

January 19, 2023

FILED VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112A
Washington, DC 20436

Re: *Certain Pick-Up Truck Folding Bed Cover Systems and
Components thereof*

Dear Secretary Barton:

Enclosed on behalf of Extang Corporation, Laurmark Enterprises, Inc., d/b/a BAK Industries, and UnderCover, Inc. (collectively “Complainants”) for filing in accordance with the International Trade Commission’s modified filing requirements, 85 Fed. Reg. 15,798 (dated March 19, 2020), please find the following documents in support of Complainants’ request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as Amended:

1. One (1) electronic copy of Complainants’ verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i);
2. One (1) electronic copy of Complainants’ letter and certification requesting confidential treatment of Exhibit 37(C), pursuant to Commission Rules 210.5(d) and 201.6(b);
3. One (1) electronic of Complainants’ Statement on the Public Interest, pursuant to Commission Rule 210.8(a)(1)(i) and 210.8(b));
4. One (1) electronic copy of the public exhibits to the Complaint, pursuant to Commission Rule 210.8(a)(1)(i), including:
 - One (1) electronic certified copy of U.S. Patent Nos. 7,188,888 (the “888 Patent”); 7,484,788 (the “788 Patent”); 7,537,264 (the “264 Patent”); 8,061,758 (the “758

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Patent”); 8,182,021 (the “’021 Patent”); 8,690,224 (the “’224 Patent”); and 9,815,358 (the “’358” Patent);

- One (1) electronic certified copy of the assignment records of the ’888, ’788, ’264, ’758, ’021, ’224 and ’358 Patents;
- One (1) electronic certified copy of the prosecution histories for the ’888, ’788, ’264, ’758, ’021, ’224 and ’358 Patents;

5. One (1) electronic copy of the confidential exhibit 37(C) to the Complaint, pursuant to Commission Rule 210.8(a)(1)(ii);

6. One (1) electronic copy of each patent and applicable pages of each technical reference mentioned in the respective prosecution histories of the ’888, ’788, ’264, ’758, ’021, ’224 and ’358 Patents (Appendices A-N), pursuant to Commission Rule 210.12(c)(2)); and,

Complainants confirm they will serve copies of the non-confidential Complaint and all non-confidential associated exhibits and appendices upon the institution of this investigation on the named Respondents consistent with 19 C.F.R. part 201 (including 19 C.F.R. § 201.16) and the Temporary Procedures.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions regarding this submission.

Respectfully submitted,



H. Jonathan Redway
of DICKINSON WRIGHT PLLC

*Counsel for Complainants Extang Corporation,
Laurmark Enterprises, Inc. d/b/a BAK Industries,
and UnderCover, Inc.*

Enclosures



INTERNATIONAL SQUARE
1825 EYE STREET, NW, SUITE 900
WASHINGTON, DC 20006-5468
TELEPHONE: 202-457-0160
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

H. JONATHAN REDWAY
JRedway@dickinsonwright.com
202-659-6946

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Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, DC 20436

Re: *Certain Pick-Up Truck Folding Bed Cover Systems and
Components thereof*

Dear Secretary Barton:

I am counsel to Extang Corporation, Laurmark Enterprises, Inc., d/b/a BAK Industries, and UnderCover, Inc. (collectively "Complainants"). In accordance with Commission Rules 201.6 and 210.5, Complainants requests confidential treatment of business information contained in Confidential Exhibit 37C to the Complaint.

The information for which confidential treatment is sought is proprietary commercial information and technical information not otherwise publically available. Specifically, Confidential Exhibit 37C contains proprietary information regarding Complainants' domestic industries, including information relating to the financial performance and commercial operations of Complainants.

The information described above qualifies as confidential business information pursuant to Rule 201.6(a) in that:

- a) it is not available to the public;
- b) unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainants; and

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- c) the disclosure of which could impair the Commission's ability to obtain information necessary to perform its statutory function.

Thank you for your attention to this request. Please contact me with any questions or concerns regarding this request.

Respectfully submitted,



H. Jonathan Redway
of DICKINSON WRIGHT PLLC

*Counsel for Complainants Extang Corporation,
Laurmark Enterprises, Inc. d/b/a BAK Industries,
and UnderCover, Inc.*

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON DC 20436**

In the Matter of

CERTAIN PICK-UP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF

Investigation No. 337-TA-_____

PUBLIC INTEREST STATEMENT OF COMPLAINANTS

Pursuant to U.S. International Trade Commission (“Commission”) Rule § 210.8(b) and 19 C.F.R. § 210.8(b), Complainant Extang Corporation, Complainant Laurmark Enterprises, Inc. d/b/a BAK Industries and Complainant UnderCover, Inc. (“Complainants”) respectfully submit this Statement on the Public Interest. Complainants’ manufacture in the United States and sell innovative pick-up truck folding bed cover systems and components thereof. Complainants seek to protect themselves and their United States operations from a never ending list of foreign companies injecting infringing pick-up truck bed covers into the U.S. market, without any license from Complainants.

Complainants seek a General Exclusion Order, or, in the alternative, a Limited Exclusion Order directed to its pick-up truck folding bed cover systems and component thereof. Complainants seek to bar from entry into the United States certain pick-up truck folding bed cover systems, as well as components thereof, manufactured by or on behalf of, or imported by or on behalf of, the Proposed Respondents, that infringe one or more of the asserted claims of U.S. Patent Nos. 7,188,888 (the “’888 Patent”); 7,484,788 (the “’788 Patent”); 7,537,264 (the “’264 Patent”); 8,061,758 (the “’758 Patent”); 8,182,021 (the “’021 Patent”); 8,860,224 (the “’224 Patent”); and 9,815,358 (the “’358 Patent) (collectively “Asserted Patents”).

Issuance of the relief requested will not adversely impact the public health, safety, or welfare conditions in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. This investigation does not present an instance where the Commission, the parties, and the public should be required to undergo the time and expense of discovery and trial for a Recommended Determination by the Administrative Law Judge on the public interest.

Issuance of the requested remedial orders will provide effective relief in the face of ongoing and open patent infringement in the United States by the Proposed Respondents and other unnamed unlawful importers and resellers of infringing imported product. Protecting Complainants' intellectual property rights and associated domestic industries in the United States through the requested remedial orders will accordingly serve the public interest while having little or no actual effect on the public interest. In fact, the public interest will be served by granting the requested remedial orders.

I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST

There is a strong public interest in protecting intellectual property rights. *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chip, Power Control Chips*, Inv. 337-TA-543, USITC Pub. 4258 (Oct. 2011) ("Baseband Processor Chips"). In this case, the requested remedial orders are in accord with the public interest for at least the following reasons: (1) exclusion of the Accused Products will not have an adverse effect on the public health or welfare, as those issues are defined by the Commission; (2) Complainants' pick-up truck folding bed cover systems and components thereof directly compete with, and are substitutes for, Respondents' infringing products in the United States; and (3) Complainants and

others will be in a position to fill any void in the market caused by the requested remedial orders. As such, the public interest in protecting Complainants' intellectual property rights outweighs any potentially adverse impact on the public.

II. HOW THE ARTICLES POTENTIALLY SUBJECT TO THE REMEDIAL ORDERS ARE USED IN THE UNITED STATES

The Accused Products at issue in this Investigation are pick-up truck folding bed cover systems and components thereof. Pick-up truck folding bed cover systems are used to enclose the beds of pick-up trucks so as to provide cargo security and weather protection as well as aesthetic enhancement. Complainants' innovative pick-up truck folding bed cover systems enhance both the functionality and aesthetics of pick-up trucks while also enabling consumers to customize and personalize their vehicles. The pick-up truck folding bed cover systems protect the beds of pick-up trucks allowing for protection of cargo against dirt, debris and weather. When not needed, the covers can be easily folded, opened, or stowed to provide quick access to the truck bed.

The Accused Products infringe Complainants' asserted patent rights. The infringing products are imported into, sold for importation into, and/or sold after importation in the United States by or on behalf of the Proposed Respondents and others.

III. IDENTIFICATION OF ANY PUBLIC HEALTH, SAFETY, OR WELFARE CONCERNS IN THE UNITED STATES RELATING TO THE REQUESTED REMEDIAL ORDERS

The issuance of the requested remedial orders would not adversely affect the public health, safety, or welfare in the United States. Complainants and others are more than capable of

supplying substitutes for Respondents' excluded products, thus overriding any concerns regarding whether the remedial orders would adversely affect the public.

IV. IDENTIFICATION OF LIKE OR DIRECTLY COMPETITIVE ARTICLES THAT COMPLAINANTS MAKE WHICH COULD REPLACE THE SUBJECT ARTICLES IF THEY WERE EXCLUDED

The accused products in this Investigation are certain pick-up truck folding bed cover systems and components thereof. There are directly competitive products that could replace the accused products if the accused products were excluded from the United States, including but not limited to those provided by Complainants.

V. COMPLAINANTS WILL BE IN A POSITION TO REPLACE THE VOLUME OF ARTICLES SUBJECT TO THE REQUESTED REMEDIAL ORDERS IN A COMMERCIALLY REASONABLE TIME IN THE UNITED STATES

Complainants and others have sold and continue to sell competitive pick-up truck bed folding cover systems and components thereof in the United States. Therefore, Complainants (and others) will be able to replace the infringing products subject to the requested remedial orders within a commercially reasonable time in the United States.

VI. THE REQUESTED REMEDIAL ORDERS WILL NOT ADVERSELY IMPACT U.S. CONSUMERS

The issuance of the general or limited exclusion orders and cease and desist orders sought in this Investigation banning the accused products will not adversely impact consumers in the United States. Complainants will be able to adequately supply and meet demand in the United States market. In addition, there are other third parties that supply competitive products. Even if the remedial orders caused a slight increase in the price of certain pick-up truck bed folding

cover systems and components thereof, a price increase alone is insufficient to warrant preclusion of a remedial order. *See Certain Lens-Fitted Film Packages* (“LFFPs”), Inv. No. 337-TA-406, Comm’n. Op., 1999 ITC LEXIS 202 at *40 (June 1999) (finding that some price increase “does not justify a determination that the public interest in protecting intellectual property rights is in any way outweighed”). Given that there would be no unfilled void if the proposed Respondents products are excluded because there are substitute products that are readily available, including those made and sold by Complainants, any impact to the public interest by exclusion of Respondents’ infringing products will be non-existent or minimal.

VII. CONCLUSION

Issuing a General Exclusion Order, or, in the alternative, a Limited Exclusion Order and cease and desist orders in this Investigation against Proposed Respondents’ Infringing Accused Products will not negatively affect the public health, safety or welfare of the United States, competitive conditions in the United States economy, the production of like or competitive articles in the United States, and the availability of such products to consumers. The Accused Products manufactured by the Proposed Respondents are not essential to public health and safety and Complainants and third parties have the ability to provide customers with like or competitive products. Accordingly, there are no public interest concerns preventing the issuance of a General Exclusion Order, Limited Exclusion Orders and/or Cease and Desist Orders or that would necessitate discovery and trial on this issue by the ALJ.

