

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

Certain Articulated Coordinate Measuring
Arms And Components Thereof

Investigation No. 337-TA-_____

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

<u>Filed on Behalf of Complainants</u>	<u>Proposed Respondents</u>
<p>Hexagon Metrology AB Lilla Bantorget 15 SE-103 59 Stockholm Sweden 011-44-20-8600-7241</p> <p>Hexagon Metrology, Inc. 250 Circuit Drive North Kingstown, Rhode Island 02852 011-44-20-8600-7241</p>	<p>Metris N.V. Interleuvenlann 86 3001 Leuven, Belgium</p> <p>Metris U.S.A., Inc. 12701 Grand River Avenue Brighton, Michigan 48116</p> <p>Mitutoyo Corporation 20-1, Sakado 1-Chome Takatsu-ku, Kawasaki-shi Kanagawa 213-8533, Japan</p>
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Appendix D – Certified Copy of the Second Reexamination Prosecution History of U.S. Patent No. 5,829,148

I. INTRODUCTION

1.1 This complaint is filed by Hexagon Metrology AB and Hexagon Metrology, Inc. (collectively “Hexagon”) pursuant to Section 337 of the Tariff Act of 1930, as amended, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation by proposed Respondents Metris N.V. and Metris U.S.A., Inc. (collectively “Metris Respondents”); and Mitutoyo Corporation and Mitutoyo America Corporation (collectively “Mitutoyo Respondents”), of certain articulated coordinate measuring arms and components thereof that directly and/or contributorily infringe United States Patent No. 5,829,148 (the “148 Patent”). In addition, the Metris Respondents and the Mitutoyo Respondents induce infringement of the ‘148 Patent. Hexagon seeks as relief an order excluding the infringing coordinate measuring arms from entry into the United States and a cease and desist order or orders halting the sale of the infringing coordinate measuring arms.

II. COMPLAINANTS

2.1 Complainant Hexagon Metrology AB is a Swedish limited liability company having its principal place of business at Lilla Bantorget 15, SE-103 59, Stockholm, Sweden.

2.2 Complainant Hexagon Metrology, Inc. is a Delaware company having its principal place of business at 250 Circuit Dr., North Kingstown, Rhode Island 02852.

2.2 Hexagon is a global leader in the supply of metrology equipment and software, including coordinate measuring machines. Metrology equipment and software allows Hexagon’s customers to fully control manufacturing processes that rely on dimensional precision, ensuring that products manufactured precisely conform to the original product design.

2.3 In its continual efforts to develop innovative technology for multidimensional measurement, Hexagon has a research and development budget that is close to 10% of its sales.

2.4 In the United States, Hexagon has approximately 500 employees. Hexagon has

dedicated its Carlsbad, California facility to the research, development, and manufacture of metrology equipment and software. Hexagon provides technical support for its customers with offices throughout the United States.

III. PROPOSED RESPONDENTS

3.1 Four proposed respondents are identified in this Complaint. Metris N.V. is a Belgium corporation having its principal place of business at Interleuvenlann 86, 3001 Leuven, Belgium. The nature of Metris N.V.'s business is metrology equipment and software. Metris N.V. sells for importation, imports into the United States and/or sells within the United States after importation certain articulated coordinate measuring arms and/or components thereof that directly and/or contributorily infringe the '148 Patent. Metris N.V. induces infringement of the '148 Patent by instructing customers on the use of the certain articulated coordinate measuring arms with a probe.

3.2 Metris U.S.A., Inc. is a Michigan corporation having its principal place of business at 12701 Grand River Avenue, Brighton, Michigan 48116. Upon information and belief, Metris U.S.A., Inc. is a U.S. subsidiary of Metris N.V. The nature of Metris U.S.A., Inc.'s business is metrology equipment and software. Metris U.S.A., Inc. sells for importation, imports into the United States and/or sells within the United States after importation certain articulated coordinate measuring arms and/or components thereof that directly and/or contributorily infringe the '148 Patent. Metris U.S.A., Inc. induces infringement of the '148 Patent by instructing customers on the use of the certain articulated coordinate measuring arms with a probe.

3.3 Mitutoyo Corporation is a Japanese corporation having its principal place of business at 20-1, Sakado 1-Chome, Takatsu-ku, Kawasaki-shi, Kanagawa 213-8533, Japan. The

nature of Mitutoyo Corporation's business is metrology equipment and software. Upon information and belief, Mitutoyo Corporation sells for importation, imports into the United States and/or sells within the United States after importation certain articulated coordinate measuring arms and/or components thereof that directly and/or contributorily infringe the '148 Patent and induces infringement of the '148 Patent. Mitutoyo Corporation induces infringement of the '148 Patent by instructing customers on the use of the articulated coordinate measuring arms with a probe.

