

**PUBLIC VERSION**  
**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
Washington, DC

**In the Matter of**

**CERTAIN VISION-BASED DRIVER  
ASSISTANCE SYSTEM CAMERAS AND  
COMPONENTS THEREOF**

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

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

**Complainant:**

Magna Electronics Inc.  
2050 Auburn Road  
Auburn Hills, Michigan 48326

**Proposed Respondent:**

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### EXHIBIT LIST

Exhibit A	Certified copy of U.S. Patent No. 8,116,929
Exhibit B	Certified copy of U.S. Patent No. 8,593,521
Exhibit C	TRW Press Release, September 10, 2013, <i>available at</i> <a href="http://trw.mediaroom.com/index.php?s=32950&amp;item=128111">http://trw.mediaroom.com/index.php?s=32950&amp;item=128111</a>
Exhibit D	Notice of Institution of Investigation, <i>Certain Vision-Based Driver Assistance System Cameras and Components Thereof</i> , Investigation No. 337-TA-899
Exhibit E	Notice of Recordation of Assignment of U.S. Patent No. 8,116,929 to Donnelly Corporation
Exhibit F	Certificate of Amendment to the Articles of Incorporation, Donnelly Corporation to Magna Donnelly Corporation
Exhibit G	Certificate of Amendment to the Articles of Incorporation, Magna Donnelly Corporation to Magna Mirrors of America, Inc.
Exhibit H	Notice of Recordation of Assignment for U.S. Patent No. 8,116,929 from Magna Mirrors of America, Inc., to Magna Electronics Inc.
Exhibit I	Notice of Recordation of Assignment for U.S. Patent No. 8,593,521 B2 from Magna Mirrors of America, Inc., to Magna Electronics Inc.
Exhibit J	Notice of Recordation of Assignment of U.S. Patent No. 8,593,521 to Donnelly Corporation
Confidential Exhibit K	Declaration of Dr. Niall R. Lynam [CONFIDENTIAL EXHIBIT]
Exhibit L	Chart Demonstrating Infringement by Respondent TRW Automotive U.S. LLC of Independent Claim 1 of U.S. Patent No. 8,116,929
Confidential Exhibit M	Chart Demonstrating Infringement by Respondent TRW Automotive U.S. LLC of Independent Claim 1 U.S. Patent No. 8,593,521 [CONFIDENTIAL EXHIBIT]
Exhibit N	Declaration of Megan Morgan
Exhibit O	"GM begins production of 2014 Silverado in Mexico; Flint production to begin later in 2013" <i>available at</i> <a href="http://www.mlive.com/business/mid-michigan/index.ssf/2013/04/gm_begins_production_of_2014_s.html">http://www.mlive.com/business/mid-michigan/index.ssf/2013/04/gm_begins_production_of_2014_s.html</a>
Confidential Exhibit P	Claim Chart Demonstrating Domestic Industry, Technical Prong, of Magna Electronics Inc. in U.S. Patent No. 8,116,929 [CONFIDENTIAL EXHIBIT]
Confidential Exhibit Q	Claim Chart Demonstrating Domestic Industry, Technical Prong, of Magna Electronics Inc., in Independent Claim 1 of U.S. Patent No. 8,593,521 [CONFIDENTIAL EXHIBIT]

