

**U.S. INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

In the Matter of

**CERTAIN BARCODE SCANNERS,
SCAN ENGINES, PRODUCTS
CONTAINING THE SAME, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-____

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

Complainants:

Honeywell International, Inc.
115 Tabor Road
Morris Plains, NJ 07950
Telephone: (877) 841-2840

Hand Held Products, Inc.
9680 Old Bailes Road
Fort Mill, SC 29707
Telephone: (803) 835-8000

Metrologic Instruments, Inc.
9680 Old Bailes Road
Fort Mill, SC 29707
Telephone: (803) 835-8000

Counsel for Complainants:

M. Scott Stevens
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004
Telephone: (202) 239-3025

S. Benjamin Pleune
Stephen R. Lareau
Adam J. Doane
Nicholas C. Marais
ALSTON & BIRD LLP
101 South Tryon Street
Charlotte, NC 28280
Telephone: (704) 444-1098

Proposed Respondents:

Opticon, Inc.
2200 Lind Ave. SW
Suite 100
Renton, WA 98057
Telephone: (425) 651-2120

Opticon Sensors Europe B.V.
Opaallaan 35
2132 XV Hoofddorp
The Netherlands
Telephone: +21 23-569 2700

OPTO Electronics Co., Ltd.
12-17, Tsukagoshi 4-chome
Warabi-city Saitama Pref.,
335-0002
Japan
Telephone: +81 48-4461183

Hokkaido Electronic Industry Co., Ltd.
118-122 Kamiashibetsu-cho
Ashibetsu-shi, Hokkaido
Japan
Telephone: +81 48-4461183

Patrick J. Flinn

ALSTON & BIRD LLP

One Atlantic Center

1201 West Peachtree Street

Suite 4900

Atlanta, GA 30309

Telephone: (404) 881-7920

Facsimile: (404) 253-8370

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Certified copy of U.S. Patent No. 9,465,970
2	Certified copy of U.S. Patent No. 8,978,985
3	Certified copy of U.S. Patent No. 7,148,923
4	Certified copy of U.S. Patent No. 7,527,206
5	Certified copy of U.S. Patent No. 9,659,199
6	Certified copy of U.S. Patent No. 7,159,783
7	Certified copy of U.S. Patent No. 8,794,520
8	Certified copy of Assignment Record for U.S. Patent No. 9,465,970
9	Certified copy of Assignment Record for U.S. Patent No. 8,978,985
10	Certified copy of Assignment Record for U.S. Patent No. 7,148,923
11	Certified copy of Assignment Record for U.S. Patent No. 7,527,206
12	Certified copy of Assignment Record for U.S. Patent No. 9,659,199 ¹
13	Certified copy of Assignment Record for U.S. Patent No. 7,159,783
14	Certified copy of Assignment Record for U.S. Patent No. 8,794,520
15	List of Foreign Counterparts of the Asserted Patents
16	Claim Chart Showing Infringement of U.S. Patent No. 9,465,970
17	Claim Chart Showing Infringement of U.S. Patent No. 8,978,985
18	Claim Chart Showing Infringement of U.S. Patent No. 7,148,923
19	Claim Chart Showing Infringement of U.S. Patent No. 7,527,206
20	Claim Chart Showing Infringement of U.S. Patent No. 9,659,199
21	Claim Chart Showing Infringement of U.S. Patent No. 7,159,783
22	Claim Chart Showing Infringement of U.S. Patent No. 8,794,520
23	Information regarding Proposed Respondents
24	Information regarding Opticon L-50X Scanner (Datasheet and User Guides)
25	Information regarding Opticon MDI-3100 Scan Engine (Datasheets and User Guides)
26	Declaration of Stephen Lareau
27	Photographs of Opticon's L-50X Scanner
28	Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 9,465,970
29	Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 8,978,985
30	Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 7,148,923
31	Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 7,527,206
32	Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 9,659,199

¹ With the original complaint, Honeywell is submitting a non-certified version of the assignment record relevant to U.S. Patent No. 9,659,199. Honeywell has placed an order for the certified version and will submit it as soon as it is received from the U.S. Patent and Trademark Office.

- 33 Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 7,159,783
- 34 Claim Chart Showing Honeywell Xenon 1902g Practices U.S. Patent No. 8,794,520
- 35 Information regarding the Honeywell Xenon 1902g (Datasheet and User Guide)
- 36 Photographs of Honeywell Xenon 1902g
- 37 Confidential List of Licensees to Asserted Patents
- 38 Confidential Declaration of Heath Martin

LIST OF PHYSICAL EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
P1	Physical sample of a domestic article protected by at least one of the Asserted Patents: Honeywell Xenon 1902g
P2	Physical sample of the following imported article that is a subject of the Complaint: Opticon L-50X Scanner

