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May 20, 2022

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, Scan Engines, Mobile Computers with Barcode Scanning Functionalities, Products Containing the Same, and Components Thereof II*, Dkt. No. 337-TA-_____

Dear Secretary Barton:

Enclosed for filing, please find documents in support of a request by Honeywell International Inc. and Hand Held Products, Inc. (“Complainants”) that 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, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof. There is no confidential business information contained in the Complaint itself, but we have included a separate letter requesting confidential treatment of certain exhibits included with this filing.

In accordance with the Commission’s modified filing requirements, 85 Fed. Reg. 15798, please find the necessary documentation attached, including:

1. One (1) electronic copy of Complainants’ Complaint, pursuant to Commission Rule 210.8(a)(1)(i).
2. One (1) electronic copy of the public exhibits to the Verified Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9).
3. One (1) electronic copy of the confidential exhibits to the Verified Complaint, pursuant to Commission Rules 201.6(c) and 210.8(a)(1)(ii).

4. One (1) electronic copy of certified versions of the Asserted Patents pursuant to Commission Rule 210.12(a)(9)(i).
5. One (1) electronic copy of certified versions of the assignment of the Asserted Patents, pursuant to Commission Rules 210.12(a)(9)(ii).
6. One (1) electronic copy of certified versions of the U.S. Patent and Trademark Office prosecution history for each Asserted Patent, pursuant to Commission Rules 210.12(c)(i).
7. One (1) electronic copy of each patent and applicable pages of each technical reference mentioned in the prosecution history of each Asserted Patent, pursuant to Commission Rules 210.12(c)(ii).
8. One (1) electronic copy of a letter and certification requesting confidential treatment for the information contained in Confidential Exhibits 12C and 44C, pursuant to Commission Rules 201.6(b) and 210.5(d).
9. One (1) electronic copy of a statement on the Public Interest regarding the remedial order sought by the Complainants in the Verified Complaint, pursuant to Commission Rule 210.8(b).

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

Respectfully submitted,



M. Scott Stevens

*Counsel for Complainants
Honeywell International Inc. and
Hand Held Products, Inc.*

MSS:dkc

Enclosures

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May 20, 2022

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, Scan Engines, Mobile Computers with Barcode Scanning Functionalities, Products Containing the Same, and Components Thereof II*, Dkt. No. 337-TA-_____

REQUEST FOR CONFIDENTIAL TREATMENT

Dear Secretary Barton:

Pursuant to Commission Rule 201.6, Complainants Honeywell International Inc. and Hand Held Products, Inc. (“Complainants”) respectfully request confidential treatment of certain confidential business information contained in Confidential Exhibits 8C and 37C filed herewith.

The information in the exhibits for which Complainants seek confidential treatment consists of proprietary commercial information, including:

- (i) a confidential list of licensees to the asserted patent (Confidential Exhibit 12C);¹ and
- (ii) proprietary financial data regarding Complainant’s domestic investments (Confidential Exhibit 44C).

The proprietary information described herein qualifies as confidential business information under Commission Rule 201.6 because substantially-identical information is not available to the public, because the disclosure of this information would cause

¹ Public versions of Exhibits 12C and 44C have been submitted with the Complaint.

The Honorable Lisa R. Barton
May 20, 2022
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substantial competitive harm to Complainants and third parties, and because the disclosure of this information would likely impede the Commission's efforts and ability to obtain similar information in the future.

Thank you for your attention. Please contact me with any questions regarding this request for confidential treatment.

Respectfully submitted,



M. Scott Stevens

Counsel for Complainants
Honeywell International Inc. and
Hand Held Products, Inc.

MSS:dkc

Enclosures

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BARCODE SCANNERS, SCAN
ENGINES, MOBILE COMPUTERS WITH
BARCODE SCANNING FUNCTIONALITIES,
PRODUCTS CONTAINING THE SAME, AND
COMPONENTS THEREOF II**

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. (collectively, "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 barcode scanners (such as stationary scanners, handheld scanners, companion scanners, cabled scanners, wireless scanners, and mobile scanning devices), mobile computers with barcode scanning functionalities (such as hand-held, tablet, and wearable computers) and components thereof (such as undecoded scan engines, decoder boards, and imaging modules) 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, Honeywell and other Zebra competitors could fill any gap in demand caused by the requested relief, which raises no 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 1248879, at *46 n. 56 (Dec. 29, 2011) (“The Commission does not believe that the mere fact that a technologies filed 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 be excluding infringing imports.”).

² See *Certain Baseband Processor Chips and Chipsets*, 337-TA-543, Comm'n Op. at 45, 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”).

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 Patent. 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 will be able to obtain the same feature set or barcode scanner type it wants even with a limited exclusion order and cease and desist order against the Zebra Accused Products.

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 or welfare implications under the record created here.”).

⁵ See, e.g., *MC9300 Mobile Computer Selling Guide*, Zebra, at 15–26 (Feb. 15, 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-markting-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>.

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

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 Controller Chips*, 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.”).

III. CONCLUSION

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

Dated: May 20, 2022

/s/ M. Scott Stevens

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**THE UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN BARCODE SCANNERS,
SCAN ENGINES, MOBILE
COMPUTERS WITH BARCODE
SCANNING FUNCTIONALITIES,
PRODUCTS CONTAINING THE SAME,
AND COMPONENTS THEREOF II**

Investigation No. 337-TA-_____

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

COMPLAINANTS

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PROPOSED RESPONDENTS

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Lincolnshire, IL 60069

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

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1	Certified Copy of U.S. Patent No. 11,323,649	Public
2	Certified Copy of U.S. Patent No. 11,323,650	Public
3	Certified Copy of U.S. Patent No. 7,852,519	Public
4	Certified Copy of U.S. Patent No. 9,258,188	Public
5	Certified Copy of U.S. Patent No. 8,635,309	Public
6	Certified Copy of Recorded Assignments for U.S. Patent No. 11,323,649	Public
7	Certified Copy of Recorded Assignments for U.S. Patent No. 11,323,650	Public
8	Certified Copy of Recorded Assignments for U.S. Patent No. 7,852,519	Public
9	Certified Copy of Recorded Assignments for U.S. Patent No. 9,258,188	Public
10	Certified Copy of Recorded Assignments for U.S. Patent No. 8,635,309	Public
11	List of Foreign Counterparts of the Asserted Patents	Public
12C	Confidential List of Licenses for Each Asserted Patent	Confidential
13	Zebra Technologies Corporation’s 2021 10-K	Public
14	Zebra Technologies Corporation’s “About Zebra” Webpage	Public
15	Zebra Technologies Corporation’s “Corporate Fact Sheet” (2021)	Public
16	Zebra DS8100 Series Product Specification Sheet	Public
17	Zebra DS8108 Digital Scanner Product Reference Guide	Public
18	Zebra DS8178 User Guide	Public
19	Zebra Release Notes for 123Scan	Public
20	Zebra TC72/TC77 Series Touch Computer Specification Sheet	Public
21	Zebra TC72/TC77 Touch Computer User Guide for Android 10	Public
22	Zebra StageNow Screen Capture A	Public
23	Zebra StageNow Screen Capture B	Public
24	Zebra StageNow Profiles	Public
25	Zebra StageNow Specification	Public
26	Claim Chart Showing Infringement of U.S. Patent No. 11,323,649	Public
27	Claim Chart Showing Infringement of U.S. Patent No. 11,323,650	Public
28	Claim Chart Showing Infringement of U.S. Patent No. 7,852,519	Public
29	Claim Chart Showing Infringement of U.S. Patent No. 9,258,188 for TC77	Public

