



DLA Piper LLP (US)
2000 University Avenue
East Palo Alto, California 94303-2250
www.dlapiper.com

Mark Fowler
Mark.Fowler@dlapiper.com
T 650.833.2048
F 650.687.1166

September 29, 2021
VIA EDIS

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

Re: Certain Barcode Scanners, Mobile Computers With Barcode Scanning Capabilities, Scan Engines, And Components Thereof, Dkt. No. 337-TA-_____

Dear Secretary Barton:

Complainants Honeywell International Inc., Metrologic Instruments, Inc., and Hand Held Products, Inc. (collectively, “Honeywell”) respectfully request the U.S. International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof. In accordance with the Commission’s modified filing requirements, 85 Fed. Reg. 15798, please find the necessary documentation attached, including:

- One (1) electronic copy of Honeywell’s letter and certification requesting confidential treatment of several confidential exhibits, pursuant to Commission Rules 210.5(d) and 201.6(b));
- One (1) electronic copy of the Complaint and Public Interest Statement, pursuant to Commission Rules 210.8(a)(1)(i) and 201.8(b);
- One (1) electronic copy of the Non-Confidential Exhibits to the Complaint, pursuant to Commission Rule 210.8(a)(1)(ii), including:
 - One (1) certified copy of U.S. Patent Nos. 7,568,628, 7,770,799, 8,794,520, 9,576,169, and 10,721,429 (collectively, the “Asserted Patents”);
 - One (1) certified copy of each recorded assignment for each Asserted Patent; and
 - One (1) certified copy of the prosecution history for each Asserted Patent;



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- One (1) electronic copy of the Confidential exhibits, pursuant to Commission Rule 210.8(a)(1)(ii);
- One (1) electronic copy of the patents and technical reference documents identified in the prosecution history of the Asserted Patents, pursuant to Commission Rule 210.12(c)(2).

Thank you for your attention to this matter. Please feel free to contact me with any questions regarding this submission.

Respectfully submitted,

DLA Piper LLP (US)

/s/ Mark Fowler

Mark Fowler

Enclosures



DLA Piper LLP (US)
2000 University Avenue
East Palo Alto, California 94303-2250
www.dlapiper.com

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Mark.Fowler@dlapiper.com
T 650.833.2048
F 650.687.1166

September 29, 2021

VIA EDIS

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

Re: Request For Confidential Treatment in Certain Barcode Scanners, Mobile Computers With Barcode Scanning Capabilities, Scan Engines, And Components Thereof; Dkt. No. 337-TA-_____

Dear Secretary Barton:

Complainants Honeywell International Inc., Hand Held Products, Inc., and Metrologic Instruments, Inc. (collectively, "Honeywell") respectfully request confidential treatment of certain confidential business information, pursuant to Commission Rule 201.6.

Honeywell requests confidential exhibits 17C, 67C, 74C, 111C, 112C, and 116C receive confidential treatment because they consist of proprietary commercial secrets, including:

- **17C:** Proprietary information regarding Honeywell's licensees and/or others who may have rights to one or more of the Asserted Patents;
- **67C:** Proprietary information regarding how Honeywell's products practices one or more claims of one of the Asserted Patents;
- **74C:** Proprietary financial data on Honeywell's investments in the facilities, labor, engineering and research and development of those products protected by one or more claims of one or more of the Asserted Patents;
- **111C:** Proprietary technical information on one of Honeywell's products;
- **112C:** Proprietary technical information on one of Honeywell's products;
- **116C:** Proprietary technical information on one of Honeywell's products.

The business information described herein qualifies for confidential treatment pursuant to 19 C.F.R. § 201.6 because substantially-identical information is not available to the public, and disclosure of this business information would likely impair the Commission's ability to obtain



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information necessary to perform its statutory functions, as well as substantially harm the competitive position of Honeywell.

Respectfully submitted,

DLA Piper LLP (US)

/s/ Mark Fowler

Mark Fowler

Enclosures

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436**

IN THE MATTER OF

**CERTAIN BARCODE SCANNERS,
MOBILE COMPUTERS WITH
BARCODE SCANNING
CAPABILITIES, SCAN ENGINES, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-_____

COMPLAINANTS' PUBLIC INTEREST STATEMENT

Complainants Honeywell International Inc., Hand Held Products, Inc., and Metrologic Instruments, Inc. (collectively, "Honeywell" or "Complainants") submit this public-interest statement pursuant to Commission Rule 210.8(b). As discussed below, the remedy sought by Honeywell against Zebra Technologies Corporation and Symbol Technologies, Inc. ("Zebra" or "Respondents") will not adversely affect the public health or welfare, competitive conditions in the U.S. economy, production of like or directly competitive articles in the U.S., or U.S. consumers.

I. THE REQUESTED REMEDY WILL NOT HARM THE PUBLIC INTEREST

The accused products, as defined in the Complaint, are Zebra's barcode scan engines and scanners (such as hand-held and stationary scanners), mobile computers with barcode scanning capabilities (such as hand-held, tablet, and wearable computers), and components thereof (such as circuit boards with barcode scanning capabilities) that infringe Honeywell's asserted patents. Honeywell has limited its requested remedy only to those products manufactured by or on behalf of Zebra and sold for importation, imported, and/or sold after importation into the United States. Therefore, the only potentially relevant public-interest inquiry is whether the exclusion of this

discrete set of products, and not barcode readers generally, precludes Section 337 relief based on the statutory public interest factors. As explained below, Honeywell and other Zebra competitors could fill any gap in demand caused by the requested relief, which does not raise public interest concerns.

II. SPECIFIC PUBLIC-INTEREST INQUIRIES

A. The Commission Has Recognized the Public Interest in Protecting U.S. Intellectual Property Rights.

The Commission has clearly articulated that the public interest favors protection of U.S. intellectual property rights.¹ Thus, the relevant public interest inquiry is whether any of the statutory public interest factors outweigh the strong public policy interest in protecting intellectual property rights.² As explained below, they do not. The Commission has denied relief only in rare circumstances not found here.³

¹ See, e.g., *Spansion, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010) (“[T]he Commission has found public interest considerations to outweigh the need for injunctive relief in protecting intellectual property rights found to have been violated under Section 337 in only three investigations”); see also *Personal Data & Mobile Commc’n Devices*, Inv. No. 337-TA-710, Comm’n Op., 2011 WL 12488979, at *46 n.56 (Dec. 29, 2011) (“The Commission does not believe that the mere fact that a technological field has been determined to provide benefits to the economy is sufficient to excuse infringement of a patent in that field. . . .”); *Certain Laser Bar Code Scanners & Scan Engines*, 337-TA-551, Comm’n Op, 2007 WL 9772266, at *13 (June 14, 2007) (issuing limited exclusion order and cease and desist order against bar code scanners after noting “the public interest favors the protection of U.S. intellectual property rights by excluding infringing imports”).

² See *Certain Baseband Processor Chips and Chipsets, Transmitter, and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, 337-TA-543, Comm’n Op. at 45, USITC Pub. No. 4258, 2011 WL 6121182, at *24 (June 7, 2007) (“We also note that the statute provides that the Commission “shall” issue an order excluding the articles concerned (unless public interest considerations counsel otherwise).”)

³ See, e.g., *Spansion*, 629 F.3d at 1360 (emphasizing the Commission has denied relief in only three cases—where “the exclusion order was denied because inadequate supply within the United States—by both the patentee and domestic licensees—meant that an exclusion order would deprive the public of products necessary for some important health or welfare need: energy efficient automobiles, basic scientific research, or hospital equipment”) (citing *Certain Fluidized Supporting Apparatus & Components Thereof*, Inv. No. 337-TA-182/188, Comm’n Op., 1984 WL

B. Exclusion of Zebra Accused Products Would Not Implicate Public Health, Safety, or Welfare Concerns.

The accused products do not invoke any specific public health, safety, or welfare concerns.⁴ Moreover, the general availability of currently sold and installed barcode scanning devices and components thereof would not be affected by Honeywell's requested remedy. Current customers could continue to use their in-field devices.

C. Like and Directly Competitive Articles Are Available to Satisfy Demand for Excluded Zebra Accused Products.

Honeywell currently sells—and will continue to sell—a corresponding product to every Zebra accused product that infringes Honeywell's asserted patents. Indeed, Honeywell is one of several companies selling like and competitive products capable of replacing the Zebra accused products. Publicly available Zebra documents confirm that at least Honeywell and Datalogic sell competitive products that could fill the demand for excluded Zebra accused products.⁵ Many other companies also sell competitive products that could help fill demand.⁶ Thus, any U.S. consumer

63741 (Oct. 1984); *Certain Inclined-Field Acceleration Tubes & Components Thereof*, Inv. No. 337-TA-61, Comm'n Op, 0080 WL 594319 (Dec. 1980); *Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60, Comm'n Op., 0079 WL 419349 (Dec. 1979)).

⁴ See *Certain Laser Bar Code Scanners & Scan Engines*, 337-TA-551, Comm'n Op, 2007 WL 9772266, at *13 (June 14, 2007) (“The products to be excluded are laser bar-code scanners, which do not have any major public health and welfare implications under the record created here.”).

⁵ See, e.g., *MC9300 Mobile Computer Selling Guide*, Zebra, at 15–26 (Feb. 18, 2019), https://topresale.ru/storage/tiny/resheniya/instructions/zebra_motorola_mc9300_comparison.pdf, pp. 15-33 [<https://perma.cc/84J5-M5CH>].

⁶ See, e.g., <https://www.marketwatch.com/press-release/2d-barcode-scanner-market-size-report-2021-industry-by-marketing-channel-products-sales-revenue-price-and-gross-margin-2021-08-25>; <https://www.marketwatch.com/press-release/global-1d-laser-barcode-scanner-market-2021-product-introduction-recent-developments-competitive-landscape-and-dynamics-by-2026-2021-07-20>; <https://www.reportsnreports.com/reports/4442440-global-handheld-barcode-scanners-market-insights-and-forecast-to-2027.html>.

will be able to obtain the same feature set or barcode scanner type it wants should the Commission issue a limited exclusion order and cease and desist order against the Zebra accused products.