LIST OF APPENDICES

<u>Appendix</u>	<u>Description</u>
App. A	Certified copy of Prosecution History of U.S. Patent No. 9,465,970 ²
App. B	Certified copy of Prosecution History of U.S. Patent No. 8,978,985
App. C	Certified copy of Prosecution History of U.S. Patent No. 7,148,923
App. D	Certified copy of Prosecution History of U.S. Patent No. 7,527,206
App. E	Certified copy of Prosecution History of U.S. Patent No. 9,659,199
App. F	Certified copy of Prosecution History of U.S. Patent No. 7,159,783
App. G	Certified copy of Prosecution History of U.S. Patent No. 8,794,520
App. H	Copy of References Cited in Prosecution History of U.S. Patent No. 9,465,970
App. I	Copy of References Cited in Prosecution History of U.S. Patent No. 8,978,985
App. J	Copy of References Cited in Prosecution History of U.S. Patent No. 7,148,923
App. K	Copy of References Cited in Prosecution History of U.S. Patent No. 7,527,206
App. L	Copy of References Cited in Prosecution History of U.S. Patent No. 9,659,199
App. M	Copy of References Cited in Prosecution History of U.S. Patent No. 7,159,783
App. N	Copy of References Cited in Prosecution History of U.S. Patent No. 8,794,520

² With the original complaint, Honeywell is submitting non-certified versions of the file histories for Appendices A, B, E, F, and G. Honeywell has placed orders for the certified versions of these file histories and will submit them as soon as they are received from the U.S. Patent and Trademark Office.

I. INTRODUCTION

1. Honeywell International, Inc., Hand Held Products, Inc., and Metrologic Instruments, 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 the sale within the United States after importation of certain barcode scanners, scan engines, products containing the same, and components thereof.

2. The proposed Respondents are Opticon Inc., Opticon Sensors Europe B.V., OPTO Electronics Co., Ltd., and Hokkaido Electronic Industry Co., Ltd. (collectively, “Opticon” or “Respondents”).

3. The complaint is directed to Respondents’ imported barcode scanners, scan engines, products containing the same, and components thereof, including but not limited to, at least Opticon’s L-50X, PX-20, L-46X, M-10, OPN-2006, and OPN-3002i scanners and Opticon’s MDI-3100, MDI-4100, MDI-4050, and MDI-4150 scan engines, that infringe the following claims:

U.S. Patent No.	Asserted Claims	Accused Products ³
9,465,970	1, 2, 4-10, 13-21, 22, 23, 25-31, 34-42, 43, 44, 46-52, 55-63, 85	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI- 4100, MDI-4050, and MDI-4150
8,978,985	1, 2, 4-9, 12, 13, 15-21, 22, and 23-27	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI- 4100, MDI-4050, and MDI-4150

³ The identification of a specific model or type of barcode reader or scan engine is not intended to limit the scope of the investigation. Discovery may reveal that additional Opticon products infringe the Asserted Patents’ claims and/or that additional claims are infringed, and any remedy should extend to all barcode readers, barcode scanners, scan engines, products containing the same, and components thereof.

U.S. Patent No.	Asserted Claims	Accused Products³
7,148,923	1, 2-6, 8, 10, 19, 20-28, 29, and 30-33	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150
7,527,206	1, 2-3, 11, 12-14, 17, 19, 20, 21-23, 26, and 28	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150
9,659,199	1, 2-7, 8, 9-13, 14, and 15-20	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150
7,159,783	9, 10-19, and 20	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150
8,794,520	1, 2-17, 18, 19-24, 25, 26, and 27	At least L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150

As shown above, the same set of Accused Products are alleged to infringe all of the Asserted Patents. Of the Asserted Patents, five provide technology helping to properly expose an image of a barcode, including two from the same family covering global shutter technology. The other two Asserted Patents relate to the scanner's operating system and certain features thereof.

4. 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.

5. 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.

6. Honeywell seeks as relief a permanent limited exclusion order prohibiting entry into the United States of Respondents' infringing barcode scanners, scan engines, 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, such as scan engines, imaging modules, circuit boards, and flash memory modules, so as to prevent Respondents from evading any exclusion order directed to its barcode scanners and scan engines.

7. 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, products containing the same, and components thereof.

8. 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. COMPLAINANTS

A. Honeywell International, Inc.

9. Honeywell International, Inc. is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 115 Tabor Road, Morris Plains, NJ 07950. Honeywell has announced that it is relocating its corporate headquarters to Charlotte, NC.

10. 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 turning point in World War II. After entering the computer business through a merger with Raytheon

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

11. In 1999, Honeywell and AlliedSignal merged. AlliedSignal was formed in 1920 in response to a shortage of drugs and chemicals during World War I. Germany controlled a majority of the world's chemical industry, which led to dramatic shortages during the war. AlliedSignal quickly became a leading producer of various chemicals and would eventually enter the aerospace, automotive, and engineered-materials businesses through mergers with prominent American corporations such as Signal Companies and Union Texas Natural Gas. At present, Honeywell is headquartered in Morris Plains, New Jersey and employs, in conjunction with its subsidiaries, approximately 43,000 employees in the United States.

12. Research is one of the keys to Honeywell's success and provides the necessary cornerstone for its cutting-edge products. Operating 150 research and engineering facilities globally, Honeywell employs over 12,000 engineers and over 14,000 software developers domestically. As of early 2019, Honeywell had over 25,000 granted patents and over 11,000 patent applications stemming from its R&D work.

13. Since the 1960s, Honeywell and its subsidiaries have spent tens of millions of dollars in U.S. expenditures 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 equipment to U.S. consumers and businesses.