30	Claim Chart Showing Infringement of U.S. Patent No. 9,258,188 for DS8178	Public
31	Claim Chart Showing Infringement of U.S. Patent No. 8,635,309 for TC77	Public
32	Claim Chart Showing Infringement of U.S. Patent No. 8,635,309 for DS8108	Public
33	Declaration of Lauren Griffin	Public
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37	Chart Showing Honeywell Practices U.S. Patent No. 11,323,649	Public
38	Chart Showing Honeywell Practices U.S. Patent No. 11,323,650	Public
39	Chart Showing Honeywell Practices U.S. Patent No. 7,852,519	Public
40	Chart Showing Honeywell Practices U.S. Patent No. 9,258,188	Public
41	Chart Showing Honeywell Practices U.S. Patent No. 8,635,309	Public
42	Honeywell Staging Hub User Guide	Public
43	Honeywell Enterprise Provisioner Guide	Public
44	Declaration of Taylor Smith	Confidential
45	AR0134CS-D Datasheet	Public
46	SE4750 Datasheet	Public
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48	AR0144 DataSheet	Public
49	Honeywell Xenon 1950g Data Sheet	Public
50	Honeywell Xenon XP Series User Guide	Public
51	Honeywell Dolphin CT 60 Data Sheet	Public
52	Honeywell Dolphin CT 60 Series User Guide	Public
53	Photographs of Zebra TC75	Public
54	Photographs of Xenon 1950g	Public
55	Photographs of Dolphin CT 60	Public
56	Photographs of Zebra DS8108	Public
57	Photographs of Zebra DS8178	Public
58	Photographs of Zebra TC77	Public

LIST OF APPENDICES

Appendix Number	Description	Designation
A	Certified Copy of Prosecution History of U.S. Patent No. 11,323,649	Public
B	Certified Copy of Prosecution History of U.S. Patent No. 11,323,650	Public
C	Certified Copy of Prosecution History of U.S. Patent No. 7,852,519	Public
D	Certified Copy of Prosecution History of U.S. Patent No. 9,258,188	Public
E	Certified Copy of Prosecution History of U.S. Patent No. 8,635,309	Public
F	Copy of References Cited in Prosecution History of U.S. Patent No. 11,323,649	Public
G	Copy of References Cited in Prosecution History of U.S. Patent No. 11,323,650	Public
H	Copy of References Cited in Prosecution History of U.S. Patent No. 7,852,519	Public
I	Copy of References Cited in Prosecution History of U.S. Patent No. 9,258,188	Public
J	Copy of References Cited in Prosecution History of U.S. Patent No. 8,635,309	Public

I. INTRODUCTION

1. Honeywell International Inc. and Hand Held Products, Inc. (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 sale within the United States after importation by Zebra Technologies Corporation and Symbol Technologies, Inc. (collectively, “Zebra” or “Respondents”) of certain barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof that directly and/or indirectly infringe one or more claims of U.S. Patent Nos. 11,323,649 (the “’649 Patent”), 11,323,650 (the “’650 Patent”), 7,852,519 (the “’519 Patent”), 9,258,188 (the “’188 Patent”), and 8,635,309 (the “’309 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. The Proposed Respondents are Zebra Technologies Corporation and Symbol Technologies, Inc. (collectively, “Zebra” or “Respondents”).

3. The Complaint is directed to Respondents’ imported barcode scanners (also known as barcode readers, barcode decoders, stationary scanners, handheld scanners, companion scanners, cabled scanners, wireless scanners, and mobile scanning devices), handheld computers, mobility devices, scan engines, undecoded scan engines, decoder boards, and imaging modules, including but not limited to, at least Zebra’s CS4070 Series, CS6080, DS2200 Series, DS3600 Series, DS457, DS4600, DS4800 Series, DS6878, DS7708, DS8100 Series, DS9308, DS9908, DS9808, RS6000, FS Series, RS5100, LI2208, LI3600 Series, LI4278, LS1203, LS2208, LS3008, LS3408, LS3578, LS4200 Series, LS7708, LS7808, LS9203i, LS9208i, MS4400,

MP6000, and MP7000 barcode scanners, Zebra’s ET5X Series, ET8x Series, L10 Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC5X Series, TC7X Series, TC8X00 Series, MT2000 Series, EC5X, EC30, MC2X00, TC2X, PS20, WS50, WT6300, HD4000, RS5X00, VC8300, and VC80X mobile computers, and Zebra’s SE2707, SE2100, SE4760, SE3300, SE3317, SE4500, SE4720, SE4770, SE4710, SE4750, CCSN1, SE655, SE95X, SE96X, SE1524ER, EM1350, SE4850, SE4100, SE4107 scan engines, that infringe the following claims:

U.S. Patent No.	Asserted Claims	Accused Products ¹
11,323,649	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30	<p>At least:</p> <p>Barcode Scanners: DS3600 Series, DS457, DS7708, DS8100 Series, RS6000, FS Series, RS5100</p> <p>Mobile Computers: ET5X Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC5X Series, TC7X Series, TC8X00 Series, and MT2000 Series, WS50</p> <p>Scan Engines: SE55, SE4500, SE4720, SE4750, SE4760, SE3300, SE3317, and SE4770</p>
11,323,650	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20	<p>At least:</p> <p>Barcode Scanners: DS3600 Series, DS457, DS7708, DS8100 Series, RS6000, FS Series, RS5100</p> <p>Mobile Computers: ET5X Series,</p>

¹ The identification of a specific model or type of barcode scanner, mobile computer, or scan engine is not intended to limit the scope of the investigation. Discovery may reveal that additional Zebra products infringe the Asserted Patents’ claims and/or that additional claims are infringed, and any remedy should extend to all barcode scanners, mobile computers with barcode scanning functionalities, scan engines, products containing the same, and components thereof.