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Confidential Exhibit R	Declaration of David Turnbull [CONFIDENTIAL EXHIBIT]
Exhibit S	Georg Schneider & Gideon Stein, "Video-based driver assistant systems with TRW Scalable Camera," V.I.S.I.O.N. International Conference and Exhibition, Oct. 6-7, 2010 [M124151-M124160]
Confidential Exhibit T	October 26, 2010 Email from Dr. D. Kirkmann to N. Lynam [CONFIDENTIAL EXHIBIT]
Exhibit U	"Challenges and Solutions for Bundling Multiple DAS Applications on a Single Hardware Platform," Gideon P. Stein, Itay Gat, and Gaby Hayon, Mobileye Vision Technologies Ltd., Jerusalem, Israel [M021109-M021116]
Confidential Exhibit V	Mobileye presentation, "4 exposure scheme – EyeQ2 low res" [CONFIDENTIAL EXHIBIT]
Confidential Exhibit W	Chart Demonstrating Infringement by Respondent TRW Automotive U.S. LLC of Independent Claim 38 of U.S. Patent No. 8,593,521 [CONFIDENTIAL EXHIBIT]
Exhibit X	U.S. Patent No. 8,164,628
Exhibit Y	U.S. Published Patent Application, <i>Detection of Obstacles at Night by Analysis of Shadows</i> , Published June 13, 2013
Exhibit Z	Magna Press Release, December 1, 2011, <i>available at</i> <a href="http://www.magna.com/media/press-releases-news/news-page/2011/12/01/media-release---magna-launches-camera-based-driver-assistance-system-which-offers-affordable-safety-and-convenience">http://www.magna.com/media/press-releases-news/news-page/2011/12/01/media-release---magna-launches-camera-based-driver-assistance-system-which-offers-affordable-safety-and-convenience</a>
Confidential Exhibit AA	Chart Demonstrating Infringement by Respondent TRW Automotive U.S. LLC of Independent System Claim 29 of U.S. Patent No. 8,593,521 [CONFIDENTIAL EXHIBIT]

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### **PHYSICAL EXHIBIT LIST**

Physical Ex. 1	Magna Domestic Driver Assistance System Camera
Physical Ex. 2	TRW S-Cam Driver Assistance System Camera

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### APPENDICES

Appendix A	Prosecution history of the '929 patent
Appendix B	Prosecution history of the '521 patent
Appendix C	Technical references mentioned in prosecution history for the '929 patent
Appendix D	Technical references mentioned in prosecution history for the '521 patent

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### I. INTRODUCTION

1. This Complaint is filed by Complainant Magna Electronics Inc. (Magna or Complainant), pursuant to Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337). Magna respectfully requests that the U.S. International Trade Commission (the Commission) institute an investigation relating to the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain Vision-Based Driver Assistance System Cameras and Components Thereof (the Accused Products) by proposed Respondent TRW Automotive U.S. LLC (TRW).<sup>1</sup>

2. TRW has violated and continues to violate Section 337 through the unlicensed importation, sale for importation, and/or the sale within the United States after importation of certain vision-based driver assistance system cameras and components thereof that infringe one or more system/apparatus claims of each of U.S. Patent No. 8,116,929 (the '929 patent) (Exhibit A) and U.S. Patent No. 8,593,521 (the '521 patent) (Exhibit B) (collectively, the Asserted Patents).

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<sup>1</sup> Complainant Magna and proposed respondent TRW are parties to a recently-instituted investigation entitled *Certain Vision-Based Driver Assistance System Cameras and Components Thereof*, Inv. No. 337-TA-899 (the 899 investigation). In the 899 investigation, TRW is the Complainant; Magna is the Respondent. In the 899 investigation, and in any investigation the Commission may institute concerning the instant Complaint, driver assistance system cameras involving lane departure warning features are at issue. On information and belief, both Magna's and TRW's cameras use an imported image processor provided by a company known as Mobileye. See, e.g., at ¶ 37 herein.

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3. Magna owns by assignment the entire right, title and interest in each of these patents.

4. Magna has established a domestic industry through each of (1) significant investment in plant and equipment, (2) significant employment of labor or capital, and (3) substantial investment in the exploitation of the Asserted Patents, through its activities in the United States that are protected by the Asserted Patents, and, in particular, its forward facing camera modules (FCMs).

5. Magna therefore seeks a limited exclusion order, as provided by Sections 337(d) and (g) of the Tariff Act of 1930, as amended, excluding the Accused Products of TRW, including components thereof, from entry into the United States.

6. Magna further seeks a cease and desist order compelling TRW to stop the importation, solicitation of any sale, sale for importation, sale after importation, advertising, promotion, marketing, advertising, demonstrating or warehousing of Accused Products within the United States.

## II. THE PARTIES

### A. Complainant

7. Magna is a Delaware corporation with a registered office and a place of business at 2050 Auburn Road, Auburn Hills, Michigan 48326. Magna is a subsidiary of Magna International, Inc., a Canadian corporation.

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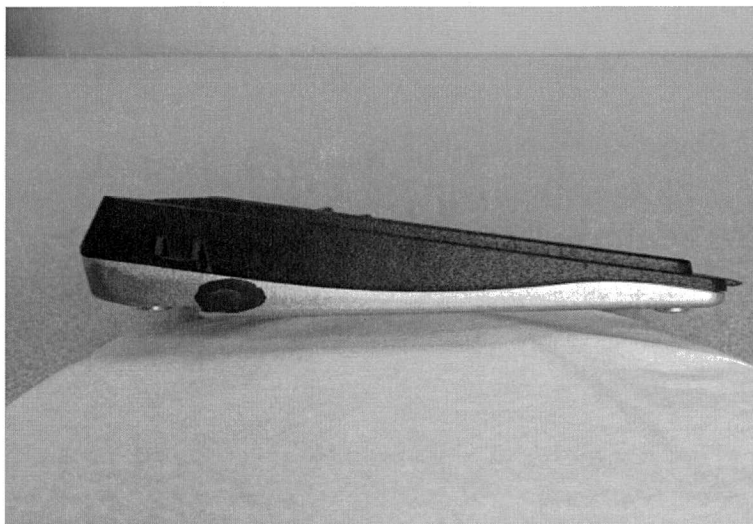
8. Magna employs over 500 people in its driver assistance system business in the United States, where it designs, manufactures, installs and services FCMs.

9. In recent years, Magna has invested [ ] in research and development. To protect its investments, Magna has sought patent protection, and owns numerous patents and pending patent applications.

10. In relation to this investigation, Magna designs, develops, markets and sells driver assistance systems, in particular FCMs, as shown below in front and perspective views. These provide users with, *inter alia*, an intelligent headlamp control feature and a lane departure warning feature. The FCMs are also able to determine objects of interest in their field of view, that can be reported back to the user. Magna's United States-based research and development of these devices led to the technology at issue in this proposed investigation, and provide a foundation for Magna's domestic industry. Photographs of Magna's domestic product follow below:



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11. Magna's continued success depends in substantial part on its ability to establish, maintain, and protect its proprietary technology through, *inter alia*, enforcement of its patent rights.

### **B. Proposed Respondent**

12. TRW is a Delaware corporation with its corporate offices at 12001 Tech Center Drive, Livonia, Michigan 48150.

13. On information and belief, TRW offers for sale, sells for importation, manufactures and imports into the United States and/or sells for importation into the United States and/or sells after importation a variety of vision-based driver assistance system cameras and/or components thereof that infringe the Asserted Patents. *See* Exhibit C.



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### III. RELATED INVESTIGATION

14. As noted in footnote 1, this Complaint involves the same parties and largely the same technology as another investigation recently instituted by at Commission where TRW is the Complainant and Magna is the Respondent. See Exhibit D. That Investigation is styled as *Certain Vision-Based Driver Assistance System Cameras and Components Thereof*, Inv. No. 337-TA-899.

15. In the 899 investigation, TRW alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain vision-based driver assistance system cameras and components thereof by reason of alleged infringement of certain claims of U.S. Patent No. 6,807,287 (the '287 patent).

### IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

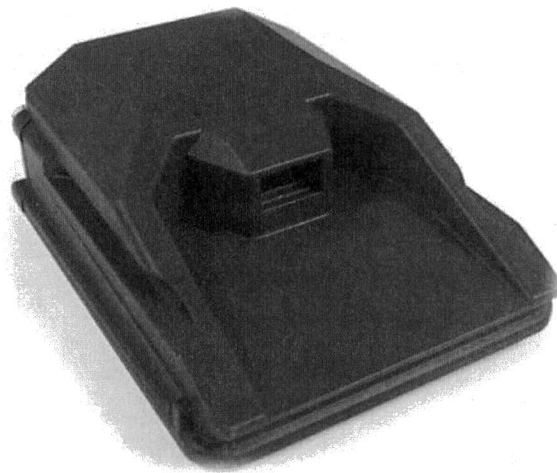
16. The technology at issue relates generally to vision-based driver assistance systems comprised of camera devices. These cameras provide users with a range of functions designed to improve awareness and safety.

