

J. Ningbo Huadian Cross Country Automobile Accessories Co., Ltd.

3.19 On information and belief, Proposed Respondent **Ningbo Huadian Cross Country Automobile Accessories Co., Ltd.** ("Ningbo") is a Chinese Company having a principal place of business in China at Room 2402 Huijin Building No. 77, Heyi Road, Ningbo China.

3.20 On information and belief, Ningbo develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States Accused Products that infringe one or more of the claims of the Asserted Patents, including but not limited to Ningbo's Nii4x4 Hard Tri-Fold Tonneau Cover, Ningbo's Nii4x4 Hard Tri-Fold (Backflip Model), Ningbo's Nii4x4 Soft Tri-Fold Tonneau Cover. See generally **Exhibits 26-27, 43**. In addition, Ningbo has engaged in unlawful actions through its unlicensed importation, sale for importation, or sale after importation of Accused Products that infringe Complainant BAK's federally registered trademarks, namely U.S. Trademark Registration Nos. 4,104,393 and 3,904,016. See generally **Exhibits 81-84**.

K. Sunwood Industries Co., Ltd

3.21 On information and belief, Proposed Respondent **Sunwood Industries Co., Ltd** ("Sunwood") is a Chinese Company located at Room 501 Sealand Plaza, #20 Guanghua Street, Changzhou, Jiangsu, China.

3.22 On information and belief, Sunwood develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and

distributes after importation, offers to sell, sells, or uses within the United States Accused Products that infringe one or more of the claims of the Asserted Patents, including but not limited to Sunwood's Low Profile Hard Tri-Fold Tonneau Cover. See *generally* **Exhibit 44**.

IV. PRODUCTS AND TECHNOLOGY AT ISSUE²

4.1 In plain English, the products at issue relate to pickup truck bed coverings, and particularly a certain style of covering commonly known in the industry as folding tonneau covers.

4.2 Today, pick-up trucks are one of the most popular and versatile vehicles in use in the United States. Pick-up trucks typically have an enclosed cab and an open bed cover (cargo box) in the rear of the truck. The open bed allows all types of things to be quickly and easily loaded, carried and unloaded. Despite this versatility, the open bed has severe disadvantages. One disadvantage is a complete lack of security. Anything in an open box can be quickly and easily stolen. Another disadvantage is that an open cargo box leaves the contents of the box exposed to weather. Still another disadvantage is the air turbulence and drag placed on a truck when the box tailgate is closed, particularly at high speeds.

4.3 Although a number of different types of pick-up truck bed covers have been sold over the years, many of these covers have been prone to leaking, thereby allowing damage to the contents in the bed and even corrosion to the bed itself. Others

² The allegations set forth in the Complaint and in particular Section IV of the Complaint 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.

have limited the useful space within the cargo bed or have been difficult and time consuming to install.

4.4 Because of their significant investment in engineering, design, and manufacturing, Complainants' innovative folding bed covers overcome all of these problems. Moreover, the ingenuity, investment, design, manufacturing, sales and customer support of Complainants' products all take place exclusively in the United States. Complainants' domestic industry products are protected by the Asserted Patents.

V. THE ASSERTED PATENTS

A. The 'D877 Patent

1. Identification of the 'D877 Patent and Ownership by Extang

5.1 The Accused Products infringe the 'D877 Patent. The 'D877 Patent is valid, enforceable, and currently in full force and effect. A copy of the 'D877 Patent is attached hereto as **Exhibit 1**. The 'D877 Patent, entitled "Tonneau Cover," issued from U.S. Design Patent Application Serial No. 29/346,520, which was filed on November 2, 2009.

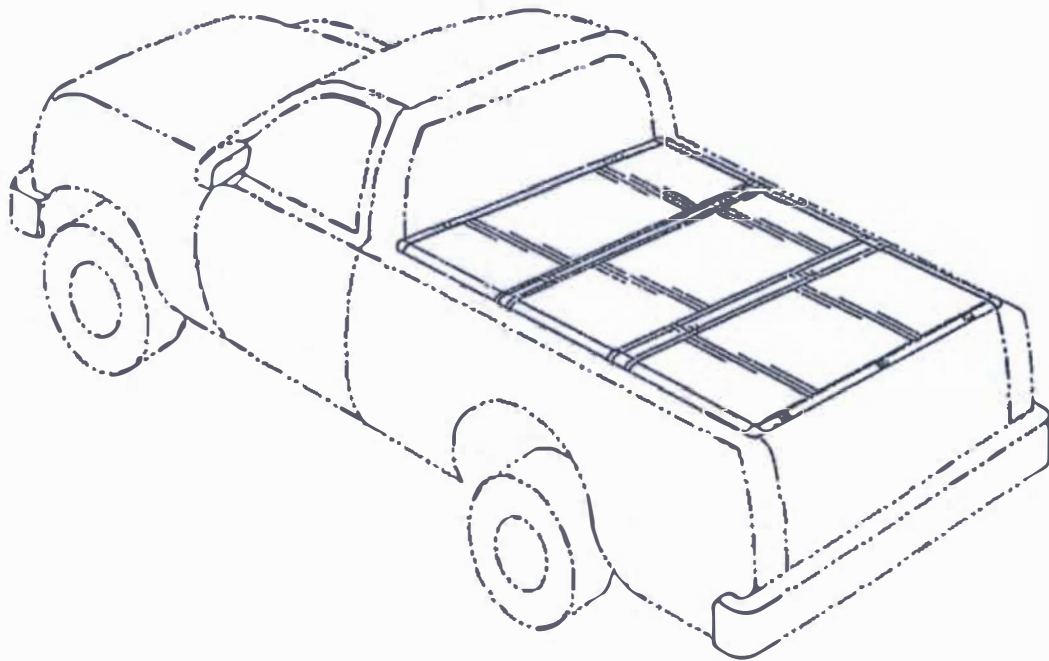
5.2 Extang owns by assignment the entire right, title, and interest to the 'D877 Patent. Certified copies of the assignments for the 'D877 Patent are attached hereto as **Exhibit 2**.