U.S. Patent No.	Asserted Claims	Accused Products ¹
		<p>MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC5X Series, TC7X Series, TC8X00 Series, and MT2000 Series, WS50</p> <p>Scan Engines: SE55, SE4500, SE4720, SE4750, SE4760, SE3300, SE3317, and SE4770</p>
7,852,519	1, 2, 3, 5, 6, 7, 20	<p>At least:</p> <p>Barcode Scanners: CS4070 Series, CS6080, DS2200 Series, DS3600 Series, DS457, DS4600, DS4800 Series, DS6878, DS7708, DS8100 Series, DS9308, DS9908, DS9808, RS6000, FS Series, RS5100</p> <p>Mobile Computers: ET5X Series, ET8x Series, L10 Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC5X Series, TC7X Series, TC8X00 Series, MT2000 Series, EC5X, EC30, MC2X00, TC2X, PS20, WS50, WT6300, HD4000, RS5X00, VC8300, VC80X</p> <p>Scan Engines: SE55, SE4500, SE4720, SE4750, SE4760, SE3300, SE3317, and SE4770</p>
9,258,188	1, 2, 5, 6, 9, 11, 12, 16, 19, 20	<p>At least:</p> <p>Barcode Scanners: DS2278, DS3678, DS6878, DS8178, LI3600 Series, LI4278, LS2208, LI2208, LS3008, LS3408, LS3578, LS4278</p> <p>Mobile Computers: ET5X Series, ET8x Series, L10 Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC5X Series, TC7X Series, TC8X00 Series, MT2000 Series, EC5X, EC30, MC2X00, TC2X, PS20, WS50, WT6300, HD4000, RS5X00, VC8300, VC80X</p> <p>Scan Engines: SE2707, SE2100, SE4760, SE3300, SE3317, SE4500, SE4720, SE4770, SE4710, SE4750, CCSN1, SE655,</p>

U.S. Patent No.	Asserted Claims	Accused Products ¹
		SE95X, SE96X, SE1524ER, EM1350, SE4850, SE4100, SE4107
8,635,309	1, 2, 3, 4, 13, 19, 20, 21, 22, 25, 26, 29 , 30, 31, 32, 40, 42, 47, 48, 49, 50, 57	<p>At least:</p> <p>Barcode Scanners: CS4070 Series, CS6080, DS2200 Series, DS3600 Series, DS457, DS4600, DS4800 Series, DS6878, DS7708, DS8100 Series, DS9308, DS9908, DS9808, RS6000, FS Series, RS5100, LI2208, LI3600 Series, LI4278, LS1203, LS2208, LS3008, LS3408, LS3578, LS4200 Series, LS7708, LS7808, LS9203i, LS9208i, MS4400, MP6000, MP7000</p> <p>Mobile Computers: ET5X Series, ET8x Series, L10 Series, MC32XX Series, MC33XX Series, MC67, MC9X00 Series, TC5X Series, TC7X Series, TC8X00 Series, MT2000 Series, EC5X, EC30, MC2X00, TC2X, PS20, WS50, WT6300, HD4000, RS5X00, VC8300, VC80X</p> <p>Scan Engines: SE2707, SE2100, SE4760, SE3300, SE3317, SE4500, SE4720, SE4770, SE4710, SE4750, CCSN1, SE655, SE95X, SE96X, SE1524ER, EM1350, SE4850, SE4100, SE4107</p>

4. Zebra’s infringing barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components 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.

5. The Accused Products are manufactured and/or sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by or on behalf of Respondents. *See, e.g.*, Exhibits 34-36, 56-58.

6. An industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists in the United States relating to articles protected by the Asserted Patents. *See, e.g.*, Exhibit 44C.

7. Honeywell seeks as relief a permanent limited exclusion order prohibiting entry into the United States of Respondents' infringing barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof. Honeywell requests that such an exclusion order prohibit Respondents from importing into the United States key components of the accused barcode scanners and mobile computers, such as scan engines, undecoded scan engines, decoder boards, and imaging modules, so as to prevent Respondents from evading any exclusion order directed to its barcode scanners and scan engines.

8. Honeywell also requests permanent cease and desist orders prohibiting Respondents from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory, distributing, offering for sale, selling, licensing, repairing, programming, packaging, repackaging, bundling, or updating its certain barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof.

9. Honeywell also requests that the Commission require an appropriate bond be posted for any activities otherwise covered by the permanent limited exclusion order and/or permanent cease and desist orders during the Presidential review period.

II. THE PARTIES

A. The Complainants

1. Honeywell International Inc.

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

11. The corporation known today as 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 Buzz Aldrin and Neil Armstrong on the moon.

12. 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 engineer-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 35,000 employees in the United States.

13. Research is one of the keys to Honeywell's success and provides the necessary cornerstone for its cutting-edge products. Operating 146 research and engineering facilities globally, Honeywell employs over 7,000 engineers (of which 3,000 are software engineers)

domestically. As of early 2022, Honeywell had over 28,000 granted patents and over 8,300 patent applications stemming from its R&D work.

14. Honeywell and its subsidiaries have made significant 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 solution to U.S. consumers and businesses.

2. Hand Held Products, Inc.

15. Hand Held Products, Inc. ("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.

16. 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. The Dolphin handheld computer remains one of Honeywell's best-selling products.

17. Hand Held has developed and sells a diverse range of products, which cover a spectrum of industries and solutions. These products include barcode scanner, 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.

18. Hand Held owns more than 2,100 patents and has more than 350 pending patent applications. These patents and patent applications cover a wide range of technologies relating to barcode scanners, scan engines, mobile computers, wearable technology, human interface devices, and various components thereof.

B. Proposed Respondents

1. Zebra Technologies Corporation

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

20. Zebra purports to have 128 offices globally, with 8,800 employees in 45 countries. *See* Exhibit 15 (Corporate Fact Sheet).

21. Zebra purports to be “an innovator at the edge of the enterprise with solutions and partners that enable businesses to gain a performance edge.” *See* Exhibit 15 (Corporate Fact Sheet). “[Zebra] design[s], manufacture[s], and sell[s] a broad range of AIDC [Automatic Identification and Data Capture] products, including: mobile computers, barcode scanners and imagers, RFID readers, specialty printers for barcode labeling and personal identification, real-time location systems (‘RTLS’), related accessories and supplies, such as labels and other consumables, and related software applications.” Exhibit 13 (2021 10-K) at 4.

22. According to Zebra, its product portfolio consists of “Barcode Printing, Mobile Computing, Data Capture, Locationing, Data Platforms, Software, Services, Supplies.” Exhibit 14 (About Us) at 2. Zebra also purports to be the “#1 market share” for “Enterprise Mobile Computing,” “Barcode scanning,” “Specialty Printing,” and “RFID Reader & RFID Printing.” *See* Exhibit 15 (Corporate Fact Sheet) at 1.

23. Final assembly of Zebra’s products is performed by third parties, including electronics manufacturing services companies (“EMSs”) and joint-design manufacturers

(“JDMs”) located in the Asia-Pacific region, including China, Taiwan, Vietnam, Malaysia, as well as Mexico and Brazil. See Exhibit 13 (2021 10-K). The EMSs and JDMs produce products to Zebra’s design specifications, sourcing components from suppliers selected by Zebra for prices negotiated by Zebra. *Id.*

24. 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 they are shipped to customers.” See Exhibit 13 (2021 10-K) at 10.

25. Zebra imports, sells for importation, and/or sells within the United States after importation barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents.

2. Symbol Technologies, Inc.

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

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

28. Symbol is a wholly owned and controlled subsidiary of Zebra Technologies Corporation.

29. Symbol imports, sells for importation, and/or sells within the United States after importation certain barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, 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* Exhibit 53.

III. THE TECHNOLOGY AND ACCUSED PRODUCTS AT ISSUE

30. The Asserted Patents, described in more detail below, 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.

31. 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 characteristics. 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.

32. 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.



33. The advent of 2D barcodes ushered in a new era and a new need for advanced barcode scanners that could decode these complex arrangements of shapes and sizes. As a pioneer in advanced 2D barcode scanners, Honeywell developed an array of products with technologies that allowed barcode scanners to seamlessly read 2D and 1D barcodes. Because of the complexity of 2D barcodes and the complexity in reading such barcode, even the slightest change in lighting, user hand-jitter, or angle of scanning can dramatically affect the ability to decode these barcodes effectively and efficiently. This complexity, coupled with the need for speed of decoding especially in healthcare, retail, and manufacturing settings, underscores the importance of Honeywell's technological advances.

34. One of Honeywell's key innovations was the development of global-shutter technology in CMOS-based barcode scanners. Traditionally, CMOS image sensors used a rolling shutter technique in which individual rows of pixels in the image sensor were activated and read out in sequence. This meant that, for example, the top row of pixels in the image sensor was exposed before the bottom row of pixels. Because rolling shutter exposed rows of pixels sequentially at different times, rolling shutter suffers from two disadvantages: image distortion and image blur. To overcome these drawbacks, Honeywell engineers developed the use of global shutter technology in the CMOS image sensor, in which all or substantially all of the pixels are simultaneously exposed. Exposing all pixels in the sensor simultaneously addresses each

drawback because pixels are not exposed at different points in time during image capture. Products incorporating global shutter were, and still are, far superior to scan engines utilizing rolling shutter, and this innovation resulted in significant commercial success for Honeywell's global-shutter products.

35. Honeywell has developed technology and software programming that allows barcode scanners to adjust automatically, in real-time, to various environmental conditions. For example, Honeywell developed barcode scanners that can adjust exposure (light) settings on a frame-by-frame basis, which allows a barcode reader to capture higher-quality images. Additional innovations were the development of barcode scanners capable of adjusting exposure settings in a real-time fashion in a multitasking operation system environment. Moreover, Honeywell developed barcode reader technology that allows the reader to determine the location of a barcode within the frame and use information regarding the quality of the image at that location in order to obtain an improved subsequent image. Combined, these technologies led to faster decode time and more accurate and concise character output. Barcode scanners, because of Honeywell's advancements, can now quickly decode any type of barcode, regardless of environment, and can automatically adjust to different users to provide quick and accurate scanning and decoding.

36. 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 captured the majority of the relevant market in 2007, and Honeywell's market share was only reduced when competitors, like Zebra,

incorporated the claimed inventions into their products. In many instances, this use led to licensing of certain of Honeywell's patents.

37. The Accused Products are certain Zebra barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof that incorporate, without authorization, certain of Honeywell's technologies as set forth and claimed in the Asserted Patents.

38. In accordance with Rule 210.12(a)(12), the Accused Products fall into the categories of products that are generally known in plain English as: "barcode scanners (also known as barcode readers, barcode decoders, stationary scanners, handheld scanners, companion scanners, cabled scanners, wireless scanners, and mobile scanning devices), handheld computers, mobility devices, scan engines, undecoded scan engines, decoder boards, and imaging modules."

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTION²

A. The Asserted Patents

1. U.S. Patent No. 11,323,649

39. The '649 Patent, entitled "Image Reader Comprising CMOS Based Image Sensor Array," issued on May 3, 2022, names inventors Ynjiun P. Wang and William H. Havens. The '649 Patent issued from U.S. Patent Application Serial No. 17/167,452, filed on February 4, 2021, and expires on March 11, 2025. All maintenance fees have been paid.

² 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.

40. Hand Held Products, Inc. owns the entire right, title, and interest to the '649 Patent. A certified copy of the assignment records for the '649 Patent, as maintained by the United States Patent and Trademark Office (“USPTO”), is attached as Exhibit 6.

41. A certified copy of the '649 Patent, as maintained by the USPTO, is attached as Exhibit 1.

42. A certified copy of the prosecution history of the '649 Patent, as maintained by the USPTO, and copies of each reference cited in the '649 Patent and its prosecution history are included in Appendices A and F, respectively.

43. The '649 Patent has 30 claims, three of which are independent claims. Complainants assert claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30. The '649 Patent discloses, for example, an apparatus using a CMOS image sensor in a global-shutter mode to decode a barcode. '649 Patent at Abstract, claim 1. Traditionally, CMOS-based image readers have employed rolling shutters whereby one row of pixels is exposed at a time, resulting in image distortion and image blur. *Id.* at 2:15–3:2. The technology of the '649 Patent allows for the use of global-shutter technology, in which to expose substantially all of the pixels at once in a CMOS-based image sensor are simultaneously exposed, thereby limiting distortion and blur in the image. *Id.* at Abstract. This allows for barcodes to be read more accurately and quickly.

2. U.S. Patent No. 11,323,650

44. The '650 Patent, entitled “Image Reader Comprising CMOS Based Image Sensor Array,” issued on May 3, 2022, names inventors Ynjiun P. Wang and William H. Havens. The '650 Patent issued from U.S. Patent Application Serial No. 17/198,587, filed on March 11, 2021, and expires on March 11, 2025. All maintenance fees have been paid.

45. Hand Held Products, Inc. owns the entire right, title, and interest to the '650 Patent. A certified copy of the assignment records for the '650 Patent, as maintained by the United States Patent and Trademark Office ("USPTO"), is attached as Exhibit 7.

46. A certified copy of the '650 Patent, as maintained by the USPTO, is attached as Exhibit 2.

47. A certified copy of the prosecution history of the '650 Patent, as maintained by the USPTO, and copies of each reference cited in the '650 Patent and its prosecution history are included in Appendices B and G, respectively.

48. The '650 Patent has 20 claims, three of which are independent claims. Complainants assert claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. The '650 Patent discloses, for example, an apparatus using a CMOS image sensor in a global-shutter mode to decode a barcode. '650 Patent at Abstract, claim 1. Traditionally, CMOS-based image readers have employed rolling shutters whereby one row of pixels is exposed at a time, resulting in image distortion and image blur. *Id.* at 2:19–3:6. The technology of the '650 Patent allows for the use of global-shutter technology, in which to expose substantially all of the pixels at once in a CMOS-based image sensor are simultaneously exposed, thereby limiting distortion and blur in the image. *Id.* at Abstract. This allows for barcodes to be read more accurately and quickly.

3. U.S. Patent No. 7,852,519

49. The '519 Patent, entitled "Dual-tasking decoder for improved symbol reading," issued on March 23, 2021, names inventors Timothy P. Meier, Thomas P. Hawley, Andrew Longacre, Jr., and Robert M. Hussey. The '519 Patent issued from U.S. Patent Application Serial No. 11/702,313, filed on February 5, 2007, and expires on August 8, 2029. All maintenance fees have been paid.

50. Hand Held Products, Inc. owns the entire right, title, and interest to the '519 Patent. A certified copy of the assignment records for the '519 Patent, as maintained by the USPTO, is attached as Exhibit 8.

51. A certified copy of the '519 Patent, as maintained by the USPTO, is attached as Exhibit 3.

52. A certified copy of the prosecution history of the '519 Patent, as maintained by the USPTO, and copies of each reference cited in the '519 Patent and its prosecution history are included in Appendices C and H, respectively.