3.4 Mitutoyo America Corporation is a New York corporation having its principal place of business at 965 Corporate Boulevard, Aurora, Illinois 60502. The nature of Mitutoyo America Corporation's business is metrology equipment and software. Upon information and belief, Mitutoyo America Corporation sells for importation, imports into the United States and/or sells within the United States after importation certain articulated coordinate measuring arms and/or components thereof that directly and/or contributorily infringe the '148 Patent and induces infringement of the '148 Patent. Mitutoyo America Corporation induces infringement of the '148 Patent by instructing customers on the use of the articulated coordinate measuring arms with a probe.

IV. ARTICULATED COORDINATE MEASURING ARMS

4.1 Hexagon Metrology AB through its licensee Hexagon Metrology, Inc., manufactures and sells in the United States coordinate measuring machines ("CMM"). A CMM is a device for measuring the physical geometrical characteristics of an object. A CMM may be manually controlled by an operator or it may be computer controlled. Measurements are defined by a probe attached to a moving axis of the machine. Probes may be mechanical, optical, or laser, among others. CMMs are used in numerous industries, including aerospace, automotive,

heavy equipment, defense, shipbuilding, off-highway vehicles, tube bending, furniture, machine shops, molded plastics, sheet metal, die and mold shops, product designers, and many other industrial and manufacturing markets.

4.2 Portable arm coordinate measuring machines (“PCMMs”) allow you to take measurements directly in a manufacturing environment, where process improvements are the most beneficial. PCMMs are used for dimensional verification, alignment for assembly, CAD-comparison inspection, 3D scanning, reverse engineering, product development, rapid prototyping, tube geometry inspection, and many other quality control, inspection, and verification applications across many industries.

4.3 PCMMs comprise an articulated coordinate measuring arm coupled to a probe. The Infinite 2.0 is Hexagon’s easiest-to-use and most accurate articulated coordinate measuring arm that can be used with numerous probes, such as laser scanners and probes. The Infinite 2.0’s swiveling and hinging joint technology allows infinite rotation of principal axes to allow inspection and measuring in difficult-to-reach areas. Electrical signals including data are transmitted through a swiveling joint using an electrical slip-ring sub-assembly, which allows at least one of the joint assemblies to sweep through an unlimited arc. Hexagon also sells a variety of probes to be used with the Infinite 2.0. Pictures and descriptions of the Infinite 2.0 and examples of the probes Hexagon sells are shown in a marketing brochure, which is attached to this Complaint as Exhibit A.

V. THE PATENT AT ISSUE

A. Background Of The ‘148 Patent

5.1 Hexagon Metrology AB is the assignee of the ‘148 Patent, entitled Spatial Measuring Device. A copy of the ‘148 Patent is attached to this Complaint as Exhibit B. A

certified copy and three other copies of the prosecution history for the '148 Patent are submitted concurrently herewith as Appendix A. Appendix B submitted concurrently herewith contains four copies of the '148 Patent and each technical reference mentioned in the prosecution history of the '148 Patent.

5.2 On April 23, 1996, the inventor Homer L. Eaton filed United States Patent Application No. 636,590, which issued as the '148 Patent on November 3, 1998.

5.3 On August 17, 2004, Mr. Eaton assigned to Hexagon Metrology AB all his rights in the invention of the '148 Patent and all related patent applications. A certified copy of this assignment as filed with the United States Patent and Trademark Office ("USPTO") is attached to this Complaint as Exhibit C.

5.4 Effective August 17, 2004, Hexagon Metrology AB licensed the '148 Patent to Romer, Inc. A copy of the licensing agreement is attached to the Complaint as Exhibit D. On May 31, 2009, Romer, Inc. ("Romer") merged with Hexagon Metrology, Inc., and Hexagon Metrology, Inc. is the name of the surviving corporation. A copy of the Certificate of Merger is attached to the Complaint as Exhibit E. As a result of the merger, Hexagon Metrology, Inc. is the licensee of the '148 Patent.

5.5 The validity of the '148 Patent has been confirmed through two different reexamination proceedings at the USPTO. In response to both reexamination requests, the USPTO confirmed the validity of the '148 Patent without any amendments to the claims.