5.3 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices A and B. **Appendix A** contains a certified copy and three additional copies of the prosecution history of the

'D877 Patent. **Appendix B** contains four copies of each reference mentioned in the prosecution history.

2. Non-technical Description of the '877 Patented Design

5.4 The 'D877 Patent discloses and claims an ornamental design for a folding tonneau cover as shown and described in the drawings that are FIG.1 through FIG 4. In the drawings, the broken lines depict a truck only and form no part of the claimed design. For ease of reference, Figure 1 is shown below:



3. Foreign Counterparts to the 'D877 Patent

5.5 There are no foreign counterparts to the 'D877 Patent.

5.6 No other foreign patents or patent applications corresponding to the 'D877 Patent have been filed, abandoned, withdrawn or rejected.

B. The '888 Patent

1. Identification of the '888 Patent and Ownership by Extang

5.7 The Accused Products also infringe the '888 Patent. The '888 Patent is valid, enforceable, and currently in full force and effect. A copy of the '888 Patent is attached hereto as **Exhibit 3**. The '888 Patent, entitled "Tonneau System Latch," issued from U.S. Patent Application Serial No. 11/140,754, which was filed on May 31, 2005.

5.8 Extang owns by assignment the entire right, title, and interest to the Asserted Patent. Certified copies of the assignments for the '888 Patent are attached hereto as **Exhibit 4**.

5.9 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices C and D. **Appendix C** contains a certified copy and three additional copies of the prosecution history of the '888 Patent. **Appendix D** contains four copies of each reference mentioned in the prosecution history.

2. Non-technical Description of the '888 Patented Invention

5.10 Early tonneau covers were made of vinyl covered fabrics or canvas. Male snaps were attached to the sides of the cargo box of the pick-up truck via fasteners, while female snaps were attached along the edge of the cover. Later, folding tonneau covers that incorporated panels became more popular because they conveniently covered the bed of the pick-up truck and could also be folded and stored when not in use.

5.11 The '888 Patent discloses a novel latching system for use with a folding tonneau cover system that easily and importantly adjusts to align with the truck bed. The disclosed novel latching system maximizes ease of use, thereby aiding proper installation and reducing the likelihood that the cover will become inadvertently loose. The '888 patent further provides a mechanism for easily and properly stowing the latch without causing harm to the cover.

3. Foreign Counterparts to the '888 Patent

5.12 There are no foreign counterparts to the '888 Patent.

5.13 No other foreign patents or patent applications corresponding to the '888 Patent have been filed, abandoned, withdrawn or rejected.

C. The '788 Patent

1. Identification of the '788 Patent and Ownership by Extang

5.14 The Accused Products infringe the '788 Patent. The '788 Patent is valid, enforceable, and currently in full force and effect. A copy of the '788 Patent is attached hereto as **Exhibit 5**. The '788 Patent, entitled "Solid Fold Tonneau System," issued from U.S. Patent Application Serial No. 11/591,414, which was filed on October 26, 2006.

5.15 Extang owns by assignment the entire right, title, and interest to the '788 Patent. Certified copies of the assignments for the '788 Patent are attached hereto as **Exhibit 6**.

5.16 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices C and D. **Appendix E**

contains a certified copy and three additional copies of the prosecution history of the '788 Patent. **Appendix F** contains four copies of each reference mentioned in the prosecution history.

2. Non-technical Description of the '788 Patented Invention

5.17 Folding tonneau covers necessarily include hinge assemblies to couple together the panels used to cover the cargo box of a pick-up truck. Because these hinge assemblies represent an opportunity for fluid intrusion, such as rain water, proper fluid management is required to ensure that the contents of the truck bed remain dry. The '788 Patent discloses, among other things, a novel panel and hinge system with gutters to collect and route fluid away from the interior of the truck bed.

5.18 The '788 patent further discloses a mechanism for managing excessive adhesive which may inadvertently be applied to components of the tonneau cover during manufacturing. Proper adhesive management enables all parts to work together as designed.

3. Foreign Counterparts to the '788 Patent

5.19 There are no foreign counterparts to the '788 Patent.

5.20 No other foreign patents or patent applications corresponding to the '788 Patent have been filed, abandoned, withdrawn or rejected.

D. The '758 Patent

1. Identification of the '758 Patent and Ownership by BAK

5.21 The Accused Products also infringe the '758 Patent. The '758 Patent is valid, enforceable, and currently in full force and effect. A copy of the '758 Patent is

attached hereto as **Exhibit 7**. The '758 Patent, entitled "Pick-up Truck Box Cover," issued from U.S. Patent Continuation Application Serial No. 12/471,880, which was filed on May 26, 2009.

5.22 BAK owns by assignment the entire right, title, and interest to the '758 Patent. Certified copies of the assignments for the '758 Patent are attached hereto as **Exhibit 8**.

5.23 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices G and H. **Appendix G** contains a certified copy and three additional copies of the prosecution history of the '788 Patent. **Appendix H** contains four copies of each reference mentioned in the prosecution history.

2. Non-technical Description of the '758 Patented Invention

5.24 The '758 Patent discloses an improved folding pick-up truck cargo box cover that is easy to install and highly resistant to water penetration so that the contents of the box stay dry when covered. The claimed cover makes use of various panels, lateral members, interlocking elements and spacer bars to result in a cover that is lightweight, yet durable, and also strong and rigid so as to protect the content from the elements, theft or vandalism.

3. Foreign Counterparts to the '758 Patent

5.25 There are no foreign counterparts to the '758 Patent.

5.26 No other foreign patents or patent applications corresponding to the '758 Patent have been filed, abandoned, withdrawn or rejected.

E. The '021 Patent

1. Identification of the '021 Patent and Ownership by BAK

5.27 Respondent SyntheticUSA's Accused Products infringe the '021 Patent. The '021 Patent is valid, enforceable, and currently in full force and effect. A copy of the '021 Patent is attached hereto as **Exhibit 9**. The '021 Patent, entitled "Pick-up Truck Box Cover," issued from U.S. Patent Continuation Application Serial No. 13/227,373, filed on September 7, 2011, which was a Continuation of U.S. Patent Application Serial No. 12/471/880, filed on May 26, 2009, which was a Continuation of U.S. Patent Application Serial No. 11/537/403, filed September 29, 2006, now U.S. Patent No. 7,537,264.

