asserted Patents. As set forth in more detail herein, Trico's various windscreen wipers incorporate the inventions claimed in the Asserted Patents.

10.3 At a minimum, the Trico Ford F-series and Trico NeoForm windscreen wiper devices, as well as the devices listed in Paragraph 10.4 below, are protected by the '925 and '348 Patents. Claim charts demonstrating how this product is protected by exemplary claims of the '925 and '348 Patents are identified in the following paragraph.

10.4 With respect to the claims of the '925 patent, Trico's NeoForm 16-200 beam blade (see claim chart Exhibit 9) is representative of

- Trico's ExactFit beam blades
- Trico's Flex beam blades
- Trico's Force beam blades
- Trico's Ice beam blades
- Trico's NeoForm beam blades
- Trico's Onxy beam blades
- Trico's Tech beam blades

Further, with respect to the claims of the '925 patent, Trico's Ford F-Series FL34-17528-AA beam blade (see claim chart Exhibit 10) is representative of at least the following:

- Trico's Ford F-Series beam blades

With respect to the claims of the '348 patent, Trico's NeoForm 16-200 beam blade (see claim chart Exhibit 11) is representative of:

- Trico's ExactFit beam blades
- Trico's Flex beam blades
- Trico's Force beam blades
- Trico's Ice beam blades
- Trico's NeoForm beam blades
- Trico's Onxy beam blades
- Trico's Tech beam blades

Further, with respect to the claims of the '348 patent, Trico's Ford F-Series FL34-17528-AA beam blade (see claim chart Exhibit 12) is representative of at least the following:

- Trico's Ford F-Series beam blades

## **B. Economic Prong**

10.4 Trico conducts significant domestic industry activities in the United States relating to products protected by one or more claims of the Asserted Patents. These activities include research, development and manufacturing of windscreen wipers, as well as the education, training and sales of these windscreen wipers, and other activities designed to exploit the Asserted Patents at issue such as customer support and warranty services.

10.5 Some of Trico's investment in plant and equipment, employment of labor and capital, and further exploitation of the Asserted Patents is set forth in the confidential declaration of Martin E. Kennedy attached hereto. See Confidential Exhibit 14.

10.6 Trico has made and continues to make significant investment in facilities and equipment in the United States dedicated to the research and development, manufacture,

assembly, product support, testing and quality management, and warranty and repair services for products protected by the Asserted Patents.

10.7 Trico has employed and continues to employ a significant number of employees in the above-mentioned facilities that devote substantial personnel-hours toward the design, manufacture, assembly, customer and product support, testing and quality management, and warranty and repair service for products asserted by the Asserted Patents. See Confidential Exhibit 14.

10.8 Throughout development Trico monitors the performance of TTs and actively tests its windscreen wiper products, which are covered by the Asserted Patents in the United States to ensure that Trico's required high standards are satisfied.

10.9 Trico employees in the United States work with Trico U.S. clients to meet the needs of those clients. Trico employees in the United States continuously monitor the product offerings made by Trico and sold throughout the United States.

10.10 Trico employees in the United States generate technical catalogs and buyer's guides for Trico distributors, which inform customers of the appropriate wiper blades to use with its vehicles. These materials are distributed in the United States.

10.11 Trico employees in the United States respond to customers' and vehicle manufacturers' concerns related to the installation and/or use of Trico protected wipers technology.

10.12 Trico conducts extensive market research in the United States, which drives the design and development of Trico's products sold in the United States, including its protected wiper technology.

10.13 Trico employees in the United States develop technical marketing and promotional materials relating to Trico's protected wipers. These materials are designed to inform U.S. retailers and consumers of the technical features of Trico's protected blades.

10.14 Trico employees in the United States provide customer service, process returns, and process warranty claims related to Trico's protected wipers.

10.15 Trico employees in the United States attend several trade shows in the United States each year, at which they promote the technical features of the Trico protected wipers.

10.16 Each year, Trico makes substantial financial investments in facilities, equipment, and in labor in the United States to conduct its business related to the Trico protected wipers.

10.17 Trico's domestic investment and activities add significant and substantial value to Trico's protected wipers. Trico's investments in these activities, and in the facilities, in the United States make this possible.

## **XI. LICENSES**

11.1 Trico has not licensed the Asserted Patents.

## **XII. RELATED LITIGATION**

12.1 As of the filing of this complaint, there has been no other foreign or domestic court or agency litigation involving the Asserted Patents.

## **XIII. IDENTIFICATION OF FOREIGN COUNTERPARTS**

The '348 patent has the following foreign counterparts:

- (1) EP1119478 – patented

The '925 patent has the following foreign counterparts:



- (1) EP1119476 – patented
- (2) BR9914378 – unexamined
- (3) AU750800 – patented
- (4) KR100463334 – patented
- (5) CN1123466 – patented
- (6) RU2233755 – patented
- (7) MXPA01003220 – patented
- (8) CA2344888 – patented
- (9) JP2002527286 – laid open

#### **XIV. REQUESTED RELIEF**

13.1 WHEREFORE, by reason of the foregoing, Trico Products Corporation 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)(i), with respect to violations of Section 337 arising from Valeo's unlawful importation into the United States, sale for importation in the United States, and/or sale within the United States after importation of all windscreen wipers that infringe one or more claims of the Asserted Patents.

(b) Schedule and conduct a hearing on relief, pursuant to Section 337 (c) and (d), for the purpose 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 limited exclusion order specifically directed to Valeo and its subsidiaries and affiliates, pursuant Section 337(d) prohibiting entry into the United States all windscreen wipers that infringe one or more claims of the Asserted Patents;

(e) Issue a cease and desist order, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, prohibiting Valeo, its affiliates, others acting on behalf of Valeo, and others who are in active concert or participation with Valeo from marketing, advertising, demonstrating, warehousing inventory for distribution, sale and use windscreen wipers and components thereof, including any that infringe one or more claims of the Asserted Patents; and

(f) 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: July 20, 2015

Respectfully submitted,



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