The availability of competitive products will ensure—even after the requested remedy issues—U.S. consumers will still have choices with respect to barcode reading and scanning technology and related devices. Moreover, nothing about the desired remedy will impact the availability of existing barcode scanning devices currently used in the United States. As such, issuing the requested remedy would not result in any shortage of such products in the United States.⁷

D. There Is Sufficient Capacity to Replace Excluded Zebra Accused Products.

Honeywell and other Zebra competitors have the capacity to replace the volume of accused products subject to the requested remedial orders within a commercially reasonable time. As stated above, Honeywell and numerous other companies sell replacement products that would not be subject to any remedy that issues. These replacement products comprise the majority of the markets for the Zebra accused products. Thus, there is no indication that excluding the accused products will harm the public interest via unmet demand.⁸

E. The Remedy Has No Relevant Public Interest Impact on U.S. Consumers.

As discussed above, even after the requested remedy is issued, U.S. consumers will be able to purchase a multitude of different barcode scanning devices from numerous companies including

⁷ See *Certain Laser Bar Code Scanners & Scan Engines*, 2007 WL 9772266, at *13 (finding “no public-interest concerns that would preclude issuance of a limited exclusion order and cease-and-desist order” against the infringing “laser bar-code scanners”)

⁸ See *Certain Optical Disk Controller Chips & Chipsets & Products Containing Same*, Inv. No. 337-TA-506, Comm’n Op., at 61, 2005 WL 8170759, at *38–39 (Sept. 28, 2005) (issuing remedy where “there is no evidence that the U.S. demand for the covered products cannot be met by other entities, including the Complainants”).

Honeywell. As such, the issuance of such relief will have no relevant public-interest impact on U.S. consumers.

III. CONCLUSION

For the foregoing reasons, no public-interest concerns preclude the issuance of the requested remedy against Respondents in this matter.

Dated: September 29, 2021

Respectfully submitted,

/s/ Mark Fowler

Mark Fowler
DLA Piper LLP (US)
2000 University Ave
East Palo Alto, CA 94303
Telephone: (650) 833-2000
Facsimile: (650) 833-2001

Kathryn Riley Grasso
Helena D. Kiepura
DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Facsimile: (202) 799-5000

Michael Jay
DLA Piper LLP (US)
2000 Avenue of the Stars
Suite 400 North Tower
Los Angeles, California 90067
Telephone: (310) 595-3000
Facsimile: (310) 595-3300

Brian K. Erickson
DLA Piper LLP (US)
303 Colorado Street
Austin, Texas 78701
Telephone: (512) 457-7000
Facsimile: (512) 457-7001

James M. Heintz
DLA Piper LLP (US)
11911 Freedom Drive

Reston, VA 20190
Telephone: (703) 773 4000
Facsimile: (703) 773 5000

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

IN THE MATTER OF

CERTAIN BARCODE SCANNERS,
MOBILE COMPUTERS WITH
BARCODE SCANNING
CAPABILITIES, SCAN ENGINES, AND
COMPONENTS THEREOF

Investigation No. 337-TA-_____

**COMPLAINT OF HONEYWELL INTERNATIONAL INC., HAND HELD
PRODUCTS, INC., AND METROLOGIC INSTRUMENTS, INC. UNDER
SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANTS

Honeywell International Inc.
855 S. Mint Street
Charlotte, North Carolina 28202
Telephone: (877) 841-2840

Hand Held Products, Inc.
855 S. Mint Street
Charlotte, North Carolina 28202
Telephone: (803) 835-8000

Metrologic Instruments, Inc.
855 S. Mint Street
Charlotte, North Carolina 28202
Telephone: (803) 835-8000

COUNSEL FOR COMPLAINANTS

Mark Fowler
DLA Piper LLP (US)
2000 University Ave
East Palo Alto, CA 94303
Telephone: (650) 833-8000
Facsimile: (650) 833-8001

PROPOSED RESPONDENTS

Zebra Technologies Corporation
3 Overlook Point
Lincolnshire, IL 60069

Symbol Technologies, Inc.
1 Zebra Plaza
Holtsville, NY 11742

Kathryn Riley Grasso
Helena D. Kiepura
DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Facsimile: (202) 799-5000

Michael Jay
DLA Piper LLP (US)
2000 Avenue of the Stars
Suite 400 North Tower
Los Angeles, California 90067
Telephone: (310) 595-3000
Facsimile: (310) 595-3300

Brian Erickson
DLA Piper LLP (US)
303 Colorado Street
Austin, Texas
Telephone: (512) 457-7000
Facsimile: (512) 457-7001

James M. Heintz
DLA Piper LLP (US)
11911 Freedom Drive
Reston, VA 20190
Telephone: (703) 773 4000
Facsimile: (703) 773 5000

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1	Certified Copy of U.S. Patent No. 7,568,628	Public
2	Certified Copy of U.S. Patent No. 7,770,799	Public
3	Certified Copy of U.S. Patent No. 8,794,520	Public
4	Certified Copy of U.S. Patent No. 9,576,169	Public
5	Certified Copy of U.S. Patent No. 10,721,429	Public
6	Certified Copy of Recorded Assignments for U.S. Patent No. 7,568,628	Public
7	Certified Copy of Recorded Assignments for U.S. Patent No. 7,770,799	Public
8	Certified Copy of Recorded Assignments for U.S. Patent No. 8,794,520	Public
9	Certified Copy of Recorded Assignments for U.S. Patent No. 9,576,169	Public
10	Certified Copy of Recorded Assignments for U.S. Patent No. 10,721,429	Public
11	Maintenance Fees for U.S. Patent No. 7,568,628	Public
12	Maintenance Fees for U.S. Patent No. 7,770,799	Public
13	Maintenance Fees for U.S. Patent No. 8,794,520	Public
14	Maintenance Fees for U.S. Patent No. 9,576,169	Public
15	Maintenance Fees for U.S. Patent No. 10,721,429	Public
16	List of Foreign Counterparts to Asserted Patents	Public
17C	Confidential List of Licenses for Each Asserted Patent	Confidential
18	Zebra Technologies Corporation's 2020 10-K	Public
19	Zebra Technologies Corporation's "About Us" Webpage	Public

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20	Zebra Technologies Corporation’s “Corporate Fact Sheet”	Public
21	Zebra Technologies Corporation’s 2019 Annual Report	Public
22	Office Action Rejection of U.S. Patent No. 7,815,120 (03-02-2010)	Public
23	Office Action Rejection of U.S. Patent No. 8,474,723 (09-07-2011)	Public
24	Office Action Rejection of U.S. Patent No. 8,902,353 (07-14-2014)	Public
25	Office Action Rejection of U.S. Patent No. 9,792,477 (08-10-2016)	Public
26	PCT/US2017/025920 Search Report And Written Opinion of International Searching Authority (07-14-2017)	Public
27	Information Disclosure Statement Filed With U.S. Patent No. 8,474,723 (12-19-2012)	Public
28	Information Disclosure Statement Filed With U.S. Patent No. 8,998,089 (2013-03-11)	Public
29	Information Disclosure Statement Filed With U.S. Patent No. 9,756,215 (2017-03-07)	Public
30	Information Disclosure Statement Filed With U.S. Patent No. 9,792,477 (2017-03-07)	Public
31	Information Disclosure Statement Filed With U.S. Patent No. 10,142,531 (2017-07-28)	Public
32	Information Disclosure Statement Filed With U.S. Patent No. 10,769,394 (2018-03-22)	Public
33	Information Disclosure Statement Filed With U.S. Patent No. 10,929,623 (2017-08-30)	Public
34	Office Action Rejection of U.S. Patent No. 8,950,673 (10-15-2010)	Public
35	Office Action Rejection of U.S. Patent No. 8,950,673 (06-19-2014)	Public
36	Information Disclosure Statement Filed With U.S. Patent No. 9,033,237 (10-26-2013)	Public
37	Information Disclosure Statement Filed With U.S. Patent No. 9,038,903 (11-30-2012)	Public

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38	Information Disclosure Statement Filed With U.S. Patent No. 9,507,989 (04-23-2014)	Public
39	Office Action Rejection of U.S. Patent No. 9,305,197 (01-15-2015)	Public
40	Office Action Rejection of U.S. Patent No. 7,866,557 (05-13-2010)	Public
41	Office Action Rejection of U.S. Patent No. 9,064,166 (01-15-2015)	Public
42	Information Disclosure Statement Filed With U.S. Patent No. 8,387,884 (10-06-2008)	Public
43	Information Disclosure Statement Filed With U.S. Patent No. 9,152,834 (08-13-2012)	Public
44	Information Disclosure Statement Filed With U.S. Patent No. 9,213,880 (11-26-2013)	Public
45	Information Disclosure Statement Filed With U.S. Patent No. 9,734,375 (01-04-2017)	Public
46	<i>Zebra Technologies Corp. v. Factory Mut. Ins. Co.</i> , 20-cv-5147, Doc No. 22 (N.D. Ill. Sep. 1, 2020)	Public
47	Claim Chart Showing Zebra's DS8108 Infringes Upon U.S. Patent No. 7,568,628	Public
48	Claim Chart Showing Zebra's TC75 Infringes Upon U.S. Patent No. 7,568,628	Public
49	Claim Chart Showing Zebra's TC75 Infringes Upon U.S. Patent No. 7,770,799	Public
50	Claim Chart Showing Zebra's DS8108 Infringes Upon U.S. Patent No. 8,794,520	Public
51	Claim Chart Showing Zebra's TC75 Infringes Upon U.S. Patent No. 8,794,520	Public
52	Claim Chart Showing Zebra's DS8108 Infringes Upon U.S. Patent No. 9,576,169	Public
53	Claim Chart Showing Zebra's TC75 Infringes Upon U.S. Patent No. 9,576,169	Public
54	Claim Chart Showing Zebra's DS8108 Infringes Upon U.S. Patent No. 10,721,429	Public
55	Claim Chart Showing Zebra's TC75 Infringes Upon U.S. Patent No. 10,721,429	Public