53. The '519 Patent has 20 claims, 2 of which are independent claims. Complainants assert claims 1, 2, 3, 5, 6, 7, 20. The '519 Patent discloses, for example, a barcode scanning device that utilizes a first image processing procedure that processes one or more images within a first period of time, a second image processing procedure that processes one or more images within a second period of time, and where the first period of time is constrained to be less than or equal to the second period of time. '519 Patent at Abstract. Various organizations, including such as retail and manufacturing businesses, employ barcode scanning devices for the purpose of identifying particular objects among a large plurality of barcode labeled objects. *Id.* at 1:22–25. These barcode scanning devices are capable of capturing images that represent the barcodes. The '519 Patent contemplates utilizing at least two image processing procedures that process images captured by the barcode scanning device that are constrained by different time values. *Id.* at Abstract.

4. U.S. Patent No. 9,258,188

54. The '188 Patent, entitled “Data collection system having EIR terminal interface node,” issued on February 9, 2016, names inventors James Kosecki and Aldo Mario Caballero.

The '188 Patent issued from U.S. Patent Application Serial No. 14/589, 001 filed on January 5, 2015, and expires on August 16, 2027. All maintenance fees have been paid.

55. Hand Held Products, Inc. owns the entire right, title, and interest to the '188 Patent. A certified copy of the assignment records for the '188 Patent, as maintained by the USPTO, is attached as Exhibit 9.

56. A certified copy of the '188 Patent, as maintained by the USPTO, is attached as Exhibit 4.

57. A certified copy of the prosecution history of the '188 Patent, as maintained by the USPTO, and copies of each reference cited in the '188 Patent and its prosecution history are included in Appendices D and I, respectively.

58. The '188 Patent has 20 claims, 3 of which are independent claims. Complainants assert claims **1**, 2, 5, 6, 9, **11**, 12, 16, **19**, 20. The '188 Patent discloses, for example, an “interface node that facilitates management of a fleet of portable encoded information reading terminals (EIR terminals), by directing performance of software upgrades and/or configuration update actions by one or more members of the fleet of EIR terminals.” '188 Patent at 1:39–44. The '188 Patent teaches that “various organizations, including retail and manufacturing businesses, can employ sizable fleets of EIR terminals” and that “a number of actions typically need to be performed upon the terminals as part of the terminal fleet management operations, including terminal reprogramming operations.” *Id.* at 1:48-57. The '188 Patent contemplates an embodiment of an encoded information reading (EIR) terminal interface node configured for use in managing the reprogramming of the one or more EIR terminals. *Id.* at Abstract.

5. U.S. Patent No. 8,635,309

59. The '309 Patent, entitled “Methods and apparatus to change a feature set on data collection devices,” issued on January 21, 2014, names inventors Guy H. Berthiaume, Aldo M.

Caballero, James A. Cairns, William H. Havens, Thomas J. Koziol, James W. Stewart, Ynjiun P. Wang, and Daniel D. Yeakley. The '309 Patent issued from U.S. Patent Application Serial No. 11/836,347 filed on August 9, 2007, and expires on August 16, 2031. All maintenance fees have been paid.

60. Hand Held Products, Inc. owns the entire right, title, and interest to the '188 Patent. A certified copy of the assignment records for the '309 Patent, as maintained by the USPTO, is attached as Exhibit 10.

61. A certified copy of the '309 Patent, as maintained by the USPTO, is attached as Exhibit 5.

62. A certified copy of the prosecution history of the '309 Patent, as maintained by the USPTO, and copies of each reference cited in the '309 Patent and its prosecution history are included in Appendices E and J, respectively.

63. The '309 Patent has 59 claims, 2 of which are independent claims. Complainants assert claims 1, 2, 3, 4, 13, 19, 20, 21, 22, 25, 26, **29**, 30, 31, 32, 40, 42, 47, 48, 49, 50, 57. The '309 Patent discloses, for example, “methods and apparatus for the post-sale secure activation, modification, and de-activation of features of data collection devices.” '309 Patent at 1:65–67. The '309 Patent teaches that “most if not all data collection devices may be purchased in a variety of configurations,” which presents difficulties for manufacturing these devices in each possible configuration. *Id.* at 1:46-47. The '309 Patent discloses “methods and apparatus to limit the number of manufacturing configurations of data collection devices while enabling an increased number of possible product configurations.” *Id.* at 1:61-64.

B. Foreign Counterparts of the Asserted Patents

64. A list of each foreign patent, each foreign patent application, and each foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted

Patents, with an indication of the prosecution status of each such foreign patent application, is attached as Exhibit 11. Honeywell is aware of no other foreign patent, foreign patent application, or foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted Patents.

C. Licensees Under the Asserted Patents

65. Any party that may be licensed to one or more of the Asserted Patents is identified in Confidential Exhibit 12C.

V. RESPONDENTS' UNLAWFUL AND UNFAIR ACTS

66. As discussed in detail below, the Accused Products are barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof and components thereof, that infringe the Asserted Patents and are manufactured abroad by or for Zebra and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation, at least in part by Zebra. Information regarding representative Accused Products discussed below can be found in Exhibits 16-25, 56-58.

67. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of claims **1**, **2**, **3**, **4**, **5**, **6**, **7**, **8**, **9**, **10**, **11**, **12**, **13**, **14**, **15**, **16**, **17**, **18**, **19**, **20**, **21**, **22**, **23**, **24**, **25**, **26**, **27**, **28**, **29**, and **30** of the '649 Patent with respect to at least its DS8108.

68. An exemplary claim chart showing infringement of independent claims **1**, **13**, and **22** of the '649 Patent by Zebra's DS8108, which is representative of the Accused Products for purposes of this patent, is attached as Exhibit 26.

69. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of claims **1**, **2**, **3**, **4**, **5**, **6**, **7**, **8**, **9**, **10**, **11**, **12**, **13**, **14**, **15**, **16**, **17**, **18**, **19**, and **20** of the '650 Patent with respect to at least its DS8108.

70. An exemplary claim chart showing infringement of independent claims 1, 9, and 14 of the '650 Patent by Zebra's DS8108, which is representative of the Accused Products for purposes of this patent, is attached as Exhibit 27.

71. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2, 3, 5, 6, 7, and 20 of the '519 Patent with respect to at least its DS8108.

72. An exemplary claim chart showing infringement of independent claims 1 and 20 of the '519 Patent by Zebra's DS8108, which is representative of the Accused Products for purposes of this patent, is attached as Exhibit 28.

73. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2, 5, 6, 9, 11, 12, 16, 19, and 20 of the '188 Patent with respect to at least its TC77 and DS8178.

74. Exemplary claim charts showing infringement of independent claims 1, 11, and 19 of the '188 Patent by Zebra's TC77 and DS8178, which are collectively representative of the Accused Products for purposes of this patent, are attached as Exhibits 29 and 30.

75. Zebra directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2, 3, 4, 13, 19, 20, 21, 22, 25, 26, 29, 30, 31, 32, 40, 42, 43, 47, 48, 49, 50, and 57 of the '309 Patent with respect to at least its TC77 and DS8108.