Dated: January 19, 2023

Respectfully Submitted,

H. Jonathan Redway

H. Jonathan Redway
DICKINSON WRIGHT PLLC
1825 Eye Street, N.W., Suite 900
Washington, D.C. 20006
Tel.: (202) 659-6946
Fax: (844) 670-6009
jredway@dickinson-wright.com

*Counsel for Complainants Extang
Corporation, Laurmark Enterprises, Inc.
d/b/a BAK Industries, and UnderCover, Inc.*

4865-0755-7178 v1 [74735-695]

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON DC 20436**

In the Matter of

CERTAIN PICK-UP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF

Investigation No. 337-TA-

**COMPLAINT OF EXTANG CORPORATION,
LAURMARK ENTERPRISES, INC., AND UNDERCOVER, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

Complainants

Extang Corporation
5400 S. State Road
Ann Arbor, Michigan 48108
USA
Telephone: (734) 677-0444

Laurmark Enterprises, Inc.
d/b/a BAK Industries
5400 Data Court
Ann Arbor, Michigan 48108
USA
Telephone: (877) 875-4376

UnderCover, Inc.
59 Absolute Drive
Rogersville, Missouri 65742
USA
Telephone: (866) 900-8800

Counsel for Complainants

H. Jonathan Redway
Dickinson Wright PLLC
International Square
1825 Eye Street, NW
Suite 900
Washington, DC 20006
Telephone: (202) 659-6946

Proposed Respondents

4 Wheel Parts
400 W. Artesia Blvd.
Compton, CA 90220
(310) 900-5500

American Trucks
17700 College Blvd.
Lenexa, KS 66219
(855) 419-3557

Auto Dynasty
a/k/a Shun Fung Int'l Inc.
803 S. Sentous Ave., Suite C
City of Industry, CA 91748
(626) 512-3656

AUTOSTARLAND Technology (US), Inc.
1660 Iowa Ave., Unit 200
Riverside, CA 92507
(909) 716-6211

DNA Motoring
801 Sentous Ave.
City of Industry, CA 91748
(626) 965-8898

Fanciest Pickup Accessories
1660 Iowa Ave., Unit 200

Facsimile: (840) 670-6009

William H. Honaker
Franklin M. Smith
Mark Jotanovic
Dickinson Wright PLLC
2600 W. Big Beaver Rd.
Suite 300
Troy, Michigan 48084-3312
Telephone: (248) 631-2050
Facsimile: (840) 670-6009

Dino Hadzibegovic
Dickinson Wright PLLC
615 National Avenue
Suite 20
Mountain View, California
94043-2208
Telephone: (408) 701-6200
Facsimile: (840) 670-6009

Riverside, CA 92507
(951) 500-0031

Future Trucks
a/k/a Future Trading Company, LLC
4510 W 34th Street
Houston, TX 77092
(888) 964-1674

Ikon Motorsports, Inc.
15305 Stafford St.
City of Industry, CA 91744
(626) 968-8660

Jiaxing Kscar Auto Accessories Co., Ltd.
a/k/a KSC Auto
Floor 3, Bldg 7, 285 Duguang Hwy,
Dushangang Town, Pinghu City, Zhejiang,
China, 314207
+86-57385161144

Kiko Kikito
Room 312 Building 2
Wuyue Plaza, Anyang Street, Ruian City
Wenzhou, Zhejiang, 325200, China
+86-181-63108561

Lyon Cover Auto
a/k/a Truck Tonneau Covers
F09-14 Wan Yan Zhong Chuang Cheng, 9
Yangyu Road, Pingyang County, Binhai New
District, Wenzhou City, Zhejiang Province,
325400, China
+86-181-63108561

Mamoru Cover
a/k/a Ningbo Surpass Auto Parts Co., Ltd.
NO.65 Chongshou Ave
Chongshou Industry Zone, Cixi
Ningbo City, Zhejiang, 315334 China
+86-574-63079903

MOSTPLUS Auto
Room 2105 WZ2389 Rend Centre,
29-31 Cheung Lee Street
Chai Wan, Hong Kong, 32500, China

Newpowa America, Inc.
3633 Inland Empire Blvd., Suite 600
Ontario, CA 91764
(702) 628-7600

New Home Materials, Inc.
1815 Rustin Avenue, Suite H
Riverside, CA 92507
(702) 628-7600

OEDRO
18220 80th Place South
Kent, WA 98032
(888) 717-8084

Pickup Zone
a/k/a Dai Qun Feng
1660 Iowa Ave, Unit 200
Riverside, CA 92507
(951) 500-0031

RDJ Trucks, LLC
2005 Mountain Creek Church Road
Talmo, GA 30575
(770) 723-0126

Smittybilt, Inc.
400 W. Artesia Blvd.
Compton, CA 90220
(800) 776-0767

Trek Power, Inc.
1683 Sierra Madre Circle
Placentia, CA 92870
(714) 603-7547

Wenzhou Tianmao Automobile
Parts Co., Ltd.
No. 14 Wanyang Zhongchuang, No. 9 Yangyu
Road, Binhai New Area, Wenzhou, Zhejiang,
China, 325410
+86-13967791920

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3	Certified Copy of U.S. Patent No. 7,484,788
4	Certified Copy of Assignment Documents for U.S. Patent No. 7,484,788
5	Certified Copy of U.S. Patent No. 8,061,758
6	Certified Copy of Assignment Documents for U.S. Patent No. 8,061,758
7	Certified Copy of U.S. Patent No. 7,537,264
8	Certified Copy of Assignment Documents for U.S. Patent No. 7,537,264
9	Certified Copy of U.S. Patent No. 8,182,021
10	Certified Copy of Assignment Documents for U.S. Patent No. 8,182,021
11	Certified Copy of U.S. Patent No. 8,690,224
12	Certified Copy of Assignment Documents for U.S. Patent No. 8,690,224
13	Certified Copy of U.S. Patent No. 9,815,358
14	Certified Copy of Assignment Documents for U.S. Patent No. 9,815,358
Proposed Respondent Address Exhibits	
15	4 Wheel Parts
16	American Trucks
17	Auto Dynasty a/k/a Shun Fung Int'l Inc.
18	AUTOSTARLAND Technology (US), Inc.
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20	DNA Motoring
21	Fanciest Pickup Accessories
22	Future Trucks a/k/a Future Trading Company, LLC
23	Ikon Motorsports, Inc.
24	Jiaxing Kscar Auto Accessories Co., Ltd. a/k/a KSC Auto
25	Kiko Kikito
26	Lyon Cover Auto a/k/a Truck Tonneau Covers
27	Mamoru Cover a/k/a Ningbo Surpass Auto Parts Co., Ltd.
28	MOSTPLUS Auto
29	Newpowa America, Inc.
30	New Home Materials
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40	Exemplary Claim Chart Comparing Claim 2 of the '758 Patent to Extang Solid Fold 2.0
41	Exemplary Claim Chart Comparing Claim 1 of the '264 Patent to UnderCover Flex
42	Exemplary Claim Chart Comparing Claims 14 and 18 of the '021 Patent to BAK BAKFlip Tonneau Cover
43	Exemplary Claim Chart Comparing Claim 1 of the '224 Patent to BAK BAKFlip Tonneau Cover
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62	Lyon Cover Auto/Truck Tonneau Covers B07TWZYJZ7, MPN (LYCH015) Shipping Labels
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	<i>MOSTPLUS Auto/Trek Power, Inc. B08CRVGMH3, MPN (M42102)</i>
65	MOSTPLUS Auto/Trek Power, Inc. B08CRVGMH3, MPN (M42102) Internet Marketing
66	MOSTPLUS Auto/Trek Power, Inc. B08CRVGMH3, MPN (M42102) Sales Receipt
67	MOSTPLUS Auto/Trek Power, Inc. B08CRVGMH3, MPN (M42102) Shipping Labels

68	MOSTPLUS Auto/Trek Power, Inc. B08CRVGMH3, MPN (M42102) Import Evidence
69	MOSTPLUS Auto/Trek Power, Inc. B08CRVGMH3, MPN (M42102) Instruction Manual
	<i>RDJ Trucks/Jiaxing Kscar Auto Accessories Co., Ltd. B08PZGG5CJ, MPN (65-3032)</i>
70	RDJ Trucks B08PZGG5CJ, MPN (65-3032) Internet Marketing
71	RDJ Trucks B08PZGG5CJ, MPN (65-3032) Sales Receipt
72	RDJ Trucks B08PZGG5CJ, MPN (65-3032) Shipping Labels
73	RDJ Trucks B08PZGG5CJ, MPN (65-3032) Import Evidence
74	RDJ Trucks B08PZGG5CJ, MPN (65-3032) Instruction Manual
	<i>Future Trucks MPN (121120)</i>
75	Future Trucks MPN (121120) Internet Marketing
76	Sales Receipt Future Trucks MPN (121120)
77	Future Trucks MPN (121120) Shipping Labels
78	Future Trucks MPN (121120) Import Evidence
79	Future Trucks MPN (121120) Instruction Manual
	<i>American Trucks T548452, RedRock Hard Tri-Fold</i>
80	American Trucks T548452, RedRock Hard Tri-Fold Internet Marketing

81	American Trucks T548452, RedRock Hard Tri-Fold Sales Receipt
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83	American Trucks T548452, RedRock Hard Tri-Fold Import Evidence
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Accused Product Documents Hard Quad-Fold Covers (No Rails)	
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85	Ikon Motorsports - B09GLLC132, MPN (5-TCTF4-FF150976FT) Internet Marketing
86	Ikon Motorsports - B09GLLC132, MPN (5-TCTF4-FF150976FT) Sales Receipt
87	Ikon Motorsports - B09GLLC132, MPN (5-TCTF4-FF150976FT) Shipping Labels
88	Ikon Motorsports - B09GLLC132, MPN (5-TCTF4-FF150976FT) Import Evidence
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91	Mamoru - B08K318DND, MPN (SPK97-NH012F) Sales Receipt
92	Mamoru - B08K318DND, MPN (SPK97-NH012F) Shipping Labels
93	Mamoru - B08K318DND, MPN (SPK97-NH012F) Import Evidence

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97	oEdRo - B09WK, MPN (OETETC-2008 BS6G7) Shipping Labels
98	oEdRo - B09WK, MPN (OETETC-2008 BS6G7) Import Evidence
99	oEdRo - B09WK, MPN (OETETC-2008 BS6G7) Instruction Manual
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106	PickupZone - B09NPW7RQ5; MPN (PUZ-TC01-LT03-A) Sales Receipt
107	PickupZone - B09NPW7RQ5; MPN (PUZ-TC01-LT03-A) Shipping Labels
108	PickupZone - B09NPW7RQ5; MPN (PUZ-TC01-LT03-A) Import Evidence
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	<i>Smittybilt, Inc./4 Wheel Parts - Bed Guard Folding Tonneau Cover MPN (2710001)</i>
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111	Smittybilt, Inc. Bed Guard Folding Tonneau Cover, MPN (2710001) Shipping Labels
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115	Future Trucks - Hard Tri Fold, MPN (121140) Shipping Labels
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117	Future Trucks - Hard Tri Fold, MPN (121140) Instruction Manual
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118	American Trucks – Barricade Low Profile Hard Tri-Fold T550594 Internet Marketing

119	American Trucks – Barricade Low Profile Hard Tri-Fold T550594 Sales Receipt
120	American Trucks – Barricade Low Profile Hard Tri-Fold T550594Shipping Labels
121	American Trucks – Barricade Low Profile Hard Tri-Fold T550594 Import Evidence
122	American Trucks – Barricade Low Profile Hard Tri-Fold T550594 Instruction Manual
Accused Product Documents Low Profile Hard Quad-Fold Cover (With Rails)	
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124	American Trucks - Proven Ground Aluminum Quad-Fold Hard Fold T550970 Sales Receipt
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129	Exemplary Claim Chart Comparing Claim 11 of the '888 Patent to Mamoru, MPN (SPK97-NH012F)
<i>'788 Patent</i> <i>Accused Product Claim Charts</i>	

130	Exemplary Claim Chart Comparing Claims 1, 2 and 3 of the '788 Patent to Future Trucks, Hard Tri-Fold, MPN (121120)
131	Exemplary Claim Chart Comparing Claims 1, 2 and 3 of the '788 Patent to Kiko Kikito B08CKGC3YG, MPN (KTH015)
132	Exemplary Claim Chart Comparing Claims 1, 2 and 3 of the '788 Patent to MOSTPLUS Auto B08CRVGMH3, MPN (M42102)
133	Exemplary Claim Chart Comparing Claims 1, 2 and 3 of the '788 Patent to OEDRO B09WK, MPN (OETETC-2008-BS6G7)
134	Exemplary Claim Chart Comparing Claims 1, 2 and 3 of the '788 Patent to RDJ Trucks, LLC B08PZGG5CJ, MPN (65-3032)
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136	Exemplary Claim Chart Comparing Claims 2 and 4 of the '758 Patent to American Trucks, RedRock Hard Tri-Fold, MPN (T548452)
137	Exemplary Claim Chart Comparing Claims 2 and 4 of the '758 Patent to Auto Dynasty B07JCL771S, MPN (AD-TTC-Hard-006)
138	Exemplary Claim Chart Comparing Claims 2 and 4 of the '758 Patent to DNA Motoring B07JCLB58S, MPN (TTC-Hard-015)
139	Exemplary Claim Chart Comparing Claims 2, 3 and 4 of the '758 Patent to Future Trucks, Hard Tri-Fold, MPN 121120 (accused)
140	Exemplary Claim Chart Comparing Claims 2 and 4 of the '758 Patent to Ikon Motorsports B09GLLC132, MPN (5-TCTF4-FF150976FT)
141	Exemplary Claim Chart Comparing Claims 2, 3 and 4 of the '758 Patent to Kiko Kikito B08CKGC3YG, MPN (KTH015)
142	Exemplary Claim Chart Comparing Claims 2 and 4 of the '758 Patent to Lyon Cover Auto, MPN (B07TWZYJZ7)
143	Exemplary Claim Chart Comparing Claims 2 and 4 of the '758 Patent to Mamoru B08K318DND, MPN (SPK97-NH012F)
144	Exemplary Claim Chart Comparing Claims 2, 3 and 4 of the '758 Patent to MOSTPLUS Auto B08CRVGMH3, MPN (M42102)