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56	Photographs of Zebra's TC56	Public
57	Receipt For Zebra's TC56 and Zebra's DS8108	Public
58	Packaging of Zebra's TC56	Public
59	Packing Slip For Zebra's TC56	Public
60	Photographs of Zebra's TC75	Public
61	Receipt For Zebra's TC75	Public
62	Packaging of Zebra's TC75	Public
63	Packing Slip For Zebra's TC75	Public
64	Photographs of Zebra's DS8108	Public
65	Packaging of Zebra's DS8108	Public
66	Claim Chart Showing Honeywell's Xenon 1950g and CT60 XP Practice U.S. Patent No. 7,568,628	Public
67C	Claim Chart Showing Honeywell's CT60 Practices U.S. Patent No. 7,770,799	Confidential
68	Claim Chart Showing Honeywell's 1950g Practices U.S. Patent No. 8,794,520	Public
69	Claim Chart Showing Honeywell's CT60 Practices U.S. Patent No. 8,794,520	Public
70	Claim Chart Showing Honeywell's Xenon 1950g Practices U.S. Patent No. 9,576,169	Public
71	Claim Chart Showing Honeywell's CT60 Practices U.S. Patent No. 9,576,169	Public
72	Claim Chart Showing Honeywell's Xenon 1950g Practices U.S. Patent No. 10,721,429	Public
73	Claim Chart Showing Honeywell's CT60 Practices U.S. Patent No. 10,721,429	Public
74C	Declaration of Taylor Smith	Confidential

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Exhibit Number	Description	Designation
75	AR0134 Datasheet	Public
76	AR1335 Datasheet	Public
77	DataWedge Barcode Guide	Public
78	DS8100 Datasheet	Public
79	DS8108 Reference Guide	Public
80	DS8108 Quick Start Guide	Public
81	Intelligence Document Capture Datasheet	Public
82	OCR Programming User Guide	Public
83	PRZM Intelligence Imaging Platform Fact Sheet	Public
84	SE4750 Integration Guide	Public
85	SE4750/SE4757 Specification Sheet	Public
86	SimulScan Datasheet	Public
87	SimulScan Document Capture Datasheet	Public
88	TC70X/TC75X User Guide	Public
89	TC75 Brochure	Public
90	TC75 Specification Sheet	Public
91	TC75 User Guide	Public
92	TC75 Integrator Guide	Public
93	TC75 Quick Start Guide	Public
94	N660X Datasheet	Public

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Exhibit Number	Description	Designation
95	Qualcomm Breakthrough Mobile Imaging White Paper	Public
96	Qualcomm Snapdragon 600 Processor Datasheet	Public
97	Qualcomm Snapdragon 660 Mobile Platform Product Brief	Public
98	Basic Terminal Emulation User Guide	Public
99	CT60 Datasheet	Public
100	CT60 Quick Start Guide	Public
101	CT60 User Guide	Public
102	Decode Filter Script Command Reference Guide	Public
103	Dolphin CT50 and CT60 Mobile Computer Accessories Guide	Public
104	LUXEON Z Datasheet	Public
105	EV76C454 Datasheet	Public
106	Xenon 195X User Guide	Public
107	Xenon 1950g Datasheet	Public
108	AR0134 Developer Guide	Public
109	Xenon XP 1950g Quick Start Guide	Public
110	AR0144 Datasheet	Public
111C	N6603SR Scan Engine Schematic	Confidential
112C	CT60XP Carrier Board Schematic	Confidential
113	AR0144 Specification Sheet	Public
114	CT60 XP Datasheet	Public

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Exhibit Number	Description	Designation
115	CT60 XP Specification	Public
116C	Bill of Materials	Confidential

TABLE OF APPENDICES

Appendix Number	Description
A1	Certified Copy of Prosecution History of U.S. Patent No. 7,568,628
A2	Certified Copy of <i>Ex Parte</i> Reexamination Proceedings for U.S. Patent No. 7,568,628
B	Certified Copy of Prosecution History of U.S. Patent No. 7,770,799
C	Certified Copy of Prosecution History of U.S. Patent No. 8,794,520
D	Certified Copy of Prosecution History of U.S. Patent No. 9,576,169
E	Certified Copy of Prosecution History of U.S. Patent No. 10,721,429
F	Copies of References Cited in Prosecution History of U.S. Patent No. 7,568,628
G	Copies of References Cited in Prosecution History of U.S. Patent No. 7,770,799
H	Copies of References Cited in Prosecution History of U.S. Patent No. 8,794,520
I	Copies of References Cited in Prosecution History of U.S. Patent No. 9,576,169
J	Copies of References Cited in Prosecution History of U.S. Patent No. 10,721,429

I. INTRODUCTION

1. Honeywell International Inc., Hand Held Products, Inc., (“Hand Held”) and Metrologic Instruments, Inc. (“Metrologic”) (collectively, “Honeywell” or “Complainants”) file this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based on 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 by Zebra Technologies Corporation and Symbol Technologies, Inc. (collectively, “Zebra” or “Respondents”) of certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof that directly and/or indirectly infringe one or more claims of U.S. Patent Nos. 7,568,628 (“the ’628 patent”), 7,770,799 (“the ’799 patent”), 8,794,520 (“the ’520 patent”), 9,576,169 (“the ’169 patent”), and 10,721,429 (“the ’429 patent”) (collectively, the “Asserted Patents”), either literally or under the doctrine of equivalents. The allegations herein are made based on the personal knowledge of the Complainants with respect to their own actions and on information and belief as to all other matters.

2. As discussed herein, the Respondents are engaged in unlawful and unfair acts of competition in violation of Section 337(a)(1)(B) by importing into the United States, selling for importation into the United States, and/or selling within the United States after importation certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof. Specifically, Zebra imports, sells for importation, and/or sells within the United States after importation at least the following infringing products:

Table 1. Accused Products By Category	
	Model Numbers
Barcode Scanners	At least: DS36X8 Series, DS457, DS7708, DS8100 Series, DS81X8 Series, DS9308, DS9908 Series, PS20, and RS6000
Mobile Computers	At least: EC30, EC50, EC55, ET5X Series, MC2200, MC2700, MC32XX Series, MC33XX Series, MC67, MC9X00 Series TC21 Series, TC26 Series, TC52X/TC57X Series, TC7X Series, TC8X00 Series, L10 Series, and XSLATE R12
Scan Engines	At least: ¹ SE4500, SE4720, SE4750, SE4750 DPM, SE4750SR, and SE4770

Zebra’s infringing Barcode Scanners, Mobile Computers, and Scan Engines are collectively referred to as the “Accused Products” or the “Infringing Products.” Honeywell expressly reserves the right to add to the list of Accused Products as discovery reveals additional infringing products.

3. As stated above and set forth in further detail herein, the Accused Products infringe at least the following claims of the Asserted Patents:

¹ On information and belief, each of the Accused Scan Engines is present in at least one of the Accused Barcode Scanners or Mobile Computers. Discovery may reveal additional products that include the Accused Scan Engines, and Honeywell reserves the right to identify additional products as discovery progresses.

Table 2. Asserted Claims

U.S. Patent No.	Asserted Claims ²	Accused Products
7,568,628	<p>1, 2–5, 9, 11, 13–15, 17, 18, 19–22, 24, 26–27, 30, 32, 34, 35, 36, 37–38, 39, 42–43, 44, 45, 46</p>	<p>At least: Barcode Scanners: DS36X8 Series, DS457, DS7708, DS8100 Series, and RS6000 Mobile Computers: ET5X Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC52X/TC57x Series, TC7X Series, and TC8X00 Series Scan Engines: SE4500, SE4720, SE4750, and SE4770</p>
7,770,799	<p>9, 10–12, 14–16, 17, 18–20</p>	<p>At least: Mobile Computers: EC50, EC55, ET5X Series, L10 Series, R12 XLSATE, PS20, MC2200, MC2700, MC33XX Series, MC9XXX Series, R12 XSLATE, TC21 Series, TC26 Series, TC5X Series, TC7X Series, and TC8X00 Series</p>
8,794,520	<p>1, 2–17, 18, 19–24, 25, 26–27</p>	<p>At least: Barcode Scanners: DS36X8 Series, DS457, DS7708, DS8100 Series, and RS6000 Mobile Computers: ET5X Series, MC32XX Series, MC33XX Series, MC67, and MC9X00 Series TC52x/TC57x Series, TC7X Series, and TC8X00 Series Scan Engines: SE4500, SE4720, SE4750, and SE4770</p>
9,576,169	<p>1, 2–3, 5–7, 9, 10, 11–12, 14, 16, 18</p>	<p>At least: Barcode Scanners: DS36X8 Series, DS457, DS7708, DS8100 Series, and RS6000 Mobile Computers: ET5X Series, MC32XX Series, MC33XX Series, MC67, and MC9X00 Series, TC52X/TC57x Series, TC7X Series, and TC8X00 Series Scan Engines: SE4500, SE4720, SE4750, and SE4770</p>

² Independent claims are in bold.

Table 2. Asserted Claims		
U.S. Patent No.	Asserted Claims ²	Accused Products
10,721,429	1, 2, 4–8, 9, 10, 11, 13–16, 17, 18, 20–24, 25, 27–30	At least: Barcode Scanners: DS36X8 Series, DS457, DS7708, DS8100 Series, and RS6000 Mobile Computers: ET5X Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC52X/TC57X Series, TC7X Series, and TC8X00 Series Scan Engines: SE4500, SE4720, SE4750, and SE4770

Honeywell expressly reserves the right to supplement its allegations as discovery reveals new or existing products imported by Zebra that infringe additional claims of any Asserted Patent.

4. Certified copies of the Asserted Patents are included as Exhibits 1–5. Hand Held owns, by assignment, the entire right, title, and interest to the Asserted Patents. Certified copies of the assignment records relating to the Asserted Patents are included as Exhibits 6–10. Certified copies of the prosecution history of the Asserted Patents are included as Appendices A–E.

5. As explained *infra*, the Accused Products are manufactured abroad and imported, sold for importation, and/or sold within the United States after importation.

