

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Inv. No. 337-TA-1285

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 29, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Honeywell International Inc. of Charlotte, North Carolina; Hand Held Products, Inc. of Charlotte, North Carolina; and Metrologic Instruments, Inc. of Charlotte, North Carolina. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain barcode scanners, mobile computers with barcode scanning capabilities, scan engines, and components thereof by reason of infringement of certain 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”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2021).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on October 29, 2021, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-5, 9, 11, 13-15, 17-22, 24, 26, 27, 30, 32, 34-39, and 42-46 of the '628 patent; claims 9-12 and 14-20 of the '799 patent; claims 1-27 of the '520 patent; claims 1-3, 5-7, 9-12, 14, 16, and 18 of the '169 patent; and claims 1, 2, 4-11, 13-18, 20-25, and 27-30 of the '429 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "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)";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Honeywell International Inc.
855 S. Mint Street
Charlotte, NC 28202

Hand Held Products, Inc.
855 S. Mint Street
Charlotte, NC 28202

Metrologic Instruments, Inc.
855 S. Mint Street
Charlotte, NC 28202

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Zebra Technologies Corporation
3 Overlook Point
Lincolnshire, IL 60069

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

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 29, 2021

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

Inv. No. 337-TA-1285

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INSTITUTION OF INVESTIGATION** has been served via EDIS upon the following parties as indicated, on **October 29, 2021**.



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

| | |
|--|--|
| <u>Complainants:</u> | |
| Honeywell International Inc. 855 S. Mint Street Charlotte, NC 28202 | <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download |
| Hand Held Products, Inc. 855 S. Mint Street Charlotte, NC 28202 | <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download |
| Metrologic Instruments, Inc. 855 S. Mint Street Charlotte, NC 28202 | <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download |
| <u>On Behalf of Complainants:</u> | |
| Mark Fowler, Esq. DLA PIPER LLP (US) 2000 University Avenue East Palo Alto, CA 94303-2250 Email: Mark.Fowler@dlapiper.com | <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download |
| <u>Respondents:</u> | |

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

Inv. No. 337-TA-1285

Certificate of Service – Page 2

| | |
|--|--|
| <p>Zebra Technologies Corporation 3 Overlook Point Lincolnshire, IL 60069</p> | <p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Service to Be Completed by Complainants</p> |
| <p>Symbol Technologies, Inc. 1 Zebra Plaza Holtsville, NY 11742</p> | <p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Service to Be Completed by Complainants</p> |
| <p>Government Agencies:</p> | |
| <p>Lynda Marshall International Section, Antitrust Division U.S. Department of Justice 450 5th Street NW, Room 11000 Washington, DC 20530</p> | <p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download</p> |
| <p>U.S. Bureau of Customs and Border Protection Intellectual Property Rights Branch Mint Annex Building 799 9th Street, NW, 7th floor Washington, DC 20229</p> | <p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download</p> |
| <p>Elizabeth Kraus, Deputy Director International Antitrust, Office of International Affairs Federal Trade Commission 600 Pennsylvania Avenue, Room 498 Washington, DC 20580</p> | <p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download</p> |
| <p>Dale D. Berkley, Ph.D., J.D. Office of the General Counsel, PHD, NIH Branch National Institutes of Health 31 Center Drive Bldg. 31, Rm. 47 Bethesda, MD 20892</p> | <p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Other: Email Notification of Availability for Download</p> |
| | |



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Mark Fowler
DLA Piper LLP (US)
2000 University Avenue
East Palo Alto, CA 94303

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Mark Fowler:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary

Enclosures:

1. Notice of Investigation
2. Publication Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Honeywell International Inc.
855 S. Mint Street
Charlotte, NC 28202

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Sir/Madam:

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Lisa R. Barton
Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Hand Held Products, Inc.
855 S. Mint Street
Charlotte, NC 28202

**Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning
Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285**

Dear Sir/Madam:

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Lisa R. Barton
Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Metrologic Instruments, Inc.
855 S. Mint Street
Charlotte, NC 28202

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Sir/Madam:

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Lisa R. Barton
Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Zebra Technologies Corporation
3 Overlook Point
Lincolnshire, IL 60069

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Zebra Technologies Corporation** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

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Lisa R. Barton
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

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

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Symbol Technologies, Inc.** is a named respondent in this investigation.

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Lisa R. Barton
Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Lynda Marshall
International Section
Antitrust Division
U.S. Dept of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Lynda Marshall:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Dax Terrill, Chief
Exclusion Order Enforcement Branch
U.S. Customs and Border Protection
Regulations and Rulings
90 K Street NE – 10th Floor
Washington, DC 20229-1177

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Dax Terrill:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

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Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Elizabeth Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

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Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

October 29, 2021

Dale D. Berkley, Ph.D., J.D.
Office of the General Counsel, PHD, NIH Branch
National Institutes of Health
31 Center Drive
Bldg. 31, Rm. 47
Bethesda, MD 20892

Re: Certain Barcode Scanners, Mobile Computers with Barcode Scanning Capabilities, Scan Engines, and Components Thereof; Inv. No. 337-TA-1285

Dear Dale Berkley:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

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Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation