

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

In the Matter of

**CERTAIN LASER BAR CODE
SCANNERS AND SCAN ENGINES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-551

**NOTICE OF RESCISSION OF LIMITED EXCLUSION ORDER
AND CEASE-AND-DESIST ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind the Limited Exclusion Order and Cease and Desist Order issued in the above-captioned case.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on October 26, 2005, based on a complaint filed by Symbol Technologies Inc. ("Symbol") of Holtsville, New York. The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laser bar code scanners or scan engines, components thereof, or products containing the same, by reason of infringement of various claims of United States Patent Nos. 5,457,308; 5,545,889; 6,220,514; 5,262,627 ("the '627

patent”); and 5,917,173 (“the ‘173 patent”). The complaint named two respondents: Metro Technologies Co., Ltd. of Suzhou, China, and Metrologic Instruments, Inc. of Blackwood, New Jersey (collectively, “Metrologic”).

On January 29, 2007, the presiding administrative law judge (ALJ) issued an initial determination (“ID”) finding a violation of section 337 in the importation of certain laser bar code scanners and scan engines, components thereof, and products containing the same, in connection with certain asserted claims. The Commission determined to review certain determinations made in the ID and, on May 30, 2007, issued a Commission Opinion modifying the ID in part, which did not affect the ALJ’s findings on validity, infringement, or domestic industry. The Commission therefore affirmed those findings. Consistent with its determination of violation, the Commission issued a Limited Exclusion Order and Cease and Desist Order related to claim 48 of the ‘627 patent and claims 17 and 18 of the ‘173 patent.

On February 7, 2008, Metrologic and Symbol filed a Joint Petition for Rescission of Limited Exclusion and Cease and Desist Orders under Commission Rule 210.76. The motion provided that Symbol and Metrologic have entered into a settlement agreement, and that the agreement constitutes changed circumstances under Rule 210.76 that warrant rescission of the May 30th orders. The Commission investigative attorney filed a response in support of the joint petition on February 19, 2008.

The Commission has reviewed the parties’ submissions and has determined to grant the parties’ request for rescission of the Limited Exclusion Order and Cease and Desist Order.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: March 10, 2008