76. Exemplary claim charts showing infringement of independent claims 1 and 29 of the '309 Patent by Zebra's TC77 and DS8108, which are collectively representative of the Accused Products for purposes of this patent, are attached as Exhibits 31 and 32.

A. Direct Infringement

77. Respondents directly infringe the Asserted Patents through their manufacture, sale for importation, importation, and/or sale after importation of the Accused Products.

78. Respondents manufacture the Accused Products abroad, including in Mexico and China, and then sell those Accused Products for importation into the United States. *See, e.g.*, Exhibit 13 (2021 10-K) at 10 (“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 20 (“The Company [Zebra] currently imports a significant percentage of our products into the U.S.”).

79. On information and belief, collectively, the Zebra entities import into the United States all of the Accused Products.

80. Each Zebra entity, directly and through authorized agents, sells and offers for sale the Accused Products within the United States to end users.

81. On information and belief, each Zebra entity tests or operates the Accused Products in the United States, thereby performing the claimed methods and directly infringing any asserted claims of the Asserted Patents requiring such operation. Similarly, Zebra’s customers and the end users of the Accused Products test and/or operate the Accused Products in the United States, in accordance with Zebra’s instructions contained in, for example, its user manuals, thereby also performing the claimed methods and directly infringing the asserted claims of the Asserted Patents requiring such operations.

B. Contributory Infringement

82. Respondents also contribute to infringement of the Asserted Patents by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products, the non-staple constituent parts of those devices, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the Asserted Patents. On information and belief, these devices

are known by Respondents to be especially made or especially adapted for use in the infringement of the Asserted Patents.

83. Specifically, upon information and belief, Zebra sells the Accused Products to resellers and end users with knowledge that the devices infringe. End users of the Accused Products directly infringe the Asserted Patents.

84. On information and belief, Zebra has knowledge of or was willfully blind to the '649 Patent and that its actions constitute infringement. For example, the '649 Patent is related to numerous patents presently asserted against Zebra in related actions. *See* Section VIII.

85. On information and belief, Zebra has knowledge of or was willfully blind to the '650 Patent and that its actions constitute infringement. For example, the '650 Patent is related to numerous patents presently asserted against Zebra in related actions. *See* Section VIII.

86. On information and belief, Zebra has knowledge of or was willfully blind to the '519 Patent and that its actions constitute infringement. For example, the '519 Patent was cited by the examiner during the prosecution of U.S. Patent No. 10,140,497, assigned to Symbol.

87. On information and belief, Zebra has knowledge of or was willfully blind to the '188 Patent and that its actions constitute infringement. For example, U.S. Patent No. 9,929,906, which is related to the '188 Patent and lists the '188 Patent on its face, was asserted against Zebra in *Honeywell International, Inc., et al. v. Zebra Technologies Corporation*, 6:21-cv-01010-ADA in the U.S. District Court for the Western District of Texas.

88. On information and belief, Zebra has knowledge of or was willfully blind to the '309 Patent and that its actions constitute infringement. For example, the '908 Patent's publication, U.S. Publication No. 2009/0044003, was cited by the examiner during the prosecution of U.S. Patent No. 10,303,908, assigned to Symbol.

89. In the alternative, Respondents have had notice of the Asserted Patents and Honeywell's claims of infringement of each since no later than the service of this Complaint. Despite having notice of the Asserted Patents and its infringement of the Asserted Patents, Respondents have continued their unlawful activities and expanded those activities by launching new products.

C. Induced Infringement

90. Respondents also induced, and continue to induce, infringement of the Asserted Patents by encouraging and facilitating others to perform acts known by Respondents to infringe the Asserted Patents with the specific intent that those performing the acts infringe the Asserted Patents. As shown in Section V.B. to this Complaint, upon information and belief, Zebra did so with knowledge of the Asserted Patents. Zebra, upon information and belief, among other things, advertises the Accused Products, publishes datasheets and promotional literature describing the operation of those devices, creates and/or distributes user manuals for the Accused Products, and offers support and technical assistance to its customers designed to induce those customers to perform the specific acts of direct infringement. *See, e.g.*, Exhibits 16-25. On information and belief, these materials instruct and encourage users to use Zebra's Accused Products in a manner that infringes the asserted Claims. *Id.*

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

91. Upon information and belief, Respondents import, sell for importation, and/or sell within the United States after importation certain barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof, and components thereof that infringe one or more valid claims of the Asserted Patents. *See* Exhibit 13 (2021 10-K) 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.”); *see also* Exhibit 33.

92. Photographs of Zebra’s DS8108 Digital Scanner are attached hereto as Exhibit 56, in lieu of physical exhibits. Complainants purchased a DS8108 Digital Scanner in May 2022 in the United States from Amazon. A receipt for the purchase is attached hereto as Exhibit 34. Labels on Zebra’s DS8108 Digital Scanner and product packaging indicate that the Zebra DS8108 Digital Scanner is manufactured in Mexico. *See* Exhibits 33, 56. Zebra imports, sells for importation, and/or sells within the United States after importation the Accused Products. *See, e.g.,* Exhibits 16, 17, 33, 34, 56.

93. Photographs of Zebra’s DS8178 Digital Scanner are attached hereto as Exhibit 57, in lieu of physical exhibits. Complainants purchased a DS8178 Digital Scanner in May 2022 in the United States from Amazon. A receipt for the purchase is attached hereto as Exhibit 36. Labels on Zebra’s DS8178 Digital Scanner and product packaging indicate that the Zebra DS8178 Digital Scanner is manufactured in Mexico. *See* Exhibits 33, 57. Zebra imports, sells for importation, and/or sells within the United States after importation the Accused Products. *See, e.g.,* Exhibits 16, 28, 33, 36, 57.

94. Photographs of Zebra’s TC77 Touch Computer with an integrated SE4750 scan engine are attached hereto as Exhibit 58, in lieu of a physical exhibit. Complainants purchased Zebra’s TC77 Touch Computer in April 2022 in the United States from Barcodes Inc. A receipt for the purchase is attached hereto as Exhibit 35. Labels on Zebra’s TC77 Touch Computer and the product packaging indicate that Zebra’s TC77 is manufactured in China. *See* Exhibits 33, 58. Zebra imports, sells for importation, and/or sells within the United States after importation the Accused Products. *See, e.g.,* Exhibits 20, 21, 33, 35, 58.

VII. HARMONIZED TARIFF SCHEDULE NUMBERS

95. Upon 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

96. Concurrent with the instant complaint, Honeywell is filing a complaint in the U.S. District Court for the Western District of Texas against Zebra and Symbol alleging infringement of the Asserted Patents.

97. U.S. Patent No. 7,568,628, which issued from the parent application of the applications that resulted in the '649 and 650 Patents, 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 PTAB instituted review of claims 1, 18, 35, 36, 39, 44, and 46 on February 28, 2014. And the PTAB issued its Final Written Decision on February 18, 2015 affirming the validity of all challenged claims.