17. In particular, the Accused Products relate to driver assistance systems that provide object detection, lane departure warning, and intelligent headlamp control functions.

18. The Accused Products are vision-based driver assistance systems comprised of camera devices and components of those systems. Among the various

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components of the cameras is an infringing image processor that is imported into the United States by TRW. *See* Confidential Exhibit K at 15, 16. Upon information and belief, many or all of the Accused Products are sold by TRW under the trademark "S-Cam" of which there are various models. Each of the Accused Products infringes at least one claim of each of the Asserted Patents. An infringing TRW vision-based driver assistance camera is shown directly below:



### V. THE ASSERTED PATENTS

#### A. The 8,116,929 Patent

##### 1. Identification and Ownership

19. Magna currently owns by assignment the entire right, title, and interest in the United States Patent No. 8,116,929, titled "Imaging System for Vehicle," which

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issued on February 14, 2012. A certified copy of the '929 patent is attached as Exhibit A.<sup>2</sup>

20. A copy of the recorded assignment from the inventor is attached as Exhibit E. Donnelly Corporation changed its name to Magna Donnelly Corporation on January 13, 2003. *See* Exhibit F. Magna Donnelly Corporation changed its name to Magna Mirrors of America, Inc. in a document signed on August 14, 2008 (effective September 1, 2008). *See* Exhibit G. Magna Mirrors of America, Inc. assigned the patent to Magna Electronics Inc. *See* Exhibit H.

21. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) four copies of the prosecution history of the '929 patent (Appendix A); and (2) four copies of each reference document mentioned in the prosecution history (Appendix C).

### **2. Foreign Counterparts**

22. Pursuant to Commission Rule 210.12(a)(9)(v), Magna states that there are no foreign patents or patent applications corresponding to the '929 patent. No other patent or patent application has been issued, withdrawn, abandoned, rejected, or remains pending.

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<sup>2</sup> Certified copies of the file history for the '929 patent and recordings of assignments for both Asserted Patents have been requested from the Patent and Trademark Office. Magna will provide those copies to the Commission promptly after they are received.

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### 3. Licensees

23. Magna has granted [ ] licenses under the '929 patent: [

].

### 4. Non-Technical Description of the Invention of the '929 Patent<sup>3</sup>

24. The '929 patent concerns use of the shadow cast on the ground by a host vehicle equipped with a forward detecting camera such as Magna's forward facing camera module (FCM). By detecting that shadow, the camera can determine the range to the vehicle ahead from the moving host vehicle in real time.

### 5. Prior Litigation Involving the '929 Patent

25. On the date that this Complaint is filed, Magna is also filing a complaint in the United States District Court for the Western District of Michigan (the Michigan action) alleging infringement of the two patents that are asserted in the instant Complaint. Other than the Michigan action, the '929 patent has not been and is not the subject of any other court or agency litigation.

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<sup>3</sup> All non-technical descriptions of the inventions herein are presented to comply with Commission Rule 210.12. These statements are not intended to be used nor should they be used for purposes of patent claim interpretation. Complainant presents these statements subject to and without waiver of its right to propose claim interpretations based on applicable claim interpretation jurisprudence and relevant intrinsic and extrinsic evidence.

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### **B. The 8,593,521 Patent**

#### **1. Identification and Ownership**

26. Magna owns by assignment the entire right, title, and interest in the United States Patent No. 8,593,521, titled "Imaging System for Vehicle," which issued on April 18, 2013. A certified copy of the '521 patent is attached as Exhibit B.

27. The recorded assignment from the inventors is attached as Exhibit J. Donnelly Corporation changed its name to Magna Donnelly Corporation on January 13, 2003. *See* Exhibit F. Magna Donnelly Corporation changed its name to Magna Mirrors of America, Inc. in a document signed on August 14, 2008 (effective September 1, 2008). *See* Exhibit G. Magna Mirrors of America, Inc. assigned the patent to Magna Electronics Inc. *See* Exhibit I.

28. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) one certified copy and three copies of the prosecution history of the '521 patent (Appendix B); and (2) four copies of each reference document mentioned in the prosecution history (Appendix D).