145	Exemplary Claim Chart Comparing Claims 2, 3 and 4 of the '758 Patent to OEDRO B09WK, MPN (OETETC-2008- BS6G7)
146	Exemplary Claim Chart Comparing Claims 2, 3 and 4 of the '758 Patent to RDJ Trucks, LLC, MPN (65-3032)
<p style="text-align: center;"><i>'264 Patent</i> <i>Accused Product Claim Charts</i></p>	
147	Exemplary Claim Chart Comparing Claims 1, 5-9, 11, 13-15, and 25 of the '264 Patent to the American Trucks Barricade MPN (T550594)
148	Exemplary Claim Chart Comparing Claims 1, 5-7, and 13 of the '264 Patent to the American Trucks Proven Ground Aluminum, MPN (T55050970)
149	Exemplary Claim Chart Comparing Claims 1, 5-7, 13, and 25 of the '264 Patent to the Future Trucks, Low Profile Hard Fold, MPN (121140)
150	Exemplary Claim Chart Comparing Claims 1, 5-11, 13-15, and 25 of the '264 Patent to the Pickup Zone B09NPW7RQ5, MPN (PUZ-TC01-LT03-A)
151	Exemplary Claim Chart Comparing Claims 1, 5-9, 11, 13-15, and 25 of the '264 Patent to the Smittybilt, Inc. Bed Guard Folding Tonneau Cover, MPN (2710001)
<p style="text-align: center;"><i>'021 Patent</i> <i>Accused Product Claim Charts</i></p>	
152	Exemplary Claim Chart Comparing Claims 1–35 of the '021 Patent to American Trucks, Barricade Low Profile MPN (T550594)
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154	Exemplary Claim Chart Comparing Claims 1–35 of the '021 Patent to Future Trucks MPN (121140)
155	Exemplary Claim Chart Comparing Claims 1-35 of the '021 Patent to Pickup Zone B09NPW7RQ5, MPN (PUZ-TC01-LT03-A)
156	Exemplary Claim Chart Comparing Claims 1–35 of the '021 Patent to Smittybilt, Inc., Bed Guard Folding Tonneau Cover, MPN (271001)
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157	Exemplary Claim Chart Comparing Claims 1-10 of the '224 Patent to American Trucks, Barricade MPN (T550594)
158	Exemplary Claim Chart Comparing Claims 1-10 of the '224 Patent to Future Trucks, MPN (121140)
159	Exemplary Claim Chart Comparing Claims 1-10 of the '224 Patent to Pick-up Zone, MPN (PUZ-TC01-LT03-A)
160	Exemplary Claim Chart Comparing Claims 1-10 of the '224 Patent to Smittybilt, Inc., (MPN: 2710001)
<p style="text-align: center;"><i>'358 Patent</i> <i>Accused Product Claim Charts</i></p>	
161	Exemplary Claim Chart Comparing Claims 1–3 of the '358 Patent to American Trucks Barricade MPN (T550594)
162	Exemplary Claim Chart Comparing Claims 1–3 of the '358 Patent to Pickup Zone B09NPW7RQ5, MPN (PUZ-TC01-LT03-A)
163	Exemplary Claim Chart Comparing Claims 1–3 of the '358 Patent to Smittybilt, Inc., MPN (271001)

LIST OF PHYSICAL EXHIBITS*

Physical Exhibit Number	Description
Accused Product Physical Exhibits	
P1	Auto Dynasty - B07JCL771S, MPN (AD-TTC-HARD-006) Hard Tri-Fold (No Rails)
P2	DNA Motoring - B07JCLB58S, MPN (TTC-HARD-015) Hard Tri-Fold (No Rails)
P3	Kiko Kikito - B08CKGC3YG, MPN (KTH015) Hard Tri-Fold (No Rails)
P4	Lyon Cover Auto - B07TWZYJZ7, MPN (LYCH015) Hard Tri-Fold (No Rails)
P5	MOSTPLUS Auto - B08CRVGMH3, MPN (M42102) Hard Tri-Fold (No Rails)
P6	RDJ Trucks, LLC - B08PZGG5CJ (MPN:65-3032) Hard Tri-Fold (No Rails)
P7	Future Trucks - MPN (121120) Hard Tri-Fold (No Rails)
P8	American Trucks - T548452, RedRock Hard Tri-Fold
P9	American Trucks - T559263 Hard Quad-Fold
P10	Ikon Motosports, inc. - B09GLLC132, (MPN: 5-TCTF4-FF150976FT) Hard Quad-Fold (No Rails)
P11	Mamoru Cover - B08K318DND, MPN (SPK97-NH012F) Hard Quad-Fold (No Rails)
P12	OEDRO - B09WKBS6G7, MPN (OETETC-2008) Hard Quad-Fold (No Rails)
P13	Pickup Zone - B09NPW7RQ5, MPN (PUZ-TC01-LT03-A) Low-Profile Hard Tri-Fold (Rails)
P14	Smittybilt, Inc. - Bed Guard Folding Tonneau Cover, MPN (271001)

	Low-Profile Hard Tri-Fold (Rails)
P15	FutureTrucks – MPN (121140) Low-Profile Hard Tri-Fold (Rails)
P16	America Trucks - T550594 Barricade Low Profile Hard Tri-Fold
P17	American Trucks - T550970, Proven Ground Aluminum Quad-Fold Hard Fold
Domestic Industry Physical Exhibits	
P18	Extang Solid Fold 2.0
P19	Extang Trifecta 2.0
P20	BAK BAKFlip Tonneau Cover
P21	UnderCover Flex

* Physical exhibits are not being provided to the Commission at this time because it is not practical to do so due to their large size and heavy weight. Physical exhibits can be made available for inspection upon request.

LIST OF APPENDICES

Appendix Number	Description
A	Certified Copy of Prosecution History for U.S. Patent No. 7,188,888
B	Each Patent and Applicable Pages of each Technical References mentioned in the Prosecution of U.S. Patent No. 7,188,888
C	Certified Copy of Prosecution History for U.S. Patent No. 7,484,788
D	Each Patent and Applicable Pages of each Technical References mentioned in the Prosecution of U.S. Patent No. 7,484,788
E	Certified Copy of Prosecution History for U.S. Patent No. 8,061,758
F	Each Patent and Applicable Pages of each Technical References mentioned in the Prosecution of U.S. Patent No. 8,061,758
G	Certified Copy of Prosecution History for U.S. Patent No. 7,537,264
H	Each Patent and Applicable Pages of each Technical References mentioned in the Prosecution of U.S. Patent No. 7,537,264
I	Certified Copy of Prosecution History for U.S. Patent No. 8,182,021
J	Each Patent and Applicable Pages of each Technical References mentioned in the prosecution of U.S. Patent No. 8,182,021
K	Certified Copy of Prosecution History for U.S. Patent No. 8,690,224
L	Each Patent and Applicable Pages of each Technical mentioned in the Prosecution of U.S. Patent No. 8,690,224
M	Certified Copy of Prosecution History for U.S. Patent No. 9,815,358
N	Each Patent and Applicable Pages of each Technical References mentioned in the Prosecution of U.S. Patent No. 9,815,358

I. INTRODUCTION

1.1 Complainants Extang Corporation (“Extang”), Laurmark Enterprises, Inc. d/b/a BAK Industries (“BAK”) and UnderCover, Inc. (“UnderCover”) (collectively “Complainants”) are indirect wholly-owned subsidiaries of RealTruck Group, Inc. (“RealTruck”) f/k/a Truck Hero, Inc. (“Truck Hero”).

1.2 Complainants individually and collectively pioneered in the United States the development of innovative pick-up truck folding bed cover systems that since their introduction into the U.S. market in the mid-2000s have been a resounding commercial success. Complainants’ innovative pick-up truck folding bed cover systems are particularly desirable because they securely cover and protect the content of pick-up truck cargo beds no matter what the road conditions -- allowing for the protection of cargo against dirt, debris, and weather. Moreover, when desired, Complainants’ pick-up truck folding bed cover systems can easily be folded and stowed allowing quick and easy access to the truck cargo bed area.

1.3 Complainants’ novel pick-up truck folding bed cover systems and components thereof are protected by United States Patent Nos. 7,188,888 (“the ’888 Patent”) (Exs. 1-2) (patent and assignments); 7,484,788 (“the ’788 Patent”) (Exs. 3-4) (patent and assignments); 8,061,758 (“the ’758 Patent”) (Exs. 5-6) (patent and assignments); 7,537,264 (“the ’264 Patent”) (Exs. 7-8) (patent and assignments); 8,182,021 (“the ’021 Patent”) (Ex. 9-10) (patent and assignments), 8,690,224 (“the ’224 Patent”) (Exs. 11-12) (patent and assignments); and 9,815,358 (“the ’358 Patent”) (Exs. 13-14) (patent and assignments)(the “Asserted Patents”).

1.4 Complainant Extang owns by assignment the entire right, title, and interest in and to the ’888 Patent and the ’788 Patent. A copy of the ’888 Patent and the ’788 Patent accompany

this Complaint as Exs. 1 and 3, respectively. Copies of the recorded assignments for '888 Patent and the '788 Patent accompany this Complaint as Exs. 2 and 4, respectively.

1.5 Complainant BAK owns by assignment the entire right, title, and interest in and to the '758 Patent, the '264 Patent, the '021 Patent and the '224 Patent. A copy of the '758 Patent, '264 Patent, '021 Patent and the '224 Patent accompany this Complaint as Exs. 5, 7, 9 and 11, respectively. Copies of the recorded assignments for the '758 Patent, '264 Patent, '021 Patent and the '224 Patent accompany this Complaint as Exs. 6, 8, 10 and 12, respectively.

1.6 Complainant UnderCover owns by assignment the entire right, title and interest in the '358 Patent. A copy of the '358 Patent accompanies this Complaint as Ex. 13. A copy of the recorded assignments for the '358 Patent accompanies this Complaint as Ex. 14.

1.7 Proposed Respondents' are unlawfully importing, selling for importation, and selling in the United States after importation various pick-up truck folding bed cover systems and components thereof that infringe various claims of the Asserted Patents.

1.8 Complainants respectfully file this Complaint with the United States International Trade Commission pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), based on the unlawful sale for importation into the United States, importation into the United States, and/or sale after importation into the United States by the Proposed Respondents of certain pick-up truck folding bed cover systems and components thereof (the "Accused Products") that infringe one or more claims of the Asserted Patents either literally or under the doctrine of equivalents.