5.28 BAK owns by assignment the entire right, title, and interest to the '021 Patent. Certified copies of the assignments for the '021 Patent are attached hereto as **Exhibit 10**.

5.29 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices I and J. **Appendix I** contains a certified copy and three additional copies of the prosecution history of the '021 Patent. **Appendix J** contains four copies of each reference mentioned in the prosecution history.

2. Non-technical Description of the '021 Patented Invention

5.30 The '021 Patent discloses and claims a novel folding cover assembly for a pick-up truck cargo box that utilizes side rails that are attached to the sides of the cargo box. Drain channels, clamp plates, and panel supports are further utilized. The panels

are supported on the rails and pivotally connected to neighboring panels. Latches on the panels hold the panels on the rails. The cover may be opened by releasing the latches and folding the panels over onto each other.

3. Foreign Counterparts to the '021 Patent

5.31 There are no foreign counterparts to the '021 Patent.

5.32 No other foreign patents or patent applications corresponding to the '021 Patent have been filed, abandoned, withdrawn or rejected.

F. The '224 Patent

1. Identification of the '224 Patent and Ownership by BAK

5.33 Respondent SyntheticUSA's Accused Products also infringe the '224 Patent. The '224 Patent is valid, enforceable, and currently in full force and effect. A copy of the '224 Patent is attached hereto as **Exhibit 11**. The '224 Patent, entitled "Pick-up Truck Box Cover," issued from U.S. Patent Continuation Application Serial No. 13/454,843, filed on April 24, 2012, which was a Continuation of U.S. Patent Application Serial No. 13/227/373, filed September 7, 2011, which was a Continuation of U.S. Patent Application Serial No. 12/471,880, filed May 26, 2009, now U.S. Patent No. 8,061,758, which was a Continuation of U.S. Patent Application Serial No. 11/537,403, filed September 29, 2006, now U.S. Patent No. 7,537,264.

5.34 BAK owns by assignment the entire right, title, and interest to the '224 Patent. Certified copies of the assignments for the '224 Patent are attached hereto as **Exhibit 12**.

5.35 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices K and L. **Appendix K** contains a certified copy and three additional copies of the prosecution history of the '224 Patent. **Appendix L** contains four copies of each reference mentioned in the prosecution history.

2. Non-technical Description of the '224 Patented Invention

5.36 The '224 Patent also discloses a cover assembly for a pick-up truck cargo box having side rails. Pivotally connected panels may be supported on the rails. Among other things, the panel closest to the passenger compartment is configured to enable the other panels, when in a stacked position, to be flipped up toward the passenger compartment and supported in an upright position. This permits easy access to the front of the cargo bed.

3. Foreign Counterparts to the '224 Patent

5.37 There are no foreign counterparts to the '224 Patent.

5.38 No other foreign patents or patent applications corresponding to the '224 Patent have been filed, abandoned, withdrawn or rejected.

VI. THE ASSERTED TRADEMARKS

6.1 Respondent Ningbo's Accused Product and related promotional literature also infringes Complainants' federally registered United States Trademarks.

6.2 Complainant BAK owns United States Trademark Registration No. 5,104,393 ('393 Trademark Registration) for BAK. The United States Patent and Trademark Office issued the '393 Registration on December 20, 2016. See **Exhibit 81**,

legible copy of the '393 Registration; A certified copy of the prosecution history of the '393 Registration is at **Appendix M**.

6.3 The '393 Registration is prima facie evidence of the validity of the mark and of Complainant BAK's exclusive right to use the mark in connection with fitted truck bed covers and other accessories for cars and trucks.

6.4 Complainant BAK also owns United States Trademark Registration No. 3,904,016 ('016 Registration) for BAKFLIP. The United States Patent and Trademark Office issued the '016 Registration on January 11, 2011. See **Exhibit 82**, legible copy of the '016 Registration. A legible copy of the prosecution history of the '016 Registration is at **Appendix N**.

6.5 The '016 Registration is prima facie evidence of the validity of the mark BAKFLIP and of Complainant BAK's exclusive right to use the mark in connection with tonneau covers for pickup trucks. Moreover, the '016 Registration is now incontestable, meaning it is conclusive evidence of the validity of the mark and of Complainant BAK's registration of the mark, of BAK's ownership of the mark, and of Complainant BAK's exclusive right to use the mark in commerce in connection with tonneau covers for pickup trucks.

VII. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT

7.1 Each Respondent makes or has made in China, or elsewhere outside of the United States, and/or imports into the United States, sells for importation into the United States, or sells within the United States after importation the Accused Products that directly and/or indirectly infringe at least one claim of one or more of the Asserted Patents, as well as the Asserted Trademarks as identified below:

Respondent	'888 Patent	'788 Patent	'758 Patent	'D877 Patent	'021 Patent	'224 Patent	'393 Trade mark	'016 Trade mark
Stehlen Automotive	✓	✓	✓	✓				
SyneticUSA	✓	✓	✓	✓	✓	✓		
Topline Autoparts, Inc.	✓	✓	✓	✓				
Velocity Concepts Inc.	✓	✓	✓	✓				
JL Concepts Inc.	✓	✓	✓	✓				
DT Trading Inc.	✓	✓	✓	✓	✓	✓		
Kouvi Ltd.	✓	✓	✓	✓	✓	✓		
Syppo Marketing, Inc.		✓	✓	✓				
Ningbo	✓				✓		✓	✓
Sunwood					✓			

7.2 On information and belief, one or more of the Accused Products include all elements of at least claim 1, 11, 13, and 17-18 of the '888 Patent, claims 1-3, 5-6, and 19-20 of the '788 Patent, claim 2 of the '758 Patent, the 'D877 Patent, claims 1-7 and 11-30 of the '021 Patent, and/or claims 1-6 and 8-10 of the '224 Patent. *See generally Exhibits 13-45.* In addition, on information and belief, one or more of the Accused Products of Respondent Ningbo infringe Complainant BAK's '393 and '016 Trademark Registrations.