5.6 On July 29, 2004, a reexamination request was filed at the USPTO for the '148 Patent. No amendments were made to the patent claims. The USPTO confirmed the patentability of claims 1-17 of the '148 Patent, and on June 27, 2006, the reexamination certificate issued. A certified copy and three other copies of the prosecution history for this first

reexamination certificate for the '148 Patent are submitted concurrently herewith as Appendix C. Appendix B also contains four copies of each technical reference mentioned in this prosecution history for the first reexamination of the '148 Patent.

5.7 On September 15, 2005, a second reexamination request was filed at the USPTO for the '148 Patent. The USPTO again for the second time confirmed the patentability of claims 1-17 without any amendments, and the reexamination certificate issued on May 20, 2008. A certified copy and three other copies of the prosecution history for this second reexamination certificate for the '148 Patent are submitted concurrently herewith as Appendix D. Appendix B also contains four copies of each technical reference mentioned in this prosecution history for the second reexamination of the '148 Patent.

B. Non-Technical Description Of The '148 Patent Claims At Issue

5.8 The '148 Patent has seventeen claims. In this Complaint, claims 3, 4, 13, and 16 are at issue and cover the articulated coordinate measuring arms and components thereof that the Respondents Metris N.V., Metris U.S.A., Inc., Mitutoyo Corporation, and Mitutoyo America Corporation import into the United States, sell for importation, and/or sell within the United States after importation.

5.9 Independent Claim 3 is directed to an articulated coordinate measuring arm with a base on one end and a probe on the other, connected by a series of transfer members having an inner shaft, outer sheath, and bearings connected by swiveling and/or hinging joint assemblies where at least one of the joint assemblies is capable of sweeping through an unlimited arc.

5.10 Independent Claim 4 is directed to an articulated coordinate measuring arm with a base on one end and a probe on the other, connected by a series of transfer members having an inner shaft, outer sheath, and bearings connected by swiveling and/or hinging joint assemblies

that include at least one slip-ring assembly to transmit electrical signals.

5.11 Independent Claim 13 is directed to an articulated coordinate measuring arm with a plurality of transfer members having an inner shaft, outer sheath, and bearings where the members are connected by, *inter alia*, a joint assembly that allows a sweep through an unlimited arc.

5.12 Claim 16 depends on Claim 13 and provides for the joint assembly to include at least one slip-ring assembly to transmit electrical signals.

C. Foreign Counterparts To The '148 Patent

5.13 On April 22, 1997, an international patent application related to the '148 Patent was filed with the World Intellectual Property Organization ("WIPO"). WIPO published this application on October 30, 1997, under International Publication Number WO 97/40336 (the "'336 Application").

5.14 The '336 Application was also filed on April 22, 1997, with the European Patent Office, and it was published on October 30, 1997, as EP0895574 (the "'574 Application"). The '574 Application is still pending.

5.15 On March 21, 2006, the Canadian Intellectual Property Office issued Canadian Patent No. 2 252 481 which is related to the '148 Patent.

5.16 No other foreign patent applications corresponding to the '148 Patent have been filed, abandoned, withdrawn, or rejected.

D. Related Litigation

5.17 The '148 Patent has previously been litigated. On November 25, 2003, Cimcore Corporation ("Cimcore"), Romer, and Homer Eaton filed a lawsuit against Faro Technologies, Inc. ("Faro") for infringement of the '148 Patent in the United States District Court for the

Southern District of California, Case No. 03 CV 2355-B(WMC), before Judge Rudi M. Brewster. Faro counterclaimed against all three parties for invalidity of the '148 Patent.

5.18 Hexagon was added as a plaintiff on March 29, 2005, after it became the assignee of the '148 Patent, and on April 19, 2005, Faro added Hexagon as a counter-defendant.

5.19 Romer was the non-exclusive licensee of the '148 Patent. Cimcore was a subsidiary of Romer through which Romer sold its coordinate measuring machines. In 2004, Romer became a subsidiary of Hexagon.

5.20 A jury trial commenced on October 30, 2006, during which the plaintiffs asserted infringement of claims 1, 2, and 3 of the '148 Patent, and Faro asserted invalidity of the same claims. The jury found the '148 Patent valid on all grounds rejecting Faro's assertions of invalidity, including anticipation, obviousness, and indefiniteness. The jury was hung on the infringement issues, and the court granted Faro's motion for a mistrial on the infringement issues.