6. As explained *infra*, a domestic industry, as required under 19 U.S.C. §§ 1337(a)(2) and (3), exists in the United States relating to articles protected by the Asserted Patents. Honeywell offers several styles and lines of barcode scanners, mobile computers, and scan engines, including the products sold under the Xenon, Granit, Captuvo, and ScanPal trade names, that practice one or more of the Asserted Patents. Honeywell has spent millions of dollars in the United States to create, test, and support these products for use by U.S. consumers. Thus, Honeywell’s activities as they relate to the Honeywell barcode scanners, mobile computers, and scan engines support a domestic industry relating to articles that practice the Asserted Patents.

7. Honeywell seeks a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), prohibiting Zebra from importing into the United States, selling for importation into the United States, and/or selling in the United States after importation certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof that infringe one or more valid claims of the Asserted Patents. Honeywell also seeks permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondents from importing, transferring (except for exportation), marketing, advertising, demonstrating, warehousing inventory, distributing, soliciting United States agents or distributors, offering for sale, selling, licensing, repairing, programming, packaging, repackaging, bundling, and/or updating the Accused Products.

8. Honeywell also requests the Commission require Zebra to post an appropriate bond on importation and sales of infringing devices during the 60-day Presidential review period, pursuant to 19 U.S.C. § 1337(j).

II. THE PARTIES

A. The Complainants

1. Honeywell International Inc.

9. Honeywell International Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 855 S. Mint Street, Charlotte, North Carolina 28202.

10. Honeywell traces its roots to 1904 and an engineer named Mark Honeywell from Wabash, Indiana who developed and installed the first hot-water-heating system in the United States. Honeywell would later play a key role in U.S. war efforts, inventing and manufacturing the first electronic autopilot system, which proved to be a key technology that helped the Allies win World War II. After entering the computer business through a merger with Raytheon

Corporation in 1957, Honeywell developed and engineered the instruments that safely landed Neil Armstrong and Buzz Aldrin on the moon.

11. In 1999, Honeywell expanded its business by merging with AlliedSignal. AlliedSignal was formed in 1920 in response to a shortage of drugs and chemicals during World War I. Germany controlled most of the world's chemical industry, which led to dramatic shortages during the war. AlliedSignal quickly became a leading producer of various chemicals and would eventually enter the aerospace, automotive, and engineered-materials businesses through mergers with prominent American corporations such as Signal Companies and Union Texas Natural Gas. At present, Honeywell is headquartered in Charlotte, North Carolina and employs, in conjunction with its subsidiaries, approximately 41,000 employees in the United States.

12. Research is one of the keys to Honeywell's success and provides the necessary cornerstone for its cutting-edge products. Operating 148 research and engineering facilities globally, Honeywell employs over 7,000 engineers (of which over 3,000 are software engineers) domestically. As of mid-2021, Honeywell had over 27,000 granted patents and over 8,000 patent applications stemming from its R&D work.

13. Honeywell and its subsidiaries have made significant and substantial investments in the United States related to the development, testing, product support, repair, and service of its barcode scanning product lines, which, *inter alia*, embody the innovations of the Asserted Patents and many other patents in Honeywell's patent portfolio. These expenditures and efforts demonstrate Honeywell's commitment to bringing state-of-the-art barcode scanning technology and solutions to U.S. consumers and businesses.

2. Hand Held Products, Inc.

14. Hand Held is a corporation organized under the laws of Delaware, with its principal place of business at 855 S. Mint Street, Charlotte, North Carolina 28202. Hand Held is a wholly owned subsidiary of Honeywell International Inc.

15. Hand Held was founded in Charlotte, North Carolina and provides barcode reading and image collection solutions for a variety of applications including mobile, wireless, and transaction processing. One of Hand Held's feature products was the Dolphin handheld computer, which included both laser barcode scanning and image capture technology. Hand Held later merged with Honeywell in late 2007, operating as the Honeywell Scanning & Mobility business unit. The Dolphin handheld computer remains one of Honeywell's best-selling products.

16. Hand Held has developed and sells a diverse range of products, which cover a spectrum of industries and solutions. These products include barcode scanners, computer devices, printers, wearable technology, software, and RFID devices. These devices provide innovative solutions for factories, healthcare and manufacturing facilities, and retail. As a result of Hand Held's innovative designs and product features, its products have become commonplace in hospitals and other healthcare facilities because of their reliability, accuracy, and versatility.

17. Hand Held owns about 1,900 patents and has about 350 pending patent applications. These patents and patent applications cover a wide range of technologies relating to cellular phones, barcode scanners, wearable technology, human interface devices, and various components thereof.

3. Metrologic Instruments, Inc.

18. Metrologic is a New Jersey corporation with its principal place of business at 855 S. Mint Street, Charlotte, NC 28202. Metrologic is a wholly owned subsidiary of Honeywell International Inc.

19. Metrologic was founded in 1968. Metrologic developed the first handheld laser barcode scanner, known as the X-scanner, in the 1970s. Then, after decades of research and development, Metrologic debuted the Voyager barcode scanner in 2000, which featured novel push-button data transmission. The Voyager had the ability to act both as a handheld scanner and as a presentation scanner while cradled. It quickly became one of the best-selling barcode scanners, and it remains an industry leader to this day. Honeywell acquired Metrologic in the spring of 2008 to operate alongside Hand Held as part of Honeywell Scanning & Mobility.

20. Metrologic is an industry leader in data capture and collection hardware and software. During the birth of the Universal Product Code, Metrologic introduced triggerless, omnidirectional, and mini-slot scanners into the retail market to help read and decode these new barcodes. Since these breakthroughs, Metrologic's technologies have included barcode computing, software for barcode scanners optimization, and wireless communication network infrastructure. Today, Metrologic owns about 300 patents and has about 10 pending patent applications. These patents cover a wide variety of technologies in the areas of laser and imaging technologies.

B. Proposed Respondents

1. Zebra Technologies Corporation

21. Proposed Respondent Zebra Technologies Corporation, on information and belief, is a Delaware corporation with its principal place of business at 3 Overlook Point Lincolnshire, Illinois 60069.

22. Zebra purports to have 128 offices globally, with 8,800 employees in 45 countries.
Ex. 20.

23. Zebra purports to be “an innovator at the edge of the enterprise with solutions and partners that enable businesses to gain a performance edge.” Ex. 20 at 1; *see also* Ex. 21. “Zebra

designs and manufactures mobile computers, data capture devices, and printers for barcode labeling and personal identification, as well as other products and software.” Ex. 46 at 2; *see also* Ex. 21.

24. According to Zebra, its product portfolio consists of “Barcode Printing, Mobile Computing, Data Capture, Locationing, Data Platforms, Software, Services, Supplies.” Ex. 19 at 2. Zebra Corp also purports to be “#1 by market share” for “Enterprise Mobile Computing,” “Barcode Scanning,” “Specialty Printing,” and “RFID Reader & RFID Printing.” Ex. 20 at 1.

25. Zebra has stated in public court filings it “relies on a well-functioning supply chain and obtains components from foreign countries through a transport network.” Ex. 46 at 2–3.

26. On information and belief, final assembly of Zebra’s products is performed by third parties, including electronics manufacturing services companies (“EMSs”) and joint design manufacturers (“JDMs”) located in China, Taiwan, Vietnam, Malaysia, Mexico, and Brazil. Ex. 18 at 9. The EMSs and JDMs produce products to Zebra’s design specifications, sourcing components from suppliers selected by Zebra for prices negotiated by Zebra. *Id.*

27. On information and belief, and as stated in Zebra’s 10-K, Zebra’s products “are shipped to regional distribution centers, operated by third party logistics providers or [Zebra]. A portion of products are reconfigured at the distribution centers through firmware downloads, packaging, and customer specific customization before being shipped to customers.” Ex. 18 at 9.

28. On information and belief, Zebra imports, sells for importation, and/or sells within the United States after importation certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof that infringe one or more claims of the Asserted Patents.

2. Symbol Technologies, Inc.

29. Proposed Respondent Symbol Technologies, Inc. (“Symbol”), on information and belief, is a Delaware corporation with its principal place of business at 1 Zebra Plaza, Holtsville, New York 11742.

30. On information and belief, Symbol also goes by the name “Symbol Technologies Delaware, Inc.” and “Symbol Technologies of Delaware.”

31. On information and belief, Symbol is a wholly owned and controlled subsidiary of Zebra Technologies Corporation.

32. On information and belief, and as set forth in Section VI, *infra*, Symbol imports, sells for importation, and/or sells within the United States after importation certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof that infringe one or more claims of the Asserted Patents. For example, on information and belief, certain of the Accused Products are branded Symbol and sold in the United States. As a further example, some of the Accused Products bear Symbol’s logo right above the statement: “Made in China.” *See, e.g.*, Ex. 60.

C. Potential Additional Respondents

33. According to Zebra, Zebra’s “products are currently produced” mainly outside the United States “in facilities primarily located in the Asia-Pacific region, including China, Taiwan, Vietnam, and Malaysia, as well as Mexico and Brazil.” Ex. 18 at 9. On information and belief, the assembly of Zebra’s products is mostly “performed by third-parties, including electronics manufacturing services companies (‘EMSs’) and joint design manufacturers (‘JDMs’).” *Id.* The identity of these additional manufacturers of Accused Products—who, on information and belief, also imports, sells for importation, and/or sells within the United States after importation—is

unknown to Complainants at this time. Complainants reserve the right to move to add additional respondents identified in discovery.

III. TECHNOLOGY AND ACCUSED PRODUCTS AT ISSUE

34. The Asserted Patents, described *infra*, reflect the breadth of Honeywell’s extensive dedication and investment in barcode scanning technology. Since the 1960s, Honeywell has provided its customers with cutting-edge barcode scanning devices.

35. Early barcode scanning devices were designed to read one-dimensional (1D) barcodes. 1D barcodes include a series of lines with variable widths and spaces to encode data for detection by early barcode scanning devices. An example of a 1D Code 128 barcode is below.