7.3 On information and belief, the Accused Products are manufactured, assembled, packaged, and/or tested in China or elsewhere outside of the United States.

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 Respondents.

7.4 Photographs of an exemplary Accused Products that infringe the Asserted Patents are shown in the claim charts attached to this Complaint as **Exhibits 13-45** hereto.

7.5 Discovery may reveal additional infringing products that are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Respondents and/or Respondents' numerous suppliers.

A. Respondents' Infringement of the 'D877 Patent

7.6 Other than representative Accused Product SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5, and Accused Products of Respondents Ningbo and Sunwood, every single representative Accused Product infringes the 'D877 Patent.

7.7 Claim charts demonstrating how representative Accused Products R&L Racing Solid Tri-Fold, Part No. TC-F15097-6.5-TFH, HS Power Solid Tri-Fold, Part No. TC-FRON05-5-TFH, Nova Solid Tri-Fold, Part No. B2001, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, and Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, infringe the claimed design of the 'D877 Patent are attached hereto as **Exhibits 13-19**, respectively.

7.8 A claim chart demonstrating how Respondent Stehlen Automotive's product, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, infringes the claimed design of the 'D877 Patent is attached hereto as **Exhibit 16**.

7.9 A claim chart demonstrating how Respondent SyneticUSA's product, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5, infringes the claimed design of the 'D877 Patent is attached hereto as **Exhibit 17**.

7.10 A claim chart demonstrating how Respondent Topline Autoparts, Inc.'s product, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, infringes the claimed design of the 'D877 Patent is attached hereto as **Exhibit 18**.

7.11 A claim chart demonstrating how Respondent Velocity Concepts Inc.'s product, Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, infringes the claimed design of the 'D877 Patent is attached hereto as **Exhibit 19**.

7.12 On information and belief, Respondent JL Concepts, Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States representative Accused Products, including R&L Racing Solid Tri-Fold, HS Power Solid Tri-Fold, Stehlen Solid Tri-Fold, Topline Autoparts Solid Tri-Fold, or Velocity Concepts Solid Tri-Fold. *See generally Exhibits 51, 54, 72, 75, 78.* Claim charts demonstrating how the design claimed in the 'D877 Patent is infringed by these representative Accused Products is attached hereto as **Exhibits 13-14, 16, 18-19**, respectively.

7.13 On information and belief, Respondent DT Trading Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers

to sell, sells, or uses within the United States a representative Accused Product of Respondent SynteticUSA, SynteticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5. Cf. **Exhibits 58, 63**. A claim chart demonstrating how this representative Accused Product infringes the design claimed in the 'D877 Patent is attached as **Exhibit 17** hereto.

7.14 On information and belief, Respondent Kouvi Ltd., which on information and belief exports to Respondent DT Trading Inc., designs, develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product of Respondent SynteticUSA, SynteticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5. See generally **Exhibits 58-59, 64**. In fact, the instruction manual included with this product bears the name "Kouvi." **Exhibit 64**. A claim chart demonstrating how this representative Accused Product infringes the design claimed in the 'D877 Patent is attached as **Exhibit 17** hereto.

7.15 On information and belief, Respondent Syppo Marketing, Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product Nova Solid Tri-Fold, Part No. B2001. See generally **Exhibit 66**. A claim chart demonstrating how this representative Accused Product infringes the design claimed in the 'D877 Patent is attached as **Exhibit 15** hereto.

7.16 On information and belief, Respondent Apex Auto, which shares an address with Respondent Syppo Marketing, Inc., whose website purports to identify Auto Apex as a participant in its business, **Exhibit 67**, imports into the United States,

sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product Nova Solid Tri-Fold, Part No. B2001. A claim chart demonstrating how this representative Accused Product infringes the design claimed in the 'D877 Patent is attached as **Exhibit 15** hereto.

B. Respondents' Infringement of the '888 Patent

7.17 One or more of the Accused Products include all elements of at least claim 11 of the '888 Patent.

7.18 Claim charts demonstrating how claim 11 of the '888 Patent is infringed by representative Accused Products R&L Racing Solid Tri-Fold, Part No. TC-F15097-6.5-TFH, HS Power Solid Tri-Fold, Part No. TC-FRON05-5-TFH, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, SyneticUSA, Part No. KV8802/TC-SIL07-6.5, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, Ningbo Nii4x4 Soft Tri-Fold Tonneau Cover, and Ningbo Nii4x4 Solid Tri-Fold Tonneau Cover are attached hereto as **Exhibits 20-27**, respectively.

7.19 A claim chart demonstrating how Respondent Stehlen Automotive's product, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, infringes claim 11 of the '888 Patent is attached hereto as **Exhibit 22**.

7.20 A claim chart demonstrating how Respondent SyneticUSA's product, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL-07-6.5, infringes claim 11 of '888 Patent is attached hereto as **Exhibit 23**.

7.21 A claim chart demonstrating how Respondent Topline Autoparts, Inc.'s product, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, infringes claim 11 of '888 Patent is attached hereto as **Exhibit 24**.

7.22 A claim chart demonstrating how Respondent Velocity Concepts Inc.'s product, Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, infringes claim 11 of '888 Patent is attached hereto as **Exhibit 25**.

7.23 On information and belief, Respondent JL Concepts Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product, including R&L Racing Solid Tri-Fold, HS Power Solid Tri-Fold, Stehlen Solid Tri-Fold, Topline Autoparts Solid Tri-Fold or Velocity Concepts Solid Tri-Fold. See *generally* **Exhibits 51, 54, 72, 75, 78**. A claim chart demonstrating how these representative Accused Products infringe claim 11 of the '888 Patent is attached as **Exhibits 20-22, 24-25** hereto.

7.24 On information and belief, Respondent DT Trading Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product of Respondent SyneticUSA, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL-07-6.5. Cf. **Exhibits 58, 63**. A claim chart demonstrating how this representative Accused Product infringes claim 11 of the '888 Patent is attached as **Exhibit 23** hereto.