1.9 The Accused Products are manufactured for importation, sold for importation, imported, and sold in the United States after importation by at least the following Proposed

Respondents: (1) **4 Wheel Parts**, (2) **American Trucks**, (3) **Auto Dynasty** a/k/a Shun Fung, Int'l Inc., (4) **AUTOSTARLAND Technology (US), Inc.**, (5) **DNA Motoring**, (6) **Fanciest Pickup Accessories**, (7) **Future Trucks** a/k/a Future Trading Company, LLC, (8) **Ikon Motorsports, Inc.**, (9) **Jiaxing Kscar Auto Accessories Co., Ltd.** a/k/a KSC Auto, (10) **Kiko Kikito**, (11) **Lyon Cover Auto**, (12) **Mamoru Cover** a/k/a Ningbo Surpass Auto Parts Co., Ltd., (13) **MOSTPLUS Auto**, (14) **Newpowa America, Inc.**, (15) **New Home Materials, Inc.**, (16) **OEDRO**, (17) **Pickup Zone** a/k/a Dai Qun Feng, (18) **RDJ Trucks, LLC**, (19) **Smittybilt, Inc.**, (20) **Trek Power, Inc.**, and (21) **Wenzhou Tianmao Automobile Parts Co., Ltd.**

1.10 The Proposed Respondents (and countless others) are engaging in an ongoing pattern of violations of Section 337 in which the Accused Products and components, such as replacement clamps, are manufactured outside the United States (often at hard to trace manufacturing facilities), sold for importation into the United States, imported, and marketed and sold to U.S. consumers after importation most often through online marketplaces such as Amazon.com. The ongoing pattern of violations is impossible to address adequately because of the difficulty in identifying the manufacturers, importers and ever shifting Internet store fronts.

1.11 As shown herein, and as further supported by the attached confidential declaration of Mr. Ryan Herman, it is indisputable that domestic industries exist in the United States relating to various articles protected by the Asserted Patents and that they are in desperate need of protection.

1.12 Due to (1) the certain continued circumvention of any exclusion order limited solely to the named Proposed Respondents, (2) the clear pattern of violation of Section 337, and (3) the difficulty identifying the sources and channels of distribution of the Accused Products, Complainants seek relief from the Commission pursuant to Section 337(d) in the form of a

General Exclusion Order excluding from entry into the United States all Accused Products that infringe one or more claims of the Asserted Patents. In the alternative, Complainants seek relief in the form of a limited exclusion order excluding from entry into the United States all of the Proposed Respondents' Accused Products that infringe one or more claims of the Asserted Patents.

1.13 Complainants also seek a permanent cease and desist order, pursuant to Section 337(f), prohibiting the Proposed Respondents and others who are in active concert or participation with the Proposed Respondents from importing into the United States, selling, offering for sale, marketing, advertising, or soliciting the Accused Products or engaging in other unfair acts and methods.

II. COMPLAINANTS

2.1 Complainant Extang is a corporation organized under the laws of the State of Michigan, having a principal place of business in Ann Arbor, Michigan. Extang owns the '888 Patent and the '788 Patent. Extang is a domestic manufacturing company that today remains one of the leading manufacturers and sellers of pick-up truck folding bed cover systems and components thereof.

2.2 Complainant BAK is a corporation organized under the laws of the State of Texas, having a principal place of business in Ann Arbor, Michigan. BAK owns the '758 Patent, '264 Patent, '021 Patent, and the '224 Patent. Like Extang, BAK is also a leading domestic manufacturing company and seller of pick-up truck folding bed cover systems and components thereof.

2.3 Complainant UnderCover is a corporation organized under the laws of the State of Delaware having a principal place of business in Rogersville, Missouri. UnderCover owns the

'358 Patent. Like Extang and BAK, UnderCover is a leading domestic manufacturing company and seller of pick-up truck folding bed cover systems and components thereof.

III. PROPOSED RESPONDENTS

A. 4 Wheel Parts ('224, '021, '264 and '358)

3.1 The principal place of business of Proposed Respondent 4 Wheel Parts is located at 400 W. Artesia Blvd., Compton, CA 90220. (Ex. 15).

B. American Trucks ('758, '888, '224, '021, '264 and '358)

3.2 The principal place of business of Proposed Respondent American Trucks is located at 17700 College Blvd., Lenexa, Kansas 66219. (Ex. 16).

C. Auto Dynasty ('758)

3.3 The principal place of business of Proposed Respondent Auto Dynasty is located at 803 S. Sentous Ave., Suite C, City of Industry, CA 91748. (Ex. 17).

D. AUTOSTARLAND Technology (US), Inc. ('224, '021, '264 and '358)

3.4 The principal place of business of Proposed Respondent AUTOSTARLAND Technology (US), Inc. ("AUTOSTARLAND") is located at 1660 Iowa Ave., Unit 200, Riverside, CA 92507. (Ex. 18).

E. DNA Motoring ('758)

3.5 The principal place of business of Proposed Respondent DNA Motoring is located at 801 Sentous Ave., City of Industry, CA 91748. (Ex. 20). DNA Motoring ships accused product from a facility located at 619 E. Sam Houston Pkwy S, Suite 800, Pasadena, Texas 77503 (Ex. 20).

F. Fanciest Pickup Accessories ('224, '021, '264, '358)

3.6 The principal place of business of Fanciest Pickup Accessories is located at 1660 Iowa Ave., Unit 200, Riverside, California 92507. (Ex. 21).

G. Future Trucks ('758, '788, '224, '021 and '264)

3.7 The principal place of business of Proposed Respondent Future Trucks is located at 4510 W 34th Street, Houston, TX 77092. (Ex. 22).

H. Ikon Motorsports ('758 and '888)

3.8 The principal place of business of Proposed Respondent Ikon Motorsports, Inc. ("Ikon") is located at 15305 Stafford St., City of Industry, CA 91744. (Ex. 23).

I. Jiaxing Kscar Auto Accessories Co., Ltd. ('758 and '788)

The principal place of business of Proposed Respondent Jiaxing Kscar Auto Accessories Co., Ltd. a/k/a KSC Auto is located at Floor 3, Bldg 7, 285 Duguang Hwy, Dushangang Town, Pinghu City, Zhejiang, China, 314207. (Ex. 24).

J. Kiko Kikito ('758 and '788)

3.9 The principal place of business of Proposed Respondent Kiko Kikito ("Kikito") is located at Room 312 Building 2, Wuyue Plaza, Anyang Street, Ruian City, Wenzhou, Zhejiang 325200, China. (Ex. 25).

K. Lyon Cover Auto ('758)

3.10 The principal place of business of Proposed Respondent Lyon Cover Auto a/k/a Truck Tonneau Covers ("Lyon") is located at F09-14 Wan Yan Zhong Chuang Cheng, 9 Yangyu Road, Pingyang County, Binhai New District, Wenzhou City, Zhejiang Province, 325400, China. (Ex. 26).

L. Mamoru Cover a/k/a Ningbo Surpass Auto Parts ('758 and '888)

3.11 The principal place of business of Proposed Respondent Mamoru Cover a/k/a Ningbo Surpass Auto Parts Co., Ltd. ("Mamoru") is located at No. 65 Chongshou Ave, Chongshou Industry Zone, Cixi, Ningbo City, Zhejiang, 315334 China. (Ex. 27).

M. MOSTPLUS Auto ('758 and '788)

3.12 The principal place of business of Proposed Respondent MOSTPLUS Auto is located at located at Room 2105 WZ2389 Rend Centre, 29-31 Cheung Lee Street, Chai Wan Hong Kong, China 325000. (Ex. 28).

N. Newpowa America, Inc. ('758 and '888)

3.13 The principal place of business of Proposed Respondent Newpowa America, Inc. is located at 3633 Inland Empire Blvd., Suite 600, Ontario, CA 91764. (Ex. 29)

O. New Home Materials, Inc. ('758 and '888)

3.14 The principal place of business of Proposed Respondent New Home Materials, Inc. has a principal place of business at 1815 Rustin Ave, Suite H, Riverside, CA 92507 ("Rustin Ave"). (Ex. 30).

P. OEDRO ('758 and '788)

3.15 The principal place of business of Proposed Respondent OEDRO is located at 18220 80th Place South, Kent, WA 98032. (Ex. 31).

Q. Pickup Zone ('224, '021, '264 and '358)

3.16 The principal place of business of Proposed Respondent Pickup Zone a/k/a Dai Qun Feng is located at 1660 Iowa Ave., Unit 200, Riverside, CA 92507. (Ex. 32).

R. RDJ Trucks, LLC

3.17 The principal place of business of Proposed Respondent RDJ Trucks, LLC is located at 2005 Mountain Creek Church Road, Talmo, GA 30575. (Ex. 33).

S. Smittybilt, Inc. ('224, '021, '264 and '358)

3.18 The principal place of business of Proposed Respondent Smittybilt, Inc. ("Smittybilt") is located as located at 400 W. Artesia Blvd., Compton, CA 90220. (Ex. 34).

T. Trek Power ('758 and '788)

3.19 The principal place of business of Proposed Respondent Trek Power, Inc. ("Trek Power") is located at 1683 Sierra Madre Circle, Placentia, CA 92870. (Ex. 35).

U. Wenzhou Tianmao Automobile Parts Co., Ltd. ('758)

3.20 The principal place of business of Proposed Respondent Wenzhou Tianmao Automobile Parts Co., Ltd ("Tianmao") is located at No. 14 Wanyang Zhongchuang, No. 9 Yangyu Road, Binhai New Area, Wenzhou, Zhejiang, China. (Ex. 36).

IV. PRODUCTS AND TECHNOLOGY AT ISSUE¹

4.1 In plain English, the products at issue relate to pick-up truck folding bed cover systems and components thereof, and in particular to multi-panel folding cover systems that rest either on sides of pick-up truck beds or on rails placed on the insides of pick-up truck beds, including components of such systems such as clamps and rails used to attach folding bed covers to pick-up truck beds.

¹ 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.

4.2 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 at the front of the truck and a bed (a/k/a cargo box) at the rear of the truck. The bed is open at the top allowing for objects to be quickly and easily loaded, carried and unloaded.

4.3 The opening at the top of the bed has severe disadvantages. One disadvantage is a complete lack of security. Anything in a bed can be quickly and easily stolen. Another disadvantage is that an open bed leaves the contents of the bed exposed to weather and road dust/dirt. Still another disadvantage is the air turbulence and drag on a pick-up truck that can result from an open bed, particularly at high speeds.

4.4 Although a number of different types of pick-up truck bed covers were sold over the years, many of these covers were difficult to open and close and many have been prone to leaking resulting in damage to the contents in the bed and even corrosion to the bed itself. The designs of others have also reduced the useful space within the cargo bed or have been difficult and time consuming to install.

4.5 Because of Complainants' significant investment in U.S. engineering, U.S. design, and U.S. manufacturing, Complainants' innovative folding bed covers have overcome the problems of open pick-up truck beds that earlier covers could not solve. These pioneering inventions have taken the U.S. pick-up truck market by storm and are protected by the Asserted Patents.

V. THE ASSERTED PATENTS

A. The '888 Patent

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

5.1 The '888 Patent is valid, enforceable and currently in full force and effect. A certified copy of the '888 Patent is attached hereto as Ex. 1.

5.2 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.

5.3 Extang owns by assignment the entire right, title, and interest to the Asserted Patent. The certified copies of the assignments for the '888 Patent are attached hereto as Ex. 2. The certified copies of the prosecution history for the '888 Patent are attached hereto Appendix A. The copies of the technical references for the '888 Patent are attached hereto as Appendix B.

5.4 The '888 Patent expires September 6, 2025.

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

5.5 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 incorporated panels that were more popular because they conveniently covered the bed of the pick-up truck and could be folded and stored when not in use.

5.6 The '888 Patent discloses a novel latching system for use with a folding tonneau cover system that 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. A latch assembly pivotally coupled to a cross bow

member engages with the cargo box to secure an unfolded cover while nesting within the cross bow when retracted. Thus, the '888 Patent provides a mechanism for easily and properly stowing the latch without causing harm to the cover.

3. No Foreign Counterparts to the '888 Patent

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

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

B. The '788 Patent

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

5.9 The '788 Patent is valid, enforceable and currently in full force and effect. A copy of the '788 Patent is attached hereto as Ex. 3. 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.

5.10 Extang owns by assignment the entire right, title, and interest to the '788 Patent. The certified copies of the assignments for the '788 Patent are attached hereto as Ex. 4. The certified copies of the prosecution history for the '788 Patent are attached here to as Appendix C. The copies of the technical references for the '788 Patent are attached hereto as Appendix D.

5.11 The '788 Patent expires April 12, 2027.

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

5.12 Folding tonneau covers necessarily couple together separate panels used to cover the cargo box of a pick-up truck. The result is an opportunity for fluid intrusion, such as rain

water, to work its way into the truck bed. Proper fluid management is therefore 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.