98. 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 U.S. Patent Nos. 9,465,970 and 8,978,985 (relatives to the '649 and '650 Patents), and five other patents against Opticon Inc., Opticon Sensors Europe B.V., OPTO Electronics Co., Ltd., and Hokkaido Electronic Industry Co., Ltd. The ITC instituted Investigation No. 337-TA-1165 on June 27, 2019 based on that complaint. 84 Fed. Reg. 31619 (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. The Delaware case was stayed pending the 1165 Investigation.

99. The Commission terminated the 1165 Investigation on March 13, 2020, based on a confidential settlement agreement between Honeywell and Opto Electronics Co., Ltd. The Delaware case was closed on February 24, 2020 based on a stipulation of dismissal.

100. On January 9, 2020, Hand Held Products, Inc. filed a complaint against Opticon Sensoren GmbH and Opticon Sensors Europe B.V. for patent infringement in the District Court of Mannheim, Germany alleging infringement of EP Patent No. 2,953,350 which is related to the '649 and '650 Patents. This action was dismissed pursuant to a confidential settlement agreement between the parties.

101. On September 29, 2021, Honeywell International Inc., Hand Held Products, Inc., and Metrologic Instruments, Inc. filed a complaint with the ITC asserting infringement of U.S. Patent Nos. 7,568,628; 9,576,169; and 10,721,429, which are related to the '649 and '650 Patents, and two other patents against Zebra. The ITC instituted Investigation No. 337-TA-1285 on October 29, 2021 based on that complaint. 86 Fed. Reg. 60915 (November 4, 2021). The 1285 Investigation is presently in the violation phase. Concurrently with the filing of the ITC complaint leading to the 1285 Investigation, Honeywell filed a complaint captioned *Honeywell International, Inc., et al. v. Zebra Technologies Corporation*, 6:21-cv-01008-ADA in the U.S. District Court for the Western District of Texas, asserting the same five patents. The Western District of Texas case is stayed pending the 1285 Investigation.

102. On September 29, 2021, Honeywell International Inc., Hand Held Products Inc., and Metrologic Instruments, Inc. filed a complaint captioned *Honeywell International, Inc., et al. v. Zebra Technologies Corporation*, 6:21-cv-01010-ADA in the U.S. District Court for the Western District of Texas asserting U.S. Patent Nos. 9,578,269 and 10,171,767, which are

related to the '649 and '650 Patents, U.S. Patent No. 9,929,906, which is related to the '188 Patent, and two other patents. This action is presently pending.

103. On September 29, 2021, Hand Held Products, Inc. and Metrologic Instruments, Inc. filed a complaint for patent infringement in the Business and Property Courts of England and Wales against Zebra Technologies Europe Limited and Zebra Technologies Corporation alleging infringement of EP Patent Nos. 1,856,653 and 2,953,350, which are related to the '649 and '650 Patents. This action is presently pending.

104. On September 29, 2021, Hand Held Products, Inc. filed a complaint for patent infringement in the District Court of Mannheim, Germany against Zebra Technologies Corporation, Zebra Technologies Germany GmbH, and Zebra Technologies Europe Limited alleging infringement of EP Patent Nos. 1,856,653; 2,953,350; and 2,592,581, which are related to the '649 and '650 Patents. This action is presently pending.

105. On September 30, 2021, Honeywell (China) Co., Ltd. filed a complaint for patent infringement in Shanghai, China against Zebra Technologies Corporation, Genuine Zebra Technologies Trading (Shanghai) Co., Ltd., and Shanghai Jinxun Electronics Co., Ltd. alleging infringement of Chinese Patent Nos. 201110220834.X and 201110220832.0, which are related to the '649 and '650 Patents. This action is presently pending.

106. On September 30, 2021, Metrologic (Suzhou) Technology Co., Ltd. filed a complaint for patent infringement in Shanghai, China against Zebra Technologies Corporation, Genuine Zebra Technologies Trading (Shanghai) Co., Ltd., and Shanghai Jinxun Electronics Co., Ltd. alleging infringement of Chinese Patent Nos. 200680016023.5, which is related to the '649 and '650 Patents. This action is presently pending.

107. On October 8, 2021, Honeywell (China) Co., Ltd. filed a complaint for patent infringement in Shanghai, China against Zebra Technologies Corporation, Genuine Zebra Technologies Trading (Shanghai) Co., Ltd., and Shenzhen Lianda Yushang Technology Co., Ltd. alleging infringement of Chinese Patent No. 201110220834.X, which is related to the '649 and '650 Patents. This action is presently pending.

108. On October 9, 2021, Metrologic (Suzhou) Technology Co., Ltd. filed a complaint for patent infringement in Shenzhen, China against Zebra Technologies Corporation, Genuine Zebra Technologies Trading (Shanghai) Co., Ltd., and Shenzhen Lianda Yushang Technology Co., Ltd. alleging infringement of Chinese Patent No. 200680016023.5, which is related to the '649 and '650 Patents. This action is presently pending.

109. On October 9, 2021, Honeywell (China) Co., Ltd. filed a complaint for patent infringement in Shanghai, China against Zebra Technologies Corporation, Genuine Zebra Technologies Trading (Shanghai) Co., Ltd., and Shenzhen Lianda Yushang Technology Co., Ltd. alleging infringement of Chinese Patent No. 201110220832.0, which is related to the '649 and '650 Patents. This action is presently pending.

110. On May 2, 2022, Honeywell International Inc. and Hand Held Products, Inc. filed a complaint with the ITC asserting infringement of the U.S. Patent No. 9,465,970, which is related to the '649 and '650 Patents, and two other patents against Zebra. The ITC has not yet instituted the investigation. Concurrently with the filing of this ITC complaint, Honeywell filed a complaint captioned *Honeywell International, Inc., et al. v. Zebra Technologies Corporation*, 6:22-cv-00442-ADA in the U.S. District Court for the Western District of Texas, asserting the same three patents as well as an additional patent. Zebra has not yet answered the district court complaint.

111. Other than as described above, the alleged unfair methods of competition and unfair acts, or the subject matter thereof, are not and have not been the subject of any foreign or domestic court or agency litigation.

IX. DOMESTIC INDUSTRY

112. An industry as required by Section 337(a)(2) and as defined by Section 337(a)(3) exists in the United States. Honeywell offers several styles and lines of its scanner products, including the products sold under the Granit, Dolphin, and Xenon trade names, that practice one or more of the Asserted Patents, including the Xenon 1900, Xenon 1902, Xenon 1950, Xenon 1952, Granit 1910i, Granit 1911i, Granit 1920i, Granit XP 1990i, Granit XP 1991i, Vuquest 3320g, Genesis 7580g, Genesis XP 7680g, 8670, 8680i, 8690i, Solaris 7980g, and Voyager 1602g (“Honeywell DI Barcode Scanners”); CT40, CT45, CT60, CK65, CK75, CN80, CN85, EDA51, EDA52, EDA5s, EDA61, EDA71, RT10, 99EX, Captuvo SL22, and Captuvo SL42 (“Honeywell DI Mobility Products”); the EX30 Series, N3680, N4680, N5000 Series, N5100 Series, N5300 Series, N5600 Series, N660X Series, N670X Series, and N680X Series scan engine models (“Honeywell DI Scan Engines”) (collectively, the “Honeywell DI Scanner and Mobility Products”), and has spent millions of dollars in the United States to create, test, and support these models for use by the U.S. consumers. Thus, Honeywell’s activities as they relate to the Honeywell DI Scanner and Mobility Products support a domestic industry relating to barcode scanning products that practice the Asserted Patents.