7.25 On information and belief, Respondent Kouvi Ltd., which on information and belief exports to Respondent DT Trading Inc., designs, develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and

distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product of Respondent SyneticUSA, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL-07-6.5. See generally **Exhibits 58-59, 64**. In fact, the instruction manual included with this product bears the name "Kouvi." **Exhibit 64**. A claim chart demonstrating how this representative Accused Product infringes claim 11 of the '888 Patent is attached as **Exhibit 23** hereto.

7.26 A claim chart demonstrating how Respondent Ningbo's product, Part No. Nii4x4 Soft Tri-Fold Tonneau Cover, infringes claim 11 of '888 Patent is attached hereto as **Exhibit 26**.

7.27 A claim chart demonstrating how Respondent Ningbo's product, Part No. Nii4x4 Solid Tri-Fold Tonneau Cover, infringes claim 11 of '888 Patent is attached hereto as **Exhibit 27**.

C. Respondents' Infringement of the '788 Patent

7.28 One or more of the Accused Products include all elements of at least claim 1 or 19 of the '788 Patent.

7.29 Claim charts demonstrating how claims 1 and 19 of the '788 Patent is infringed by representative Accused Products R&L Racing Solid Tri-Fold, Part No. TC-F15097-6.5-TFH, HS Power Solid Tri-Fold, Part No. TC-FRON05-5-TFH, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, SyneticUSA, SyneticUSA Solid Tri-Fold Part No. KV8802/TC-SIL07-6.5, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, and Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, are attached hereto as **Exhibits 28-33**, respectively.

7.30 A claim chart demonstrating how Respondent Stehlen Automotive's product, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, infringes claims 1 and 9 of the '788 Patent is attached hereto as **Exhibit 30**.

7.31 A claim chart demonstrating how Respondent SynteticUSA's product, SynteticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5, infringes claims 1 and 19 of '788 Patent is attached hereto as **Exhibit 31**.

7.32 A claim chart demonstrating how Respondent Topline Autoparts, Inc.'s product, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, infringes claims 1 and 19 of '788 Patent is attached hereto as **Exhibit 32**.

7.33 A claim chart demonstrating how Respondent Velocity Concepts Inc.'s product, Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, infringes claims 1 and 19 of '788 Patent is attached hereto as **Exhibit 33**.

7.34 On information and belief, Respondent JL Concepts, Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product, including R&L Racing Solid Tri-Fold, HS Power Solid Tri-Fold, Stehlen Solid Tri-Fold, Topline Autoparts Solid Tri-Fold or Velocity Concepts Solid Tri-Fold. *See generally Exhibits 51, 54, 72, 75, 78.* Claim charts demonstrating how these representative Accused Products infringe claims 1 and 19 of the '788 Patent are attached hereto as **Exhibits 28-30, 32-33**, respectively.

7.35 On information and belief, Respondent DT Trading Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers

to sell, sells, or uses within the United States a representative Accused Product of Respondent SynteticUSA, SynteticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5. Cf. **Exhibits 58, 63**. A claim chart demonstrating how this representative Accused Product infringes claims 1 and 19 of the '788 Patent is attached as **Exhibit 31** hereto.

7.36 On information and belief, Respondent Kouvi Ltd., which on information and belief exports to DT Trading, Inc., designs, develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product of Respondent SynteticUSA, SynteticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5. See generally **Exhibits 58-59, 64**. In fact, the instruction manual included with this product bears the name "Kouvi." **Exhibit 64**. A claim chart demonstrating how this representative Accused Product infringes claims 1 and 19 of the '788 Patent is attached as **Exhibit 31** hereto.

7.37 On information and belief, Respondent Syppo Marketing, Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product Nova Solid Tri-Fold, Part No. B2001. See generally **Exhibit 66**. A claim chart demonstrating how this representative Accused Product infringes claim 1 of the '788 Patent is attached as **Exhibit 34** hereto.

7.38 On information and belief, Respondent Apex Auto, which shares an address with Respondent Syppo Marketing, Inc., whose website purports to identify Auto Apex as a participant in its business, **Exhibit 67**, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or

uses within the United States the representative Accused Product Nova Solid Tri-Fold, Part No. B2001. A claim chart demonstrating how this representative Accused Product infringes claim 1 of the '788 Patent is attached as **Exhibit 34** hereto.

D. Respondents' Infringement of the '758 Patent

7.39 One or more of the Accused Products include all elements of at least claim 2 of the '758 Patent.

7.40 Claim charts demonstrating how claim 2 of the '758 Patent is infringed by R&L Racing Solid Tri-Fold, Part No. TC-F15097-6.5-TFH, HS Power Solid Tri-Fold, Part No. TC-FRON05-5-TFH, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, SyneticUSA, Part No. KV8802/TC-SIL07-6.5, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, and Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH representative Accused Products, are attached hereto as **Exhibits 35-40**, respectively.

7.41 A claim chart demonstrating how Respondent Stehlen Automotive's product, Stehlen Solid Tri-Fold Part No. TC-SIL 14.5-6.5-TFH, infringes claim 2 of the '758 Patent is attached hereto as **Exhibit 37**.

7.42 A claim chart demonstrating how Respondent SyneticUSA's product, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5, infringes claim 2 of the '758 Patent is attached hereto as **Exhibit 38**.

7.43 A claim chart demonstrating how Respondent Topline Autoparts, Inc.'s product, Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, infringes claim 2 of the '758 Patent is attached hereto as **Exhibit 39**.

7.44 A claim chart demonstrating how Respondent Velocity Concepts Inc.'s product, Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, infringes claim 2 of the '758 Patent is attached hereto as **Exhibit 40**

7.45 On information and belief, Respondent JL Concepts, Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product, including R&L Racing Solid Tri-Fold, HS Power Solid Tri-Fold, Stehlen Solid Tri-Fold Automotive, Topline Autoparts Solid Tri-Fold or Velocity Concepts Solid Tri-Fold. See *generally* **Exhibits 51, 54, 72, 75, 78**. A claim chart demonstrating how these representative Accused Products infringe claim 2 of the '758 Patent is attached hereto as **Exhibits 35-37, 39-40**, respectively.

7.46 On information and belief, Respondent DT Trading Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product of Respondent SyneticUSA, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5. *Cf. Exhibits 58, 64*. A claim chart demonstrating how this representative Accused Product infringes claim 2 of the '758 Patent is attached as **Exhibit 38** hereto.