5.13 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. No Foreign Counterparts to the '788 Patent

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

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

C. The '758 Patent

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

5.16 The '758 Patent is valid, enforceable, and currently in full force and effect. A copy of the '758 Patent is attached hereto as Ex. 5. 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.

5.17 BAK owns by assignment the entire right, title, and interest to the '758 Patent. The certified copies of the assignments for the '758 Patent are attached hereto as Ex. 6. The certified copies of the prosecution history for the '758 Patent are attached hereto as Appendix E. The copies of the technical references for the '758 Patent are attached hereto as Appendix F.

5.18 The '758 Patent expires September 26, 2026.

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

5.19 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. No Foreign Counterparts to the '758 Patent

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

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

D. The '264 Patent

1. Identification/Ownership by BAK and Expiration of the '264 Patent

5.22 The '264 Patent is valid, enforceable, and currently in full force and effect. A copy of the '264 Patent is attached hereto as Ex. 7. The '264 Patent, entitled "Pick-up Truck Box Cover" was filed September 29, 2006.

5.23 BAK owns by assignment the entire right, title, and interest to the '264 Patent. Certified copies of the assignments for the '264 Patent are attached hereto as Ex. 8. The certified copies of the prosecution history for the '264 Patent are attached hereto Appendix G. The copies of the technical references for the '264 Patent are attached hereto as Appendix H.

5.24 The '264 Patent expires September 29, 2026.

2. Non-technical Description of the '264 Patented Invention

5.25 The '264 Patent discloses and claims a novel low-profile folding cover assembly for a pick-up truck cargo box that utilizes side rails attachable to the sides of a pick-up truck cargo box. The cover is attachable to the side rails. The cover has panels that are connected by resilient hinge strips. Latches on the panels hold the panels on the rails. The side rails utilize extension plates. A cab panel fastens to the extension plate. The cover may be opened by releasing the latches and folding the panels over onto each other. The panels may be unfolded covering substantially the entire cargo box, but not stake pick openings.

3. No Foreign Counterparts to the '264 Patent

5.26 There are no foreign counterparts to the '264 Patent.

5.27 No other foreign patents or patent applications corresponding to the '264 Patent have been filed, abandoned, withdrawn or rejected.

E. The '021 Patent

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

5.28 The '021 Patent is valid, enforceable, and currently in full force and effect. A copy of the '021 Patent is attached hereto as Ex. 9.

5.29 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.

5.30 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 Ex. 10. The

certified copies of the prosecution history for the '021 Patent are attached hereto as Appendix I. The copies of the technical references for the '021 Patent are attached hereto as Appendix J.

5.31 The '021 Patent expires September 29, 2026.

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

5.32 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. Clamp plates and panel supports are further utilized. Drain channels may be 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. No Foreign Counterparts to the '021 Patent

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

5.34 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/Ownership by BAK and Expiration of the '224 Patent

5.35 The '224 Patent is valid, enforceable, and currently in full force and effect. A copy of the '224 Patent is attached hereto as Ex. 11.

5.36 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.

5.37 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 Ex. 12. The certified copies of the prosecution history for the '224 Patent are attached hereto as Appendix K. The copies of the technical references for the '224 Patent are attached hereto as Appendix L.

5.38 The '224 Patent expires September 29, 2026.

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

5.39 The '224 Patent also discloses a cover assembly for a pick-up truck cargo box having side rails. Pivotaly connected panels may be supported on the rails. Holding elements may be used for holding the cover in a folded upright position.

3. No Foreign Counterparts to the '224 Patent

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

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

G. The '358 Patent

1. Identification/Ownership by BAK of the '358 Patent

5.42 The '358 Patent is valid, enforceable, and currently in full force and effect. A copy of the '358 Patent is attached hereto as Ex. 13. The '358 Patent, entitled "Foldable Tonneau Cover with an Extruded Forward Section," issued from U.S. Patent Application Serial No. 15/194,790, filed on June 28, 2016.

5.43 UnderCover owns by assignment the entire right, title, and interest to the '358 Patent. Certified copies of the assignments for the '358 Patent are attached hereto as Ex. 14. The certified copies of the prosecution history for the '358 Patent are attached here to as Appendix M. The copies of the technical references for the '358 Patent are attached hereto as Appendix N.

5.44 The '358 Patent expires June 28, 2036.

2. Non-technical Description of the '358 Patented Invention

5.45 The '358 Patent 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 formed of a unitary extruded panel 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. No Foreign Counterparts to the '358 Patent

5.46 There are no foreign counterparts to the '358 Patent.

5.47 No other foreign patents or patent applications corresponding to the '358 Patent have been filed, abandoned, withdrawn or rejected.

VI. COMPLAINANTS' DOMESTIC INDUSTRIES

6.1 Domestic industries exist as defined by 19 U.S.C. §§ 1337(a)(2)-(3) as a result of Complainants' significant investment in plant and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the Asserted Patents.

A. Complainants' Economic Domestic Industries

As shown in the attached Declaration of Mr. Ryan Herman, all of which is incorporated herein by reference, Complainants have built through innovation and manufacturing excellence

significant domestic industries employing a significant number of U.S. workers at a number of different U.S. manufacturing facilities that indisputably are entitled to § 337 protection. *See* Herman Declaration. (Exs. 37 and 37C).

B. Complainants' Technical Domestic Industries

6.2 As set forth immediately below, the technical prong domestic industry claims charts submitted with the Complaint demonstrate that the technical domestic industry requirements of § 337 are plainly satisfied.

6.3 A claim chart demonstrating that the exemplary Trifecta 2.0 tonneau cover of Complainant Extang practices least claims 1 and 11 of the '888 Patent is attached. (Ex. 38).

6.4 A claim chart demonstrating that the exemplary Solid Fold 2.0 tonneau cover of Complainant Extang practices at least claim 1 of the '788 Patent is attached. (Ex. 39).

6.5 A claim chart demonstrating that the exemplary Solid Fold 2.0 tonneau cover of Complainant Extang practices at least claim 2 of the '758 Patent is attached. (Ex. 40).

6.6 A claim chart demonstrating that the exemplary UnderCover Flex tonneau cover of Complainant UnderCover practices at least claim 1 of the '264 Patent is attached. (Ex. 41).

6.7 A claim chart demonstrating that the exemplary BAKFlip tonneau cover of Complainant BAK practices least claims 14 and 18 of the '021 Patent is attached. (Ex. 42).

6.8 A claim chart demonstrating how the exemplary BAKFlip tonneau cover of Complainant BAK practices least claim 1 of the '224 Patent is attached. (Ex. 43).

6.9 A claim chart demonstrating how the exemplary Under Cover Flex tonneau cover practices at least claim 1 of the '358 Patent is attached. (Ex. 44).

VII. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS

7.1 As set forth in detail below, each Proposed 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 Accused Products that directly and/or indirectly infringe at least one claim of one or more of the Asserted Patents.

7.2 As summary of the Proposed Respondents, Accused Products and allegations of patent infringement is provided below, followed by detailed support:

Proposed Respondent	'888 Patent Claims	'788 Patent Claims	'758 Patent Claims	'264 Patent Claims	'021 Patent Claims	'224 Patent Claims	'358 Patent Claims
4 Wheel Parts Bed Guard Folding Tonneau Cover, MPN: 2710001				1, 5-9, 11, 13, 14, 15, and 25	1-35	1-10	1-3
American Trucks Hard Quad-Fold/No Rails, MPN: T559263	11		2 and 4				
American Trucks RedRock Hard Tri-Fold, MPN: T548452			2 and 4				
American Trucks Barricade Low Profile Tri- Fold Cover, MPN: T550594				1, 5, 6, 7, 8, 9, 11, 13, 14, 15, and 25	1-35	1-10	1-3
American Trucks American Trucks Proven Ground Aluminum Quad- Fold Hard Cover, MPN: T55050970				1, 5, 6, 7, and 13	31, 32, and 34		
Auto Dynasty B07JCL771S, Hard Tri- Fold, MPN: AD-TTC- Hard-006			2 and 4				

Proposed Respondent	'888 Patent Claims	'788 Patent Claims	'758 Patent Claims	'264 Patent Claims	'021 Patent Claims	'224 Patent Claims	'358 Patent Claims
AUTOSTARLAND Technology (US) B09NPW7RQ5, MPN: PUZ-TC01-LT03-A				1, 5-11, 13, 14, 15, and 25	1-35	1-10	1-3
DNA Motoring B07JCLB58S, Hard Tri- Fold, MPN: TTC-Hard- 015			2 and 4				
Fanciest Pickup Accessories B09NPW7RQ5, MPN: PUZ-TC01-LT03-A				1, 5-11, 13, 14, 15, and 25	1-35	1-10	1-3
Future Trucks Hard Tri-Fold, MPN: 121120		1, 2, and 3	2, 3, and 4				
Future Trucks Low Profile Hard Fold, MPN: 121140				1, 5, 6, 7, 13, and 25	1-35	1-10	
Ikon Motorsports, Inc. Hard Quad-Fold/No Rails, MPN: 5-TCTF4- FF150976FT	11		2 and 4				
Jiaxing Kscar Auto Accessories Co., Ltd. B08PZGG5CJ, Hard Tri- Fold, MPN: 65-3032		1, 2, and 3	2, 3, and 4				
Kikito B08CKGC3YG, Hard Tri- Fold, MPN: KTH015		1, 2, and 3	2, 3, and 4				
Lyon Cover Auto Hard Tri-Fold, MPN: B07TWZYJZ7			2 and 4				
Mamoru Cover Hard Quad-Fold/No Rails,	11		2 and 4				

Proposed Respondent	'888 Patent Claims	'788 Patent Claims	'758 Patent Claims	'264 Patent Claims	'021 Patent Claims	'224 Patent Claims	'358 Patent Claims
MPN: SPK97-NH012F							
MOSTPLUS Auto B08CRVGMH3, Hard Tri- Fold, MPN: M42102		1, 2, and 3	2, 3, and 4				
Newpowa America, Inc. Hard Quad-Fold/No Rails, MPN: SPK97-NH012F	11		2 and 4				
New Home Materials Hard Quad-Fold/No Rails, MPN: SPK97-NH012F	11		2 and 4				
OEDRO Hard Quad-Fold, MPN: OETETC-2008-BS6G7		1, 2, and 3	2, 3, and 4				
Pickup Zone B09NPW7RQ5, MPN: PUZ-TC01-LT03-A				1, 5-11, 13, 14, 15, and 25	1-35	1-10	1-3
RDJ Trucks, LLC B08PZGG5CJ, Hard Tri- Fold, MPN: 65-3032		1, 2, and 3	2, 3, and 4				
Smittybilt, Inc. Bed Guard Folding Tonneau Cover, MPN: 2710001				1, 5-9, 11, 13, 14, 15, and 25	1-35	1-10	1-3
Trek Power, Inc. B08CRVGMH3, Hard Tri- Fold, MPN: M42102		1, 2, and 3	2, 3, and 4				
Wenzhou Tianmao Automobile Parts Co., Ltd. B07JCLB58S, Hard Tri- Fold, MPN: TTC-Hard- 015			2 and 4				

7.3 Each Proposed Respondent has directly infringed the claims asserted herein by making for import, importing, selling after importation and/or using the referenced Accused Product.

7.4 Each Proposed Respondent has also indirectly infringed the claims asserted herein by encouraging, instructing, enabling, and otherwise causing distributors, resellers, customers and end users to make, use, sell, and offer to sell, and/or import into the United States the referenced Accused Product. On information and belief, Defendants took affirmative acts to encourage direct infringement by others with knowledge that the induced acts constitute patent infringement.

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. American Trucks ('758, '888, '224, '021, '264 and '358)

7.6 Complainants purchased four different Accused Products from American Trucks. As follows:

- RedRock Hard Tri-Fold T548452 (Exs. 80 and P8)
- Hard Quad-Fold Tonneau Cover T559263 (Exs. 100 and P9)
- Barricade Low Profile Hard Tri-Fold T550594 (Exs. 118 and P16)
- Proven Ground Aluminum Quad-Fold Hard Fold T550970 (Ex. 123 and P17)

1. RedRock Hard Tri-Fold T548452 ('758)

7.7 As evidenced by the sales receipt, packaging and physical cover that was obtained by way of the purchase, the accused American Trucks RedRock Hard Tri-Fold T548452 (Ex. 80)

was purchased by Complainants (Ex. 81), shipped to Complainants (Ex. 82), and following the purchase remains in Complainants' possession. (Ex. P8).

