UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of
CERTAIN BAR CODE READERS, SCAN ENGINES, PRODUCTS CONTAINING THE SAME, AND COMPONENTS THEREOF

Notice of Commission Decision Not to Review an Initial Determination Granting an Amended Joint Motion to Terminate the Investigation Based on a License and Settlement Agreement; Termination of the Investigation


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 22) of the presiding administrative law judge ("ALJ") granting an amended joint motion to terminate the investigation based on a license and settlement agreement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at https://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://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.

7,527,206; U.S. Patent No. 8,646,692; and U.S. Patent No. 9,323,969. See id. The notice of investigation names The Code Corporation (“Code”) of Draper, Utah and Cortex Pte Ltd. (“Cortex”) of Singapore as respondents in this investigation. See id. The Office of Unfair Import Investigations is not a party to this investigation. See id.

On December 8, 2017, the ALJ issued an initial determination partially terminating the investigation as to Cortex as a respondent. See Order No. 12, unreviewed, Comm’n Notice (Jan. 8, 2018).

On February 21, 2018, Honeywell and Code filed an amended joint motion to terminate the investigation based on a license and settlement agreement (Motion). On the same day, the ALJ issued the subject ID (Order No. 22) granting the Motion and terminating the investigation. The ID finds that: “[t]he [Motion] complies with the Commission Rules . . . .” See ID at 1. In particular, the ID notes that “[p]ursuant to Commission Rule 210.21(b)(1)[, 19 C.F.R. § 210.21(b)(1)], the movants state: ‘There are no other agreements, written or oral, express or implied, between Honeywell and Code regarding the subject matter of this proceeding.’” See ID at 1 (citing Motion at 2). In addition, the ID “does not find any evidence” indicating that terminating the investigation would be “contrary” to the public interest. See ID at 2 (citing Motion at 2; 19 C.F.R. § 210.50(b)(2)). No petition for review of the ID was filed.

The Commission has determined not to review the subject ID. The investigation is terminated.

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 part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: March 22, 2018