

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

MAGNA MIRRORS OF AMERICA, INC.

Plaintiff,

vs.

SAMVARDHANA MOTHERSON
REFLECTEC GROUP HOLDINGS
LIMITED, et al.,

Defendants.

CASE NO. 1:17-CV-77

HON. ROBERT J. JONKER

DEMAND FOR JURY TRIAL

SECOND AMENDED COMPLAINT

Pursuant to Rules 7(a) and 15 of the Federal Rules of Civil Procedure, Plaintiff Magna Mirrors of America, Inc. (“Magna Mirrors” or “Plaintiff”) hereby provides its Second Amended Complaint against Defendants Samvardhana Motherson Reflectec Group Holdings Limited, SMR Automotive Mirror Parts and Holdings UK Limited, SMR Mirrors UK Limited, SMR Automotive Mirrors UK Limited, SMR Automotive Systems USA Inc., SMR Automotive Mirror Systems Holding Deutschland GmbH, SMR Automotive Mirrors Stuttgart GmbH, SMR Automotive Vision Systems Mexico S.A. de C.V., and SMR Automotive Servicios Mexico S.A. de C.V., (collectively, “SMR” or “SMR Defendants” or “Defendants”) for patent infringement.

THE PARTIES

1. Plaintiff Magna Mirrors is a corporation organized and existing under the laws of the State of Michigan, having a registered address of 601 Abbot Road, East Lansing, Michigan 48823.

2. Historically, Magna Mirrors has also done business under the registered assumed names of “Donnelly Corporation” and “Magna Donnelly Corporation”. In October 2002, a subsidiary of Magna International Inc. acquired all the outstanding shares of Donnelly Corporation. In 2003, Donnelly Corporation changed its name to Magna Donnelly Corporation. In 2008, Magna Donnelly Corporation changed its name to Magna Mirrors of America, Inc. For purposes of this Second Amended Complaint, Magna Mirrors of America, Inc., Magna Donnelly Corporation and Donnelly Corporation will collectively be referred to as “Magna Mirrors”.
3. Magna Mirrors is a leading designer and manufacturer of exterior and interior mirror systems for the automotive industry, and has a place of business in this jurisdiction at 5085 Kraft Ave. S.E., Kentwood, Michigan 49512.
4. Upon information and belief, Samvardhana Motherson Reflectec Group Holdings Limited (“SMR Reflectec”), also known or previously known as Samvardhana Motherson Visiocorp Solutions Limited, is a foreign corporation with its registered address in Jersey which has transacted business within the State of Michigan. SMR Reflectec is a member of, and is controlled by, the Samvardhana Motherson Group (“SMG”) and conducts business as Samvardhana Motherson Reflectec and has a website at <http://www.smr-automotive.com/>. SMR Reflectec is part of Samvardhana Motherson Automotive Systems Group B.V. (“SMRP BV”) and is focused on developing, producing and distributing rear vision systems for the international automotive industry, with regional engineering, sales and project management centers in North America, Europe, Asia and Australia. Upon information and belief, SMR Reflectec is jointly

controlled by Motherson Sumi Systems Limited and Samvardhana Motherson International Limited.

5. Based on information and belief, SMR Reflectec, on its own and through its subsidiaries and through companies under its control, uses, causes to be used, imports, causes to be imported, manufactures, causes to be manufactured, sells, causes to sell, offers for sale, causes to be offered for sale, causes supply of, and/or supplies infringing products and components in and into the United States, including within this Judicial District. Certain of the subsidiaries and companies under the control of SMR Reflectec include:

SMR Automotive Mirror Parts and Holdings UK Limited (held by SMR Reflectec) (“SMR Holdings UK”),

SMR Mirrors UK Limited (“SMR Mirrors UK”),

SMR Automotive Mirrors UK Limited (held by SMR Holdings UK) (“SMR UK”),

SMR Automotive Systems USA Inc. (“SMR USA”),

SMR Automotive Mirror Systems Holding Deutschland GmbH (held by SMR Holdings UK) (“SMR Holding Deutschland”),

SMR Automotive Mirrors Stuttgart GmbH (held by SMR Holding Deutschland) (“SMR Germany”),

SMR Automotive Vision Systems Mexico S.A. de C.V. (held by SMR Stuttgart) (“SMR Mexico”),

SMR Automotive Servicios Mexico S.A. de C.V. (held by SMR Mexico) (“SMR Servicios Mexico”).