7.8 As evidenced by the accompanying claim charts, the American Trucks RedRock Hard Tri-Fold T548452 infringes at least claims 2 and 4 of the '758 Patent. (Ex. 136).

7.9 As evidenced by the Chinese language found within the product packaging, and further confirmed by the representation of American Trucks in response to a written text inquiry from the undersigned, the accused RedRock Hard Tri-Fold T548452 originated from and was imported into the United States from China. (Ex. 83).

7.10 Photographs of the accused cover are shown in the referenced claim charts as well as the installations instructions that accompanied the product purchased by the Complainants. (Ex. 84).

2. Hard Quad-Fold Tonneau Cover T559263 ('758 and '888)

7.11 As evidenced by the sales receipt, packaging and physical cover that was obtained by way of the purchase, the accused American Trucks Hard Quad-Fold Tonneau Cover T559263 (Ex. 100) was purchased by Complainants (Ex. 101), shipped to Complainants (Ex. 102), and following the purchase remains in Complainants' possession. (Ex. P9).

7.12 As evidenced by the accompanying claim charts, the American Trucks Hard Quad-Fold Tonneau Cover T559263 infringes at least claims 2 and 4 of the '758 Patent (Ex. 135) and at least claim 11 of the '888 Patent. (Ex. 127).

7.13 As evidenced by the "Made in China" statement of origin on the product packaging, the accused American Truck Hard Quad-Fold Tonneau Cover T559263 was made in China and imported into the United States from China. (Ex. 103).

7.14 Photographs of the accused cover are shown in the referenced claim charts and images of the accused cover are found within the installation manual that accompanied the product purchased by Complainants. (Ex. 104).

**3. Barricade Low Profile Hard Tri-Fold T550594
(’224, ’021, ’264 and ’358)**

7.15 As evidenced by the sales receipt, packaging and physical product that was obtained by way of the purchase, the accused American Trucks Barricade Low Profile Hard Tri-Fold T550594 (Ex. 118) was purchased by Complainants (Ex. 119), shipped to Complainants (Ex. 120), and following the purchase remains in Complainants’ possession. (Ex. P16).

7.16 As evidenced by the accompanying claim charts, the American Trucks Barricade Low Profile Hard Tri-Fold T550594 infringes at least claims 1-10 of the ’224 Patent (Ex. 157), at least claims 1-35 of the ’021 Patent (Ex. 152), at least claims 1, 5-9, 11, 13-15, and 25 of the ’264 Patent (Ex. 147), and at least claims 1-3 of the ’358 Patent. (Ex. 161).

7.17 Although the product packaging and installation instructions make no reference to the country of origin, American Trucks represented in response to the undersigned’s written inquiry that the T550594 was manufactured overseas in China. (Ex. 121).

7.18 Photographs of the Accused Product are further shown in the referenced claim charts as well as in photographs found within the installation instructions that accompanied the product purchased by Complainants. (Ex. 122).

**4. Proven Ground Aluminum Quad-Fold Hard Fold
T550970 (’021 and ’264)**

7.19 As evidenced by the sales receipt and physical product that was obtained by way of the purchase, the accused Proven Ground Aluminum Quad-Fold Hard Fold T550970 (Ex.

123) was purchased by Complainants (Ex. 124), shipped to Complainants and remains in Complainants' possession. (Ex. P17).

7.20 As shown in the accompanying claim charts, the American Trucks Proven Ground Aluminum Quad-Fold Hard Fold T550970 infringes at least claims 31, 32, and 34 of the '021 Patent (Ex. 153) and at least claims 1, 5, 6, 7, and 13 of the '264 Patent. (Ex. 148).

7.21 When asked by the undersigned, American Trucks represented that the T550970 was manufactured overseas and not USA made. (Ex. 125).

7.22 Photographs of the Accused Product are shown in the referenced claim charts as well within the installation instructions that accompanied the product purchased by Complainants. (Ex. 126).

B. Auto Dynasty ('758)

7.23 As evidenced by Auto Dynasty's Internet marketing (Ex. 45) and Complainants' sales receipt, the B07JCL771S, MPN (AD-TTC-HARD-006) was purchased by Complainants from Auto Dynasty by way of the Internet marketplace Amazon.com. (Ex. 46). As evidenced by the herein referenced shipping label, the B07JCL771S, MPN (AD-TTC-HARD-006) was shipped to Complainants by Proposed Respondent DNA Motoring. (Ex. 47). (*See* Section VII (C)).

7.24 As evidenced by the product packaging, the B07JCL771S, MPN (AD-TTC-HARD-006) was manufactured in China. (Ex. 48). The purchased B07JCL771S, MPN (AD-TTC-HARD-006) remains in Complainants possession following the purchase. (Ex. P1).

7.25 As evidenced by the accompanying claim charts, the B07JCL771S, MPN (AD-TTC-HARD-006) infringes at least claims 2 and 4 of the '758 Patent. (Ex. 137).

7.26 Accordingly, on information and belief, Proposed Respondent Auto Dynasty imports, sells of importation, sells and distributes products that infringe the '758 Patent.

7.27 Images of the accused product are found in the accompanying claim charts, as well as within the accompanying installation guide. (Ex. 49).

C. DNA Motoring ('758)

7.28 As set forth above, Complainants shipped to Complainants accused product B07JCL771S, MPN (AD-TTC-HARD-006) from Proposed Respondent Auto Dynasty. (*See* Section VII (B)). DNA Motoring ships accused product from a facility located at 619 E. Sam Houston Pkwy S, Suite 800, Pasadena, Texas 77503. (Ex. 47).

7.29 In addition, Complainants separately purchased the B07JCLB58S, MPN (TTC-HARD-015) from DNA Motoring by way of the Internet marketplace Amazon.com. (Exs. 50, 51 and 52).

7.30 According to publically available import records, DNA Motoring receives the accused product from Proposed Respondent Wenzhou Tianmao Automobile Parts Co., Ltd., an entity located in China. (Ex. 53). (*See* Section VII (D)).

7.31 As shown in the attached claim charts, accused product B07JCLB58S, MPN (TTC-HARD-015) infringes at least claims 2 and 4 of the '758 Patent. (Ex. 138).

7.32 Accordingly, on information and belief, DNA Motoring imports, sells of importation, sells and distributes products that infringe the '758 Patent.

7.33 Images of the B07JCLB58S, MPN (TTC-HARD-015) are shown in the attached claim charts. (Ex. 138). Images of the B07JCLB58S, MPN (TTC-HARD-015) are also shown within the installation guide that accompanied the product shipped to Complainants. (Ex. 54).

The physical accused product that was shipped to Complainants as a result of the purchase remains with Complainant. (Ex. P2).

D. Wenzhou Tianmao Automobile Parts Co., Ltd. ('758)

7.34 As set forth above and as evidenced by the import records herein referenced, Proposed Respondent Wenzhou Tianmao Automobile Parts made in China and supplied the B07JCLB58S, MPN (TTC-HARD-015) that was purchased by Complainants from Proposed Respondent DNA Motoring (Ex. 53) as well as the B07JCL771S, MPN (AD-TTC-HARD-006) that was purchased by Complainants from Proposed Respondent Auto Dynasty. (Ex. 20). (*See* Section VII (B) and VII (C)).

7.35 As shown above, Accused Product B07JCLB58S, MPN (TTC-HARD-015) and Accused Product B07JCL771S, MPN (AD-TTC-HARD-006) each infringe at least claims 2 and 4 of the '758 Patent (Exs. 137 and 138). (*See* Section VII (B) and VII (C)).

7.36 Accordingly, on information and belief, Wenzhou Tianmao Automobile Parts imports, sells of importation, sells and distributes Accused Product that infringe the '758 Patent.

E. Future Trucks ('758, '788, '224, '021 and '264)

7.37 Future Trucks 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 following two Accused Products:

- Manufacturer Part Number 121120. (Ex. P7).
- Manufacturer Part Number 121140. (Ex. P15).

1. Manufacturer Part Number 121120 ('788 and '758)

7.38 Manufacturer Part Number 121120 is marketed on Future Trucks Internet web site. (Ex. 75). Complainants purchased Manufacturer Part Number 121120 directly from Future Trucks. (Ex. 76). Manufacturer Part Number 121120 was shipped to Complainants. (Ex. 77).

7.39 According to the product packaging, Manufacturer Part Number 121120 is made in China (Ex. 78).

7.40 Manufacturer Part Number 121120 infringes at least claims 1, 2, and 3 of the '788 Patent (Ex. 130) and claims 2, 3, and 4 of the '758 Patent. (Ex. 139).

7.41 Images of the 121120 are shown in the attached claim charts. (Exs. 130 and 139). Images of the 121120 are also shown on Future Trucks Internet web pages (Ex. 75), as well as the instruction manual that accompanied the product purchased by Complainants. (Ex. 79). The physical exhibit purchased by Complainants remains in Complainants possession. (Ex. P7).

7.42 Accordingly, on information and belief, Future Trucks imports, sells of importation, sells and distributes products that infringe the '758 Patent.

2. Manufacturer Part Number 121140 ('264, '021 and '224)

7.43 MPN (121140) is marketed on Future Trucks Internet web site. (Ex. 114). Complainants purchased MPN (121140) directly from Future Trucks and it was shipped directly to Complainants. (Ex. 115).

7.44 According to the product packaging, MPN 121140 is made in China. (Ex. 116).

7.45 MPN (121140) infringes at least claims 1, 5-7, 13, and 25 of the '264 Patent (Ex. 149); claims 1-35 of the '021 Patent (Ex. 154); and, claims 1–10 of the '224 (Ex. 158).

7.46 Accordingly, on information and belief, Future Trucks also imports, sells of importation, sells and distributes products that infringe the '264, '021 and '224 Patents.

7.47 Images of Accused Product MPN (121140) are shown in the attached claim charts. (Exs. 149, 154 and 158). Images of Accused Product MPN (121140) are also shown on Future Trucks Internet web pages (Ex. 114), as well as within the instruction manual that accompanied the product shipped to Complainants. (Ex. 117). The physical product that was purchased by Complainants remains with Complainants. (Ex. P15).

F. Ikon Motorsports ('758 and '888)

7.48 Ikon 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 Product B09GLLC132, MPN (5-TCTF4-FF150976FT).

7.49 Accused Product B09GLLC132, MPN (5-TCTF4-FF150976FT) is marketed and sold at Amazon's marketplace Internet web pages. (Ex. 85).

7.50 Complainants purchased Accused Product B09GLLC132, MPN (5-TCTF4-FF150976FT) at Amazon.com (Ex. 86) and it was shipped directly to Complainants. (Ex. 87).

7.51 According to the product packaging, B09GLLC132, MPN (5-TCTF4-FF150976FT) is made in China. (Ex. 88).

7.52 Accused Product B09GLLC132, MPN (5-TCTF4-FF150976FT) infringes at least claim 11 of the '888 Patent (Ex. 128) and at least claims 2 and 4 of the '758 Patent. (Ex. 140).

7.53 Accordingly, on information and belief, Ikon imports, sells of importation, sells and distributes products that infringe the '758 and '888 Patents.

7.54 Images of the B09GLLC132, MPN (5-TCTF4-FF150976FT) are shown in the attached claim charts. (Exs. 128 and 140). Images of the the B09GLLC132, MPN (5-TCTF4-FF150976FT) are also shown on Amazon's Internet pages (Ex. 85), as well as within the instruction manual that accompanied the product sold to Complainants. (Ex. 89). The physical product that was purchased by Complainants remains with Complainants. (Ex. P10).

G. Kiko Kikito ('758 and '788)

7.55 Kikito markets the B08CKGC3YG, MPN (KTH015) on Amazon.com. (Ex. 55). Complainants purchased B08CKGC3YG, MPN (KTH015) from the Amazon marketplace located at Amazon.com. (Ex. 56).