#### **2. Foreign Counterparts**

29. Pursuant to Commission Rule 210.12(a)(9)(v), Magna states that there are no foreign patents or patent applications corresponding to the '521 patent. No other patent or patent application has been issued, withdrawn, abandoned, rejected, or remains pending.

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### 3. Licensees

30. Magna has granted [ ] licenses under the '521 patent: [

].

### 4. Non-Technical Description of the '521 Patent

31. The '521 patent concerns an automotive forward detecting camera that operates with repeating image data frame sets. Each set itself has at least two frames. In each set, only one (and no other) particular frame is used for intelligent headlamp control; whereas one or more frames in that particular set can be used for other features, such as object detection, traffic sign recognition, and lane departure warning.

### 5. Prior Litigation Involving the '521 Patent

32. On the date that this Complaint is filed, Magna is also filing a complaint in the United States District Court for the Western District of Michigan (the Michigan action) alleging infringement of the two patents that are asserted in the instant Complaint. Other than the Michigan action, the '521 patent has not been and is not the subject of any other court or agency litigation.

## VI. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENT

33. On information and belief, Respondent has engaged in unlawful and unfair acts including the importation into the United States, sale for importation into the

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United States and/or sale within the United States after importation of Accused Products that infringe one or more of at least the following claims: claims 1, 2, 4 and 5 of the '929 patent and claims 1, 29, 35 and 39 of the '521 patent (collectively, the Asserted Claims). The following chart reflects the Asserted Claims:

United States Patent No.	Asserted Claims
8,116,929	1, 2, 4 and 5
8,593,521	1, 29, 35 and 39

Each of the Asserted Claims is a system/apparatus claim.

34. Respondent has directly infringed and continues to infringe directly, both literally and under the doctrine of equivalents, at least the Asserted Claims by, *inter alia*, its importation and sale for importation of the Accused Products in the United States.

35. Respondent knows of the Asserted Patents, has sold infringing articles to customers, and knew or should have known that those articles would subsequently be imported into the United States. Respondent has indirectly infringed and continues to infringe indirectly, both literally and under the doctrine of equivalents, by inducing and/or contributing to the infringement of the Asserted Claims.

36. On information and belief, Respondent actively induces others to infringe, both literally and under the doctrine of equivalents, at least the Asserted Claims, because it knows or has reason to know that selling the Accused Products in the United

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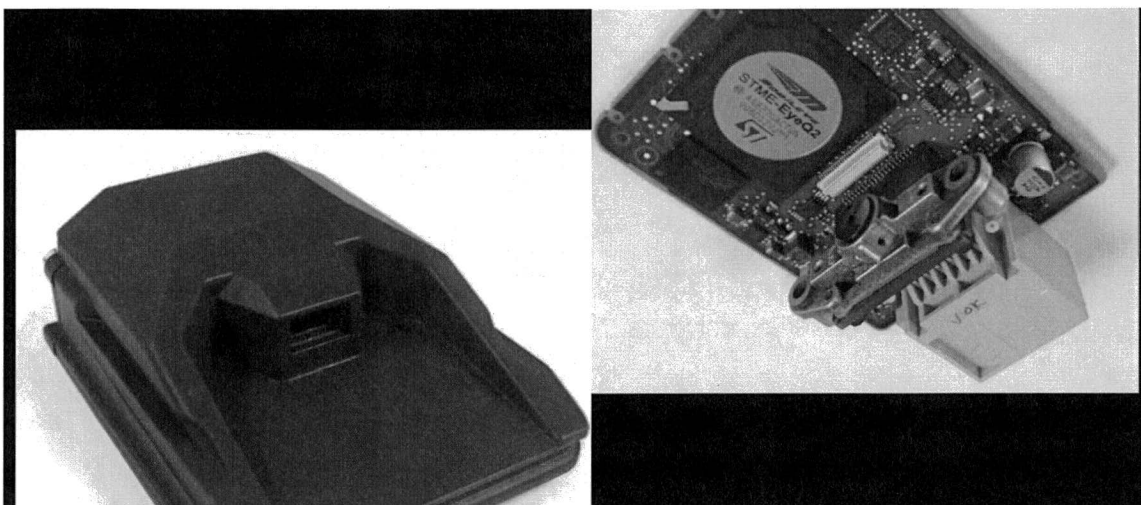
States or selling the Accused Products for importation into the United States together with Respondent-produced training, user manuals, instructions and other materials will cause others to practice the Asserted Claims and Respondent actively and intentionally aids and abets that infringement. *See, e.g.*, Confidential Exhibit K, ¶¶ 25-26.