1D barcodes can include only a limited number of characters. To support encoding a larger number of characters, 1D barcodes must be physically enlarged or modified to include additional lines and spaces. This is not suitable for all applications and led to the development of two-dimensional (2D) barcodes.

36. 2D barcodes include shapes, as opposed to lines and spaces, to encode data, and allows data to be encoded both vertically and horizontally. In turn, this allows greater amounts of data to be encoded in a 2D barcode in relatively the same amount of space as a 1D barcode. Below is an example of a 2D QR barcode.



37. The development of 1D and 2D barcodes ushered in a need for advanced barcode scanning devices capable of not only decoding increasingly complex barcodes, but for detecting and capturing other types of image data, such as signatures and OCR. Honeywell has been a pioneer in developing advanced barcode scanning devices capable of reading and decoding 1D and 2D barcodes and detecting and capturing signatures and OCR. This innovation includes developing techniques for overcoming challenges in reading and decoding increasingly complex barcodes and detecting and capturing signatures, as described.

38. Honeywell’s innovations include development of global shutter technology in Complementary Metal Oxide Semiconductor, or “CMOS”, -based barcode scanning devices. Prior to Honeywell’s development of barcode scanning devices with global shutter capabilities, it was common for barcode scanning devices to use an image sensor with rolling shutter architecture to capture an image of a target barcode. In a rolling shutter sensor, each row of pixels in the sensor is read out sequentially. As a result, different rows of pixels in the sensor are exposed at different times.

39. Honeywell recognized that using a rolling shutter architecture in a barcode scanning device can present certain technical challenges. For example, image distortion can occur when capturing an image of a fast-moving object with a rolling shutter image sensor. Another technical challenge with rolling shutter systems is image blur, which occurs due to the long exposure periods that are required in a rolling shutter architecture. As discussed below, some of the Asserted Patents

address these challenges by introducing a barcode scanning device that uses a global shutter architecture. Rather than exposing each row sequentially, in a global shutter architecture, the pixels are simultaneously exposed. These patents also describe, *inter alia*, how to control the illumination and exposure in barcode reading devices in a way that technical challenges, such as image distortion and image blur, can be alleviated.

40. Honeywell's innovations further include barcode scanning devices with multiple imaging arrays, such as one color imaging array and one monochrome imaging array. The provision of multiple arrays allows, for example, a single device that can both take color photographs using the color imaging array and scan barcodes using the monochrome imaging array. Such an arrangement may also provide additional advantages, such as reducing negative effects associated with specular reflection that can occur during barcode scanning.

41. Honeywell's innovations further include barcode scanning devices that determine a location of a barcode in a frame of image data, selectively use image data corresponding to that location to determine an imaging parameter, and use that imaging parameter to capture a subsequent frame of image data. This can be advantageous for determining a better exposure period, gain, or illumination level for the subsequent frame, which ultimately leads to faster and more accurate barcode decoding.

42. Honeywell's innovations described herein have resulted in cutting-edge market-leading products that have enjoyed widespread adoption across a variety of industries, including healthcare, retail, hospitality, and transportation. These innovations, including those disclosed and claimed in the Asserted Patents, have also been recognized by competitors in the relevant industry. For example, Honeywell's products embodying the '628 and '429 patents captured the majority of the relevant market in 2007, and Honeywell's market share was reduced only when competitors—

such as Zebra—incorporated the claimed inventions into their products. In many instances this use led to licensing of the Asserted Patents. *See, e.g., Certain Barcode Scanners, Scan Engines, Products Containing The Same, And Components Thereof*, 337-TA-1165, 2020 WL 1504750 (Feb. 27, 2020) (granting joint motion to dismiss based on settlement and license).

43. The Accused Products are certain Zebra barcode scanners, mobile computers with barcode scanning capabilities, scan engines that can be used in such products, and components of such products which incorporate, without authorization, certain Honeywell technologies, as set forth and claimed in the Asserted Patents.

44. Pursuant to 19 C.F.R. 210.12(a)(12), the Accused Products fall into the categories of products that are generally known in plain English as: “barcode scan engines and scanners (such as handheld and stationary scanners), mobile computers with barcode scanning capabilities (such as handheld, tablet, and wearable computers), and components thereof (such as circuit boards with barcode scanning capabilities).”

IV. ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTION³

A. The Asserted Patents

1. U.S. Patent No. 7,568,628

45. On August 4, 2009, the USPTO duly and legally issued the '628 patent, titled “Bar Code Reading Device With Global Electronic Shutter Control,” naming Ynjiun P. Wang and

³ All non-technical descriptions of the inventions herein are presented to give a general background of those inventions. Such statements are not intended to be used, nor should they be used, for purposes of patent claim interpretation. Complainants present these statements subject to, and without waiver of, their right to argue that claim terms should be construed in a particular way, as contemplated by claim interpretation jurisprudence and the relevant evidence.

William H. Havens as inventors. The '628 patent has 46 claims—7 independent claims and 39 dependent claims.

46. Filed on March 11, 2005, the '628 patent does not claim any priority and enjoys a 461-day patent term adjustment, under 35 U.S.C. § 154(b). The '628 patent will not expire until June 15, 2026, and all its maintenance fees were timely paid. *See* Ex. 11 ('628 patent's maintenance fee payments). A reexamination certificate for the '628 patent issued on March 26, 2013, in response to Reexamination Request No. 90/009,996, dated April 27, 2012. An *inter partes* review certificate for the '628 patent issued on February 26, 2018, confirming the patentability of all challenged claims.

47. A certified copy of the '628 patent is attached as Exhibit 1. A certified copy of the prosecution history of the '628 patent, which includes papers from the *inter partes* review, is attached as Appendix A1, with a copy of the references cited in the prosecution history of the '628 patent attached as Appendix F. A certified copy of the *ex parte* reexamination proceedings for the '628 patent is attached as Appendix A2.

48. Hand Held owns, by assignment, the entire right, title, and interest to the '628 patent. A certified copy of assignment records for the '628 patent is attached as Exhibit 6.

49. The '628 patent generally relates to a complementary metal oxide semiconductor (CMOS) based image reader, *e.g.*, barcode scanning device, for collecting image data using global shutter technology, and processing the image data to decode barcode symbols in the image data.

2. U.S. Patent No. 7,770,799

50. On August 10, 2010, the USPTO duly and legally issued the '799 patent, titled "Optical Reader Having Reduced Specular Reflection Read Failures," naming Ynjiun P. Wang as the sole inventor. The '799 patent has 23 claims—7 independent claims and 16 dependent claims.

51. Filed on June 2, 2006, the '799 patent claims priority to U.S. Provisional Patent Application 60/687,606—which was filed on June 3, 2005—and enjoys an 808-day patent term adjustment, under 35 U.S.C. § 154(b). The '799 patent will not expire until August 18, 2028 and all its maintenance fees were timely paid. *See* Ex. 12 ('799 patent's maintenance fee payments).

52. A certified copy of the '799 patent is attached as Exhibit 2. A certified copy of the prosecution history of the '799 patent is attached as Appendix B, with a copy of the references cited in the prosecution history of the '799 patent attached as Appendix G.

53. Hand Held owns, by assignment, the entire right, title and interest to the '799 patent. A certified copy of assignment records for the '799 patent is attached as Exhibit 7.

54. The '799 patent generally relates to a barcode reading and processing device for barcode symbols (*e.g.*, barcode scanning devices) that include in a hand held housing a color image sensor that can be used to obtain color images such as photographs, and a monochrome image sensor that can be used to obtain monochrome images of decodable symbols such as barcodes that can be decoded by the device.

3. U.S. Patent No. 8,794,520

55. On August 5, 2014, the USPTO duly and legally issued the '520 patent, titled "Method and Apparatus for Operating Indicia Reading Terminal Including Parameter Determination," naming Ynjiun P. Wang and Shulan Deng as the joint inventors. The '520 patent has 27 claims—4 independent claims and 23 dependent claims.

56. Filed on September 30, 2008, the '520 patent does not claim any priority and enjoys a 264-day patent term adjustment, under 35 U.S.C. § 154(b). The '520 patent will not expire until June 21, 2029, and all its maintenance fees were timely paid. *See* Ex. 13 ('520 patent's maintenance fee payments).

57. A certified copy of the '520 patent is attached as Exhibit 3. A certified copy of the prosecution history of the '520 patent is attached as Appendix C, with a copy of the references cited in the prosecution history of the '520 patent attached as Appendix H.

58. Hand Held owns, by assignment, the entire right, title and interest to the '520 patent. A certified copy of assignment records for the '520 patent is attached as Exhibit 8.

59. The '520 patent generally relates to determining the location of a decodable indicia in an image and selectively using information from that location to adjust imaging parameters for subsequent images.

4. U.S. Patent No. 9,576,169

60. On February 21, 2017, the USPTO duly and legally issued the '169 patent, titled "Image Reader Comprising CMOS Based Image Sensor Array," naming Ynjiun P. Wang and William H. Havens as inventors. The '169 patent has 18 claims—2 independent claims and 16 dependent claims.

61. Filed on October 28, 2015, the '169 patent claims priority to U.S. Patent No. 7,611,060—which was filed on March 11, 2005. The '169 patent will not expire until March 11, 2025, and all its maintenance fees were timely paid. *See* Ex. 14 ('169 patent's maintenance fee payments).

62. A certified copy of the '169 patent is attached as Exhibit 4. A certified copy of the prosecution history of the '169 patent is attached as Appendix D, with a copy of the references cited in the prosecution history of the '169 patent attached as Appendix I.

63. Hand Held owns, by assignment, the entire right, title and interest to the '169 patent. A certified copy of assignment records for the '169 patent is attached as Exhibit 9.

64. The '169 patent generally relates to an image reader with an image sensor that operates in global shutter mode to capture and use image data to decode indicia, like barcodes,

and to identify textures within image data, like handwriting or print characters, that can be extracted.

5. U.S. Patent No. 10,721,429

65. On July 21, 2020, the USPTO duly and legally issued the '429 patent, titled "Image Reader Comprising CMOS Based Image Sensor Array," naming Ynjiun P. Wang and William H. Havens as inventors. The '429 patent has 30 claims—4 independent claims and 26 dependent claims.