6. Upon information and belief, SMR Automotive Systems USA Inc. (“SMR USA”) is a corporation organized and existing under the laws of the State of Michigan, having a registered address of 1855 Busha Highway, Marysville, Michigan 48040. Based on information and belief, SMR USA operates as an indirect subsidiary of, and is controlled by, SMR Reflectec. Based on information and belief, SMR USA has locations in Marysville, Michigan; Port Huron, Michigan; Troy, Michigan; and Louisville, Kentucky.

Based on information and belief, SMR USA manufactures infringing products and components in the State of Michigan, which it imports and/or causes to be imported into this Judicial District. Based on information and belief, SMR USA imports, causes to be imported, uses, causes to be used, manufactures, causes to be manufactured, sells, causes to sell, offers for sale, causes to be offered for sale, causes supply of, and/or supplies infringing products and components in and into the United States, including within this Judicial District. Based on information and belief, SMR Reflectec senior management representative Cezary (“Char”) Zawadzinski and SMG management representative Andreas Heuser, are officers and/or directors of SMR USA. *See* Exhibit A.

7. Upon information and belief, SMR Automotive Mirrors UK Limited (“SMR UK”) is a foreign corporation with a place of business in Porchester, England. Based on information and belief, SMR UK operates as an indirect subsidiary of, and is controlled by, SMR Reflectec, and is directly held and controlled by SMR Holdings UK as indicated in Paragraph 5. Based on information and belief, SMR UK manufactures infringing products and components, which it imports and/or causes to be imported into the United States, including within this Judicial District. Based on information and belief, SMR UK imports, causes to be imported, uses, causes to be used, manufactures, causes to be manufactured, sells, causes to sell, offers for sale, causes to be offered for sale, causes supply of, and/or supplies infringing products and components in and into the United States, including within this Judicial District. Based on information and belief, SMR Reflectec senior management representative Char Zawadzinski and SMG management representative Andreas Heuser are directors of SMR UK. *See* Exhibit B.

8. Upon information and belief, SMR Mirrors UK Limited (“SMR Mirrors UK”) is a foreign corporation with a place of business in England. Based on information and belief, SMR Mirrors UK operates as an indirect subsidiary of, and is controlled by, SMR Reflectec. Based on information and belief, SMR Mirrors UK manufactures infringing products and components, which it imports and/or causes to be imported into the United States, including within this Judicial District. Based on information and belief, SMR Mirrors UK imports, causes to be imported, uses, causes to be used, manufactures, causes to be manufactured, sells, causes to sell, offers for sale, causes to be offered for sale, causes supply of, and/or supplies infringing products and components in and into the United States, including within this Judicial District. Based on information and belief, SMR Reflectec senior management representative Char Zawadzinski and SMG management representative Andreas Heuser are directors of SMR Mirrors UK. *See* Exhibit C.
9. Upon information and belief, SMR Automotive Mirror Parts and Holdings UK Limited (“SMR Holdings UK”) is a foreign corporation with a place of business in England. Based on information and belief, SMR Holdings UK operates as a direct subsidiary of, and is controlled and held by SMR Reflectec as indicated in Paragraph 5. Based on information and belief, SMR Holdings UK manufactures infringing products and components, which it imports and/or causes to be imported into the United States, including within this Judicial District. Based on information and belief, SMR Holdings UK imports, causes to be imported, uses, causes to be used, manufactures, causes to be manufactured, sells, causes to sell, offers for sale, causes to be offered for sale, causes supply of, and/or supplies infringing products and components in and into the United

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