### **A. Infringement of the '929 Patent**

37. On information and belief, TRW produces "S-Cam" products that contain Mobileye processing chipsets. TRW produces several models of its "S-Cam," including at least one type that contains an EyeQ2 chip and at least one type that contains an EyeQ3 chip. A physical sample of the infringing "S-Cam" product is submitted herewith as Physical Exhibit 2. "S-Cam" products containing EyeQ2 chips and "S-Cam" products containing EyeQ3 chips both infringe the '929 patent. A claim chart showing infringement of the '929 patent is shown in Confidential Exhibit L. Photos of the TRW S-Cam, including with the EyeQ2 image processor chip visible, are shown below:



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38. On information and belief, TRW's S-Cam products, as described in the immediately preceding paragraph, infringe the '929 patent, are supplied to General Motors and are used in model year 2014 Chevrolet Silverado vehicles. The 2014 Chevrolet Silverado vehicles are imported into the United States. See Confidential Exhibit K at ¶ 23; Exhibits N, O.

### **B. Infringement of the '521 Patent**

39. On information and belief, TRW produces "S-Cam" products that contain a Mobileye EyeQ3 chip. See Exhibit C, available at <http://trw.mediaroom.com/index.php?s=32950&item=128111>. "S-Cam" products containing the imported EyeQ3 chips that infringe the '521 patent. Claim charts applying

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independent claims 1, 29, and 38 of the '521 patent to the Magna product are attached as Confidential Exhibits M, AA and W, respectively.<sup>4</sup>

40. On information and belief, TRW's S-Cam products as described in the immediately preceding paragraph infringe the '521 patent, are supplied to General Motors, and are used in model year 2014 Chevrolet Silverado vehicles. *See* Confidential Exhibit K at ¶¶ 23, 24. Model year 2014 Chevrolet Silverado vehicles containing the infringing TRW cameras have been imported into the United States. *See, e.g.*, Exhibit N.

### VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

41. On information and belief, the Respondent is and will continue importing, selling for importation and/or selling within the United States after importation S-Cam certain vision-based driver assistance system cameras and components thereof products that infringe the Asserted Patents in violation of Section 337. *See* Confidential Exhibit K at ¶¶ 23-27; Exhibit N.

42. Model year 2014 Chevrolet Silverado vehicles containing the infringing TRW cameras have been imported into the United States. *See, e.g.*, Exhibit N.

43. On information and belief, TRW knew or should have known that its S-Cam products supplied to General Motors and used in model year 2014 Chevrolet

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<sup>4</sup> Although independent claim 38 is not asserted, asserted claim 39 of the '521 patent depends upon claim 38.

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Silverado vehicles, manufactured in Mexico, would be imported into the United States.

See Confidential Exhibit K at ¶¶ 24-26; Exhibit O.

### **VIII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

44. On information and belief, the products at issue, including components, may be classified under at least the following headings of the Harmonized Tariff Schedule of the United States:

8302.30.30, 8504.50.80, 8512.20.40, 8512.30.00, 8525.80.40, 8525.80.50,  
8529.90.06, 8529.90.09, 8529.90.63, 8529.90.81, 8532.22.00, 8532.24.00,  
8533.10.00, 8533.21.00, 8533.40.80, 8534.00.00, 8536.69.40, 8536.69.80,  
8538.90.30, 8541.10.00, 8541.21.00, 8541.29.00, 8541.50.00, 8541.60.00,  
8542.31.00, 8542.39.00, 8543.70.96, 8544.30.00, 8544.42.90, 9002.11.90,  
9002.90.95, 9006.40.40, 9006.40.60, 9006.40.90, 9006.51.00.