66. Filed on December 27, 2019, the '429 patent claims priority to U.S. Patent No. 7,568,628—which was filed on March 11, 2005. The '429 patent does not expire until March 11, 2025 and all its maintenance fees were timely paid. *See* Ex. 15 ('429 patent's maintenance fee payments).

67. A certified copy of the '429 patent is attached as Exhibit 5. A certified copy of the prosecution history of the '429 patent is attached as Appendix E, with a copy of the references cited in the prosecution history of the '429 patent attached as Appendix J.

68. Hand Held owns, by assignment, the entire right, title and interest to the '429 patent. A certified copy of assignment records for the '429 patent is attached as Exhibit 10.

69. The '429 patent generally relates to a complementary metal oxide semiconductor (CMOS) based image reader, *e.g.*, barcode scanning device, for collecting image data using global shutter technology, and to identify and decode barcode symbols within the image data.

B. Foreign Counterparts To The Asserted Patents

70. A list of each foreign patent, foreign patent application not already issued as a patent, and foreign patent application denied, abandoned, or withdrawn corresponding to each Asserted Patent, including an indication of the prosecution status of each such foreign patent application, is attached as Exhibit 16. Honeywell is not aware of any other foreign patents, foreign

patent applications not already issued, or foreign patent applications denied, abandoned, or withdrawn corresponding to an Asserted Patent.

C. Licensees To The Asserted Patents

71. The licenses for each Asserted Patent are listed in Confidential Exhibit 17C.

V. ZEBRA'S UNLAWFUL AND UNFAIR ACTS

72. As explained *infra*, Zebra engages in unfair trade practices, including importing, selling for importation, and/or selling within the United States after importation certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof that infringe one or more claims of the Asserted Patents.

73. As explained *supra*, Zebra imports, sells for importation, and/or sells within the United States after importation three categories of infringing products: Barcode Scanners, Mobile Computers, and Scan Engines. Zebra's DS8108 is exemplary of Zebra's infringing Barcode Scanners; Zebra's TC75 is exemplary of Zebra's infringing Mobile Computers; and Zebra's SE4750 is exemplary of Zebra's infringing Scan Engines. *See* Table 1, *supra*. On information and belief, each of Zebra's Barcode Scanners, Mobile Computers, and Scan Engines identified herein, as well as others that may be identified through discovery, infringes one or more of the Asserted Patents, as explained *supra*, as exemplified by Zebra's DS8108, Zebra's TC75, and Zebra's SE4750.

A. Infringement of U.S. Patent No. 7,568,628

74. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 1, 2–3, 5, 9, 11, 13–15, 17, 18, 19–20, 22, 24, 26–27, 30, 32, 34, 35, 36, 37–38, 39, 42–43, 44, 45, and 46 of the '628 patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, either directly

and/or under the doctrine of equivalents. The claims of the '628 patent are all apparatus claims that are infringed by Zebra's accused products.

75. Exemplary claim charts showing how Zebra's DS8108 and TC75, and the SE4750 scan engine that is integrated with the TC75, which are exemplary of Zebra's infringing products, directly and/or indirectly infringe—literally and/or under the doctrine of equivalents—at least independent claims 1, 18, 35, 36, 39, 44, and 46 of the '628 patent, are attached as Exhibits 47 and 48, respectively.

76. On information and belief, Zebra also knowingly induces and/or contributes to the infringement of at least claims 1, 2–3, 5, 9, 11, 13–15, 17, 18, 19–20, 22, 24, 26–27, 30, 32, 34, 35, 36, 37–38, 39, 42–43, 44, 45, and 46 of the '628 patent by others. For example, Zebra instructs its customers to use its products to scan barcodes in an infringing manner. *See* Ex. 91. Zebra's customers and the end users of Zebra's infringing products test and/or operate the Zebra's infringing products in the United States in accordance with Zebra's instructions contained in, for example, Zebra's documents cited in Exhibit 47. The components of Zebra's infringing products that practice the claimed functionality have no substantial noninfringing use.

77. On information and belief, Zebra had knowledge of or was willfully blind to the '628 patent and that its actions constitute infringement of the '628 patent. For example, the '628 patent is cited as prior art in several patents assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc., including U.S. Patent Nos. 7,815,120, 7,866,557, 8,474,723, 8,899,484, 8,902,353, 9,756,215, and 9,792,477. In fact, the Patent Office cited to U.S. Patent Publication No. 2006/0202036—which issued as the '628 patent—along with the '628 patent and U.S. Patent No. 8,733,660—a child of the '628 patent—in office action rejections during the prosecution of U.S. Patent Nos. 7,815,120, 8,474,723, 8,902,353, and 9,792,477, which

are assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc. *See* Ex. 22–25. In addition, U.S. Patent No. 7,909,257—the child of the '628 patent—was extensively discussed in the International Search Report and Written Opinion issued for PCT/US2017/025920, which listed the entire patent family, including the '628 patent, and is assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc. *See* Ex. 26. Zebra's wholly owned subsidiary, Symbol Technologies, Inc., also expressly listed the '628 patent in Information Disclosure Statements filed during its prosecution of U.S. Patent Nos. 8,474,723, 8,998,089, 9,756,215, 9,792,477, 10,142,531, 10,769,394, 10,929,623. *See* Ex. 27–33. Zebra also has knowledge of the '628 patent and that its actions constitute infringement thereof since at least the time it was served with this complaint.

78. Zebra induces infringement of the '628 patent by publishing and distributing datasheets, user guides, product reference guides, and other guides that inform users of how to use the image sensor technology including global shutter technology to read and decode one-dimensional (1D) and two-dimensional (2D) barcodes, *see, e.g.*, Ex. 78 (DS8108); Ex. 90 (TC75), and instructional videos published by Zebra on at least YouTube. *See, e.g., Zebra Technologies: TC75 Technical Overview*, Zebra (Nov. 3, 2017), <https://www.youtube.com/watch?v=ajVmzHf7bLc>.

B. Infringement of U.S. Patent No. 7,770,799

79. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 9, 10–12, 14–16, 17, and 18–20 of the '799 patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, either directly and/or under the doctrine of equivalents. The claims of '799 patent are all apparatus claims that are infringed by Zebra's accused products.

80. An exemplary claim chart showing how Zebra's TC75, which is exemplary of Zebra's infringing Mobile Computers, directly infringes—literally and/or under the doctrine of equivalents—at least claim 9 of the '799 patent is attached as Exhibit 49.

81. On information and belief, Zebra also knowingly induces and/or contributes to the infringement of at least claims 9, 10, 11, 12, 14, 15, and 16 of the '799 patent by others. For example, Zebra instructs its customers to use its products to scan barcodes using a monochrome sensor and capture image data using a color sensor an infringing manner. *See* Ex. 91. Zebra's customers and the end users of Zebra's infringing products test and/or operate the Zebra's infringing products in the United States in accordance with Zebra's instructions contained in, for example, Zebra's documents cited in Exhibit 49. The components of Zebra's infringing products that practice the claimed functionality have no substantial noninfringing use.

82. On information and belief, Zebra had knowledge of or was willfully blind to the '799 patent and that its actions constitute infringement of the '799 patent. For example, the '799 patent is cited as prior art in several patents assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc., including U.S. Patent Nos. 7,762,464, 8,950,673, and 10,242,240. In fact, the Patent Office cited to U.S. Patent Publication No. 2006/0283952—which issued as the '799 patent—in an office action rejection during the prosecution of U.S. Patent No. 8,950,673, which is a patent assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc. *See* Ex. 34–35. In addition, Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc., expressly listed U.S. Patent No. 8,196,839—a child of the '799 patent—in the Information Disclosure Statements filed during the prosecution of U.S. Patent Nos. 9,038,903 and 9,033,237. *See* Ex. 36–37. Zebra also has knowledge of the '799 patent and that its actions constitute infringement thereof since at least the time it was served with this complaint.

83. Zebra also provides information and instructions on using the Accused Products in an infringing manner, evidenced at least by: (i) the marketing and sales materials provided to its customers and potential customers through its website and its other marketing activities, *see, e.g.*, Ex. 78 (DS8108); Ex. 90 (TC75); and (ii) instructional videos published by Zebra on at least YouTube, *e.g.*, *Zebra Technologies: TC75 Technical Overview*, Zebra (Nov. 3, 2017), <https://www.youtube.com/watch?v=ajVmzHf7bLc>.

C. Infringement of U.S. Patent No. 8,794,520

84. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 1, 2–17, 18, 19–24, 25, and 26–27 of the '520 patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, either directly and/or under the doctrine of equivalents. The claims of the '520 patent are method and apparatus claims that are infringed by Zebra's accused products.

85. Exemplary claim charts showing how Zebra's DS8108 and TC75, and the SE4750 scan engine that is integrated with the TC75, which are exemplary of Zebra's infringing products, directly and/or indirectly infringe—literally and/or under the doctrine of equivalents—at least independent claims 1, 18, 25 and 27 of the '520 patent are attached as Exhibits 50 and 51.

86. On information and belief, Zebra also knowingly induces and/or contributes to the infringement of at least claims 1, 2–17, 18, 19–24, 25, 26–27 of the '520 patent by others. For example, Zebra instructs its customers to use its products to scan barcodes in an infringing manner. *See* Ex. 91. Zebra's customers and the end users of Zebra's infringing products test and/or operate the Zebra's infringing products in the United States in accordance with Zebra's instructions contained in, for example, Zebra's documents cited in Exhibit 51. The components of Zebra's infringing products that practice the claimed functionality have no substantial noninfringing use.

87. On information and belief, Zebra had knowledge of or was willfully blind to the '520 patent and that its actions constitute infringement of the '520 patent. In fact, Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc., expressly listed U.S. Patent Publication No. 2010/0078477—which issued as the '520 patent—in an information disclosure statement filed during its prosecution of U.S. Patent No. 9,507,989. *See* Ex. 38. Zebra also has knowledge of the '520 patent and that its actions constitute infringement thereof since at least the time it was served with this complaint.