7.47 On information and belief, Respondent Kouvi Ltd., which on information and belief exports to DT Trading Inc., designs, develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States a representative Accused Product of Respondent SyneticUSA, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5. See *generally* **Exhibits 58-59, 55**. In fact, the

instruction manual included with this product bears the name "Kouvi." **Exhibit 64**. A claim chart demonstrating how this representative Accused Product infringes claim 2 of the '758 Patent is attached as **Exhibit 38** hereto.

7.48 On information and belief, Respondent Syppo Marketing, Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses the representative Accused Product Nova Solid Tri-Fold, Part No. B2001, within the United States. *See generally* **Exhibit 66**. A claim chart demonstrating how this representative Accused Product infringes claim 2 of the '758 Patent is attached as **Exhibit 41** hereto.

7.49 On information and belief, Respondent Apex Auto, which shares an address with Respondent Syppo Marketing, Inc., whose website purports to identify Auto Apex as a participant in its business, **Exhibit 67**, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product Nova Solid Tri-Fold, Part No. B2001. A claim chart demonstrating how this representative Accused Product infringes claim 2 of the '758 Patent is attached as **Exhibit 41** hereto.

E. Respondents' Infringement of the '021 Patent

7.50 The representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5, Ningbo Hard Tri-Fold (Backflip model), and Sunwood Low Profile Hard Tri-Fold Tonneau Cover infringe one or more claims of the '021 Patent. A claim chart demonstrating how the SyneticUSA Accused Product infringes claims 1, 11, 14, 18, and 24 of the '021 Patent is attached as **Exhibit 42** hereto. Claim charts demonstrating how the Ningbo Hard Tri-Fold (Backflip

model) and Sunwood Low Profile Hard Tri-Fold Tonneau Cover infringe claim 18 of the '021 Patent are attached hereto as **Exhibits 43 and 44**, respectively.

7.51 On information and belief, Respondent DT Trading Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5. See *generally* **Exhibits 58-59**. A claim chart demonstrating how this representative Accused Product infringes claims 1, 11, 14, 18, and 24 of the '021 Patent is attached as **Exhibit 42** hereto.

7.52 On information and belief, Respondent Kouvi Ltd., which on information and belief exports to Respondent DT Trading Inc., designs, develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5. See *generally* **Exhibits 59-60**. In fact, the instruction manual included with this product bears the name "Kouvi." **Exhibit 60**. A claim chart demonstrating how this representative Accused Product infringes claims 1, 11, 14, 18, and 24 of the '021 Patent is attached as **Exhibit 42** hereto.

7.53 A claim chart demonstrating how Respondent Ningbo's product, Nii4x4 Hard Tri-Fold (Backflip model), infringes claim 18 of '021 Patent is attached hereto as **Exhibit 43**.

7.54 A claim chart demonstrating how Respondent Sunwood's product, Low Profile Hard Tri-Fold Tonneau Cover, infringes claim 18 of '021 Patent is attached hereto as **Exhibit 44**.

F. Respondents' Infringement of the '224 Patent

7.55 The representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5, infringes one or more claims of the '224 Patent. A claim chart demonstrating how independent claim 1 of the '224 Patent is infringed is attached as **Exhibit 45** hereto.

7.56 On information and belief, Respondent DT Trading Inc. imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5. *See generally Exhibits 58-59*. A claim chart demonstrating how claim 1 of the '224 Patent is infringed by this representative Accused Product is attached as **Exhibit 45** hereto.

7.57 On information and belief, Respondent Kouvi Ltd., which on information and belief exports to Respondent DT Trading Inc., designs, develops, manufactures, has manufactured, imports into the United States, sells for importation, and/or sells and distributes after importation, offers to sell, sells, or uses within the United States the representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-FI506-5.5. *See generally Exhibits 59-60*. In fact, the instruction manual included with this product bears the name "Kouvi." **Exhibit 60**. A

claim chart demonstrating how this representative Accused Product infringes claim 1 of the '224 Patent is attached as **Exhibit 45** hereto.

**G. Respondent's Infringement of Complainant BAK's
U.S. Federal Trademark Registrations Nos. '393 and '016**

7.58 On information and belief, Respondent Ningbo presented marketing materials alongside its display of infringing Accused Products at AAPEX 2018 that unlawfully used BAK's federally registered U.S. trademarks 5,104,393 and 3,904,016 for BAK and BAKFLIP, respectively, as source identifiers in violation of 337(a)(1)(C). See *generally Exhibits 81-84*.

VIII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

8.1 On information and belief, Respondents, and/or others on Respondents behalf, and/or in concert with Respondents, assemble and manufacture the Accused Products in China or elsewhere outside the United States, and these Accused 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 Respondents.

8.2 On information and belief, the Accused Products are sold directly to aftermarket customers and under private labels.

8.3 On information and belief, Respondents offer for sale its infringing articles both directly to customers in the United States and through intermediary suppliers that sell products in the United States. Complainants have obtained representative Accused Products of Respondents from within the United States.

A. Topline Autoparts Solid Tri-Fold

8.4 On May 11, 2018, a representative Accused Product of Respondent Topline Autoparts, Inc., Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 50**. This product was sold by Topline Autoparts, Inc. and shipped by JL Concepts Inc. See **Exhibits 50-51**.

8.5 The product packaging of exemplary purchased Accused Product of Respondent Topline Autoparts, Inc., Topline Autoparts Solid Tri-Fold, Part No. TC-TUN-14-6.5-TFH, that was purchased in the United States expressly states that the product is "MADE IN CHINA." Attached as **Exhibit 52** hereto is a photograph showing packaging of this exemplary Accused Product that was purchased in the United States and that identifies the location of origin as China.

B. Stehlen Solid Tri-Fold

8.6 On August 1, 2018, a representative Accused Product of Respondent Stehlen Automotive, Stehlen Solid Tri-Fold, Part No. TC-SIL 14.5-6.5-TFH, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 53**. This product was sold by Stehlen Automotive and shipped by JL Concepts Inc. See **Exhibits 53-54**.

