

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Inv. No. 337-TA-1165

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 May 31, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Honeywell International, Inc. of Morris Plains, New Jersey, Hand Held Products, Inc. of Fort Mill, South Carolina, and Metrologic Instruments, Inc. of Fort Mill, South Carolina. Supplements to the Complaint were filed on June 7, 17, and 18, 2019. The complaint, as supplemented, 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, scan engines, products containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,465,970 (“the ’970 patent”); U.S. Patent No. 8,978,985 (“the ’985 patent”); U.S. Patent No. 7,148,923 (“the ’923 patent”); U.S. Patent No. 7,527,206 (“the ’206 patent”); U.S. Patent No. 9,659,199 (“the ’199 patent”); and U.S. Patent No. 7,159,783 (“the ’783 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, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. 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>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, 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 (2019).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on June 26, 2019, **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, 2, 4-9, 13-21, 22, 23, 25-30, 34-42, 43, 44, 46-51, 55-63, and 85 of the '970 patent; claims 1, 2, 4-9, 12, 13, 15-21, 22, and 23-27 of the '985 patent; claims 1, 2-6, 8, 10, 19, 20-28, 29, and 30–33 of the '923 patent; claims 1, 2–3, 11, 12-14, 17, 19, 20, 21-23, 26 and 28 of the '206 patent; claims 1, 2-7, 8, 9-13, 14, and 15-20 of the '199 patent; and claims 9, 10–19, and 20 of the '783 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 scanners, barcode readers, barcode decoders, stationary scanners, handheld scanners, companion scanners, cabled scanners, wireless scanners, mobile scanning devices, handheld computers, and/or scan engines”;

(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.
115 Tabor Road
Morris Plains, NJ 07950

Hand Held Products, Inc.
9680 Old Bailes Road
Fort Mill, SC 29707

Metrologic Instruments, Inc.
9680 Old Bailes Road
Fort Mill, SC 29707

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

Opticon, Inc.
2200 Lind Ave. SW
Suite 100
Renton, WA 98057

Opticon Sensors Europe B.V.
Opaallaan 35
2132 XV Hoofddorp
The Netherlands

OPTO Electronics Co., Ltd.
12-17, Tsukagoshi 4-chome
Warabi-city Saitama Pref.,
335-0002
Japan

Hokkaido Electronic Industry Co., Ltd.
118-122 Kamiashibetsu-cho
Ashibetsu-shi, Hokkaido
079-1371
Japan

(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 be named as a party to 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), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: June 27, 2019