5.21 On December 7, 2006, the court entered final judgment that claims 1, 2, and 3 of the '148 Patent are not invalid for anticipation, obviousness, and indefiniteness. Faro moved for a new trial on its invalidity counterclaims, but the court denied its motion. The parties later reached a settlement agreement, and the case was dismissed on March 29, 2007.

5.22 Additionally, on July 15, 2009, Hexagon Metrology AB filed a lawsuit against the Metris Respondents and the Mitutoyo Respondents for their infringement of the '148 Patent in the United States District Court for the District of Massachusetts, Case No. 1:09-cv-11211-RWZ, before Judge Rya W. Zobel ("District Court Litigation"). The Metris Respondents and the Mitutoyo Respondents have all received a copy of the Complaint. Metris U.S.A., Inc. and Mitutoyo America Corporation have been officially served with the Complaint in the United

States. Official service of the Complaint against Metris N.V. and Mitutoyo Corporation is in process under the Hague Convention. This case is currently pending.

E. Identification Of Licenses

5.23 As discussed above in paragraph 5.4, effective August 17, 2004, Hexagon Metrology AB licensed the '148 Patent to Romer who later merged with Hexagon Metrology, Inc. *See* Exhibit E.

5.24 Neither Hexagon Metrology AB nor Hexagon Metrology, Inc. have licensed the '148 Patent or its foreign counterparts to any other company or entity.

VI. RESPONDENTS' UNLAWFUL ACTIVITIES AND SPECIFIC INSTANCES OF UNFAIR IMPORTATION

6.1 As set forth in the Declaration of Mark Delaney (Exhibit F at ¶ 9), two articulated coordinate measuring arms and components thereof, including probes, were purchased in the United States from the Metris Respondents. The details of the purchase and the importation and sale documents are discussed in the Declaration of Mark Delaney. *Id.* As set forth in the Declaration of Steven Ilmud (Exhibit G at ¶¶ 8-11), the Mitutoyo Respondents displayed and demonstrated their articulated coordinate measuring arms and components thereof, including with a probe, at the EASTEC trade show in Springfield, Massachusetts in May 2009. The Metris Respondents' and the Mitutoyo Respondents' articulated coordinate measuring arms and components thereof are not manufactured in the United States. *Id.* at ¶ 13; Exhibit J.

A. The Metris Respondents

6.2 Respondent Metris N.V. sells for importation, imports into the United States and/or sells after importation into the United States articulated manual coordinate measuring arms ("MCA") and/or components thereof for MCAs with product number MCA 24 M6. A picture of the MCA 24 M6 is shown in Exhibit I. Metris N.V. sells several variants of its MCAs

under the I6/I7 and M6/M7 designations. Upon information and belief, all variants of these products are the same in all material aspects as the MCA 24 M6. As explained in the claim chart in Exhibit H, the MCA 24 M6 directly and/or contributorily infringes claims 3, 4, 13, and 16 of the '148 Patent.

6.3 Respondent Metris U.S.A., Inc. sells for importation, imports into the United States and/or sells after importation into the United States MCAs and/or components thereof. According to its website <http://us.metris.com> (Exhibit 2 to Declaration of Steven Ilmud, Exhibit G), Metris U.S.A., Inc. advertises and offers for sale several variants of its MCAs under the I6/I7 and M6/M7 designations. The website advertises that these MCAs are sold and/or used with various Metris probes. *Id.* Upon information and belief, all variants of these products are the same in all material aspects as the MCA 24 M6. As explained in the claim chart in Exhibit H, the MCA 24 M6 directly and/or contributorily infringes claims 3, 4, 13, and 16 of the '148 Patent.

6.4 Additionally, Metris U.S.A., Inc. advertises and offers the MCA arms with probes, including the 2400 M6 arm, for sale on its website <http://us.metris.com>. Exhibit G. Upon information and belief, the MCA 2400 M6 is the same as the MCA 24 M6 in all material aspects.

6.5 On June 23, 2009, as shown in Invoice Number 0052303-IN which is attached as Exhibit 1 to the Declaration of Mark Delaney, Exhibit F, Mark Delaney arranged to have purchased a sample of the Metris Respondents' articulated coordinate measuring arms. Exhibit F at ¶ 9. In response to the request for purchase, the Metris Respondents shipped a MCA 24 M6 with a probe.

6.6 Upon information and belief, to fill a U.S. customer order for the MCAs, Metris

N.V. provides Metris U.S.A., Inc. a MCA that is manufactured outside of the United States.