B. Hand Held Products, Inc.

14. Hand Held Products, Inc. ("Hand Held") is a corporation organized under the laws of Delaware, with its principal place of business at 9680 Old Bailes Road, Fort Mill, SC 29707. Hand Held is a wholly owned subsidiary of Honeywell International, Inc. Hand Held is relocating its corporate headquarters to Charlotte, NC later in 2019.

15. Hand Held was founded in Charlotte, North Carolina and provided 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 would eventually merge with Honeywell in late 2007 and operated as the Honeywell Scanning & Mobility division.

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

17. Hand Held owns approximately 1,400 granted patents and approximately 500 pending patent applications. These patents/patent applications cover a wide range of technologies relating to cellular phones, barcode scanners, wearable technology, human interface devices, and various components thereof.

C. Metrologic Instruments, Inc.

18. Metrologic Instruments, Inc. (“Metrologic”) is a corporation organized under the laws of New Jersey, with its principal place of business at 9680 Old Bailes Road, Fort Mill, SC 29707. Metrologic is a wholly owned subsidiary of Honeywell International, Inc. Metrologic is relocating its corporate headquarters to Charlotte, NC later in 2019.

19. Metrologic was founded in 1968. In the 1970s with the rise in popularity of barcode scanners, Metrologic entered the industry, developing the first hand-held laser barcode scanner, known as the X-scanner. After decades of research and development, Metrologic debuted the Voyager barcode scanner in 2000, which featured push-button data transmission. The Voyager had the ability to act both as a handheld scanner and as a presentation scanner while cradled and quickly became one of the best-selling barcode scanners and remains an industry leader to this day. In the spring of 2008, Metrologic joined forces with Honeywell, officially becoming a part of, along with Hand Held, Honeywell Scanning & Mobility in 2009.

20. Metrologic is an industry leader in data capture and collection hardware and software. During the birth of the Universal Product Code, Metrologic introduced triggerless, omnidirectional, and mini-slot scanners into the retail market to help read and decode these new barcodes. Since these breakthroughs, Metrologic’s technologies have included barcode computing, software for barcode scanners optimization, and wireless communication network infrastructure. Today, Metrologic owns approximately 350 granted patents and approximately 25 pending patent applications. These patents cover a wide variety of technologies in the areas of laser and imaging technologies.

III. PROPOSED RESPONDENTS

A. Opticon, Inc.

21. Proposed Respondent Opticon, Inc. (“Opticon USA”) is a company organized and existing under the laws of the State of Delaware, having a principal place of business at 2220 Lind Ave. SW, Suite 100, Renton, WA 98057-3327. Opticon USA, among other things, is engaged in the importation into the United States and sale after importation into the United States of barcode scanners and scan engines, including the Accused Products.

22. Upon information and belief, Opticon USA imports and sells after importation all or a substantial portion of the Accused Products.

23. Upon information and belief, Opticon USA is a direct or indirect subsidiary of OPTO Electronics Co., Ltd.

24. Additional information concerning Opticon USA may be found on its website, available at <http://www.opticonusa.com>.

B. Opticon Sensors Europe B.V.

25. Proposed Respondent Opticon Sensors Europe B.V. (“Opticon Sensors”) is, upon information and belief, a company organized and existing under the laws of The Netherlands, having a principal place of business at Opaallaan 35, 2132 XV Hoofddorp, Netherlands.

26. Upon information and belief, Opticon Sensors, among other things, is engaged in overseeing and/or arranging the manufacture of the Accused Products, overseeing and/or arranging the importation of the Accused Products, as well as the sale for importation and the importation into the United States of barcode scanners and scan engines, including the Accused Products.

27. For example, Opticon Sensors’s website states that it “has several central activities besides [ex-US] sales, such as logistics and technical engineering. . . . The technical departments

consist of production, research and development for hardware and software, technical support, and a service department.” Ex. 23.

28. Upon information and belief, Opticon Sensors is a direct or indirect subsidiary of OPTO Electronics Co., Ltd.

29. Additional information concerning OPTO may be found on its website, available at <https://opticon.com/countries/netherlands/> .

C. OPTO Electronics Co., Ltd.

30. Proposed Respondent OPTO Electronics Co., Ltd. (“OPTO”) is, upon information and belief, a company organized and existing under the laws of Japan, having a principal place of business at 12-17, Tsukagoshi 4-chrome, Warabi-city Saitama Pref., 335-0002, Japan.

31. Upon information and belief, OPTO, among other things, is engaged in overseeing and/or arranging the manufacture of the Accused Products, as well as the sale for importation and the importation into the United States of barcode scanners, including the Accused Products.

32. For example, OPTO’s website states that, “Product manufacturing is managed through our Japanese office, OPTO Electronics Co. Ltd., which uses a major ISO-certified production facility.” Ex. 23.

33. Additional information concerning OPTO may be found on its website, available at <https://opticon.com/countries/japan/>.

D. Hokkaido Electronic Industry Co., Ltd.

34. Proposed Respondent Hokkaido Electronic Industry Co., Ltd. (“Hokkaido”) a/k/a Hokkaido Electronic Co., Ltd. and Hokkaido Electronics Industrial Co., Ltd. is, upon information and belief, a company organized and existing under the laws of Japan, having a principal place of business at 118-122 Kamiashibetsu-cho, Ashibetsu-shi, Hokkaido, Japan.