8.7 The product packaging of exemplary purchased Accused Product of Respondent Stehlen Automotive that was purchased in the United States expressly states that the product is "MADE IN CHINA." Attached as **Exhibit 55** hereto is a

photograph showing packaging of this exemplary Accused Product that was purchased in the United States and that identifies the location of origin as China.

C. SyneticUSA Solid Tri-Fold and Hard Fold with Rails

8.8 On August 8, 2018, a representative Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-F15016-5.5F, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 57**. This product was sold and shipped by DT Trading Inc. See **Exhibits 57-58**. On information and belief, Kouvi Ltd., a Chinese company, exports its products to DT Trading Inc. See generally **Exhibit 59**.

8.9 The product packaging of the exemplary purchased Accused Product of Respondent SyneticUSA, SyneticUSA Hard Fold with Rails, Part No. KV8801/TC-F15016-5.5F, that was purchased in the United States does not designate a country of origin but the installation instructions included with the second exemplary Accused Product refer to Kouvi Ltd. Attached as **Exhibit 60** hereto is a copy of installation instructions identifying Kouvi Ltd.

8.10 On August 31, 2018, another representative Accused Product of Respondent SyneticUSA, SyneticUSA Solid Tri-Fold Part No. KV8802/TC-SIL07-6.5, was purchased in the United States. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 61**. Although this product was purchased from Syneticusa.com, cf. **Exhibits 61, 62**, it was shipped from the address of DT Trading Inc. Cf. **Exhibits 58, 63**. On information and belief,

Kouvi Ltd., a Chinese company, exports its products to DT Trading Inc. *See generally* **Exhibit 59**.

8.11 The product packaging of this exemplary purchased Accused Product of Respondent SyneticUSA, SyneticUSA Solid Tri-Fold, Part No. KV8802/TC-SIL07-6.5, which was purchased in the United States does not designate a country of origin but the installation instructions included with the exemplary Accused Product refer to Kouvi Ltd. Attached as **Exhibit 62** hereto is a photograph of installation instructions identifying Kouvi Ltd.

D. Nova Solid Tri-Fold

8.12 On September 9, 2018, a representative Accused Product Nova Solid Tri-Fold, Part No. B2001, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 65**. This product was sold and shipped by Syppo Marketing, Inc. **Exhibits 65 and 66**. On information and belief, Syppo Marketing Inc. shares an address with Auto Apex, and the Syppo website purports to identify Auto Apex as a participant in its business. *See* **Exhibit 67**.

8.13 The product packaging of exemplary purchased Accused Product Nova Solid Tri-Fold, Part No. B2001, that was purchased in the United States expressly states that the product is "MADE IN CHINA." Attached as **Exhibit 68** hereto is a photograph showing packaging of this exemplary Accused Product that was purchased in the United States and that identifies the location of origin as China.

E. R&L Racing Solid Tri-Fold

8.14 On September 10, 2018, a representative Accused Product R&L Racing Solid Tri-Fold, Part No. TC-F15097-6.5-TFH, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 70**. This product was sold by RL Racing Performance and shipped by JL Concepts. See **Exhibits 70-72**.

8.15 The product packaging of exemplary purchased Accused Product R&L Racing Solid Tri-Fold, Part No. TC-F15097-6.5-TFH, that was purchased in the United States expressly states that the product is "MADE IN CHINA." Attached as **Exhibit 73** hereto is a photograph showing packaging of this exemplary Accused Product that was purchased in the United States and that identifies the location of origin as China.

F. HS Power Solid Tri-Fold

8.16 On September 10, 2018, a representative Accused Product HS Power Solid Tri-Fold, Part No. TC-FRON-05-5-TFH, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 74**. The product was sold by HSImport and shipped by JL Concepts. See **Exhibits 74-75**.

8.17 The product packaging of exemplary purchased Accused Product HS Power Solid Tri-Fold, Part No. TC-FRON-05-5-TFH, that was purchased in the United States expressly states that the product is "MADE IN CHINA." Attached as **Exhibit 76** hereto is a photograph showing packaging of this exemplary Accused Product that was purchased in the United States and that identifies the location of origin as China.

G. Velocity Concepts Solid Tri-Fold

8.18 On September 10, 2018, a representative Accused Product of Respondent Velocity Concepts Inc., Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, was purchased in the United States through Amazon.com. A receipt showing the purchase of this representative Accused Product is attached to this Complaint as **Exhibit 77**. This product was sold by Velocity Concepts Inc. and shipped by JL Concepts Inc. See **Exhibits 77-78**.

8.19 The product packaging of exemplary purchased Accused Product of Respondent Velocity Concepts Inc., Velocity Concepts Solid Tri-Fold, Part No. TC-FRON05-5-TFH, which was purchased in the United States expressly states that the product is "MADE IN CHINA." Attached as **Exhibit 79** hereto is a photograph showing packaging of this exemplary Accused Product that was purchased in the United States and that identifies the location of origin as China.

H. Ningbo Tri-Folds

8.20 On October 31, 2018, representative Accused Products of Respondent Ningbo were on display at the APPEX tradeshow in Las Vegas, Nevada, and on information and belief, available for purchase within the United States. The products were clearly identified as manufactured in China. See *generally* **Exhibits 26-27, 43**.

8.21 In addition, Ningbo's marketing materials presented alongside the Accused Products of Respondent Ningbo displayed marks that were infringing Complainant BAK's federally registered U.S. trademarks 5,104,393 and 3,904,016 for BAK and BAKFLIP, respectively. See *generally* **Exhibits 81-84**.

I. Sunwood Low Profile Hard Tri-Fold Tonneau Cover

8.22 On October 31, 2018, representative Accused Products of Respondent Sunwood were on display at the APPEX tradeshow in Las Vegas, Nevada, and on information and belief, and available for purchase within the United States. The products were clearly identified as manufactured in China. See generally **Exhibit 44**.

IX. HARMONIZED TARIFF SCHEDULE

9.1 The Accused Products are believed to fall within at least the following classification of the Harmonized Tariff Schedules of the United States: 8708.29.5060.

9.2 This classification is intended for illustrative purposes only and is not intended to restrict the scope of the type of Accused product.

