

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1165

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION
BASED ON THE WITHDRAWAL OF CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

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. 11) of the presiding administrative law judge (“ALJ”) partially terminating the investigation based on the withdrawal of certain patent claims.

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.

SUPPLEMENTARY INFORMATION: On July 2, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by 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 (collectively, “Complainants”). *See* 84 FR 31619-20 (July 2, 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 Nos. 9,465,970 (“the ’970 patent”); 8,978,985 (“the ’985 patent”); 7,148,923 (“the ’923 patent”); 7,527,206 (“the ’206 patent”);

9,659,199 (“the ’199 patent”); and 7,159,783 (“the ’783 patent”). *See id.* The notice of investigation names the following respondents: Opticon, Inc. of Renton, Washington; Opticon Sensors Europe B.V. of Hoofddorp, The Netherlands; OPTO Electronics Co., Ltd. of Warabi, Japan; Hokkaido Electronic Industry Co., Ltd. of Ashibetsu-shi, Japan (collectively, “Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is not a party to the investigation.

On October 21, 2019, Complainants filed an unopposed motion pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), to partially terminate the investigation based on the withdrawal of certain patent claims, namely: claims 5, 10, 16, 18, 22, 23, 25-31, 34-42, 47, 52, 58, 60, and 61 of the ’970 patent¹; claims 5, 12, 13, 15-21, and 24 of the ’985 patent; claims 1-6, 8, 10, and 19-28 of the ’923 patent; claims 2, 3, 19, and 28 of the ’206 patent; claims 2, 7, 9, and 14-20 of the ’199 patent; and claims 10-13, 15, and 17-19 of the ’783 patent.

On October 25, 2019, the ALJ issued the subject ID (Order No. 11) granting Complainants’ motion. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), the ID notes that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the Investigation.” *See ID* at 2-3. In addition, the ID finds no extraordinary circumstances that would justify denying [the motion].” *See id.* at 2.

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID.

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: November 22, 2019

¹ Claims 10, 31, and 52 of the ’970 patent were not included in the notice of investigation but were included in the complaint.