45. These classifications not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission to be enforced by U.S. Customs.

### **IX. MAGNA'S DOMESTIC INDUSTRY**

46. An industry, as required by 19 U.S.C. §1337(a)(2)-(3), exists in the United States relating to vision-based driver assistance system cameras and components thereof made by Magna known as forward facing camera modules (FCMs) and protected by the Asserted Patents.

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

47. Magna manufactures in the United States various devices covered by at least claim 1 of the '929 patent and claim 1 of the '521 patent. A physical sample of Magna's FCM product is submitted as Physical Exhibit 1.

#### **1. The '929 Patent**

48. The Magna FCM products are protected by the '929 patent. A chart applying claim 1 of the '929 patent to Magna's domestic product is attached hereto as Confidential Exhibit P.

#### **2. The '521 Patent**

49. The Magna FCM products are protected by the '521 patent. A chart applying claim 1 of the '521 patent to Magna's domestic product is attached hereto as Confidential Exhibit Q.

### **B. The Economic Prong**

#### **1. Significant U.S. Investment in Plant and Equipment**

50. An industry, as defined in Section 337(a)(3), exists in the United States by virtue of Magna's significant investment in plant and equipment directed to Magna's machine vision-based driver assistance system cameras, known as the Magna FCM product, that are protected by the Asserted Patents.

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51. Magna Electronics conducts extensive activities in the United States directed to its FCMs. These activities include, but are not limited to, manufacturing, quality control, packaging, materials and product engineering, research and development, warranty and technical support, and customer service. *See* Confidential Exhibit R at ¶¶ 9, 10.

52. Magna's U.S. facilities have a combined square footage of over [ ] square feet. *See id.*, at ¶ 14. More than [ ] square feet of these facilities are dedicated to producing the FCMs. *See id.*, at ¶ 14.

53. Magna's significant investment in the equipment used to manufacture its FCMs is set forth in Confidential Exhibit R, ¶¶ 4, 10.

### **2. Significant U.S. Employment of Labor and Capital**

54. An industry, as defined in Section 337(a)(3), exists in the United States by virtue of Magna's significant investment in employment of labor and capital directed to Magna's FCMs that are protected by the Asserted Patents.

55. Magna has made significant investment in labor and capital. Confidential Exhibit R sets forth the total amount of capital expended by Magna in connection with the manufacture of its FCMs. *See id.*, ¶¶ 10, 11.

56. Magna Electronics employs over 500 individuals in its U.S. vision-based driver assistance system operations. Of these, approximately [ ] perform work

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related to Magna's FCM products. *See id.*, ¶ 12. In total, the U.S.-based employees who perform work related to the FCM products which earn approximately \$[ ] per year in compensation, wages, and benefits. *See id.*

### 3. Substantial U.S. Investment in the Exploitation of the Asserted Patents

57. An industry, as defined in Section 337(a)(3), exists in the United States by virtue of Magna's significant investment in the exploitation of the Asserted Patents including engineering and research and development. *See id.*, ¶ 8. As noted above, Magna conducts extensive activities in the United States directed to engineering and research and development concerning its FCM products. Moreover, Magna has invested substantial amounts in these activities in the United States. *See Confidential Exhibit R*, ¶ 10.

### X. OTHER PROCEEDINGS

58. TRW filed a Complaint on June 24, 2013 in the U.S. District Court for the Western District of Michigan, Case No. 13-cv-00687. That case alleged infringement of U.S. Patent No. 6,807,287 (the '287 patent) and U.S. Patent No. 8,233,045 (the '045 patent) by Magna. TRW has amended that lawsuit to realign infringement of the '287 patent to Case No. 13-cv-00324, discussed below.

59. Magna filed a Complaint in the Western District of Michigan, Case No. 12-cv-654, on June 20, 2012 alleging infringement of eight U.S. Patents, Nos. 6,097,023;

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7,423,248; 7,459,664; 7,339,149; 7,344,261; 7,655,894; 7,994,462; and 8,203,440. On July 18, 2012, Magna amended its original complaint in that lawsuit to add an additional claim of infringement of U.S. Patent No. 8,222,588. On December 26, 2012, Magna filed a second amended complaint to add additional claims of infringement of U.S. Patent Nos. 8,314,689 and 8,324,552.