X. THE DOMESTIC INDUSTRY

10.1 A domestic industry exists as defined by 19 U.S.C. §§ 1337(a)(2)-(3) relating to Complainants' significant investment in plant and equipment; significant employment of labor or capital; and substantial investment in the exploitation of the Asserted Patents, including a variety of manufacturing, engineering, and technical support, sales and marketing, field training, and service with respect to Complainants' domestic industry truck tonneau cover systems and components thereof.

10.2 Complainants' assembly and manufacturing, distribution, sale, and support activities in the United States with respect to these products constitute a domestic industry for purposes of Section 337.

10.3 Complainants' domestic industry products are protected by one or more claims of the Asserted Patents and Asserted Trademarks.

A. The Technical Prong

10.4 Complainants manufacture, assemble, sell, and distribute pick-up truck tonneau cover systems and components thereof protected by one or more claims of the Asserted Patents.

10.5 As set forth in more detail herein, Complainants' pick-up truck tonneau cover systems and components thereof incorporate the inventions claimed in the Asserted Patents.

10.6 The Extang Solid Fold 2.0 is an exemplary domestic industry pick-up truck tonneau cover system that is protected by one or more of the Asserted Patents. Photographs of the Extang Solid Fold 2.0 are shown in the claim charts attached hereto as **Exhibits 86-88**.

10.7 A claim chart demonstrating how the exemplary Extang Solid Fold 2.0 product is protected by the design claim of the 'D877 Patent is attached to the Complaint as **Exhibit 86** hereto.

10.8 A claim chart demonstrating how the exemplary Extang Solid Fold 2.0 product is protected by at least claim 1 of the '788 Patent is attached to the Complaint as **Exhibit 87** hereto.

10.9 A claim chart demonstrating how the exemplary Extang Solid Fold 2.0 product is protected by at least claim 2 of the '758 Patent is attached to the Complaint as **Exhibit 88** hereto.

10.10 The Extang Trifecta 2.0 is an exemplary domestic industry pick-up truck tonneau cover system that is protected by one or more of the Asserted Patents.

Photographs of the Extang Trifecta 2.0 are shown in the claim chart attached hereto as **Exhibit 89**. This claim chart demonstrates how the exemplary Extang Trifecta 2.0 product is protected by at least claims 1 and 11 of the '888 Patent. **Exhibit 89**.

10.11 The BAK BAKFlip Tonneau Cover is an exemplary domestic industry pick-up truck tonneau cover system that is protected by one or more of the Asserted Patents. Photographs of the BAK BAKFlip Tonneau Cover are shown in the claim charts attached hereto as **Exhibits 90-91**.

10.12 A claim chart demonstrating how the exemplary BAK BAKFlip Tonneau Cover is protected by at least claims 14 and 18 of the '021 Patent is attached to the Complaint as **Exhibit 90** hereto.

10.13 A claim chart demonstrating how the exemplary BAK BAKFlip Tonneau Cover is protected by at least claim 1 of the '224 Patent is attached to the Complaint as **Exhibit 91** hereto.

10.14 BAK's domestic industry products all display and use the asserted trademarks in commerce as source identifiers. See, e.g., **Exhibits 92-93**.

B. Economic Prong

10.15 Complainant Extang's principal place of business is located at 5400 S. State Rd., Ann Arbor, MI 48108. Extang's corporate website address is www.extang.com. Every product Extang offers is designed, engineered, marketed and built with pride in Ann Arbor, Michigan.

10.16 Complainant BAK's principal place of business is located at 5400 Data Court, Ann Arbor, Michigan 48108. BAK's domestic industry products are designed,

engineered and built with pride either in Ann Arbor, Michigan or at 1100 N. Glenstone Avenue, Suite 140, Springfield, Missouri. BAK's corporate website address is www.bakindustries.com.

10.17 As shown in attached Confidential Declaration of William J. Reminder, all of which is incorporated herein by reference, Complainants have built through innovation and manufacturing excellence a significant domestic industry that is entitled to protection. *See generally* Exhibits **85/85C**.

XI. LICENSES

11.1 Complainants have not licensed the Asserted Patents or Asserted Trademarks to any unrelated third-party entities. The Asserted Patents are impliedly licensed to Truck Hero's various subsidiaries.

XII. RELATED LITIGATION

12.1 There is no ongoing litigation relating to the Asserted Patents.

XIII. REQUESTED RELIEF

13.1 WHEREFORE, by reason of the foregoing, Complainants request 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)(ii), with respect to violations of Section 337 arising from Respondents' unlawful importation into the United States, sale for importation in the United States, and/or sale within the United States after importation of folding tonneau bed cover systems and components thereof that infringe one or more claims of the Asserted Patents;

(b) Institute preliminary relief during the period of investigation excluding from entry into the United States all of Respondents' Accused Products that infringe one or more claims of the Asserted Patents;

(c) Institute preliminary relief during the period of investigation in the form of temporary cease and desist orders prohibiting Respondents, their affiliates, others acting on behalf of Respondents, and other who are in active concert or participation with the Respondents from marketing, advertising, demonstrating, warehousing (for distribution, sale or use) folding tonneau bed cover systems and components that infringe one or more claims of the Asserted Patents;

(d) 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;

(e) Determine that there has been a violation of Section 337;

(f) Issue a general exclusion order, or in the alternative, a limited exclusion order specifically directed to the named Respondents and their subsidiaries and affiliates and suppliers, pursuant Section 337(d) prohibiting entry into the United States of all folding tonneau bed cover systems and components thereof that infringes one or more claims of the Asserted Patent;

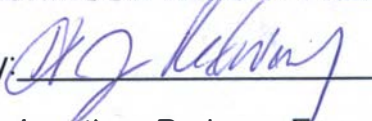
(g) Issue a cease and desist order, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, prohibiting the Respondents, their affiliates, others acting on behalf of Respondents, and others who are in active concert or participation with the Respondents from marketing, advertising, demonstrating, warehousing inventory for

distribution, sale and use of folding tonneau bed cover systems and components, including any that infringe one or more claims of the Asserted Patents; and

(h) 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.

Respectfully submitted,

DICKINSON WRIGHT PLLC

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