6.7 As shown in Exhibit J to the Complaint, the Metris Respondents have the MCA 24 M6 manufactured in Italy.

6.8 When U.S. customers purchase the MCAs, the Metris Respondents provide a MCA 6/7-Axis User Guide, part no. YDM0055_C1. Exhibit K. With this user guide, the Metris Respondents instruct customers on the use of the MCA with a probe, including probes made by third-parties, and thereby induce infringement of the '148 Patent. *See* Exhibit K.

6.9 The Metris Respondents included the MCA 6/7-Axis User Guide, part no. YDM0055_C1 for the MCA 24 M6 that it shipped for Invoice Number 0052303-IN.

6.10 In addition to the notice of the '148 Patent the Metris Respondents received when the District Court Litigation was initiated, the Metris Respondents admit they had prior knowledge because they admit previously investigating the '148 Patent. *See* Exhibit O.

B. The Mitutoyo Respondents

6.11 The Mitutoyo Respondents sell or offer to sell for importation, import into the United States and/or sell or offer to sell after importation into the United States certain articulated coordinate measuring arms and/or components thereof, including the Spin Arm M300.

6.12 On May 19, 2009, the EASTEC 2009 Exposition ("EASTEC") was held in Springfield, Massachusetts. EASTEC is the East Coast's largest annual manufacturing event. United States manufacturers come to the EASTEC trade show in search of products that will enhance their manufacturing capabilities. EASTEC thus provides an important forum for the marketing and promotion of coordinate measuring machines and other metrology equipment and software. Exhibit G at ¶ 8, Declaration of Steven Ilmud.

6.13 The Mitutoyo Respondents had a large product exhibition area at the EASTEC trade show to display and demonstrate their metrology equipment. Exhibit G at ¶ 9, Declaration of Steven Ilmud. The Mitutoyo Respondents displayed and demonstrated their Spin Arm M300 articulated coordinate measuring arms and/or components thereof, with an attached probe, at EASTEC. See Exhibit G at ¶¶ 10-11, Declaration of Steven Ilmud; see also Exhibit 1 to Declaration of Steven Ilmud, Exhibit G.

6.14 The employee working the Mitutoyo Respondents' booth at EASTEC displayed and operated the Mitutoyo Spin Arm M300 and its attached laser probe thus instructing customers on how to use the Spin Arm M300 with a probe. See Exhibit G at ¶ 11, Declaration of Steven Ilmud.

6.15 Mitutoyo does not manufacture the Spin Arm M300 in the United States. See *id.* at ¶ 13, Declaration of Steven Ilmud.

6.16 Upon information and belief, the Mitutoyo Spin Arm M300 articulated coordinate measuring arms and/or components thereof are the same in all material aspects as the MCAs manufactured and sold by the Metris Respondents. See *id.*; compare Exhibits 1 and 2 to Declaration of Steven Ilmud, Exhibit G. The Metris MCA and the Mitutoyo Spin Arm M300 are virtually identical as shown in Exhibits 1 and 2 to Declaration of Steven Ilmud, Exhibit G. As explained in the claim chart in Exhibit H, the Metris MCAs directly and/or contributorily infringe claims 3, 4, 13, and 16 of the '148 Patent, and therefore the Mitutoyo Spin Arm M300 directly and/or contributorily infringes claims 3, 4, 13, and 16 of the '148 Patent because they are the same in all material aspects.

6.17 Articulated coordinate measuring arms are typically sold with a user manual instructing the user how to operate the arm with an attached probe, Mitutoyo likely provides its

customers of the Spin Arm M300 with such a user manual. Exhibit G at ¶ 14, Declaration of Steven Ilmud. Articulated coordinate measuring arms are designed and sold for use with an attached probe. *Id.* at ¶ 7. The Mitutoyo Respondents thus instruct customers to use the Mitutoyo Spin Arm M300 articulated coordinate measuring arms and/or components thereof with a probe and thereby induce infringement of the '148 Patent.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

7.1 The articulated coordinate measuring arms and components thereof that are the subject of this Complaint are classified under Heading/Subheading 9031.49.40, "Coordinate-measuring machines," of the Harmonized Tariff Schedule of the United States.

7.2 On February 26, 2004, the United States Customs and Border Protection issued a ruling concerning Heading/Subheading 9031.49.40 under HQ 966528.

VIII. THE DOMESTIC INDUSTRY

8.1 A domestic industry exists in connection with Hexagon's development, manufacture, and/or sale of the Infinite 2.0 articulated coordinate measuring arm and probes in the United States under each of the three prongs of 19 U.S.C. § 1337(a)(3).