35. Upon information and belief, Hokkaido, among other things, is engaged in the manufacture of the Accused Products as well as the sale for importation into the United States of barcode scanners and scan engines, including the Accused Products.

36. For example, Hokkaido's ISO 9001 certificate states that its scope is: "THE MANUFACTURE OF BARCODE SCANNER, WIRELESS BARCODE SCANNER AND MODULE FOR BARCODE SCANNER." Ex. 23.

37. For example, OPTO's public filings indicate that Hokkaido performs at least a portion of the "Manufacture of our group products." Ex. 23.

38. Upon information and belief, Hokkaido is a direct or indirect subsidiary of OPTO Electronics Co., Ltd.

E. Statement Regarding Additional Potential Respondents

39. According to OPTO, certain of its "products are outsourced to several overseas companies outside the [OPTO] group." Ex. 23. The identity or identities of these additional manufacturers of Accused Products, who upon information and belief then sell the Accused Products for importation into the United States, are unknown to Complainants at this time. Complainants reserve the right to move to add additional respondents should discovery identify additional manufacturers.

IV. THE TECHNOLOGY AND ACCUSED PRODUCTS AT ISSUE

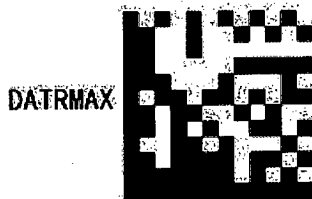
40. The Asserted Patents, described in more detail below, are a reflection of the breadth of Honeywell's extensive dedication and investment in barcode scanning technology. Ever since the 1960s, Honeywell has strived to provide its customers with cutting-edge bar code scanning devices.

41. Early barcode scanners were designed only to read linear, one-dimensional (1D) barcodes. 1D barcodes use a series of lines and spaces and variable lengths to encode data. These linear barcodes can contain only a handful of characters. Accordingly, to encode longer strings of data, a 1D barcode would need to be physically enlarged or extended, which is not suitable for all circumstances.

1D barcodes:



2D barcodes:



42. As a result, various two-dimensional (2D) barcodes, which use shapes, as opposed to lines, to encode data were designed. Because data can be encoded based both on a vertical and horizontal arrangement of shapes, 2D barcodes can encode exponentially more data in the same amount of space compared to their 1D counterparts.

43. 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 barcodes, even the slightest change in lighting, user hand-jitter, or angle of scanning can dramatically affect the ability to effectively and efficiently decode these barcodes. 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.

44. 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 involved the exposing 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 times 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.

45. Honeywell has developed technology and software programming that allows these 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. An addition innovation was the development of barcode readers capable of adjusting exposure settings in a real-time fashion in a multitasking operation system environment. Honeywell also developed barcode reader technology that improves the user experience by reducing apparent flicker from the illumination LEDs that are utilized during scanning operations while also improving the ability of the reader to read images on LCD screens. 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. One Honeywell innovation even allows barcode scanners to be customized using a script-interpreter program. Combined, these technologies lead to faster decode time and more accurate, 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.

46. The Accused Products are certain Opticon barcode scanners, scan engines, 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.

47. 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, barcode readers, barcode decoders, stationary scanners, handheld scanners, companion scanners, cabled scanners, wireless scanners, mobile scanning devices, handheld computers, and/or scan engines."

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS⁴

A. Ownership of the Asserted Patents

48. Hand Held Products, Inc. owns the entire right, title, and interest to the 970 Patent. A certified copy of the assignment records for the 970 Patent, as maintained by the USPTO, is attached as Exhibit 8.

⁴ 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 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.

49. Hand Held Products, Inc. owns the entire right, title, and interest to the 985 Patent. A certified copy of the assignment records for the 985 Patent, as maintained by the USPTO, is attached as Exhibit 9.

50. Hand Held Products, Inc. owns the entire right, title, and interest to the 923 Patent. A certified copy of the assignment records for the 923 Patent, as maintained by the USPTO, is attached as Exhibit 10.

51. Metrologic Instruments, Inc. owns the entire right, title, and interest to the 206 Patent. A certified copy of the assignment records for the 206 Patent, as maintained by the USPTO, is attached as Exhibit 11.

52. Hand Held Products, Inc. owns the entire right, title, and interest to the 199 Patent. A certified copy of the assignment records for the 199 Patent, as maintained by the USPTO, is attached as Exhibit 12.

53. Hand Held Products, Inc. owns the entire right, title, and interest to the 783 Patent. A certified copy of the assignment records for the 783 Patent, as maintained by the USPTO, is attached as Exhibit 13.

54. Hand Held Products, Inc. owns the entire right, title, and interest to the 520 Patent. A certified copy of the assignment records for the 520 Patent, as maintained by the USPTO, is attached as Exhibit 14.

B. U.S. Patent No. 9,465,970

55. The 970 Patent, entitled "Image Reader Comprising CMOS Based Image Sensor Array," issued on October 11, 2016, naming inventors Ynjiun P. Wang and William H. Havens. The 970 Patent issued from U.S. Patent Application Serial No. 14/221,903, filed on March 21,

2014, and expires on March 11, 2025. The first maintenance fee window for the 970 Patent opens on October 11, 2019.

56. A certified copy of the 970 Patent is attached as Exhibit 1.

57. A certified copy⁵ of the prosecution history of the 970 Patent, as maintained by the United States Patent and Trademark Office (“USPTO”), and copies of each reference cited in the 970 Patent and its prosecution history are included in Appendices A and H, respectively.