7.56 The product's shipping labels of the B08CKGC3YG, MPN (KTH015) states that the product is shipped from 10301 E. Walnut Dr. N, Walnut, CA 91789. (Ex. 57).

7.57 The product's packaging of the B08CKGC3YG, MPN (KTH015) states the product is "Made in China". (Ex. 58).

7.58 As shown by the attached claim charts, the B08CKGC3YG, MPN (KTH015) infringes claims 1, 2, and 3 of the '788 Patent (Ex. 131) and claims 2, 3, and 4 of the '758 Patent. (Ex. 141).

7.59 Accordingly, on information and belief, Kikito 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 Product B08CKGC3YG, MPN (KTH015).

7.60 Images of the B08CKGC3YG, MPN (KTH015) are shown in marketing materials at Amazon.com (Ex. 55) and within the instruction manual that accompanied the product that

was purchased by Complainants. (Ex. 59). The B08CKGC3YG, MPN (KTH015) that was purchased by Complainants remains with Complainants. (Ex. P3).

H. Lyon Cover Auto ('758)

7.61 Lyon markets and sells Accused Product B07TWZYJZ7, MPN (LYCH015) at the Internet marketplace Amazon.com. (Ex. 60). Complainants purchased the B07TWZYJZ7, MPN (LYCH015) by way of Amazon.com. (Ex. 61).

7.62 Although the product packaging suspiciously does not state that the product is made in China or where the product was originally shipped from per the shipping labels (Ex. 62), an Internet page of Walmart's promoting the accused covers states that Lyon engages in manufacturing, importing and reselling and identifies Lyon's address as that of Truck Tonneau Covers in China. (Exs. 63 and 26).

7.63 Accused Product B07TWZYJZ7, MPN (LYCH015) infringes claims 2 and 4 of the '758 Patent. (Ex. 142).

7.64 Accordingly, on information and belief, Lyon Cover Auto designs, develops, manufactures overseas, has manufactured overseas, 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 Product B07TWZYJZ7, MPN (LYCH015).

7.65 Images of B08CKGC3YG, MPN (LYCH015) are shown in marketing materials at Amazon.com (60) and in within the instruction manual that accompanied the product shipped to Complainants. (Ex. 64). Accused product B08CKGC3YG, MPN (LYCH015) as purchased from Lyon by Complainants remains with Complainants. (Ex. P4).

I. Mamoru Cover a/k/a Ningbo Surpass Auto Parts ('758 and '888)

7.66 Mamoru markets Accused Product B08K318DND MPN (SPK97-NH012F) on the Internet at Amazon.com. (Ex. 90). Complainants purchased the B08K318DND MPN (SPK97-NH012F) on the Internet at Amazon.com. (Ex. 91).

7.67 Mamoru shipped the B08K318DND, MPN, SPK97-NH012F to Complainants by way of Proposed Respondent Newpowa America, Inc., whose fulfillment center is located at 1815 Rustin Ave, Suite H, Riverside, CA 92507. (Ex. 92). (*See* Section VII (J)).

7.68 Proposed Respondent Newpowa America, Inc. shares its fulfillment center location with Respondent New Home Materials, Inc., (Ex. 30), (*See* section IV), who is also identified as importing the accused tonneau cover parts from Ningbo Surpass Auto Parts Co., Ltd. in China (Ex. 30). (*See* Section VII (K)).

7.69 According to the product packaging, B08K318DND, MPN SPK97-NH012F is made in China. (Ex. 93).

7.70 As shown in the attached claim charts, the B08K318DND (Manufacturer Part Number SPK97-NH012F) infringes at least claim 11 of the '888 Patent (Ex. 129) and claims 2 and 4 of the '758 Patent. (Ex. 143).

7.71 Accordingly, Mamoru Cover 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 B08K318DND, MPN (SPK97-NH012F) that infringes the '758 and '888 Patents.

7.72 Images of the B08K318DND (Manufacturer Part Number SPK97-NH012F) are found on the Internet at Amazon.com. (Ex. 90). Images of Accused Product B08K318DND

(Manufacturer Part Number SPK97-NH012F) are found in the attached claim charts (Exs. 129 and 143), as well as in the instruction manual that accompanied the product sold to Complainants. (Ex. 94). The physical B08K318DND (Manufacturer Part Number SPK97-NH012F) that was sold by Lyon to Complainants remain with Complainants. (Ex. P11).

J. Newpowa America, Inc. ('758 and '888)

7.73 As set forth above, Proposed Respondent Mamoru Cover ships Accused Product from Newpowa America, Inc.'s fulfillment center, which is located at 1815 Rustin Ave, Suite H, Riverside, CA 92507. (Ex. 29). (*See* Section VII (I)).

7.74 Newpowa America, Inc.'s fulfillment center address is identical to Proposed Respondent, New Home Materials, Inc.'s corporate address. (*See* Section VII K).

7.75 New Home Materials, Inc. imports tonneau cover parts from Ningo Surpass Auto Parts Co., Ltd. located in China. Ningo Surpass Auto Parts, Co., Ltd. is also identified as the principal place of business for Mamoru Cover. (Ex. 27, 29, and 30). (*See Id.*)

7.76 Newpowa America, 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 Accused Product B08K318DND, MPN (SPK97-NH012F).

7.77 Accused Product B08K318DND, MPN (SPK97-NH012F) infringes claim 11 of the '888 Patent (Ex. 129) and claims 2 and 4 of the '758 Patent. (Ex. 143).

7.78 Accordingly, Newpowa America, 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 Accused Product B08K318DND, MPN (SPK97-NH012F) that infringe the '758 and '888 Patents.

K. New Home Materials, Inc. ('758 and '888)

7.79 As set forth previously, a principal place of business of Proposed Respondent New Home Materials, Inc. is at 1815 Rustin Ave, Suite H, Riverside, CA 92507 ("Rustin Ave"). (Ex. 30).

7.80 The 1815 Rustin Ave. address is also the principal place of business for Proposed Respondent Newpowa America's fulfillment center and Proposed Respondent Mamura. (Exs. 29 and 92).

7.81 Accordingly, on information and belief, New Home Materials is a supplier of Mamora Cover B08K318DND, MPN (SPK97-NH012F). (*See* Section VII (I)).

7.82 The Mamoru cover's seller is identified on Amazon as Ningo Surpass Auto Parts Co., Ltd. located at No. 65 Chongshou Ave, Chongshou Industry Zone, Cixi, Ningbo City, Zhejiang, 315334 China. (Ex. 27).

7.83 Accordingly, on information and belief, New Home Materials, 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 Accused Product B08K318DND, MPN (SPK97-NH012F) that infringes claim 11 of the '888 Patent (Ex. 129) and claims 2 and 4 of the '758 Patent. (Ex. 143).

L. MOSTPLUS Auto ('758 and '788)

7.84 MOSTPLUS Auto markets Accused Product B08CRVGMH3, MPN (M42102) on the Internet marketplace Amazon.com. (Ex. 65). Complainants purchased Accused Product

B08CRVGMH3, MPN (M42102) from Amazon.com. (Ex. 66). Accused Product B08CRVGMH3, MPN (M42102) was shipped to Complainants by Proposed Respondent Trek Power. (Ex. 67). (*See* Section VII M)

7.85 According to the product packaging, Accused Product B08CRVGMH3, MPN (M42102) is “Made in China”. (Ex. 68).

7.86 As shown in the attached claim charts, Accused Product B08CRVGMH3, MPN (M42102) infringes at least claims 1, 2, and 3 of the ’788 Patent (Ex. 132) and at least claims 2, 3, and 4 of the ’758 Patent. (Ex. 144).

7.87 Accordingly, on information and belief, MOSTPLUS Auto is manufactured in China for import, sells for importation, imports and sells after importation the B08CRVGMH3 (MPN M42102) that infringes the ’788 and ’758 Patents.

7.88 Images of B08CRVGMH3, MPN (M42102) are found on the Internet at Amazon.com. (Ex. 65). Images of B08CRVGMH3, MPN (M42102) are found in the attached claim charts (Exs. 132 and 144), as well as within the Instruction manual that accompanied the product sold to Complainants. (Ex. 69). The physical product that was purchased by Complainants remains in Complainants’ possession. (Ex. P5).

M. Trek Power (’758 and ’788)

7.89 Trek Power, Inc. ships from their principal place of business the Accused Product for Proposed Respondent MOSTPLUS Auto. (Exs. 28 and 35). (*See* generally VII (L)).

7.90 According to the product packaging, Accused Product B08CRVGMH3, MPN (M42102) is “Made in China”. (Ex. 68).

7.91 Accused Product B08CRVGMH3, MPN (M42102) infringes at least claims 1, 2, and 3 of the '788 Patent (Ex. 132) and at least claims 2, 3, and 4 of the '758 Patent (Ex. 144).

7.92 Accordingly, on information and belief, Trek Power manufactures, sells for importation, imports, sells after importation Accused Product B08CRVGMH3, MPN (M42102) that infringes the '788 and '758 Patent.

N. OEDRO ('758 and '788)

7.93 OEDRO markets Accused Product B09WKBS6G7, MPN (OETETC-2008) on the Internet marketplace Amazon.com. (Ex. 95). Complainants purchased B09WKBS6G7, MPN (OETETC-2008) from Amazon.com. (Ex. 96). The B09WKBS6G7, MPN (OETETC-2008) cover was shipped to Complainants. (Ex. 97).

7.94 According to the product packaging, Accused Product B09WKBS6G7, MPN (OETETC-2008) is "Made in China". (Ex. 98).

7.95 Accused product B09WKBS6G7, MPN (OETETC-2008) infringes at least claims 1, 2, and 3 of the '788 Patent (Ex. 133) and claims 2, 3, and 4 of the '758 Patent. (Ex. 145).

7.96 Accordingly, Proposed Respondent OEDRO manufactures in China, sells for import, imports, sells after importation product B09WKBS6G7, MPN (OETETC-2008) that infringes the '788 and '758 Patents.

7.97 Images of the B09WKBS6G7, MPN (OETETC-2008) are shown on the Internet at Amazon.com. (Ex. 95). Images are also shown in the attached claim charts (Exs. 133 and 145), as well as in the instruction manual that accompanied the product. (Ex. 99). The physical product that was purchased by Complainants remains with Complainants. (Ex. P12).

O. Pickup Zone ('224, '021, '264 and '358)

7.98 Pickup Zone markets Accused Product B09NPW7RQ5, MPN (PUZ-TC01-LT03-A) on at the Internet marketplace Amazon.com. (Ex. 105).

7.99 Complainants purchased Accused Product B09NPW7RQ5, MPN (PUZ-TC01-LT03-A) by way of the Internet marketplace located at Amazon.com. (Ex. 106). The Accused Product was shipped to Complainants. (Ex. 107).

7.100 According to the product packaging, Accused Product B09NPW7RQ5, MPN (PUZ-TC01-LT03-A) is “Made in China”. (Ex. 108).

7.101 As shown on the product shipping labels, Pickup Zone shipped the purchased Accused Product to Dai Qun Feng, located at XLX2, 657 W Nancy St., Perris, California 92571 (“Perris Address”). (Ex. 107). The Accused Product was then shipped from the Perris Address to the Complainants.

7.102 Pickup Zone’s address is the same address as that of Proposed Respondent, Fanciest Pickup Accessories. (*Compare* Ex. 107 with Ex. 21). According to Fanciest Pickup Accessories’ website, the company sells the Accused Product that Pickup Zone markets and sells on Amazon’s website. (Ex. 21). (*See* Section VII (P)).

7.103 Proposed Respondent AUTOSTARLAND Technology (US), Inc. is also marketing and selling the Accused Product for Proposed Respondent Pickup Zone per their online retail website and their principal place of business is also located at the above Riverside Address (Ex. 18). (*See* Section VII (Q)).

7.104 As shown in the attached claim charts, Accused Product B09NPW7RQ5, MPN (PUZ-TC01-LT03-A) infringes claims 1-35 of the '021 Patent (Ex. 155); at least claims 1, 5-11,

13-15, and 25 of the '264 Patent (Ex. 150); claims 1–10 of the '224 (Ex. 159); and at least claims 1-3 of the '358 Patent. (Ex. 162).