A. Technical Prong

8.2 The Infinite 2.0 articulated coordinate measuring arms manufactured by and/or for Hexagon are covered by claims 3, 4, 13, and 16 of the '148 Patent. A claim chart is provided as Exhibit L showing how the Infinite 2.0 with use of a probe is the commercial embodiment of claims 3, 4, 13, and 16 of the '148 Patent.

B. Economic Prong

8.3 Hexagon made a significant investment in the '148 Patent by purchasing the '148 Patent from Mr. Eaton. A copy of the Agreement For The Purchase And Sale Of Intellectual

Property is attached as Exhibit N.

8.4 After Hexagon Metrology AB became the assignee of the '148 Patent, Hexagon began developing the Infinite 2.0.

8.5 The development, design, and manufacture of the Infinite 2.0 has occurred in the United States.

8.6 Hexagon significantly invested in facilities, resources, and equipment in the United States for the development of the Infinite 2.0. Hexagon developed the Infinite 2.0 at its facility in Carlsbad, California. A team of approximately twenty engineers, technicians, and support staff at the Carlsbad facility dedicated several years from 2003 to 2008 to designing and developing the Infinite 2.0 and its predecessor, the original Infinite articulated coordinate measuring arm. Exhibit G at ¶ 5.

8.7 From 2003 to 2008, Hexagon dedicated millions of dollars to the research and development of the Infinite 2.0 and its predecessor, the original Infinite articulated coordinate measuring arm. Exhibit F at ¶ 7.

8.8 Since Hexagon began manufacturing the Infinite 2.0 for sale, Hexagon has continued to significantly invest in the Infinite 2.0. Hexagon continues to dedicate the Carlsbad, California facility for the manufacturing of the Infinite 2.0. The manufacture of the Infinite 2.0 articulated coordinate measuring arms is a time and labor intensive endeavor. Currently, Hexagon invests approximately forty engineers, technicians, and staff into manufacturing the Infinite 2.0. Exhibit G at ¶ 6.

8.9 Since 2008 to the present, Hexagon also has invested millions of dollars in manufacturing, labor, marketing, and promotion costs for the Infinite 2.0. Exhibit F at ¶ 8.

8.10 For its sales in the United States, Hexagon manufactures all of the Infinite 2.0

articulated coordinate measuring arms in the United States. Hexagon sells the Infinite 2.0 product with and for use with various probes, such as touch probes and laser probes. Exhibit G at ¶ 7.

IX. RELIEF REQUESTED

9.1 WHEREFORE, by reason of the foregoing, Hexagon respectfully requests that the United States International Trade Commission:

(a) institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, with respect to violations of that section based upon the importation into the United States, the sale for importation, and/or sale within the United States after importation by Metris N.V., Metris U.S.A., Inc., Mitutoyo Corporation, and Mitutoyo America Corporation of articulated coordinate measuring arms and/or components thereof that infringe the valid and enforceable '148 Patent;

(b) issue a permanent general exclusion order pursuant to 19 U.S.C. § 1337(d) barring entry into the United States all articulated coordinate measuring arms and/or components thereof that infringe the '148 Patent and that are imported into the United States, sold for importation into the United States, or sold within the United States after importation, or in the alternative, issue limited exclusion orders of the same scope against each proposed Respondent;

(c) issue a permanent cease and desist order or orders pursuant to 19 U.S.C. § 1337(f) prohibiting the proposed Respondents from offering for importation, using, selling, marketing, advertising, promoting, distributing, offering for sale, transferring (except for exportation), and soliciting in the United States any articulated coordinate measuring arms and/or components thereof that infringe the '148 Patent;

(d) grant such other relief as the Commission deems just and proper based on the

facts determined by the investigation and the authority of the Commission.

Dated: July 28, 2009

Respectfully submitted,



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*Attorneys for Complainants Hexagon Metrology AB
and Hexagon Metrology, Inc.*

VERIFICATION

I, Frederick W. London, am the General Counsel of Hexagon AB and am duly authorized to sign this complaint on behalf of Hexagon Metrology AB and Hexagon Metrology, Inc. I have read the complaint and am aware of its contents. To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, I hereby certify as follows:

1. The complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation;
2. The claims and other legal contentions in the complaint are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and
3. The allegations and other factual contentions in the complaint have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 2009


Frederick W. London