88. Zebra also provides information and instructions on using the Accused Products in an infringing manner, evidenced at least by: (i) the marketing and sales materials provided to its customers and potential customers through its website and its other marketing activities, *see, e.g.*, Ex. 78 (DS8108); Ex. 90 (TC75); and (ii) instructional videos published by Zebra on at least YouTube, *see, e.g.*, *Zebra Technologies: TC75 Technical Overview*, Zebra (Nov. 3, 2017), <https://www.youtube.com/watch?v=ajVmzHf7bLc>, and the documents cited in the claim charts that are exhibits to this Complaint.

D. Infringement of U.S. Patent No. 9,576,169

89. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 1, 2, 3, 5–7, 9, 10, 11, 12, 14, 16, and 18 of the '169 patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, either directly and/or under the doctrine of equivalents. The claims of the '169 patent are all apparatus claims that are infringed by Zebra's accused products.

90. Exemplary claim charts showing how Zebra's DS8108 and TC75, and the SE4750 scan engine that is integrated with the TC75, which are exemplary of Zebra's infringing products, directly and/or indirectly infringe—literally and/or under the doctrine of equivalents—at least independent claims 1 and 10 of the '169 patent, are attached as Exhibits 52 and 53, respectively.

91. On information and belief, Zebra also knowingly induces and/or contributes to the infringement of at least claims 1, 2, 7, 10, 11, and 16 of the '169 patent by others. For example, Zebra instructs its customers to use its products to capture images that include decodable indicia and textural images that extract features indicative of a texture of the image data. *See* Ex. 91. Zebra's customers and the end users of Zebra's infringing products test and/or operate the Zebra's infringing products in the United States in accordance with Zebra's instructions contained in, for example, Zebra's documents cited in Exhibit 53. The components of Zebra's infringing products that practice the claimed functionality have no substantial noninfringing use.

92. On information and belief, Zebra had knowledge of or was willfully blind to the '169 patent and that its actions constitute infringement of the '169 patent. In fact, the Patent Office cited U.S. Patent Nos. 7,611,060 and U.S. Patent Publication No. 2010/0044440—which are parents to the '169 patent—in office action rejections to U.S. Patent Nos. 7,866,557, 9,064,166, and 9,305,197, which are assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc. *See* Ex. 39–41. In addition, Zebra's wholly owned subsidiary, Symbol Technologies, Inc., expressly listed U.S. Patent Nos. 7,611,060 and 8,146,820—parents of the '169 patent—in Information Disclosure Statements filed during the prosecution of U.S. Patent Nos. 8,387,884, 9,152,834, 9,213,880, and 9,734,375. *See* Ex. 42–45. Zebra also has knowledge of the '169 patent and that its actions constitute infringement thereof since at least the time it was served with this complaint.

93. Zebra also provides information and instructions on using the Accused Products in an infringing manner, evidenced at least by: (i) the marketing and sales materials provided to its customers and potential customers through its website and its other marketing activities, *see, e.g.*, Ex. 78 (DS8108); Ex. 90 (TC75); and (ii) instructional videos published by Zebra on at least

YouTube, e.g., *Zebra Technologies: TC75 Technical Overview*, Zebra (Nov. 3, 2017), <https://www.youtube.com/watch?v=ajVmzHf7bLc>.

E. Infringement of U.S. Patent No. 10,721,429

94. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 1, 2, 4–8, 9, 10, 11, 13–16, 17, 18, 20–24, 25, and 27–30 of the '429 patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, either directly and/or under the doctrine of equivalents. The claims of the '429 patent are all apparatus claims that are infringed by Zebra's accused products.

95. Exemplary claim charts showing how Zebra's DS8108 and TC75, and the SE4750 scan engine that is integrated within the TC75, which are exemplary of Zebra's infringing products, directly and/or indirectly infringe—literally and/or under the doctrine of equivalents—at least independent claims 1, 9, and 17 of the '429 patent, are attached as Exhibits 54 and 55, respectively.

96. On information and belief, Zebra also knowingly induces and/or contributes to the infringement of at least claims 1, 2, 4–8, 9, 10, 11, 13–16, 17, 18, 20–24, 25, and 27–30 of the '429 patent by others. For example, Zebra instructs its customers to use its products to scan barcodes in an infringing manner. *See* Ex. 91. Zebra's customers and the end users of Zebra's infringing products test and/or operate the Zebra's infringing products in the United States in accordance with Zebra's instructions contained in, for example, Zebra's documents cited in Exhibit 55. The components of Zebra's infringing products that practice the claimed functionality have no substantial noninfringing use.

97. On information and belief, Zebra had knowledge of or was willfully blind to the '429 patent and that its actions constitute infringement of the '429 patent. For example, the '429 patent and its family members are cited as prior art in several patents assigned to Zebra's wholly

owned and controlled subsidiary, Symbol Technologies, Inc., including U.S. Patent Nos. 7,815,120, 7,866,557, 8,474,723, 8,899,484, 8,902,353, 9,756,215, and 9,792,477. In fact, the Patent Office cited to U.S. Patent Publication No. 2006/0202036, the '628 patent, and U.S. Patent No. 8,733,660—all parents of the '429 patent—in office action rejections during the prosecution of U.S. Patent Nos. 7,815,120, 8,474,723, 8,902,353, and 9,792,477, which are assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc. *See* Ex. 22–25. In addition, U.S. Patent No. 7,909,257—a parent of the '429 patent—was extensively discussed in the International Search Report and Written Opinion issued for PCT/US2017/025920, which listed the entire patent family, including the '429 patent, and is assigned to Zebra's wholly owned and controlled subsidiary, Symbol Technologies, Inc. *See* Ex. 26. Zebra's wholly owned subsidiary, Symbol Technologies, Inc., also expressly listed the '429 patent family members in Information Disclosure Statements filed during its prosecution of U.S. Patent Nos. 8,474,723, 8,998,089, 9,756,215, 9,792,477, 10,142,531, 10,769,394, 10,929,623. *See* Ex. 27–33. Zebra also has knowledge of the '429 patent and that its actions constitute infringement thereof since at least the time it was served with this complaint.

98. Zebra also provides information and instructions on using the Accused Products in an infringing manner, evidenced at least by: (i) the marketing and sales materials provided to its customers and potential customers through its website and its other marketing activities, *see, e.g.*, Ex. 78 (DS8108); Ex. 90 (TC75); and (ii) instructional videos published by Zebra on at least YouTube, *e.g.*, *Zebra Technologies: TC75 Technical Overview*, Zebra (Nov. 3, 2017), <https://www.youtube.com/watch?v=ajVmzHf7bLc>.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

99. On information and belief, Respondents import, sell for importation, and/or sell within the United States after importation certain barcode scanners with barcode scanning

capabilities, mobile computers, scan engines, and components thereof that infringe one or more valid claims of the Asserted Patents. *See* Ex. 18 at 9 (“Our products are currently produced in facilities primarily located in the Asia-Pacific region, including China, Taiwan, Vietnam, and Malaysia, as well as Mexico and Brazil.”); *id.* at 19 (“The Company [Zebra] currently imports a significant percentage of our products into the U.S.”)

100. Photographs of Zebra’s TC56 Touch Computer are attached hereto as Exhibit 56, in lieu of a physical exhibit. Complainants purchased Zebra’s TC56 Touch Computer in the United States from Amazon.com. A receipt for the purchase is attached hereto as Exhibit 57. Labels on Zebra’s TC56 Touch Computer and product packaging indicate that the Zebra TC56 Touch Computer is manufactured in China. *See* Ex. 56, 58. The shipping paperwork and packaging says that this product was shipped to an address within the United States, demonstrating Zebra imports, sells for importation, and/or sells within the United States after importation the Accused Products. *See* Ex. 58, 59.

101. Photographs of Zebra’s TC75 Touch Computer with an integrated SE4750 scan engine, are attached hereto as Exhibit 60, in lieu of a physical exhibit. Complainants purchased Zebra’s TC75 Touch Computer in the United States from Paragon Print Systems, Inc. A receipt for the purchase is attached hereto as Exhibit 61. Labels on Zebra’s TC56 Touch Computer and the product packaging indicate that Zebra’s TC56 Touch Computer is manufactured in China. *See* Ex. 60, 62. The labels on Zebra’s TC75 also show Symbol’s logo with “Symbol Technologies, Inc. Holtsville, N.Y. 11742” and “Made in China” listed directly underneath. *See* Ex. 60. The shipping paperwork and packaging reports that this product was shipped to an address within the United States, demonstrating that Zebra imports, sells for importation, and/or sells within the United States after importation the Accused Products. *See* Ex. 62, 63.

102. Photographs of Zebra’s DS8108 Digital Scanner are attached hereto as Exhibit 64, in lieu of physical exhibits. Complainants purchased DS8108 Digital Scanner in the United States from Amazon.com. A receipt for the purchase is attached hereto as Exhibit 57. Labels on Zebra’s DS8108 Digital Scanner and product packaging indicate that the Zebra DS8108 Digital Scanner is manufactured in China and Mexico. *See* Ex. 64, 65. The packaging reports that this product was shipped to an address within the United States, demonstrating that Zebra imports, sells for importation, and/or sells within the United States after importation the Accused Products. *See, e.g.,* Ex. 65.

VII. HARMONIZED TARIFF SCHEDULE NUMBERS

103. On information and belief, the Accused Products have been imported into the United States under at least the following Harmonized Tariff Schedule numbers: 8471605000 and 8471900000.

VIII. RELATED LITIGATION

104. Concurrently with the filing of this Complaint, Honeywell is filing a complaint in the U.S. District Court for the Western District of Texas, alleging that Zebra infringes the Asserted Patents.