58. The 970 Patent has 107 claims, 5 of which are independent claims. Complainants assert claims 1, 2, 4-10, 13-21, **22**, 23, 25-31, 34-42, **43**, 44, 46-52, 55-63, and **85**.

59. The 970 Patent discloses, for example, an apparatus using a CMOS image sensor in a global-shutter mode to decode a bar code. Barcode reading benefits from the exposure of substantially all of the pixels in the image sensor. But 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. The technology of the 970 Patent allows for the use of global-shutter technology to expose substantially all of the pixels at once in a CMOS-based image sensor, limiting image distortion and blur. This allows for barcodes to be read more accurately and quickly.

C. U.S. Patent No. 8,978,985

60. The 985 Patent, entitled “Image Reader Comprising CMOS Based Image Sensor Array,” issued on March 17, 2015, naming inventors Ynjiun P. Wang and William H. Havens. The 985 Patent issued from U.S. Patent Application Serial No. 14/273,631, filed on May 19, 2014, and expires on March 11, 2025. All maintenance fees due have been timely paid for the 985 Patent.

⁵ With the original complaint, Honeywell is submitting non-certified versions of the file histories for Appendices A, B, E, F, and G. Honeywell has placed orders for the certified versions of these file histories and will submit them as soon as they are received from the U.S. Patent and Trademark Office.

61. A certified copy of the 985 Patent is attached as Exhibit 2.

62. A certified copy of the prosecution history of the 985 Patent, as maintained by the USPTO, and copies of each reference cited in the 985 Patent and its prosecution history are included in Appendices B and I, respectively.

63. The 985 Patent has 27 claims, 3 of which are independent claims. Complainants assert claims 1, 2, 4-9, 12, 13, 15-21, 22, and 23-27.

64. The 985 Patent discloses, for example, a barcode reading device using a CMOS image sensor in a global-shutter mode to decode a 1D or 2D barcode. Barcode reading benefits from the exposure of substantially all of the pixels in the image sensor. But 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. Also, prior-art barcode reading devices have had difficulty reading all 1D and 2D barcodes. The technology of the 985 Patent allows for the use of global-shutter technology to expose substantially all of the pixels at once in a CMOS-based image sensor, limiting image distortion and blur. This allows for both 1D and 2D barcodes to be read more accurately and quickly.

D. U.S. Patent No. 7,148,923

65. The 923 Patent, entitled “Methods and Apparatus for Automatic Exposure Control,” issued on December 12, 2006, naming inventors Jeffrey D. Harper, Robert M. Hussey, Matthew W. Pankow, and Timothy P. Meier. The 923 Patent issued from U.S. Patent Application Serial No. 09/903,300, filed on July 11, 2001, and expires on October 19, 2021. All maintenance fees due have been paid for the 923 Patent.

66. A certified copy of the 923 Patent is attached as Exhibit 3.

67. A certified copy of the prosecution history of the 923 Patent, as maintained by the USPTO, and copies of each reference cited in the 923 Patent and its prosecution history are included in Appendices C and J, respectively.

68. The 923 Patent has 33 claims, 6 of which are independent claims. Complainants assert claims 1, 2-6, 8, **10, 19**, 20-28, **29**, and 30-33.

69. The 923 Patent discloses, for example, a device and method for automated exposure control in a multi-tasking environment. Exposure, in imaging, is a measure of the amount of light per unit area in a particular space, and to accurately read barcodes, a scanner needs to be able to alter the exposure based on environmental conditions. The technology of the 923 Patent allows for the adjustment of exposure settings in an imaging device in a real-time fashion, using distinct modules, so that the exposure setting is accurate for the particular image being captured. This technology allows for the reading of data from a wider range of products that may be of different size, shape, and material construction.

E. U.S. Patent No. 7,527,206

70. The 206 Patent, entitled “Method of Setting the Time Duration of Illumination From an LED-Based Illumination Array Employed in a Digital Imaging-Based Code Symbol Reader, Using an Image-Processing Based Illumination Metering Program Executed Therewithin,” issued on May 5, 2009, naming inventors Xiaoxun Zhu, Yong Liu, Ka Man Au, Rui Hou, Hongpeng Yu, Xi Tao, Liang Liu, Wenhua Zhang, and Anatoly Kotlarsky. The 206 Patent issued from U.S. Patent Application Serial No. 11/607,114, filed on November 30, 2006, and expires on November 13, 2023. All maintenance fees due have been timely paid for the 206 Patent.

71. A certified copy of the 206 Patent is attached as Exhibit 4.

72. A certified copy of the prosecution history of the 206 Patent, as maintained by the USTPO, and copies of each reference cited in the 206 Patent and its prosecution history are included in Appendices D and K, respectively.

73. The 206 Patent has 28 claims, 3 of which are independent claims. Complainants assert claims 1, 2-3, 11, 12-14, 17, 19, 20, 21-23, 26, and 28.

74. The 206 Patent discloses, for example, a barcode reader with a modified imaging sensor to adjust to varied light conditions based on the environment around the barcode and reader. Historically, barcode scanners would use integrated illumination subsystems, which limited the capability to read large and highly dense barcodes. The technology of the 206 Patent allows real-time measuring and correction of added illumination duration for subsequent image capture. This allows for barcodes to be read more clearly and accurately.