60. On March 26, 2013, Magna filed a separate lawsuit No. 13-cv-00324 in the Western District of Michigan alleging infringement of an additional U.S. Patent No. 8,405,726. On June 21, 2013, Magna amended its original complaint in that lawsuit to add a second claim of infringement of U.S. Patent No. 7,533,998. TRW has answered, alleging infringement of the '287 patent as a counterclaim.<sup>5</sup> Magna has subsequently filed second and third amended complaints adding allegations of infringement of U.S. Patent Nos. 8,179,437; 8,481,916; 8,508,593; 8,513,590; 8,531,278; and 8,531,279. The -324 action has been consolidated with the original -654 case.

61. On August 8, 2013, Magna asserted counterclaims in Case No. 13-cv-00687 adding two patents from the same family as the complaint filed June 20, 2012, U.S. Patent Nos. 8,481,910 and 8,492,698.

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<sup>5</sup> On December 3, 2013, Magna moved the court to stay TRW's counterclaim pursuant to 28 U.S.C. § 1659(a).

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62. On September 20, 2013, as discussed above, TRW filed a complaint before the Commission seeking institution of an investigation based on the alleged infringement of the '287 patent (the 899 investigation).

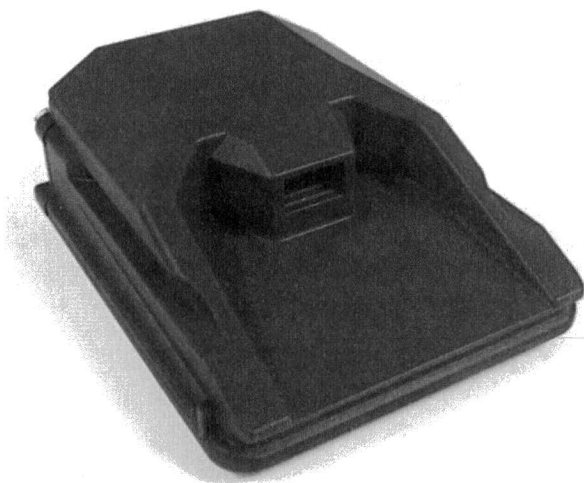
63. This investigation and the 899 investigation are the same in all material respects. In particular, both matters involve forward facing cameras from Magna and TRW, respectively, shown directly below, installed in vehicles that are able to identify certain objects or features. Both matters further involve technology that acts upon those identifications by providing functions such as a lane departure warning system. Finally, both matters involve a product called EyeQ image processors manufactured by Mobileye and purchased and imported into the United States by TRW (and Magna).



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(Magna)



(TRW)

64. As noted, on the same date that this Complaint was submitted to the Commission, Magna filed a lawsuit in the United States District Court for the Western District of Michigan alleging infringement by TRW of the two patents asserted in this investigation.

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### XI. REQUEST FOR RELIEF

65. Complainant Magna respectfully requests that the Commission:

A. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the violation by Respondent of Section 337 arising from the importation into the United States, sale for importation in the United States, and/or sale within the United States after importation of Accused Products that infringe the Asserted Patents;

B. Schedule and conduct a hearing pursuant to Section 337(c), for the purposes of (1) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (2) following the hearing, determine that there has been a violation of Section 337;

C. Issue a permanent limited exclusion order directed to products manufactured by or for TRW, its subsidiaries, related companies and agents pursuant to Section 337(d) excluding entry into the United States of Accused Products that infringe the Asserted Patents;

D. Issue a permanent cease and desist order, pursuant to Section 337(f), prohibiting TRW, its subsidiaries, related companies and agents from engaging in importation, sale for importation, marketing and/or advertising, distribution, offering

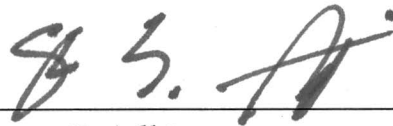
**PUBLIC VERSION**

for sale, sale, use after importation, sale after importation, packaging, or other transfer within the United States of Accused Products that infringe the Asserted Patents; and

E. Grant all such other and further relief as it deems appropriate under the law, based on the facts determined by the investigation and the authority of the Commission.

Dated: December 21<sup>st</sup>, 2013

Respectfully submitted,



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