105. U.S. Patent No. 7,568,628, which is a parent patent to U.S. Patent No. 10,721,429, was the subject of an *Inter Partes* Review Petition filed on September 20, 2013 in *Fujian Newland Computer Co., Ltd. v. Hand Held Products, Inc.*, IPR2013-00595 (PTAB). The Patent Trial and Appeal Board (“PTAB”) instituted review of claims 1, 18, 35, 36, 39, 44, and 46 on February 28, 2014. The PTAB issued its Final Written Decision on February 18, 2015 confirming the patentability of all challenged claims. The ’628 patent was also the subject of an *Ex Parte* Reexamination filed on April 27, 2012 by Yali Sun. The USPTO confirmed the patentability of claims 1-35, and new claims 36-46 were added and determined to be patentable.

106. On May 31, 2019, Honeywell International Inc., Hand Held Products, Inc., and Metrologic Instruments, Inc. filed a complaint with the ITC asserting infringement of the '520 patent and six other patents against Opticon Inc., Opticon Sensors Europe B.V., OPTO Electronics Co., Ltd., and Hokkaido Electronic Industry Co., Ltd. The ITC instituted Inv. No. 337-TA-1165 on July 2, 2019. 84 Fed. Reg. 31620 (July 2, 2019). Concurrently with the filing of the ITC complaint leading to the 1165 Investigation, Honeywell filed a complaint captioned *Honeywell International, Inc. et al v. Opticon, Inc. et al*, 1:19-cv-01019 in the U.S. District Court for the District of Delaware, asserting the same seven patents, including the '520 patent. The Delaware case was stayed pending the 1165 Investigation.

107. On February 24, 2020, the Delaware case was terminated due to a stipulation of dismissal. On March 13, 2020, the Commission terminated the 1165 Investigation based on a confidential settlement agreement.

IX. DOMESTIC INDUSTRY

108. A domestic industry exists in the United States for articles protected by the Asserted Patents. Honeywell has several different models of barcode scanners, mobile computers, and scan engines products that practice the Asserted Patents (collectively, the “Honeywell DI Products”), including:

Table 3. Domestic Industry Products	
	Model Numbers
DI Barcode Scanners	At least: Granit 1910i, Granit 1911i, Granit 1920i, Granit 1980i, Granit 1981i, Granit 1690i, Granit 1691i, Voyager 1602g, Vuquest 3320g, Xenon 190X Series, Xenon XP 195X Series, 8670, 8680i, and 8690i

Table 3. Domestic Industry Products	
	Model Numbers
DI Mobile Computers	At least: Captuvo SL22 Series, Captuvo SL42 Series, CK65, CK75, CN80, CT40 Series, CT60 Series, ScanPal EDA61K, ScanPal EDA71, and RT10
DI Scan Engines⁴	At least: EX30 Series, N4680, N5000 Series, N5100 Series, N5300 Series, N5600 Series, N660X Series, N670X Series, and N680X Series

109. Honeywell continues to actively innovate and design new barcode scanners, mobile computers, and scan engine products which may also practice the Asserted Patents.

A. Technical Prong

110. Honeywell’s Xenon 1950g and CT60 and the incorporated N660X scan engine are exemplary of Honeywell’s Barcode Scanners, Mobile Computers, and Scan Engines, respectively.

111. A claim chart showing how Honeywell’s Xenon 1950g and CT60 XP and the incorporated N6803 scan engine directly practices at least claim 1 of the ’628 patent is attached as Exhibit 66.

112. A claim chart showing how Honeywell’s CT60 and the incorporated scan engine directly and/or indirectly practices at least claim 9 of the ’799 patent is attached as Exhibit 67C.

113. A claim chart showing how Honeywell’s Xenon 1950g directly and/or indirectly practices at least claim 1 of the ’520 patent is attached as Exhibit 68.

114. A claim chart showing how Honeywell’s CT60 and the incorporated N660X scan engine directly and/or indirectly practices at least claim 1 of the ’520 patent is attached as Exhibit 69.

⁴ Each of the DI Mobile Computers includes a DI Scan Engine.

115. A claim chart showing how Honeywell's Xenon 1950g directly practices at least claim 1 of the '169 patent is attached as Exhibit 70.

116. A claim chart showing how Honeywell's CT60 and the incorporated N660X scan engine directly and/or indirectly practices at least claim 1 of the '169 patent is attached as Exhibit 71.

117. A claim chart showing how Honeywell's Xenon 1950g directly practices at least claim 1 of the '429 patent is attached as Exhibit 72.

118. A claim chart showing how Honeywell's CT60 and the incorporated N660X scan engine directly and/or indirectly practices at least claim 1 of the '429 patent is attached as Exhibit 73.

B. Economic Prong

119. Honeywell has expended considerable resources in plant and equipment, labor and capital, and engineering and research and development on the Honeywell DI Products in the United States. And Honeywell continues to invest in plant and equipment, labor and capital, and engineering and research and development as Honeywell continuously improves its products, while also seeking to develop new barcode scanners and related technologies.

1. Significant Investment in Plant and Equipment

120. Honeywell has spent, and continues to spend, significant sums on its domestic facilities supporting the products that practice the Asserted Patents. For example, research and development efforts for the Honeywell DI Products take place at least in Honeywell's New Jersey and South Carolina facilities. As another example, service, repair, and warehousing activities for the Honeywell DI Products take place at Honeywell's facility in North Carolina. Honeywell has made, and continues to make, extensive investments in these and other domestic facilities relating to the Honeywell DI Products. *See Ex. 74C.*

2. Significant Employment of Labor and Capital

121. Honeywell has engaged in, and continues to engage in, significant employment of labor and capital in the United States. As of September 2021, Honeywell had approximately 39,000 U.S. based employees. Honeywell employs about 810 people in the United States in its Productivity Products business group, which includes the scan engines, scanners, and mobility products identified above. Honeywell employs many U.S.-based employees working in research and development or in ongoing product maintenance that supports the Honeywell DI Products. *See Ex. 74C.*

3. Substantial Investments in Engineering and Research and Development

122. Honeywell has made, and continues to make, substantial investment in engineering and research and development activities that support the Honeywell DI Products.

123. For example, just since 2019, Honeywell has spent millions of dollars in the United States on the research and development of the Honeywell DI Products. These expenditures include, but are not limited to, direct technical program costs and costs for building prototypes and testing of these barcode scanning devices. *See Ex. 74C.*

4. Other Expenditures

124. Honeywell supports its products, including the Honeywell DI Products, with substantial customer and consumer service, warranty, and repair teams. These teams include personnel located in North Carolina and South Carolina that handle repairs and a team of field support specialists that train distributors, retailers, and customers how to use the products. At its Fort Mill, SC facility, Honeywell built and maintains a testing laboratory with various equipment used to manufacture, test, and analyze various prototypes and products. Honeywell also invests substantial sums in its logistics, warehousing, and distribution of its products within the United

States. Honeywell relies heavily on the domestic services of third-party logistics providers. Honeywell also has a significant OEM business, selling software and scan engines to third parties that manufacture products in the United States. *See* Ex. 74C.

125. The activities and investments described above are discussed in greater detail in the Confidential Declaration of Taylor Smith, Chief Technology Officer of the Productivity Solutions and Service Group at Honeywell International Inc., attached as Exhibit 74C.

X. REQUESTED RELIEF

126. Honeywell respectfully requests the Commission:

a. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Proposed Respondents' violations of that section by importing, selling for importation, and/or selling within the United States after importation the Accused Products, which infringe one or more claims of the Asserted Patents;

b. Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of: (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337; and (ii) following the hearing, determining that there has been a violation of Section 337;

c. Issue a permanent limited exclusion order directed to products manufactured, designed, offered for sale, and/or sold by the Proposed Respondents, their subsidiaries, their related companies, and/or agents pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States of the Accused Products that infringe one or more claims of the Asserted Patents;

d. Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting the Proposed Respondents, their subsidiaries, their related companies, agents, and/or other affiliates from conducting any of the following activities in the United States: importing, transferring (except for exportation), marketing, advertising, demonstrating, warehousing inventory, distributing, soliciting United States agents or distributors, offering for sale, selling,

licensing, repairing, programming, packaging, repackaging, bundling, and/or updating the Accused Products that infringe one or more claims of the Asserted Patents;

e. Impose a bond during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337 (e)(1) and (f)(1) to prevent further injury to Honeywell's domestic industry related to each of the Asserted Patents; and

f. Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the investigation and the authority of the Commission.

Dated: September 29, 2021

Respectfully submitted,

/s/ Mark Fowler

Mark Fowler
DLA Piper LLP (US)
2000 University Ave
East Palo Alto, CA 94303
Telephone: (650) 833-8000
Facsimile: (650) 833-8001

Kathryn Riley Grasso
Helena D. Kiepura
DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Facsimile: (202) 799-5000

Michael Jay
DLA Piper LLP (US)
2000 Avenue of the Stars
Suite 400 North Tower
Los Angeles, California 90067
Telephone: (310) 595-3000
Facsimile: (310) 595-3300

Brian Erickson
DLA Piper LLP (US)
303 Colorado Street

Austin, Texas
Telephone: (512) 457-7000
Facsimile: (512) 457-7001

James M. Heintz
DLA Piper LLP (US)
11911 Freedom Drive
Reston, VA 20190
Telephone: (703) 773 4000
Facsimile: (703) 773 5000

Counsel for Complainants

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436**

IN THE MATTER OF

**CERTAIN BARCODE SCANNERS,
MOBILE COMPUTERS WITH
BARCODE SCANNING
CAPABILITIES, SCAN ENGINES, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-_____

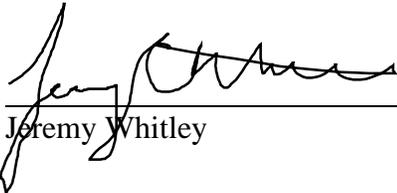
VERIFICATION OF COMPLAINT

I, Jeremy Whitley, declare under the penalty of perjury under the laws of the United States of America, and in accordance with 19 C.F.R. §§ 210 and 210.12(a), the following is true and correct:

1. I am the Chief Intellectual Property Counsel at Honeywell Safety and Productivity Solutions, and I am duly authorized to verify this complaint on behalf of Complainants;
2. I have read the complaint and 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 needless increase in the cost of the investigation or related proceedings;
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 nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

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, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Executed this 29th day of September, 2021.



Jeremy Whitley