F. U.S. Patent No. 9,659,199

75. The 199 Patent, entitled “Terminal with Flicker-Corrected Aimer and Alternating Illumination,” issued on May 23, 2017, naming inventors Daniel Van Volkinburg, Stephen Patrick Deloge, Kevin Bower, Matthew Pankow, and Ryan Kather. The 199 Patent issued from U.S. Patent Application Serial No. 15/176,366, filed on June 8, 2016, and expires on January 31, 2031. The first maintenance fee window for the 199 Patent opens on March 23, 2020.

76. A certified copy of the 199 Patent is attached as Exhibit 5.

77. A certified copy of the prosecution history of the 199 Patent, as maintained by the USPTO, and copies of each reference cited in the 199 Patent and its prosecution history are included in Appendices E and L, respectively.

78. The 199 Patent has 20 claims, 3 of which are independent claims. Complainants assert claims 1, 2-7, 8, 9-13, 14, and 15-20.

79. The 199 Patent discloses, for example, a device and method for activating a screen reading mode with reduced flickering to read an indicia. Traditionally, barcode scanners used illumination to read any barcode for greater image clarity and exposure overall decoding speed. Using illumination on a screen, however, can cause specular reflection resulting in an unreadable barcode. The 199 Patent allows for a screen reading mode with an alternating illumination where there is an exposure period without illumination. It also allows for illumination at specific intervals to reduce flickering effects which can result in a noticeable change in illumination brightness. This allows for barcode scanners to read screens such as, for example, phone mobile-device screens.

G. U.S. Patent No. 7,159,783

80. The 783 Patent, entitled “Customizable Optical Reader,” issued on January 9, 2007, naming inventors Joseph Walczyk, Dieter Fauth, David Holzhauer, Robert M. Hussey, Barry Keys, Joseph Livingston, and Michael D. Robinson. The 783 Patent issued from U.S. Patent Application Serial No. 11/203,667, filed on August 12, 2005, and expires on March 28, 2023. All maintenance fees due have been timely paid for the 783 Patent.

81. A certified copy of the 783 Patent is attached as Exhibit 6.

82. A certified copy of the prosecution history of the 783 Patent, as maintained by the USPTO, and copies of each reference cited in the 783 Patent and its prosecution history are included in Appendices F and M, respectively.

83. The 783 Patent has 20 claims, 3 of which are independent claims. Complainants assert claims 9, 10-19, and 20.

84. The 783 Patent discloses, for example, a device and method of customizing an optical reader. Historically, optical readers output a specific string as programmed into the barcode. The 783 patent allows a user to configure the optical reader using a script interpreter

program to output an edited string that may differ from the original string programmed into the barcode. This allows customization of an optical reader in a manner consistent with the user's particular application.

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

85. The 520 Patent, entitled "Method and Apparatus for Operating Indicia Reading Terminal Including Parameter Determination," issued on August 5, 2014, naming inventors Ynjiun P. Wang and Shulan Deng. The 520 Patent issued from U.S. Patent Application Serial No. 12/242,244, filed on September 30, 2008, and expires on June 21, 2029. All maintenance fees due have been timely paid for the 520 Patent.

86. A certified copy of the 520 Patent is attached as Exhibit 7.

87. A certified copy of the prosecution history of the 520 Patent, as maintained by the USPTO, and copies of each reference cited in the 520 Patent and its prosecution history are included in Appendices G and N, respectively.

88. The 520 Patent has 27 claims, 4 of which are independent claims. Complainants assert claims 1, 2-17, 18, 19-24, 25, 26, and 27.

89. The 520 Patent discloses, for example, a device and method of determining a parameter in a hand-held barcode reader. Historically, to determine, for example, an exposure parameter, a sample of pixel values could be derived from the frame and averaged to determine the frame white level. When a significant portion of the background is white, or black, however, the determined parameter may be inaccurate, which may result in misreads. The 520 Patent allows the barcode reader to determine a location of a barcode, and derive a parameter from a sample of pixels from that location. This allows for a significant reduction in misreads.

I. Foreign Counterparts of the Asserted Patents

90. 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 15. 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.

J. Licensees Under the Asserted Patents

91. Any party that may be licensed to one or more of the Asserted Patents is identified in Confidential Exhibit 37.

VI. RESPONDENTS' UNLAWFUL AND UNFAIR ACTS

92. As discussed in detail below, the Accused Products are barcode scanners, scan engines, products containing the same, and components thereof, that infringe the Asserted Patents and are manufactured abroad by or for Opticon 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 Opticon. Information regarding representative Accused Products discussed below can be found in Exhibits 24-25.

93. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2, 4-10, 13-21, 22, 23, 25-31, 34-42, 43, 44, 46-52, 55-63, and 85 of the 790 Patent with respect to at least its L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

94. An exemplary claim chart showing infringement of independent claims 1, 22, 43, and 85 of the 790 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 16.

95. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2, 4-9, **12**, 13, 15-21, **22**, and 23-27 of the 985 Patent with respect to at least its L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

96. An exemplary claim chart showing infringement of independent claims 1, 12, and 22 of the 985 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 17.

97. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2-6, 8, **10**, **19**, 20-28, **29**, and 30-33 of the 923 Patent with respect to at least its L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

98. An exemplary claim chart showing infringement of independent claims 1, 10, 19, and 29 of the 923 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 18.

99. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2-3, **11**, 12-14, 17, 19, **20**, 21-23, 26, and 28 of the 206 Patent with respect to at least its L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

100. An exemplary claim chart showing infringement of independent claims 1, 11, and 20 of the 206 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 19.

101. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2-7, **8**, 9-13, **14**, and 15-20 of the 199 Patent with respect to at least its

L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

102. An exemplary claim chart showing infringement of independent claims 1, 8, and 14 of the 199 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 20.

103. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 9, 10-19, and 20 of the 783 Patent with respect to at least its L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

104. An exemplary claim chart showing infringement of independent claims 9 and 20 of the 783 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 21.

105. Opticon directly infringes, contributes to the infringement of, and/or induces the infringement of claims 1, 2-17, 18, 19-24, 25, 26, and 27 of the 520 Patent with respect to at least its L-50X, PX-20, L-46X, M-10, OPN-2006, OPN-3002i, MDI-3100, MDI-4100, MDI-4050, and MDI-4150 products.

106. An exemplary claim chart showing infringement of independent claims 1, 18, 25, and 27 of the 520 Patent by Opticon's L-50X, which is representative of the Accused Products, is attached as Exhibit 22.

A. Direct Infringement

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

108. On information and belief, Respondents manufacture the Accused Products abroad, including in Japan and China, and then sell those Accused Products for importation into the United States.

109. On information and belief, Opticon imports into the United States all of the Accused Products.

110. Opticon directly and through authorized agents, sells and offers for sale the Accused Products within the United States to end users.

111. On information and belief, Opticon 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, Opticon's customers and the end users of the Accused Products test and/or operate the Accused Products in the United States, in accordance with Opticon's instruction 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 operation.

B. Contributory Infringement

112. Respondents also contribute to infringement of the Asserted Patents by selling for importation into the United States, importing into the United States, and/or 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 inventions 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.

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

114. 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 infringing products.

C. Induced Infringement

115. 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. Upon information and belief, Opticon did so with knowledge of the Asserted Patents. Opticon, 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. On information and belief, these materials instruct and encourage users to use Opticon's Accused Products in a manner that infringes the asserted claims.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

116. Respondents sell for importation into the United States, import into the United States, and/or sell after importation into the United States the Accused Products. An example of an Accused Product was purchased from a retailer in the United States. *See Exhibits 26-27.*

117. Opticon's Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Opticon and/or its authorized agents. *See* Exhibits 23, 27.

118. Upon information and belief, most or all of the Accused Products are manufactured either by OPTO Electronics Co., Ltd.'s subsidiary Hokkaido at manufacturing facilities in Japan or on behalf of Opticon at one or more contract manufacturing facilities in China. *See* Exhibit 23.

119. Exhibit 27 contains photographs of an Opticon L-50X, which includes a MDI-3100 scan engine, including various components and parts thereof, purchased from a retailer in the United States. These photographs show, *inter alia*, that the L-50X indicates that it was "Made in China." The packaging and the L-50X itself also indicate as follows: "Made in China." Specifically, Honeywell's counsel caused an Opticon L-50X to be purchased on May 13, 2019 from Barcodes, Inc., based in Chicago, Illinois. *See* Exhibit 26.

VIII. HARMONIZED TARIFF SCHEDULE NUMBERS

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

IX. RELATED LITIGATION

121. Concurrent with the instant complaint, Honeywell will file a complaint in the U.S. District Court for the District of Delaware alleging infringement of the Asserted Patents against Opticon.

122. U.S. Patent No. 7,568,628, which issued from the parent application of the applications that resulted in the 970 and 985 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.

123. On May 23, 2017, Honeywell International, Inc., Hand Held, and Metrologic filed a complaint with the ITC asserting infringement of the 923 patent, the 206 patent, and four other patents against The Code Corporation (“Code”) and its subsidiary Cortex Ltd. The ITC instituted Investigation No. 337-TA-1061 on June 21, 2017 based on that complaint.

124. On January 17, 2018, the Commission entered a Consent Order against Code, barring importation or the sale after importation, *inter alia*, of Code’s products that infringe claims 10, 19-21, 24-28, and 31 of the 923 patent. That Consent Order remains effective today.

125. The Commission terminated the 1061 Investigation as to the remaining asserted claims of the 923 patent and the asserted claims of the 206 patent on March 22, 2018 based on a confidential settlement agreement between Honeywell and Code.

126. 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 court or agency litigation.

X. DOMESTIC INDUSTRY

127. 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 and Xenon trade names, that practice one or more of the Asserted Patents, including the Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110

products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds (collectively, “Honeywell Barcode Scanners”), and has spent millions of dollars in the United States to create, test, and support these models for use by U.S. consumers. Thus, Honeywell’s activities as they relate to the Honeywell Barcode Scanners support a domestic industry relating to barcode scanning products that practice the Asserted Patents.