A. Honeywell’s Practice of the Asserted Patents

113. As stated above, for purposes of this Complaint, Honeywell submits its Xenon 1950g and Dolphin CT60, as representative of Honeywell’s DI Scanner and Mobility Products that practice the Asserted Patents.

114. The following table provides an exemplary summary of the Asserted Patents being practiced by Honeywell’s DI Scanner and Mobility Products.

U.S. Patent No.	Honeywell DI Scanner and Mobility Products
<p>11,323,650 7,852,519 8,635,309</p>	<p>At least:</p> <p>Barcode Scanners: Xenon 1900, Xenon 1902, Xenon 1950, Xenon 1952, Granit 1910i, Granit 1911i, Granit 1920i, Granit XP 1990i, Granit XP 1991i, Vuquest 3320g, Genesis 7580g, Genesis XP 7680g, 8670, 8680i, 8690i, Solaris 7980g, Voyager 1602g</p> <p>Mobility Products: CT40, CT45, CT60, CK65, CK75, CN80, CN85, EDA51, EDA52, EDA5s, EDA61, EDA71, RT10, 99EX, Captuvo SL22, Captuvo SL42</p> <p>Scan Engines: EX30 Series, N4680, N5000 Series, N5100 Series, N5300 Series, N5600 Series, N660X Series, N670X Series, and N680X Series</p>
<p>9,258,188</p>	<p>At least:</p> <p>Barcode Scanners: Xenon 1902, Xenon 1952, Granit 1911i, Granit XP 1991i</p> <p>Mobility Products: CT40, CT45, CT60, CK65, CK75, CN80, CN85, and EDA51</p>
<p>11,323,649</p>	<p>At least:</p> <p>Barcode Scanners: Xenon 1950, Xenon 1952, Granit XP 1990i, Granit XP 1991i, Genesis XP 7680g, 8680i, 8690i, Solaris 7980g</p> <p>Mobility Products: CT40, CT45, CT60, CK65, CN85, EDA51, EDA52, EDA5s, EDA61, EDA71, and RT10 with Gen 7 scan engines</p> <p>Scan Engines: EX30, N670X Series, and N680X Series</p>

115. Honeywell is also actively designing barcode scanning devices in the United States that will use technology claimed in the Asserted Patents and thus, these new products also may practice the Asserted Patents.

116. Information regarding Honeywell’s Xenon 1950g, is attached as Exhibits 49 and 50. Photographs of Honeywell’s Xenon 1950g scanner are attached hereto as Exhibit 54, in lieu of physical exhibits.

117. Information regarding Honeywell's Dolphin CT60 is attached as Exhibits 51 and 52. Photographs of Honeywell's Dolphin CT60 mobility product are attached hereto as Exhibit 55, in lieu of physical exhibits.

118. A claim chart showing how Honeywell's Xenon 1950g directly practices at least claim 1 of the '649 Patent is attached as Exhibit 37.

119. A claim chart showing how Honeywell's Xenon 1950g directly practices at least claim 1 of the '650 Patent is attached as Exhibit 38.

120. A claim chart showing how Honeywell's Xenon 1950g directly practices at least claim 1 of the '519 Patent is attached as Exhibit 39.

121. A claim chart showing how Honeywell's Dolphin CT60 directly practices at least claim 1 of the '188 Patent is attached as Exhibit 40.

122. A claim chart showing how Honeywell's Dolphin CT60 directly practices at least claim 29 of the '309 Patent is attached as Exhibit 41.

B. Honeywell's Investments in the United States Relating to Products That Practice the Asserted Patents

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

1. Significant Investments in Plant and Equipment

124. 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 Scanner and Mobility Products take place at least in Honeywell's New Jersey, South Carolina, North Carolina, and Texas facilities. As another example, service, repair, and warehousing activities for the Honeywell DI Scanner and Mobility 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 Scanner and Mobility Products. *See Exhibit 44C.*

2. Significant Employment of Labor and Capital

125. Honeywell has engaged in, and continues to engage in, significant employment of labor and capital in the United States. As of April 2022, Honeywell had approximately 35,000 U.S.-based employees. Honeywell employs about 850 people in the United States in its Productivity Solutions and Services 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 Scanner and Mobility Products. *See Exhibit 44C.*

3. Substantial Investments in Engineering, Research, and Development

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

127. For example, just since 2019, Honeywell has spent millions of dollars in the United States on the research and development of the Honeywell DI Scanner and Mobility 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 Exhibit 44C.*

4. Other Expenditures

128. Honeywell supports its products, including the Honeywell DI Scanner and Mobility 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 and Mt. Laurel, New Jersey 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 logistic providers. Honeywell also has a significant OEM business, selling software and scan engines to third parties that manufacture products in the United States. *See Exhibit 44C.*

129. 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 44C.

X. Requested Relief

130. Honeywell respectfully requests that the U.S. International Trade Commission:

a. Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based upon the sale for importation into the United States, the importation into the United States, and/or the sale within the United States after importation Respondents' barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents;

b. Determine that there has been a violation of Section 337 by each Respondent;

c. Issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d), prohibiting entry into the United States all of Respondents' barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents;

d. Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondents, or their parents, subsidiaries, or other affiliates, from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory, distributing, offering for sale, selling, licensing, repairing, programming, or updating barcode scanners, scan engines, mobile computers with barcode scanning functionalities, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents;

e. Require appropriate bond be posted, pursuant to 19 U.S.C. § 1337(j), with Customs and Border Protection (CBP) for entry of any Accused Product or component thereof during the Presidential review period;

f. Require an appropriate bond be posed, pursuant to 19 U.S.C. § 1337(j), with the Commission for each and every proscribed activity pursuant to the Cease and Desist Order during the Presidential Review period; and

g. Grant such other and further relief as the Commission deems just and proper based on the facts determined in this investigation and the authority of the Commission.

Dated: May 20, 2022

Respectfully submitted,

/s/ M. Scott Stevens

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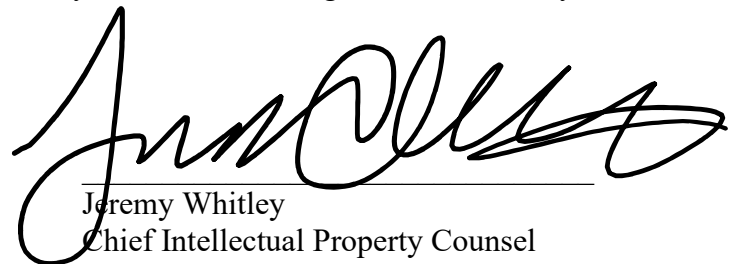
Hand Held Products, Inc.

VERIFICATION OF COMPLAINT

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

1. I am the Chief Intellectual Property Counsel at Honeywell Safety & 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 proceeding;
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 on discovery.

Executed on May 19, 2022



Jeremy Whitley
Chief Intellectual Property Counsel