7.105 Accordingly, Pickup Zone 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 B09NPW7RQ5, MPN (PUZ-TC01-LT03-A) that infringes the '021, '264, '224 and '358 Patents.

7.106 Images of the Accused Product are found on the Internet at Amazon.com. (Ex. 105). Images of Accused Product are found in the attached claim charts (Exs. 155, 150, 159 and 162), as well as within the instruction manual that accompanied the product sold to Complainants. (Ex. 109). The physical product that was purchased remains with Complainants. (Ex. P13).

P. Fanciest Pickup Accessories ('224, '021, '264, '358)

7.107 Proposed Respondent Pickup Zone ships Accused Product from Fanciest Pickup Accessories' principal place of business. (Exs. 21 and 32). A review of Fanciest Pickup Accessories' website, reveals the company sells the same Accused Product that Pickup Zone markets and sells on Amazon's marketplace Internet website (Compare Exs. 21, 32 and 105). (*See* Section VII (O)).

7.108 On information and belief, Fanciest Pickup Accessories is an importer and/or distributor and/or marketer of Accused Product that infringes the '224, '021, '264 and '358 Patents.

Q. AUTOSTARLAND ('224, '021, '264 and '358)

7.109 As set forth previously, the principal place of business of Proposed Respondent AUTOSTARLAND Technology (US), Inc. ("AUTOSTARLAND") is located at 1660 Iowa Ave., Unit 200, Riverside, CA 92507. (Ex. 18).

7.110 AUTOSTARLAND's principal place of business is identical to Proposed Respondent Pickup Zone (Ex. 32) and Proposed Respondent Fanciest Pickup Accessories' principal places of business. (Ex. 21).

7.111 Complainant has viewed AUTOSTARLAND and Pickup Zone jointly marketing at the 2022 AAPEX show. (Ex. 19).

7.112 Accordingly, on information and belief AUTOSTARLAND designs, develops, manufactures, has manufactured in China, imports into the United States, sells for importation, and/or sells and distributes after importation within the United States the Accused Product that infringes the '021 Patent, '264 Patent, '224 Patent and '358 Patent.

R. RDJ Trucks, LLC

7.113 RDJ Trucks markets its covers on the Internet at Amazon.com. (Ex. 70). Complainants purchased RDJ's accused B08PZGG5CJ, MPN (65-3032) cover from the Internet marketplace Amazon.com. (Ex. 71). The B08PZGG5CJ, MPN (65-3032) was shipped to Complainants. (Ex. 72).

7.114 According to publically available databases, the Accused Product is imported from China from Proposed Respondent Jiaxing Kscar Auto Accessories Co., Ltd in China. (Ex 73.) (See Section VII (S)).

7.115 As shown in the attached claim charts, Accused Product B08PZGG5CJ, MPN (65-3032) infringes claims 1, 2, and 4 of the '788 Patent (Ex. 134) and claims 2, 3, and 4 of the '758 Patent. (Ex. 146).

7.116 On information and belief, RDJ Trucks, LLC 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 Accused Product B08PZGG5CJ, MPN (65-3032) that infringes the '788 and '758 Patents.

7.117 Images of Accused Product are found on the Internet at Amazon.com. (Ex. 70). Images of Accused Product are also found in the attached claim charts (Exs. 134 and 146), as well as in the instruction manual that accompanied the product sold to Complainants. (Ex. 74). The physical product that was purchased by Complainants remains with Complainants. (Ex. P6).

S. Kscar Auto ('758 and '788)

7.118 Kscar Auto 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 Product B08PZGG5CJ, MPN (65-3032) sold to Complainants by RDJ Trucks. *See* Section IV (R). Thus, KSC Auto is an importer and/or distributor and/or marketer of the Accused Product for Proposed Respondent for RDJ Trucks, LLC. (Ex. 73).

7.119 B08PZGG5CJ, MPN (65-3032) infringes claims 1, 2, and 4 of the '788 Patent (Ex. 134) and claims 2, 3, and 4 of the '758 Patent. (Ex. 146).

7.120 Accordingly, on information and belief, RDJ Trucks, LLC 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 Accused Product B08PZGG5CJ, MPN (65-3032) that infringes the '788 and '758 Patents.

T. Smittybilt, Inc. ('224, '021, '264 and '358)

7.121 Smittybilt markets on the Internet. (Ex. 110). Complainants purchased Accused Product Bed Guard Folding Tonneau Cover, MPN (271001) and the product was shipped to Complainants. (Ex. 111).

7.122 According to the product packaging, the product is "Made in China". (Ex. 112).

7.123 Smittybilt, Inc. ships Accused Product from Proposed Respondent, 4 Wheel Parts's store located at 5 Logistics Drive, Carlisle PA 17013. (Exs. 15 and 111). (*See* Section VII (U)).

7.124 Accused Product MP (271001) infringes claims 1, 5-9, 11, 13-15 and 25 of the '264 Patent (Ex. 151); 1-10 of the '224 Patent (Ex. 160); claims 1-35 of the '021 Patent (Ex. 156); and, claims 1-3 of the '358 Patent. (Ex. 163).

7.125 Accordingly, Smittybilt 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 Accused Product Bed Guard Folding Tonneau Cover, Manufacturer Part Number 271001 that infringes the '264, '224 '021 and '358 Patents.

7.126 Images of Accused Product are found on the Internet. (Ex. 110). Images of Accused Product are also found in the attached claim charts (Exs. 151, 160, 156 and 163), as well as within the instruction manual that accompanied the product shipped to Complainants.

(Ex 113). The physical product that was purchased remains in the possession of Complainants.
(Ex. P14).

U. 4 Wheel Parts ('224, '021, '264 and '358)

7.127 As set forth above, 4 Wheel Parts shipped and sold an accused Smittybilt Bed Guard Tonneau Cover 2710001 to Complainants from its warehouse facility at 5 Logistics Dr., Carlisle, PA 17013. (Exs. 34 and 110). (*See* Section VII (T)).

7.128 As shown by the labeling, the accused Smittybilt Bed Guard Tonneau Cover 2710001 was manufactured in China, imported into the United States and ultimately sold to Mr. Jerome Facchinello of Complainants. (Ex. 112).

7.129 On information and belief, 4 Wheel Parts designs, develops, has manufactured in China, sells for importation, imports into the United States, and/or sells and distributes after importation within the United States at least the accused Bed Guard Folding Tonneau Cover, Manufacturer Part Number 271001.

7.130 As shown in the accompany claim charts, the accused MPN 271001 infringes at least claims 1, 5-9, 11, 13, 15, and 25 of the '264 Patent (Ex. 151); 1-10 of the '224 Patent (Ex. 160); claims 1-35 of the '021 Patent (Ex. 156); and claims 1-3 of the '358 Patent. (Ex. 163).

7.131 On information and belief, 4 Wheel Parts designs, develops, has manufactured in China, sells for importation, imports into the United States, and/or sells and distributes after importation within the United States at least the accused Bed Guard Folding Tonneau Cover, Manufacturer Part Number 271001 that infringes the '264, '224, '021 and '358 Patents.

7.132 Images of the accused MPN 271001 are found in the photographs shown in the accompanying claim charts, as well as the instruction manual that accompanied the product

shipped to Complainants. (Ex. 113). The Accused Product as sold to Complainants remains in Complainants' possession. (P1).

VIII. HARMONIZED TARIFF SCHEDULE

8.1 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.

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

IX. LICENSES

9.1 Complainants have not licensed the Asserted Patents to any unrelated third-party entities. The Asserted Patents are impliedly licensed to Real Truck's various subsidiaries.

X. RELATED LITIGATION

10.1 On December 8, 2018, Complainants Extang and BAK filed a Section 337 Complaint with the International Trade Commission alleging the unlawful importation and sale after importation of folding cover systems for pick-up trucks and components thereof. The Complaint asserted the '888 Patent, the '788 Patent, the '758 Patent, the '021 Patent, the '224 Patent, as well as U.S. Patent D620,877. The Complaint was instituted on February 12, 2019 seeking relief against eleven Respondents. *See generally* Investigation No. 337-TA-1143. That investigation was terminated before trial.

10.2 On May 17, 2019, Complainants Extang, BAK and UnderCover filed a Complaint alleging infringement of the '358 Patent, '073 Patent, '264 Patent and '021 Patent in the United States District Court for the District of Delaware. *See generally Extang Corporation et al. v. Truck Accessories Group d/b/a Leer*, Case 1:19-cv-00923. That case was terminated before trial.

10.3 On October 30, 2019, Complainants Extang and BAK filed a Complaint alleging infringement of the '788 Patent and '758 Patents in the United States District Court, Central District of California. *See generally Extang Corporation v. Tyger Auto Inc.*, Case No. 5:19-cv-02074 (C.D. Cal.). That case was terminated before trial.

10.4 On November 25, 2019, Complainants Extang and BAK filed a Section 337 Complaint with the International Trade Commission alleging the unlawful importation and sale after importation of folding cover systems for pick-up trucks and components thereof. The Complaint asserted the '788 Patent and the '758 Patent against three Proposed Respondents. The Complaint was instituted on December 30, 2019. *See generally* Investigation No. 337-TA-1188. A Respondent filed a petition for *inter partes* review of claims 2, 3 and 4 of the '758 Patent. Complainant BAK filed a Preliminary Response contending that the Petition should be denied as to all challenged claims. Upon consideration of the Petition, and the associated evidence, as well as the arguments in the Preliminary Response, institution of an inter parties review was denied on all challenged claims. Investigation No. 337-TA-1188 terminated before trial.

10.5 On September 17, 2021, Complainants Extang and BAK filed a Complaint alleging infringement of the '021 Patent and U.S. Patent No. 6,814,389 in the United States District Court for the District of Delaware. *See generally Extang Corp., et al v. Truck Accessories Group d/b/a Leer*, Case No. 1:21-cv-01325. The case terminated before trial.

10.6 In addition, the '758 Patent has been the subject of three earlier Federal District Court litigations: (1) *Laurmark Enterprises, Inc. et. al. v. Competition Specialties, Inc., et al.*, CACD (2-13-cv-00041), filed January 3, 2013, terminated before trial April 24, 2013 pursuant to stipulation to dismiss pursuant to FRCP 41 filed by defendant Competition Specialties, (2) *Laurmark Enterprises, Inc. v. Kinderhook Industries, et. al.*, CACD (2-12-cv-04702), filed May

30, 2012, terminated before trial November 8, 2012, and (3) *Extang Corporation, et al. v. BAK Industries, Inc.*, WIWD, (3-12-cv-00372), filed May 21, 2012 was terminated before trial March 12, 2014.

10.7 In addition, the '788 Patent was the subject of *Extang Corporation v. TruXmart*, MIED (2-16-cv-10746), which was filed March 2, 2016, and which was terminated prior to trial on June 3, 2016.

XI. REQUESTED RELIEF

11.1 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) 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 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;

(e) 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

(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.

Respectfully submitted,

DICKINSON WRIGHT PLLC

Dated: January 19, 2023

By: H. Jonathan Redway

H. Jonathan Redway, Esq.
DICKINSON WRIGHT PLLC
International Square
1825 Eye Street, NW
Suite 900
Washington, DC 20006
Telephone: (202) 457-0160
Facsimile: (844) 670-6009

VERIFICATION OF COMPLAINT

I, H. Jonathan Redway, declare under penalty of perjury under the laws of the United States of America, and in accordance with 19 C.F. R. §§ 210.4 and 210.12(a), that the following is true in correct:

1. I am outside counsel for Complainants Extang Corporation (“Extang”), Laurmark Enterprises, Inc. d/b/a BAK Industries (“BAK”) and UnderCover, Inc. (“UnderCover”), and I am duly authorized to verify this Complaint on behalf of Complainants.

2. I have read the Complaint and I am aware of its contents;

3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needlessly increase the cost of litigation;

4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims and legal contentions of this Complaint are warranted by existing law or a good faith argument for the extension, modification or reversal of existing law;

5. To the best of my knowledge, information and belief founded upon reasonable inquiry, the allegations and other factual contentions in the Complaint have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Executed on January 19, 2023



H. Jonathan Redway
Dickinson Wright PLLC