A. Honeywell’s Practice of the Asserted Patents

128. As stated above, for purposes of this complaint, Honeywell submits its Xenon 1902g as representative of Honeywell’s barcode scanners that practice the Asserted Patents. The following table provides an exemplary summary of the Asserted Patents being practiced by Honeywell’s products:

U.S. Patent No.	Honeywell Products
9,465,970	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110 products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds
8,978,985	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110 products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds
7,148,923	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110

U.S. Patent No.	Honeywell Products
	products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds
7,527,206	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110 products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds
9,659,199	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110 products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds
7,159,783	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110 products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds
8,794,520	At least Xenon 1900g, Xenon 1902g, Xenon 1900h, Xenon 1902h, Granit 1910i, Granit 1911i, Granit 1920i, Vuquest 3320g, the N5600-series scan engines, the N6600-series engines the CK75, Dolphin 60s, Dolphin 75e, Dolphin 99, certain Dolphin 6110 products, Dolphin 7800, Dolphin ck65, Dolphin cn80, Dolphin ct40 products, Dolphin ct50, Dolphin ct60, and the Captuvo sleds

129. In addition, Honeywell is 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.

130. Information regarding Honeywell's Xenon 1902g, including an operation manual, screenshots, and photographs, are included in Exhibits 35-36.

131. Exhibit 28 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 1 of the 970 Patent.

132. Exhibit 29 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 1 of the 985 Patent.

133. Exhibit 30 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 29 of the 923 Patent.

134. Exhibit 31 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 20 of the 206 Patent.

135. Exhibit 32 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 1 of the 199 Patent.

136. Exhibit 33 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 20 of the 783 Patent.

137. Exhibit 34 contains a claim chart showing that Honeywell's Xenon 1902g practices claim 18 of the 520 Patent.

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

138. Honeywell has made, and continues to make, substantial investments in the United States to create and support the products that practice the Asserted Patents.

139. In addition to the above, in 2011 Honeywell designed and released its Xenon line of barcode scanners, some of which compete with the infringing Opticon L-50X.

140. Honeywell's Xenon line of barcode scanners revolutionized the market, ushering a new area of barcode scanning technology. Certain Xenon scanners are specifically designed for

healthcare facilities, industrial settings, and retail use, respectively. These scanners are able to withstand up to 50 drops to concrete from distances as high as 6 feet and have IP41 environmental sealing, allowing them to be cleaned and disinfected for healthcare facilities. Because of their industry leading technologies, the Xenon scanners have extended field depths and can read barcodes that have been damaged, are high-density, are translucent, or are in color.

141. The Xenon products were designed in the United States, primarily in New York and New Jersey. And the Xenon products are supported, maintained, and repaired in the United States, primarily in North Carolina and South Carolina.

142. Honeywell continues to update and improve its Xenon products, and continues to develop and launch newer versions.

143. Honeywell has expended considerable resources on plant and equipment, labor and capital, and engineering and research and development to support the Honeywell Scanners in the United States. These expenditures continue as Honeywell further improves the Honeywell Barcode Scanners and also seeks to develop new barcode scanners and related technologies. A discussion of both current and future representative expenditures is set forth below.

1. Significant Investment in Plant and Equipment

144. Honeywell has spent, and continues to spend, significant sums on its domestic facilities supporting the products that practice the Asserted Patents. For example, the research and development efforts for each of the Honeywell Barcode Scanners took place at least in Honeywell's New York, New Jersey, and South Carolina facilities, in which Honeywell has made, and continues to make, extensive investments. *See Confidential Exhibit 38.*

2. Significant Employment of Labor and Capital

145. Honeywell has engaged in, and continues to engage in, significant employment of labor and capital in the United States. As of May 2019 Honeywell had approximately 43,000 U.S.-based employees. Honeywell employs about 1100 people in the United States in its Productivity Products business group, which includes the scan engines, scanners, and mobility products identified above. Honeywell employs many U.S.-based employees working in research and development or in ongoing product maintenance that supports the Honeywell Barcode Scanners. *See Confidential Exhibit 38.*

3. Substantial Investments in Engineering and Research and Development

146. Honeywell has made, and continues to make, substantial investment in engineering and research and development activities that support the products that practice the Asserted Patents.

147. For example, just since 2015, Honeywell has spent millions of dollars in the United States on the research and development of the Honeywell barcode scanners. 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 Confidential Exhibit 38.*

4. Other Expenditures

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

substantial sums in its logistics, warehousing, and distribution of its products within the United States. Honeywell relies heavily on the domestic services of domestic third-party logistics providers. Honeywell also has a significant OEM business, selling software and scanner engines to third parties that manufacture products in the United States. *See Confidential Exhibit 38.*

XI. REQUEST FOR RELIEF

149. Complainants request 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 of Respondents' barcode scanners, scan engines, 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, 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, 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 posted, 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 by the investigation and the authority of the Commission.

Dated: May 31, 2019

Respectfully submitted,



M. Scott Stevens
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004
Telephone: (202) 239-3025
Facsimile: (704) 654-4825

S. Benjamin Pleune
Stephen R. Lareau
Adam J. Doane
Nicholas C. Marais
ALSTON & BIRD LLP
101 South Tryon Street
Suite 4000
Charlotte, NC 28280
Telephone: (704) 444-1098
Facsimile: (704) 444-1698

Patrick J. Flinn
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Suite 4900
Atlanta, GA 30309
Telephone: (404) 881-9720
Facsimile: (404) 253-8370

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